

CITY COUNCIL ORDINANCE NO. 21-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, APPROVING ZONE CHANGE (00837545-PZC) TO AMEND DIVISION 7, SIGNS, OF THE ZONING ORDINANCE RELATED TO THE EXTENSION OF THE PILOT-PROGRAM FOR OFF-PREMISES ADVERTISING ON THE IRVINE AUTO CENTER'S ELECTRONIC FREEWAY SIGN; FILED BY THE AUTO CENTER COMMUNITY ASSOCIATION

WHEREAS, an application for Zone Change 00837545-PZC has been filed by the Auto Center Community Association to modify portions of Division 7, Signs, of the Zoning Ordinance to extend the pilot-program allowing off-premises advertising on the existing electronic freeway sign; and

WHEREAS, the City of Irvine's sign regulations prohibit off-premises advertising; and

WHEREAS, the City of Irvine first granted approval to the Auto Center Community Association in 1993 to construct a freeway-adjacent electronic message sign, provided that the sign only display messages pertaining to the Irvine Auto Center, public service messages, and Caltrans information; and

WHEREAS, circa 2014 the Auto Center Community Association began advertising off-premises business interests on the existing electronic freeway sign; and

WHEREAS, code enforcement action was initiated; and

WHEREAS, in 2016, the Auto Center Community Association filed zone change application 00672334-PZC requesting changes to the City's Sign Ordinance allowing for off-premises advertising; and

WHEREAS, on February 27, 2018, the City Council adopted Ordinance No. 18-03, approving Zone Change 00672334-PZC to establish a three-year pilot program, allowing limited off-premises advertising for up to 25 percent of the total time on the electronic, LED digital display of the Auto Center identification pylon sign, located on Auto Center Drive adjacent to the I-5 Freeway; and

WHEREAS, the three-year pilot program for off-premises advertising term concluded March 15, 2021; and

WHEREAS, this zone change application was filed seeking consideration to extend the pilot program for three years; and

WHEREAS, staff recommends a three-year extension of the pilot program with a study session after two years to determine the permanency of off-premises signs.

WHEREAS, the Zone Change is considered a “project” pursuant to the State of California Environmental Quality Act; and

WHEREAS, it has been determined that the proposed project is covered by the General Rule Exemption (Section 15061(b)(3)) as it can be seen with certainty that proposal will not have a significant effect on the environment; and

WHEREAS, on June 17, 2021, the Planning Commission of the City of Irvine considered information presented by the applicant and the Community Development Department, and other interested parties at a public hearing and has recommended City Council approval of the Zone Change ; and

WHEREAS, on July 22, 2021, a public hearing notice for the August 10, 2021 City Council meeting was published in the *Irvine World News* and, on July 22, 2021, was posted at designated City bulletin boards; and

WHEREAS, on August 10, 2021, the Irvine City Council considered the recommendation of the Planning Commission, and information presented by the applicant, the Community Development Department, and other interested parties at a public hearing.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY RESOLVE as follows:

SECTION 1. Pursuant to Section 4 of the City of Irvine California Environmental Quality Act (CEQA) procedures and Article 5 of the CEQA Guidelines, it has been determined that the proposed project is covered by the General Rule Exemption (Section 15061(b)(3)) because it can be seen with certainty that this project will have no adverse effect on the environment as the structure to which this request specifically applies already exists.

SECTION 2. The findings required for approval of a Zone Change as set forth in Section 2-38-7 of the City of Irvine Zoning Ordinance have not been made as follows:

A. The proposed zone change is consistent with the City of Irvine General Plan.

The request is not inconsistent with the City of Irvine General Plan. Objective A-2 and Policies F of both Objectives A-4 and A-5 of the Land Use Element supports the creation of viable commercial centers, successful manufacturing areas, and dynamic employment centers. The three-year extension of this pilot program will continue to promote business interests that are located both within and without the recognized Irvine Auto Center boundaries. Allowing off-premises advertising for a reasonable and limited amount of the sign’s total on-air time helps to achieve Objective A-2 and both

Policies F. The City continues to believe that an increased advertising reach will lead to improved sales. This, in turn, keeps our commercial centers vibrant and provides employment opportunities for area residents. Additionally, the revenue received by the Irvine Auto Center from advertisers on their sign will continue to be used to promote the Auto Center in different media formats (e.g., radio, television, print, and internet/social, etc.), which additionally promotes business interests. According to Auto Center data, the advertising has resulted in year-over-year sales increases for the Irvine Auto Center.

- B. The proposed zone change is consistent with any applicable concept plan.

The project is not associated with a Concept Plan.

- C. The proposed zone change meets all the requirements set forth within division 8 for the dedication of permanent open space through a specified phased implementation program for affected planning areas and zoning districts.

The proposed amendment does not involve development that is required to dedicate open space.

- D. The proposed zone change is in the best interest of the public health, safety, and welfare of the community.

A three-year extension of the pilot program allowing off-premises advertising for a reasonable and limited amount of the sign's total air time is in the City's best interest. Signage is a tool used to identify business interests. Not all businesses are fortunate to have the Auto Center's freeway exposure. The ability for them to reach this pool of potential customers is a significant and valuable opportunity for the local and regional economy. To generate revenue by selling advertising opportunities to off-premises business interests, the Irvine Auto Center will spur beneficial economic activity. It will also improve the Auto Center's fortunes by broadening its marketing reach via radio, television, print, and internet/social media platforms. A vibrant economy is critically important to the City's success. This Zone Change supports those efforts by providing improved sales tax revenue and job opportunities for people in fields related to advertising, vehicle sales, vehicle repair, or other retail fields.

- E. Based upon information available at the time of approval, adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed zone change when development occurs.

The proposed amendment does not involve development that would require new or modified supporting infrastructure.

- G. If the proposed zone change affects land located within the coastal zone, the proposed zone change will comply with the provisions of the land use plan of the certified local coastal program.

The proposed amendment applies to the Irvine Auto Center, which, pursuant to Attachment 2 of Irvine's 1982 certified Local Coast Plan, is not located in the coastal zone.

SECTION 3. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

NOW, THEREFORE, based on the above findings, the City Council of the City of Irvine DOES HEREBY APPROVE Zone Change 00837545-PZC, as outlined in Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 14th day of September, 2021.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 10th day of August, 2021, and duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 14th day of September, 2021.

AYES: 5 COUNCILMEMBERS: Agran, Carroll, Kim, Kuo and Khan

NOES: 0 COUNCILMEMBERS: None

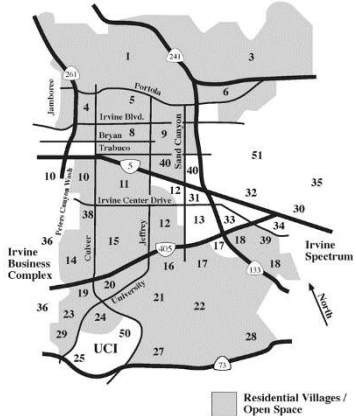
ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 0 COUNCILMEMBERS: None



CITY CLERK OF THE CITY OF IRVINE

EXHIBIT A

	<p>SIGN TYPE #26 AUTO DEALER SIGNS</p>
<p>Sign #26A: One (1) 75-foot high, illuminated Auto Center identification pylon sign, located on Auto Center Drive adjacent to I-5 Freeway, maximum 1,100 square feet per sign face, with a static Auto Center identification panel and a full color, electronic, LED digital display providing Auto Center information, public service messages, and Caltrans information, consistent with Caltrans regulations (e.g. minimum four [4] second message duration with instant transitions), with color light emitting diodes (red, green, and blue). Subject to Planning Commission approval.</p>	
<p>Three Year Pilot Program for Sign Type #26A: Subject to approval of a temporary sign permit pursuant to Chapter 2-29 of this Zoning Ordinance, the electronic, LED digital display on the pylon sign authorized as part of Sign Type #26A may display off-premises advertising up to 25 percent of the total time. The term of any temporary sign permit issued pursuant to this pilot program shall be one (1) year and any extension of the term of the temporary sign permit shall end coterminous with the expiration of the pilot program. As a condition of approval of any temporary sign permit for off-premises advertising, the permit holder shall agree to allow the City of Irvine to use the electronic, LED digital display to display public service messages up to 10 percent of the total time. To the extent, this pilot program is inconsistent with any provision in the Zoning Ordinance, including without limitation the regulations relating to Sign Type #26A and Section 7-2-3.A.7 relating to "off-premises commercial messages," the terms of this pilot program shall prevail during the term of the pilot program. The term of this pilot program shall end March 15, 2024. Staff shall provide a report to the City Council as to the status of the pilot program at the end of each year of the pilot program.</p>	
<p>Sign #26B: (6) 10-foot high, illuminated center identification monument signs, located at southeast and southwest corners of Rockfield/McLaren, Rockfield/Oldfield, and Rockfield/Revson with a permanent sign panel stating "Irvine Auto Center" without a description of the uses, tenants, or businesses. Maximum 200 square feet per sign face for the signs at Rockfield/McLaren. Maximum 80 square feet per sign face for the other four signs.</p>	
<p>Sign #26C: 12-foot high, illuminated dealer identification monument sign, maximum 80 square feet per sign face; (2) signs per parcels with up to 749 linear feet of street frontage, exclusive of Rockfield (maximum 100 square feet of total sign area per parcel); (3) signs per parcels with 750 to 999 linear feet of street frontage, exclusive of Rockfield (maximum 150 square feet of total sign area per parcel); and (4) signs per parcels with 1000 linear feet or more of street frontage, exclusive of Rockfield (maximum 200 square feet of total sign area per parcel). Signs may not be located closer than 150 feet of each other and no closer than 75 feet of the common property line.</p>	

Sign #26D: (1) 6-foot high, illuminated service ground sign per main street, maximum 50 square feet per sign face.
Sign #26E: (2) 6-foot high, non-illuminated service ground signs, maximum 27 square feet per sign face at project entries.
Sign #26F: (3) 6-foot high, illuminated service ground signs, maximum 13 square feet per sign face at project entries.
Sign #26G: (1) 36-inch high, illuminated dealer identification wall sign per street frontage, maximum one-half height of the mounting surface. Trade name or brand logo only.
Sign #26H: (1) 36-inch high, illuminated secondary franchise identification wall sign per street frontage, maximum 25 square feet. Trade name or brand logo only.
Sign #26I: (1) 30-inch high, illuminated service wall sign per business, maximum 35 square feet. Trade name or brand logo only.
Sign #26J: 4-foot high, non-illuminated directional ground sign, maximum 4 square feet. Directional information, such as entrance, exit, service, and parts, only.
Sign #26K: (1) illuminated information wall sign per street frontage, maximum 6 square feet. Information, such as service and parts, only. No advertising is allowed.
A permit is required for all Signs #26A through #26K.
Note: Signs with translucent faces are allowed within the auto center.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that on the 23rd day of September, 2021, I caused to have published and posted a foregoing true and correct copy of Summary of Ordinance No. 21-07 of the City of Irvine in the following public places in the City:

- 1) Bulletin Board in Walnut Village Shopping Center, Culver and Walnut, Irvine.
- 2) Bulletin Board in University Park Shopping Center, Culver at Michelson, Irvine.
- 3) Bulletin Board in Northwood Shopping Center, Irvine Boulevard at Yale, Irvine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City Council of the City of Irvine, California, the 28th day of September, 2021.



CITY CLERK OF THE CITY OF IRVINE