

**ORDINANCE NO. 742**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD AMENDING PROVISIONS OF CHAPTER 17.43 SIGNS OF TITLE 17-ZONING OF THE SOLEDAD MUNICIPAL CODE TO ALLOW A FREESTANDING SIGN ON CITY PROPERTY ZONED HIGHWAY COMMERCIAL**

**WHEREAS**, pursuant to existing provisions of Chapter 17.43 of the Soledad Municipal Code, both offsite business signs and signs located on public property are generally prohibited; and

**WHEREAS**, as the City develops, the need for offsite signs that advertise uses within the City dependent on highway traffic has necessitated consideration of limited offsite signage in non-residential zoning districts in the City; and

**WHEREAS**, Staff is proposing to modify Chapter 17.43 of Title 17-Zoning of the Soledad Municipal Code to allow one offsite freestanding sign to be located on City-owned property in the Highway Commercial (H-C) Zoning District under limited circumstances and with an encroachment permit; and

**WHEREAS**, Staff is also proposing to clarify Chapter 17.43 of Title 17-Zoning of the Soledad Municipal Code to confirm that governmental agencies can install signs on property owned by those agencies; and

**WHEREAS**, the Planning Commission held a noticed public hearing on June 9, 2022 consistent with all requirements of Chapter 17.48 of the Soledad Municipal Code and Government Code section 65854 to consider the proposed amendments and found that they were consistent with the City's General Plan, including but not limited to policies L-48, E-1, and E-3, and recommended, based on the whole record, that the City Council approve the proposed amendments; and

**WHEREAS**, the City Council held a noticed public hearing on [INSERT DATE] consistent with all requirements of Chapter 17.48 of the Soledad Municipal Code and Government Code section 65856 to consider the proposed amendments and found, based on the whole record, that Ordinance 742 is consistent with the City's General Plan, including but not limited to policies L-48, E-1, and E-3, and therefore introduced and read (by title only) Ordinance 742; and

**WHEREAS**, all signs will remain subject to the rest of the requirements in Chapter 17.43, the proposed amendments will result in a negligible expansion of the existing locations available for signs (including on land that is zoned for commercial uses), the amendments may only result in new construction of small structures, and the Highway Commercial District sign will be subject to a minor encroachment permit, the City Council therefore finds on the basis of substantial evidence in light of the whole record that the project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15061(b)(3), 15303, and 15305.

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the City Council of the City of Soledad as follows:

**Section 1 – Recitals and Findings.** All of the recitals set forth above are true and correct to the best of the Council’s knowledge and by this action are made findings and incorporated herein by reference.

**Section 2 – Purpose and Intent.** The purpose and intent of this Ordinance is to amend provisions of Chapter 17.43- Signs of Title 17- Zoning of the Soledad Municipal Code to allow one freestanding sign in the Highway-Commercial Zoning District based on specific sign design standards and placement and to captivate the highway traffic into Soledad and help businesses being developed on the southern end of the city to receive advertising and thus stimulate the local economy of not only the businesses advertised but other nearby businesses. The ordinance also clarifies and confirms that the City and governmental agencies may install signs on public property.

**Section 3 - Amending Chapter 17.43 of Title-17 Zoning.** Chapter 17.43 of the Soledad Municipal Code is hereby amended to read as follows. Deletions are noted in ~~striketrough~~ type; additions are noted in underline type. Provisions not so marked or explicitly listed are unchanged.

**17.43.070 - Restrictions on location.**

All signs shall comply with the following location requirements:

A. Public Property.

1. Except as otherwise noted herein, no person shall paint, mark, attach, post, or otherwise affix any sign to or upon any public property within the city, and any person responsible for doing so is liable for all costs incurred by the city for the removal thereof, which are a debt to the city. "Public property," as used in this section, includes public rights-of-way, including streets, sidewalks, planter strips, curbs, bridges, overpasses, underpasses, street lamp poles, electric light or telephone or telegraph poles and wires appurtenant thereto, street signs, traffic signs, public informational or directional signs and fire hydrants; publicly owned parking lots; publicly owned landscaped areas; public parks and playgrounds and all buildings and facilities appurtenant thereto; and all other public places and property of a similar nature.

2. Notwithstanding the above, the provisions of this section shall not apply to:

i. ~~The provisions of this section shall not apply, however, to The painting of house numbers on street curbs, to the installation of a metal plaque or similar device in a sidewalk or wall to commemorate an event of historical or local importance, or to the installation of sidewalks of terrazzo or similar construction containing a design or an admixture of colors, or both, provided that in each such case all permits required by this chapter are first obtained; nor shall the provisions of this section apply to marquee signs or to projecting signs which comply with all of the provisions of this chapter.~~

ii.) The installation of sidewalks of terrazzo or similar construction containing a design or mixture of colors, or both, provided that in each case all permits required by this chapter are first obtained.

iii.) Marquee or projection signs which comply with all the provisions of this chapter.

iv.) Signs erected by a governmental agency on property owned by that agency.

v.) Up to one (1) freestanding sign on City-owned property located adjacent to Highway 101 within the Highway Commercial (H-C) district, provided that: the sign applicant owns or has a legal interest in property located within the Highway Commercial (H-C) district, the sign is less than 85 feet tall, and the sign is placed outside of any Caltrans right-of-way. Prior to placement of any sign on City-owned property in conformance with this subsection, an applicant must receive an encroachment permit from the City's Public Works Department.

B. Fire Escapes, Etc. No sign shall be erected in such a manner that any portion of the sign or its support is attached to or will interfere with the free use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window.

C. Marquees, Etc. No sign shall be placed on the top or on any nonvertical surface of any marquee, porch, walkway covering, or similar covering structure adjacent to a building.

D. Traffic Interference. No sign shall be erected in such a manner that it will or reasonably may be expected to interfere with, obstruct, confuse or mislead vehicular traffic, within a triangular area formed by the curb lines and a line connecting them at points thirty-five feet from the intersection of the curb lines, unless the sign is in compliance with the provisions of this section and has a clearance of at least ten feet above curb grade and no part of its means of support has a single or combined horizontal cross-section exceeding eight inches.

E. Vehicle Signs. If a sign exceeding eight square feet is posted or otherwise displayed on a vehicle and is left on either private or public property for longer than seventy-two hours, the sign shall be tantamount to a sign affixed to real property and the provisions of this section shall apply. (Ord. 660 § 3 (Exbt. B) (part), 2008)

**Section 4. Severability.** Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 36933.

**Section 6. Codification.** Section 3 of this Ordinance shall be codified in the Soledad Municipal Code. Sections 1, 2, 4, 5, and 6 shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Soledad at a regular meeting on the 15<sup>th</sup> day of June 2022 and **PASSED AND ADOPTED** by the City Council of the City of Soledad at a regular meeting on July 20, 2022 by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

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ANNA M. VELAZQUEZ, MAYOR

ATTEST:

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BRENT SLAMA, CITY CLERK