

**PLANNING COMMISSION RESOLUTION NO. 20-02
ZONING TEXT AMENDMENT #20-01
SIGN ORDINANCE ADMENDMENTS**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING TEXT AMENDMENT #20-01 TO REVISE CHAPTER 34 OF THE CITY'S ZONING ORDINANCE, "SIGN REGULATIONS," FOR CONTENT NEUTRALITY AND INTERNAL CONSISTENCY.

WHEREAS, on September 10, 2019, staff reported to the City Council that the United States Supreme Court's ruling in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) necessitated updates to the city's existing sign regulations to ensure content neutrality, including eliminating any separate rules for categories of signs that are defined by the content or subject matter of their message and adopting content neutral "time-place-and-manner" regulations; and

WHEREAS, after the September 10, 2019 staff presentation, Council directed staff to return to Council with draft amendments to the City's existing Sign Ordinance for Council's consideration; and

WHEREAS, on May 12, 2020, City Council received staff's report and draft recommendations to revise the sign regulations for content neutrality and other changes for internal consistency, and directed staff to present the draft amendments to the Planning Commission for its consideration and recommendation (as required by the Hercules Municipal Code, Section 13-52-200); and

WHEREAS, Section 52.400 of the City of Hercules Zoning Ordinance allows for amendments of the Zoning Ordinance whenever the City Council determines that the proposed amendment is: consistent with the General Plan; would not be detrimental to the health, safety, welfare, and public interest of the City; and is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance; and

WHEREAS, on June 1, 2020, the Planning Commission held a duly noticed public hearing to consider these amendments and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF HERCULES DOES HEREBY RESOLVE AS FOLLOWS:

After due study, deliberation, and public hearing for the proposed Zoning Text Amendment #20-01, in accordance with Section 52.400 of the Zoning Ordinance of the Hercules Municipal Code, the Planning Commission finds that ZTA #20-01 is consistent with the General Plan, would not be detrimental to the health, safety, welfare, and public interest of the City, and is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance.

SECTION 1. ENVIRONMENTAL FINDING

Compliance with California Environmental Quality Act (“CEQA”): The Planning Commission finds that the Zoning Ordinance amendments are Categorically Exempt from CEQA pursuant to Section 15061(b)(3) (the “general rule exemption”) as it can be seen with certainty that there is no possibility the project will have a significant effect on the environment and thus is not subject to CEQA.

SECTION 2. AMENDMENTS

The Planning Commission recommends that the City Council amend the Hercules Municipal Code and its Zoning Ordinance by modifying Chapter 34, Sign Regulations, of the Hercules Zoning Ordinance as noted by the additions and deletions shown in Exhibit A hereto, with the following additional changes:

- Revise proposed Sec. 13-34.100.5.B to read as, “Create a right to substitute an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.”
- To Sec. 13-34.400, “Signs Subject to Review,” add canopy signs, with signage not to exceed 25% of the canopy face.
- Regarding portable signs, change Sec. 13-34.700.3, “Prohibited Signs,” from “...except where specifically authorized in the Municipal Code” to “...except where specifically authorized as allowable off-site directional signs (see Sec. 13-34.500.3, “Signs Not Requiring a Permit).”

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF HERCULES on this 1st day of June 2020, by the following votes:

AYES: Morrison, Rubio, Sacramento, Tolley, Galieva

NOES:

ABSENT:

ABSTAIN:

Irina Galieva, Chairperson

ATTEST:

Robert Reber, Interim Community Development Director

Exhibit A: Draft Zoning Text Amendment 20-01 revising Municipal Code, Chapter 13-34, Sign Regulations Draft 200504 (redlined changes shown)

Exhibit B: Draft Zoning Text Amendment 20-01 revising Municipal Code, Chapter 13-34, Sign Regulations Draft 200504 (changes incorporated)