

February 13th, 2020

City of Santa Fe Springs
11710 Telegraph Road
Santa Fe Springs, CA 90670-3679

ATT: Janet Martinez and Fernando Munoz

Re: CUP Case No. 795
Zone Variance (ZV) Case No. 82
Zone Variance (ZV) Case No. 84-87
Development Agreement (DA) No. 01-2020
13539 Freeway Drive, Santa Fe Springs, CA 90670

Dear Janet Martinez and Fernando Munoz,

This letter is in response to the action of denial taken by The Planning Commission at the meeting that took place February 12th, 2020 for the property located at *13539 Freeway Drive, Santa Fe Springs, CA 90670* (APN: 8069-016-006) for the following entitlements:

- *CUP Case No. 795* : Request to allow the construction of a new 50 foot tall digital billboard with 14'x48' display areas on the subject property.
- *Zone Variance (ZV) Case No. 82*
- *Zone Variance (ZV) Case No. 84-86*
- *Zone Variance (ZV) Case No. 87: A request to allow the relocation of an existing non protected tree.*
- *Development Agreement (DA) No. 01-2020*

Becker Boards would like to formally **appeal** this matter and move forward to present to City Counsel. Please submit this appeal in response to the denial letter drafted by staff on 2/13/2020.

Thank you,

Joseph White
Becker Boards
4234 E. Indian School Road
Phoenix, AZ 85018

Cuong H. Nguyen

From: Danielle Hayman <dhayman@beckerboards.com>
Sent: Tuesday, June 30, 2020 10:52 AM
To: Cuong H. Nguyen; Joseph White; Mark Becker
Cc: Wayne M. Morrell; Janet Martinez
Subject: Re: Appeal Submittal Request for 13539 Freeway Dr. Santa Fe Springs, CA 90670

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Cuong,

Thank you for your email. We would like to postpone the matter to a later council hearing date. Due to the ongoing circumstances of Covid 19 we would like to have the meeting scheduled for a later date when the Covid 19 situation has calmed down. Please let me know the furthest date possible to postpone the hearing. I appreciate your time and thank you in advance for understanding.

Best,

Danielle Hayman
818-943-0080

From: Cuong H. Nguyen <CuongNguyen@santafesprings.org>
Sent: Monday, June 29, 2020 8:45 AM
To: Danielle Hayman <dhayman@beckerboards.com>; Joseph White <jwhite@beckerboards.com>; Mark Becker <mbecker@beckerboards.com>
Cc: Wayne M. Morrell <WayneMorrell@santafesprings.org>; Janet Martinez <JanetMartinez@santafesprings.org>
Subject: RE: Appeal Submittal Request for 13539 Freeway Dr. Santa Fe Springs, CA 90670

Danielle et al – Good morning. In an effort to ensure that you do not misinterpret my previous e-mail, I am sending this follow-up email to clarify that I was not asking you to reach out to the City Council members directly. In fact, any discussion or request pertaining to the appeal matter must be made to the entire City Council, either at the public hearing on July 23rd or through written correspondence sent to the city clerk and/or myself prior to 4:00pm on the day of the July 23rd City Council meeting.

It is important to note that a public hearing will be scheduled for July 23rd. And although you do have the option to send in written correspondence, we highly recommend that you attend the meeting (*likely virtually*) and be available to both convey your message verbally and also answer any questions that the City Council may have regarding the appeal matter or otherwise any request for further postponement. In case you are interested, below is a link to the City Council webpage with information pertaining to City Council meetings during Covid-19 Safer At Home orders:

https://www.santafesprings.org/council/city_council_meetings/default.asp

Cuong Nguyen | Senior Planner
City of Santa Fe Springs | Planning Department
11710 Telegraph Road | Santa Fe Springs, CA 90670
(562) 868-0511, Ext 7359 | (562) 868-7112 Fax
cuongnguyen@santafesprings.org | www.santafesprings.org



From: Cuong H. Nguyen
Sent: Wednesday, June 24, 2020 5:40 PM
To: Danielle Hayman <dhayman@beckerboards.com>; Joseph White <jwhite@beckerboards.com>; Mark Becker <mbecker@beckerboards.com>
Cc: Wayne M. Morrell <WayneMorrell@santafesprings.org>
Subject: RE: Appeal Submittal Request for 13539 Freeway Dr. Santa Fe Springs, CA 90670

Danielle, Joseph, and Mark,

I hope that you and your family are all well and safe. Attached is the June 25, 2020, City Council agenda and staff report related to your appeal item. As you will notice, and as recommended by our City Attorney's office, staff will be setting the matter for a public hearing on **July 23, 2020**. Therefore, please understand that should you wish to make a request to further postpone your appeal, such request will need to be conveyed directly to the City Council moving forward.

Let me know if you have any questions.

Cuong Nguyen | Senior Planner
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11710 Telegraph Road | Santa Fe Springs, CA 90670
(562) 868-0511, Ext 7359 | (562) 868-7112 Fax
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From: Danielle Hayman [<mailto:dhayman@beckerboards.com>]
Sent: Tuesday, June 09, 2020 3:37 PM
To: Cuong H. Nguyen <CuongNguyen@santafesprings.org>; Joseph White <jwhite@beckerboards.com>
Cc: Mark Becker <mbecker@beckerboards.com>
Subject: Re: Appeal Submittal Request for 13539 Freeway Dr. Santa Fe Springs, CA 90670

Hi Cuong,

To follow Josephs email can you please push the council hearing to July 23, 2020, Thank you.

Danielle Hayman

From: Cuong H. Nguyen <CuongNguyen@santafesprings.org>
Sent: Monday, June 8, 2020 10:22 AM
To: Joseph White <jwhite@beckerboards.com>; Danielle Hayman <dhayman@beckerboards.com>
Cc: Mark Becker <mbecker@beckerboards.com>
Subject: RE: Appeal Submittal Request for 13539 Freeway Dr. Santa Fe Springs, CA 90670



City of Santa Fe Springs

Adjourned Planning Commission Meeting

February 12, 2020

PUBLIC HEARING - (Continued from Planning Commission Meeting of January 13, 2020)

CEQA Exemption Section 15061(b)(3)

Conditional Use Permit (CUP) Case No. 795

Zone Variance (ZV) Case No. 82

Zone Variance (ZV) Case No. 84-87

Development Agreement (DA) No. 01-2020

CUP Case No. 795: A request to allow the construction and operation of a new 50-foot tall V-shaped digital billboard with 14' x 48' display areas on the subject property, within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone; and.

ZV Case No. 82: A request to allow the subject digital billboard to project over the roof of a building, contrary to Section 155.384 (E)(1) of the City's Zoning Ordinance; and

ZV Case No. 84: A request to allow the subject digital billboard to be located less than 25' from the front property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

ZV Case No. 85: A request to allow the subject digital billboard to be located less than 25' from the side property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

ZV Case No. 86: A request to allow the subject digital billboard to be located less than 25' from the adjacent building, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

ZV Case No. 87: A request to allow the removal of an existing on-site tree, contrary to Section 155.384 (I)(3) of the City's Zoning Ordinance, in order to locate the subject digital billboard as currently prohibited.

DA No. 01-2020: A Development Agreement by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed.

Applicant/Subject Property: Becker Boards/13539 Freeway Drive (APN: 8069-016-006)

RECOMMENDATIONS

- Open the Public Hearing and receive any comments from the public regarding Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020, and thereafter, close the Public Hearing; and

RECOMMENDATIONS (Cont.)

- Find and determine that the proposed project, as proposed, will not be in conformance with the overall purpose and objective of the City's Zoning Ordinance and thus will also be inconsistent with the goals, policies and programs of the City's General Plan; and
- Find that the applicant's CUP request does not meet the necessary criteria set forth in §155.716 of the City's Zoning Ordinance for the granting of a Conditional Use Permit; and
- Find that the applicant's project does not meet the necessary finding set forth in §155.384 (C) of the City's Zoning Ordinance for the granting of a Conditional Use Permit for a billboard project; and
- Find that the applicant has not adequately demonstrated that the required conditions for approval of a Variance can be found for the subject billboard project, as set forth in §155.675 of the City of Santa Fe Springs Zoning Ordinance; and
- Deny Conditional Use Permit Case No. 795; Zone Variance Case No. 82, Zone Variance Case Nos. 84-87; and Development Agreement No. 01-2020; and
- Find and determine that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the project is Exempt from CEQA since no project is being recommended for approval at this time.
- Adopt Resolution No. 150-2020, which incorporates the Planning Commission's findings and actions regarding this matter.

GENERAL INFORMATION

- A. Applicant: Becker Boards
4324 E. Indian School Road
Phoenix, AZ 85018
- B. Property Owner: Hurlen Leasing LLC
9841 Bell Ranch Drive
Santa Fe Springs, CA 90670
- C. Location of Project: 13539 Freeway Drive
Santa Fe Springs, CA 90670
APN: 8069-016-006
- D. Existing Zone: M-2 FOZ, Heavy Manufacturing – Freeway Overlay Zone
- E. General Plan: Industrial
- F. CEQA Status: Categorically Exempt (General Rule)

G. Hearing Date: February 12, 2020

H. Staff Contact: Cuong Nguyen, Senior Planner
cuongnguyen@santafesprings.org

BACKGROUND

In 2012, in response to a request from Golden Springs Development Company to construct a static and digital billboard on their property at the northeast corner of Marquardt Avenue and Freeway Drive, and because the existing City Code did not address "digital" billboards, the City adopted Ordinance No. 1036 to establish regulations for new billboards within the Freeway Overlay Zone. The intent of the regulations were to prevent and relieve needless distraction and aesthetic clutter resulting from excessive and confusing sign displays; to promote traffic safety; to safeguard and enhance property values; and to promote the public safety and general welfare. Before formulating Ordinance No. 1036, the City looked to several other cities, including but not limited to, Carson, Inglewood, Berkley, Commerce, Compton, Corona, Inglewood, Long Beach, and Mission Viejo, for guidance. At the time, these cities had either adopted or was in the process of adopting a digital billboard ordinance.

Our research of other cities revealed that without proper controls such as quantity, height, size, location, as well as prescribed operating and aesthetic standards, billboards could have significant adverse influence on the city's visual environment. As a result, staff sought to ensure that the city's billboard ordinance provided proper controls, while recognizing that community appearance is an important factor in ensuring the general community welfare.

In addition to typical billboard regulations, key elements of the adopted ordinance included the following additional controls:

- 1) Limiting electronic billboards to the FOZ;
- 2) Requiring a Conditional Use Permit and Development Agreement for all new billboards and expansion of existing billboards;
- 3) Limiting the placement of billboards to properties with a minimum area of 5-acres;
- 4) Defining and providing regulation for supergraphics and mobile billboards;
- 5) Establishing a minimum distance between billboards; and
- 6) Limiting the contents of messages beyond sexually explicit materials, alcohol and tobacco advertising.

Subsequently, in 2018, after re-evaluating the impacts from the six billboards that had been approved and four billboards that were constructed to-date, considering the new trends observed in other cities, as well as considering the potential remaining sites along the FOZ that would have qualified for a new billboard, the city adopted

Ordinance No. 1092 to update the city's existing billboard ordinance. Key elements of the revised ordinance included the following:

- 1) Removal of the 5-acre minimum;
- 2) Discontinue allowing static billboards but allowing existing static billboards (approved by CUP) to remain indefinitely (similar to the Telegraph Road Corridor uses);
- 3) Expand the 500' separation between billboards on same parcels to include separation from existing freestanding signs;
- 4) Prohibit billboards from locating more than 200 feet from the centerline of the Freeway;
- 5) Provide standards for architectural elements (2' on sides and bottom, 6' on top – of sign face), also known as "cutouts" among the billboard industry;
- 6) Require proper screening of cylindrical column and torsion bar; and
- 7) Established criteria for V-shaped billboards.

Like all other aspects of planning and zoning, staff fully expects that future trends will eventually trigger another revision to the City's billboard ordinance. Until that trend materializes, staff firmly believes that the existing billboard ordinance which was amended this past year, provides reasonable billboard control, while recognizing that community appearance is an important factor in ensuring the general community welfare.

LOCATION / DETAILS OF PROPOSED PROJECT

The subject property, located at 13539 Freeway Drive, is comprised of a single parcel (APN: 8069-016-006) measuring approximately ± 1.85 -acres and is located within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone. The property is currently developed with an approximately 41,650 sq. ft. concrete tilt-up industrial building that is occupied by an aerospace supply company (Hurlen Corporation). The applicant, Becker Boards, intends to sublease a small portion of the front setback area and thereafter construct and operate a new V-shaped digital billboard on the subject property.

The proposed digital billboard will be 50-foot tall and is designed as a V-shaped billboard with two display areas measuring 14' x 48' each. The digital sign is intended to operate on a twenty-four (24) hour basis and will be located along the southwest corner of the site, setback 16.31' from the front property line along Freeway Drive, 11.32' from the westerly side property line, and 2.88' from the adjacent building. The proposed billboard will project over the roof of the existing building but no portion of the billboard will extend over any property line.

As proposed, the sign will be 1009.15 feet from the existing digital billboard located south of the subject property (at 13711 Freeway Drive - Martinez Trucking and Logistics) and approximately 465 feet from the existing message center display north of

the subject property (at 13443 Freeway Drive – Tom's Truck Center). It should also be noted that, in accordance with the California Business and Professions Code, Section 5405(d)(1), a "message center" is an advertising display where the message is changed more than once every two minutes, but not more than once every four seconds. Based on staff's research, the existing digital sign on the Tom's Truck Center site north of the subject site is considered a message center display.

NECESSARY DISCRETIONARY APPROVALS

In addition to the need for an Outdoor Advertisement Display (OAD) Permit by the California Department of Transportation, the project involves the following entitlements:

Conditional Use Permit Case No. 795

A request to allow the construction and operation of a new 50-foot tall V-shaped digital billboard with 14' x 48' display areas on the subject property, within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone); and

Zone Variance (ZV) Case No. 82

A request to allow the subject digital billboard to project over the roof of a building, contrary to Section 155.384 (E)(1) of the City's Zoning Ordinance.

Zone Variance (ZV) Case No. 84

A request to allow the subject digital billboard to be located less than 25' from the front property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance.

Zone Variance (ZV) Case No. 85 – A request to allow the subject digital billboard to be located less than 25' from the side property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance.

Zone Variance (ZV) Case No. 86 – A request to allow the subject digital billboard to be located less than 25' from the adjacent building, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance.

Zone Variance (ZV) Case No. 87 – A request to deviate from Section 155.384 (I)(3) of the City's Zoning Ordinance, which prohibits the removal of trees or other onsite landscaping or the reduction of any required on-site parking space for the installation of any new billboard.

Development Agreement (DA) No. 01-2020 – A Development Agreement by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed.

- It should be noted that Staff did not require the applicant to move forward with the subject Development Agreement. Efforts to prepare the Development Agreement were initiated by, and at the request of, the applicant. Since staff was not in

support of the project, it was not necessary to prepare a Development Agreement at this time.

ZONING REQUIREMENTS

Conditional Use Permit

1. Pursuant to Section 155.384 (A) of the City's Zoning Ordinance, billboards are allowed for properties in the FOZ only after a valid Conditional Use Permit has first been obtained, and subject to approval of a Development Agreement (*see Section 155.384 (A) below*).

Section 155.384 (A)

Section 155.384 Billboards

(A) *Use Regulations.* Billboards shall be allowed in the FOZ not more than 200 feet from the centerline of the freeway and only after a valid conditional use permit has first been obtained and a development agreement has been approved. A conditional use permit shall be obtained and a development agreement shall be entered into prior to the issuance of a building permit for any project involving construction of a new billboard, expansion or modification of a billboard, or addition of additional face(s) to a billboard. A development agreement shall include the amount of money to be paid to the city as a result of the installation and operation of the billboard.

Becker Boards is, therefore, requesting approval of the subject CUP (Case No. 795) to allow the construction and operation of a new V-shaped digital billboard on the subject property. Also, as mentioned previously, the applicant is concurrently requesting approval of a Development Agreement in the event that the Planning Commission decide to approve the subject Conditional Use Permit and five Zone Variance requests.

Zone Variances

1. Pursuant to Section 155.384 (E)(1) of the City's Zoning Ordinance, billboards are prohibited on the roof of a building or projecting over the roof of a building (*see Section 155.384 (E)(1) below*). The subject billboard, as proposed, will project over the roof of the existing building.

Section 155.384 (E)(1)

Section 155.384 Billboards

(E) Locations prohibited

1. On the roof of a building or projecting over the roof of a building, whether the building is in use or not.
2. Pursuant to Section 155.384 (H)(6) of the City's Zoning Ordinance, billboards must be setback at least 25 feet from any building or property line (*see Section 155.384 (H)(6) below*). The subject billboard, as proposed, requires three separate

variances related to Section 155.384 (H)(6): a variance to reduce the required distance from the front property line (from 25' to 16.31'), a variance to reduce the required distance from the side property line (from 25' to 11.32'), and a variance to reduce the minimum distance of the column support from an adjacent building (from 25' to 2.88').

Section 155.384 (H)(6)

Section 155.384 Billboards

(H) General Requirements

6. *Minimum setback.* The minimum setback distance of the billboard column support post shall be at least 25 feet from any property line and at least 25 feet from any building. Notwithstanding, no portion of a billboard shall project over the width of any street, highway or other public right-of-way.

It should be noted that, as stated within the section provided above, the minimum setback of billboards are measured from the "column support post." Billboards are allowed to project into the setback areas provide that no portion of the billboard project into the public right-of-way or otherwise over the roof of a building in conflict with Section 155.84 (E)(1).

3. Pursuant to Section 155.384 (I)(3) of the City's Zoning Ordinance, the installation of a new billboards shall not require the removal of a tree or other on-site landscaping (*see Section 155.384 (I)(3) below*). The subject billboard, as proposed, will require the removal of an existing tree.

Section 155.384 (I)(3)

Section 155.384 Billboards

(I) Standards of Design

3. The installation of any new billboard shall not require the removal of trees or other on-site landscaping or the reduction of any required on-site parking spaces.

The Planning Commission should note that, although there are three code sections mentioned above, as proposed, the project requires a total of five variances because of the need for three separate variances related to Section 155.384 (H)(6): a variance to reduce the distance of the column support from the front property line, a variance to reduce the distance of the column support from the side property line, and a variance to reduce the minimum distance of the column support from an adjacent building.

STREETS AND HIGHWAYS

The subject property has frontage on Freeway Drive, generally located between Spring Avenue and Carmenita Road. Freeway Drive is identified as a local street within the Circulation Element of the City's General Plan.

ZONING & GENERAL PLAN LAND USE DESIGNATION

The subject property as well as the surrounding properties to the south, east, and west are zoned M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone). The adjacent property to the north is zoned M-2 (Heavy Manufacturing). The General Plan land use designation for the subject property, and all adjacent properties to the north, south, east and west, is Industrial.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 through 65096 of the State Planning, Zoning and Development Laws and the requirements of Sections 155.860 through 155.864 of the City's Municipal Code.

Legal notice of the Public Hearing for the proposed project was sent by first class mail on December 23, 2019 to all property owners whose names and addresses appear on the latest County Assessor's Roll within 500 feet of the exterior boundaries of the subject property. The legal notice was also posted in Santa Fe Springs City Hall, the City Library and the City's Town Center kiosk on December 23, 2019, and published in a newspaper of general circulation (Whittier Daily News) on December 26, 2019 as required by the State Zoning and Development Laws and by the City's Zoning Ordinance. As of the date of this report, staff has not received any comments and/or inquiries regarding the proposed project.

On January 13, 2020, the Planning Commission conducted a duly noticed public hearing on the Project. At which time all interested persons were permitted the opportunity to address the Planning Commission. After seeing that no one was present to speak on the matter, and at the request made by the applicant prior to the meeting, the Planning Commission continued the hearing to the adjourned Planning Commission meeting scheduled for February 12, 2020 at 6:00 p.m.

ENVIRONMENTAL DOCUMENT

Based on staff's preliminary review of the project, because it requires several discretionary approvals, it is subject to the California Environmental Quality Act (CEQA). CEQA requires discretionary projects that are defined as projects, to be analyzed so that the environmental impacts of a project, and any attendant mitigation, may be identified. In the typical preliminary review of an application, one of the following outcomes may occur:

- The project is either *categorically exempt* or *statutorily exempt* from CEQA;
- The project will require the preparation of a *negative declaration (ND)* if potential environmental impacts are considered to be less than significant or having no impact;
- The project will require the preparation of a *mitigated negative declaration (MND)*, if potentially significant environmental impacts are found but all of which may be mitigated to a less than significant level; or

- The project will require the preparation of an *environmental impact report (EIR)*, if significant environmental impacts are found which cannot be mitigated to a less than significant level.

Although it was initially determined by the city, as the lead agency, that an MND would need to be prepared for the project, Becker Boards submitted an Initial Study to the City in support of a Negative Declaration. Rather than dismissing their findings, staff asked the City's environmental consultant, Blodgett Baylosis Environmental Planning (BBEP) to peer review the Initial Study. After careful review, BBEP concluded that the potential impacts for three key areas: aesthetics, biology, and land use, would require mitigation, due to the nature and extent of the requested Variances, to lessen or eliminate potentially significant impacts. The rationale for this conclusion was based on the following:

- The conclusion to finding C of Aesthetics impacts: A determination that the project's potential for conflicting "with the applicable zoning and other regulations governing scenic quality" as having a *Less than Significant Impact* could not be supported given the number and extent of the requested variances. Mitigation measures that would be effective in reducing these potential impacts (i.e. ensuring conformity with the City's regulations) must be clearly identified.
- The conclusion to finding E of Biological Resources impacts: A determination that the project's potential impact for conflicting "with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance" as having *No Impact* could not be supported given that tree removal is not permitted pursuant to the billboard ordinance. Since the project will require the removal of an existing tree, the finding of *No Impact* is not accurate. Nevertheless, in this case, it was conveyed that an appropriate mitigation measure is possible; for example, some form of tree replacement.
- The conclusion to finding B of Land Use impacts: A determination that the project's potential for conflicting "with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect" as having a *Less Than Significant Impact* could not be supported given that the specific sections of the City's billboard ordinance where variances are being requested are expressly designed to avoid an impact related to the construction and/or operation of a billboard. Therefore, the concluding statement that, "Implementation of the proposed Project would result in less-than-significant impacts due to land use and planning considerations; accordingly, mitigation measures are not required" cannot be supported without evidence provided in the CEQA document.

It is important to note that no specific mitigation measures were identified within the initial Negative Declaration, by the applicant. In several meetings with the Applicant and

their representatives, however, concerns were expressed that mitigation for Aesthetics and Land Use may not be possible. Absent any effective mitigation measures, an EIR would be needed so that a "statement of overriding considerations" could be adopted by the City Council as part of the certification of the Final EIR. The applicant subsequently submitted an Initial Study in support of a Mitigated Negative Declaration (see Attachment 5 - IS/MND Proposed by Applicant). Said IS/MND was reviewed by City staff, BBEP, and the City Attorney's office and a determination was made that the document lacked clear, effective, and enforceable mitigation measures that would be effective in addressing the potentially significant environmental impacts.

In summary, absent clear and enforceable mitigation measures that would be effective in addressing the significant environmental impacts, it was concluded that an EIR (in this case a Focused EIR) would be needed. Since the applicant does not agree with that conclusion, and there is an apparent impasse, City staff and BBEP suggested that to move the project forward that it be presented to the Planning Commission with a determination that an action to deny the project would meet the "common sense" exemption as outlined in Section 15061(b)(3) of the CEQA Guidelines. Said section states that a project is exempt from CEQA if "...it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." Since there is no project being recommended for approval at this time, the exemption identified above would apply to an action to deny the project, should the Commission agree with Staff's recommendation. Unless the Commission decides to approve the project, additional environmental analysis is not necessary to meet the requirements of CEQA at this time.

AUTHORITY OF PLANNING COMMISSION

Conditional Use Permit

The Planning Commission has the authority, subject to the procedures set forth in the City's Zoning Ordinance, to grant a conditional use permit when it has been found that said approval is consistent with the requirements, intent and purpose of the City's Zoning Ordinance. The Commission may grant, conditionally grant or deny a conditional use permit based on the evidence submitted and its own study and knowledge of the circumstances. All conditions of approval shall: be binding upon the applicants, their successors and assigns; run with the land; limit and control the issuance and validity of certificates of occupancy; and restrict and limit the construction, location, use and maintenance of all land and structures within the development.

Zone Variance

The Planning Commission shall have the authority, subject to the procedures set for in this chapter, to grant variances from any provision(s) of this chapter related to the use and development of land when it is found that the strict and literal interpretation of such provisions would cause undue difficulties and unnecessary hardships inconsistent with the intent and general purpose of this chapter.

CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT/BILLBOARD PROJECT

The Commission should note that in accordance with Section 155.716 of the City's Zoning Ordinance, before granting a Conditional Use Permit, the Commission shall:

- 1) Satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general; and
- 2) Give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.

In addition, pursuant to Section 155.384 (C) of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall:

- 3) Not approve a conditional use permit for any billboard project unless it can make a finding that the billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway

Based on the findings set forth in the attached Resolution (No. 150-2020), staff believes that the proposed billboard project does not meet the necessary criteria set forth in Sections 155.716 and 155.384 of the City's Zoning Ordinance for the granting of a Conditional Use Permit and therefore Staff is recommending denial of the project.

CRITERIA FOR GRANTING A ZONE VARIANCE

The Commission should note that in accordance with Section 155.675 of the City's Zoning Ordinance, before granting a Zone Variance, the Commission shall satisfy itself that the applicant has shown that all of the following conditions shall apply:

- 1) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone; and
- 2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in questions; and
- 3) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity; and
- 4) That the granting of such variance will not adversely affect the master plan of the City.

Based on the findings set forth in the attached Resolution (No. 150-2020), staff believes the applicant has not adequately demonstrated that the required conditions for approval of a variance can be found for the billboard project, as set forth in §155.675 of

the City of Santa Fe Springs Zoning Ordinance. Staff is therefore recommending denial of the project.

STAFF CONSIDERATIONS

Prior to Ordinance No. 1036, billboards were not allowed within the Freeway Overlay Zone. Ordinance No. 1036 and subsequent amendments, established specific requirements under which billboards would be allowed. For a billboard to be allowed, it first needed to be in compliance with all the requirements established by the ordinance. Only then would a billboard be allowed.

It is staff's opinion that the location of billboards should be selected based on the existing code regulations rather than selecting a location and working backwards to obtain necessary variances from the Code. Although the applicant has reduced the number of Zone Variances from a total of six variances initially to the five that still remain, there is still insufficient evidence to support the required findings necessary to approve the five Zone Variances related to the subject digital billboard project. Staff would agree that there are constraints surrounding the proposed project, such as the site's limited street frontage, location of existing building and trees, and location of adjacent billboards, which do have a direct bearing on the site's suitability as defined in the City's billboard ordinance. It is important to note, however, that said constraints already existed when the applicant selected the subject property for their proposed billboard.

Although other previously approved billboards were granted variances to deviate from existing billboard regulations, none of said billboards had required or received more than two variances. To approve a billboard, or any type of development, which requires a total of five Zone Variances would be unprecedented. Additionally, the granting of multiple variances in the absence of sound findings that cannot be supported by evidence could result in a "de facto" amendment to the City's billboard ordinance.

It should also be noted that a variance to allow the proposed billboard to be constructed over an existing building is not only an exception that has never been granted before but, in staff's opinion, would result in a significant aesthetic impact. The existing billboard ordinance specifically prohibits such designs because they do not portray the image that the City consistently strives to achieve for billboards. Moreover, any variances that are approved for the propose billboard project would set a precedent for future requests.

In 2012, when Ordinance No. 1036 was adopted, from the Buena Park city limits to the city limits of Santa Fe Springs, there were approximately twelve billboards: eight on the south side of the freeway and four on the north. Staff looked at those billboards and observed that none had consistent heights, sign areas or column design. Some overhanged buildings, and/or were constructed on top of buildings, and others had support columns of variance distances from the building. Ordinance No. 1036 was, in part,

intended to address the chaotic mish-mash, haphazardness, and asymmetrical design that was observed.

Lastly, the Planning Commission should note that the subject billboard project, should the Commission decide to approve the Conditional Use Permit, five Zone Variances, and make a recommendation that the City Council approve the Development Agreement, the billboard would still be subject to subsequent review and approval by the California Department of Transportation to determine if the proposed billboard meets the requirements of the Outdoor Advertising Act as codified in the California Business and Professions Code, section 5200 et seq. For the record, staff has received confirmation from Caltrans (see Attachment 9 – Caltrans Determination) that the subject billboard, as proposed, would be denied since message center displays cannot be placed within 1,000 feet of another message center display on the same side of the freeway as per Outdoor Advertising Act section 5405(d)(1). As previously mentioned, there is a message center display approximately 463 feet north of the subject digital billboard/message center display at 13443 Freeway Drive (Tom's Truck Center).

Based on the facts contained within this report, and also the findings set forth in the attached Resolution (No. 150-2020), staff believes that the applicant's request does not meet the necessary criteria set forth in Sections 155.716 and 155.384 of the City's Zoning Ordinance for the granting of a Conditional Use Permit nor does it meet the necessary criteria set forth in Section 155.675 of the City's Zoning Ordinance for the granting of a Zone Variance.

Staff is, therefore, recommending denial of Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No 82, and Zone Variance (ZV) Case Nos. 84-87. And since the Development Agreement is contingent upon approval of the subject CUP and ZVs, and therefore is not an independent document, staff is also recommending denial of Development Agreement No. 01-2020 since the DA is not relevant without the CUP and ZV entitlements.


Wayne M. Morrell
Director of Planning

Attachments:

- | | |
|---------------------------------|--------------------------------------|
| 1. Aerial Photograph | 6. CUP Application |
| 2. Public Hearing Notice | 7. ZV Application |
| 3. Radius Map | 8. Development Agreement No. 01-2020 |
| 4. Project Plans | 9. Caltrans Determination |
| 5. IS/MND Proposed by Applicant | 10. Resolution No. 150-2020 |

Attachment 1: Aerial Photograph



CITY OF SANTA FE SPRINGS

AERIAL PHOTOGRAPH



13539 Freeway Drive (APN: 8069-016-006)

PROJECT

Conditional Use Permit (CUP) Case No. 795 &
Zone Variance (ZV) Case No. 82 & 84-87

APPLICANT

Becker Boards

Attachment 2: Public Hearing Notice**FILE COPY**11710 Telegraph Road • CA • 90670-3679 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org*"A great place to live, work, and play"*

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**CITY OF SANTA FE SPRINGS
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT CASE NO. 795 AND
ZONE VARIANCE CASE NOS. 82 AND 84-87**

NOTICE IS HEREBY GIVEN: that a Public Hearing will be held before the City of Santa Fe Springs Planning Commission for the following:

CONDITIONAL USE PERMIT CASE NO. 795: A request to allow the construction and operation of a new 50-foot tall v-shaped digital billboard with 14' x 48' display areas on the subject property, within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone; and

ZONE VARIANCE CASE NO. 82: A request to allow the subject digital billboard to project over the roof of a building as set forth in Section 155.384 (E)(1) of the City's Zoning Regulations; and

ZONE VARIANCE CASE NO. 84: A request to allow the subject digital billboard to be located less than 25' from the front property line as set forth in Section 155.384 (H)(6) of the City's Zoning Regulations; and

ZONE VARIANCE CASE NO. 85: A request to allow the subject digital billboard to be located less than 25' from the side property line as set forth in Section 155.384 (H)(6) of the City's Zoning Regulations; and

ZONE VARIANCE CASE NO. 86: A request to allow the subject digital billboard to be located less than 25' from the adjacent building as set forth in Section 155.384 (H)(6) of the City's Zoning Regulations; and

ZONE VARIANCE CASE NO. 87: A request to allow the removal of an existing on-site tree in order to locate the subject digital billboard as currently prohibited by Section 155.384 (I)(3) of the City's Zoning Regulations.

APPLICANT / PROJECT LOCATION: Becker Boards / 13539 Freeway Drive (APN: 8069-016-006)

CEQA STATUS: City staff believes the project qualifies for the *General Rule CEQA Exemption* since no project is being recommended for approval at this time. At this time, the project is moving forward with a recommendation for denial. For this reason, staff believes the project would meet the "General Rule" clause outlined in Section 15061 (b)(3) of the CEQA Guidelines which states the following: "Where it can be seen with

Juanita Trujillo, Mayor • William K. Rounds, Mayor Pro Tem
City Council

John M. Mora • Annette Rodriguez • Joe Angel Zamora
City Manager
Raymond R. Cruz

certainty that there is no possibility the activity in questions may have a significant effect on the environment, the activity is not subject to CEQA." Additionally, the project site is not listed on the Hazardous Waste and Substance Site List (Cortese List) as set forth in Government Code Section 65962.5.

THE HEARING will be held before the Planning Commission of the City of Santa Fe Springs in the Council Chambers of the City Hall, 11710 Telegraph Road, Santa Fe Springs, on Monday, January 13, 2020 at 6:00 p.m.

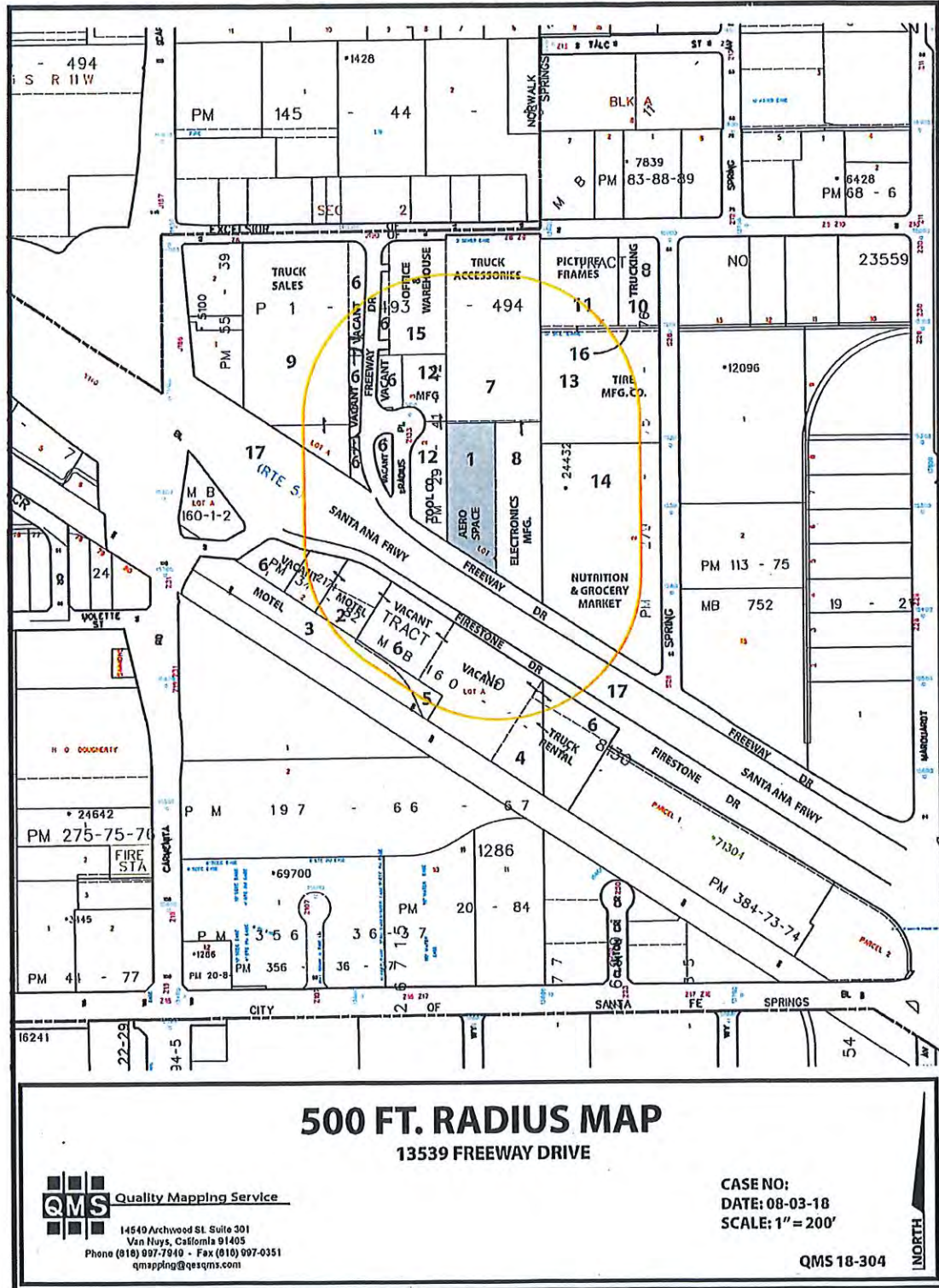
ALL INTERESTED PERSONS are invited to attend the Public Hearing before Planning Commission and express their opinion on the subject items listed above. You should note that if you challenge the afore-mentioned Conditional Use Permit or Zone Variances in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the office of the Commission at, or prior to, the Public Hearing

FURTHER INFORMATION on this item may be obtained at the City of Santa Fe Springs Planning Department, 11710 Telegraph Road, Santa Fe Springs, California 90670 or by telephone or e-mail: (562) 868-0511, extension 7359, cuongnguyen@santafesprings.org.

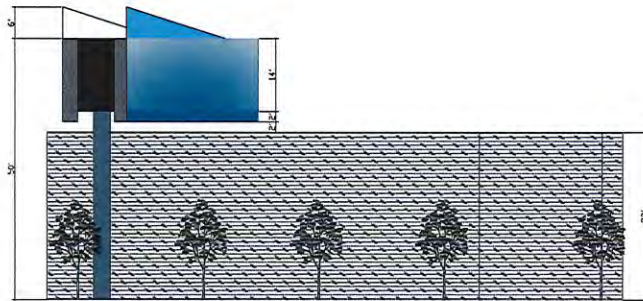
Wayne M. Morrell
Director of Planning
City of Santa Fe Springs
11710 Telegraph Road
Santa Fe Springs, CA 90670

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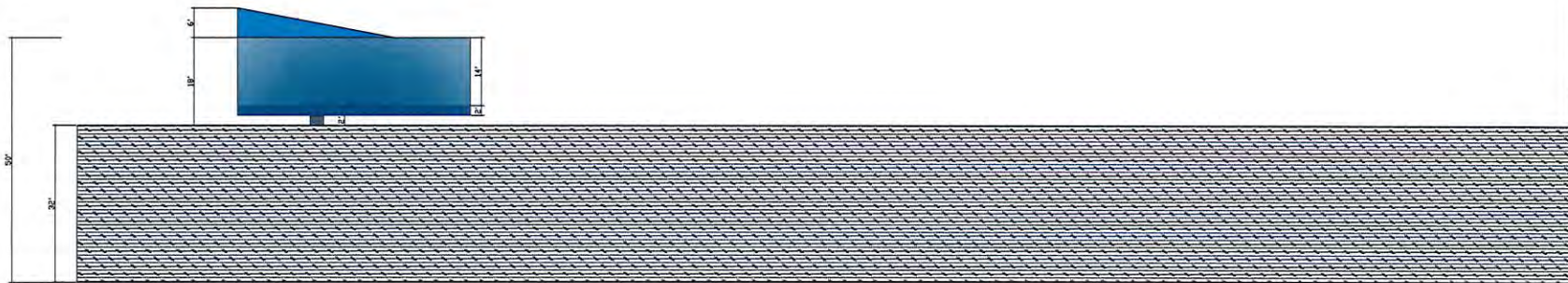
Attachment 3: Radius Map



Attachment 4: Project Plans



NORTH ELEVATION



EAST ELEVATION

13539 FREEWAY DRIVE
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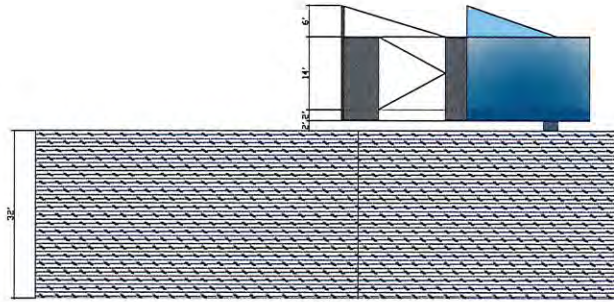
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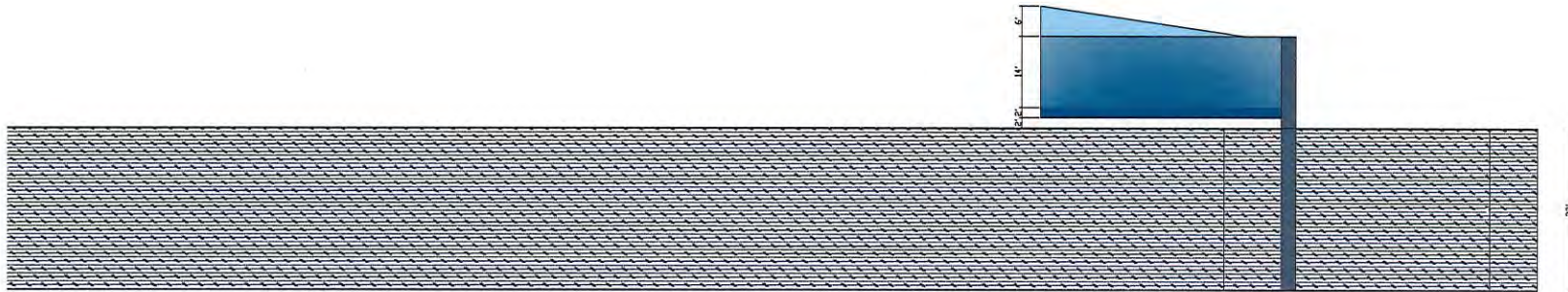
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SOUTH ELEVATION



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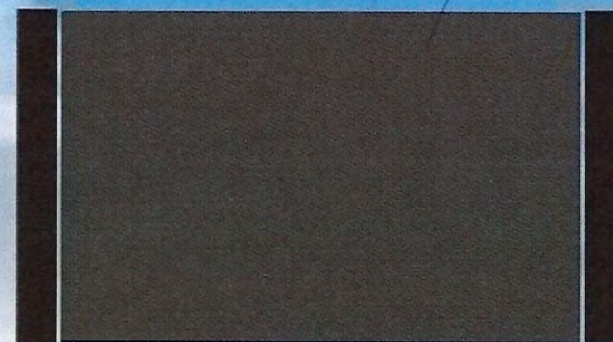
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CITY OF
SANTA FE SPRINGS



BECKER
BOARDS



Solid metal filler screening panel
placed between LED panels on wide
end of V-shaped angle. Painted gray to match the
triangular top and bottom accents.

Freeway side



CITY OF
SANTA FE SPRINGS

INTRODUCING
THE 2018 MODEL S



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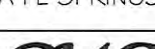
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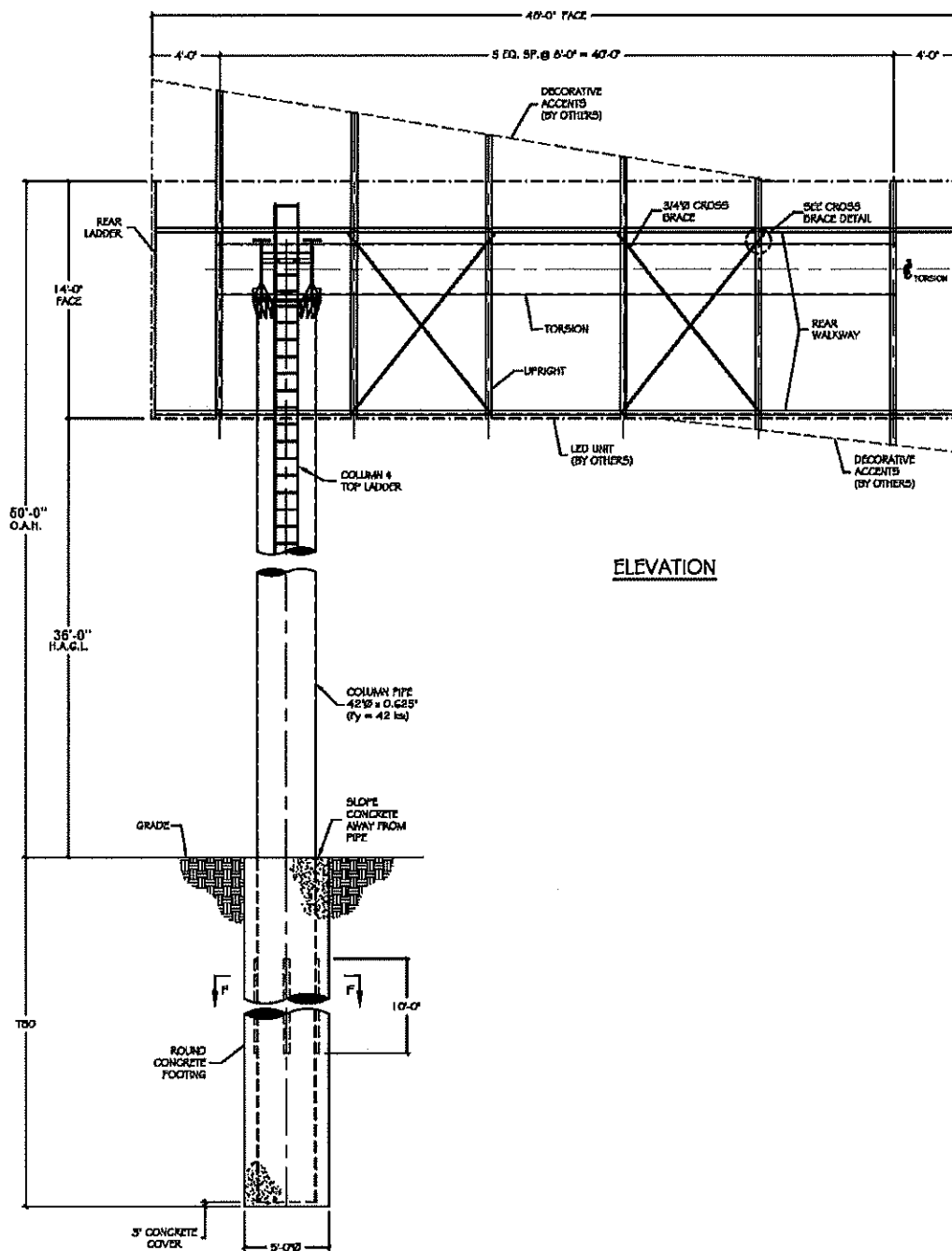
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PLAN VIEW

CUSTOMER BECKER BOARDS	14' x 48' SINGLE POST PARTIAL FLAG DOUBLE FACE 30° V-BUILD LED READY (BOTH SIDES)		
SIGN LOCATION SANTA FE SPRINGS, CA			
 4425 North 24th Street, Suite 200 Phoenix, Arizona 85016 (602) 230-8634 Fax: (602) 230-0071	ENG NO.	DR. FS	CH. JSW
	EESL NO.	DATE 01/09/19	
	JOB NO.	SHEET NO. 1 of 2	



PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

CUSTOMER		14' x 48' SINGLE POST PARTIAL FLAG DOUBLE FACE 30° V-BUILD LED READY (BOTH SIDES)		
BECKER BOARDS				
SIGN LOCATION		SANTA FE SPRINGS, CA		
 4435 North 54th Street, Suite 200 Phoenix, Arizona 85018 (602) 230-6634 Fax: (602) 230-6071		ENG. NO.	DR. F5	CH. JSW
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Attachment 5: IS/MND proposed by Applicant

Initial Study / Mitigated Negative Declaration

Santa Fe Springs Digital Billboard
13539 Freeway Drive

CEQA Lead Agency:



City of Santa Fe Springs
Planning and Development Department
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Project Applicant:

Becker Boards
4324 E. Indian School Road
Phoenix, AZ 85018

CEQA Consultant:

T&B Planning, Inc.
17542 East 17th Street, Suite 100
Tustin, CA 92780

SECOND Screencheck Draft
(Has not been circulated for Public Review)
October 31, 2019



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LIST OF TECHNICAL APPENDICES

The documents identified below are included within the Technical Appendices to this Initial Study (IS) / Mitigated Negative Declaration (MND), and are herein incorporated by reference pursuant to CEQA Guidelines Section (§)15150. These documents are attached to this IS/MND (bound separately) and also are available for review at the City of Santa Fe Springs, Planning and Development Department, 11710 East Telegraph Road, Santa Fe Springs, CA 90670, during regular business hours.

- A. Sign Lighting Study
- B. Air Quality and Greenhouse Gas Emission Calculations



1.0 Introduction

This Initial Study (IS) / Mitigated Negative Declaration (MND) evaluates the Santa Fe Springs Digital Billboard Project (hereafter, "Project") proposed by Becker Boards (hereafter, "Project Applicant"). The Project is proposed on the southwest corner of a 1.85-acre parcel (hereafter "Project site") located immediately north and east of Freeway Drive and west of Spring Avenue at 13539 Freeway Drive, in the City of Santa Fe Springs, Los Angeles County, California. The Project Applicant proposes to construct and operate a dual-faced, digital/light emitting diodes (LED) billboard with associated infrastructure connections on the Project site. Under existing conditions, the property is fully developed with a warehouse facility (i.e., Hurlen Corporation Surplus) and associated site improvements to which the Project would contribute additional development in the form of a dual faced billboard.

1.1 Purpose of this Document

The Project is the subject of analysis in this document pursuant to the California Environmental Quality Act (CEQA). The content of this IS/MND complies with all criteria, standards, and procedures of CEQA (California Public Resource Code § 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.).

CEQA is a statewide environmental statute contained in Public Resources Code §§21000-21177 that applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. CEQA requires that before a public agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about the project's potential environmental impacts, give the public an opportunity to comment on the environmental issues, and take feasible measures to avoid or reduce potential harm to the physical environment.

As defined by CEQA Guidelines §15367, the City of Santa Fe Springs is the Lead Agency for the proposed Project. "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Discretionary approvals are required of the City of Santa Fe Springs to implement the proposed Project: Zoning Variances, a Conditional Use Permit (CUP) and a Development Agreement between the Project Applicant and Lead Agency. Administrative approvals would consist of the issuance of a building permit. These actions and other approval actions required of the City of Santa Fe Springs and/or other governmental agencies to fully implement the proposed Project are described in more detail in Section 3.0, *Project Description*. If this IS/MND is adopted by the City of Santa Fe Springs, Responsible and Trustee agencies with approval authorities over the Project can use this IS/MND as the CEQA compliance document as part of their decision-making processes.

1.2 CEQA Requirements for Mitigated Negative Declarations (MNDs)

An MND is a written statement by the Lead Agency briefly describing the reasons why a proposed project, which is not exempt from the requirements of CEQA, will not have a significant effect on the environment and therefore does not require preparation of an Environmental Impact Report (EIR) (CEQA Guidelines §15371). The CEQA Guidelines require the preparation of a MND if the Initial Study prepared for a project shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or identifies potentially significant effects, but: 1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed MND and Initial Study are released for public review would avoid the effects where clearly no significant effects



would occur; and 2) there is no substantial evidence, in light of the whole record before the Lead Agency, that the project as revised may have a significant effect on the environment (CEQA Guidelines §15070[b]).

1.3 Format and Content of this Initial Study/Mitigated Negative Declaration

The following items comprise the IS/MND in its entirety:

- 1) This document, including all Sections. Section 5.0 contains the completed Environmental Checklist/Initial Study and Section 6.0 contains the proposed Project's associated analyses, which documents the evidence relied upon to support the findings and conclusions of the Initial Study.
- 2) Two technical reports are attached as *Technical Appendix A* and *Technical Appendix B*. These technical reports are also on file and available for public review at the City of Santa Fe Springs, Planning and Development Department (11710 E. Telegraph Road, Santa Fe Springs, CA 90670) and is hereby incorporated by reference pursuant to CEQA Guidelines §15150.
 - A Sign Lighting Study, prepared by Watchfire Signs, dated January 4, 2019
 - B Air Quality and Greenhouse Gas Emission Calculations, prepared by Urban Crossroads, Inc. and dated October 5, 2016

1.4 Preparation and Processing of this Mitigated Negative Declaration

The City of Santa Fe Springs, Planning and Development Department, directed and supervised the preparation of this IS/MND. Although prepared with assistance of the consulting firm T&B Planning, Inc., the content contained within and the conclusions drawn by this IS/MND reflect the sole independent judgment of the City of Santa Fe Springs.

This IS/MND and Notice of Intent (NOI) to adopt the IS/MND will be distributed to the following entities for a 30-day public review period: 1) organizations and individuals who have previously requested such notice writing to the City of Santa Fe Springs; 2) direct mailing to the owners of property contiguous to the Project site as shown on the latest equalized assessment roll; 3) responsible and trustee agencies (public agencies that have a level of discretionary approval over some component of the proposed Project); 4) the County of Los Angeles Clerk; and 5) the California Office of Planning and Research, State Clearinghouse, for review by State agencies. The NOI identifies the location(s) where the IS/MND and its associated Technical Appendices are available for public review. In addition, notice of the public review period also will occur via posting of a notice at City Hall (11710 E. Telegraph Road, Santa Fe Springs, CA), via standard mailing to property owners located within a 300-foot radius of the Project site, and publication in a newspaper of general circulation in the Project area. The NOI also establishes a 30-day public review period during which comments on the adequacy of the IS/MND document may be provided to the City of Santa Fe Springs, Planning and Development Department.

Following the 30-day public review period, the City of Santa Fe Springs will review any and all comment letters received and determine whether any substantive comments were provided that may warrant revisions to the IS/MND document. If substantial revisions are not necessary (as defined by CEQA Guidelines §15073.5(b)), then the IS/MND will be finalized and forwarded to the City of Santa Fe Springs Planning Commission for review as part of their deliberations concerning the proposed Project. A public hearing(s) will be held before the City's Planning Commission to consider the proposed Project and the adequacy of this IS/MND. Public comments will be heard and considered at the hearing(s). If approved,



Planning Commission would adopt findings relative to the Project's environmental effects as disclosed in the IS/MND and the Notice of Determination (NOD) will be filed with the County of Los Angeles Clerk.



2.0 Environmental Setting

2.1 Location of the Project Site

As shown on Figure 2-1, *Regional Map*, the Project site is located in the City of Santa Fe Springs, CA. The City of Santa Fe Springs is located in the southeast portion of Los Angeles County and is bordered to the north by unincorporated Los Angeles County; to the east by the City of Whittier and unincorporated Los Angeles County; to the south by the City of Cerritos and the City of La Mirada; and to the west by the City of Norwalk and the City of Downey. The Project site is located immediately north of the Interstate 5 (I-5) freeway which transects the western portion of the City of Santa Fe Springs.

The Project is proposed on the southwest corner of the 1.85-acre Project site, which is located in the southeast portion of the City of Santa Fe Springs. The Project site encompasses Assessor Parcel Number (APN) 8069-016-006 and is associated with the address 13539 East Freeway Drive. As shown on Figure 2-2, *Vicinity Map*, the I-5 freeway is approximately 100 feet south of the Project site and industrial buildings are located immediately west, immediately east, and north of the Project site.

2.2 CEQA Requirements for Environmental Setting and Baseline Conditions

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. "Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines § 15125(a)(1)). The Initial Study prepared for the proposed Project (see Section 5.0 of this document) determined that an MND is the appropriate form of CEQA compliance document, which does not require a Notice of Preparation (NOP). Thus, the environmental setting for the proposed Project is the approximate date that the Project's environmental analysis commenced. Environmental review of the Project was commenced in November 2018. Accordingly, the environmental setting for the proposed Project is defined as the physical environmental conditions on the Project site as they existed in November 2018.

2.3 Existing Site and Area Characteristics

2.3.1 Existing Site Conditions

As shown on Figure 2-3, *Aerial Photograph*, under existing conditions, an approximately 45,000 square foot (s.f.) warehouse facility occupied by Hurlen Corporation occurs on the western portion of the Project site. A concrete-paved parking lot with associated light fixtures is located east of the warehouse facility and ornamental landscaping occurs within the Project site's frontage along Freeway Drive and eastern boundary. Street lights and utility poles occur along the Project site's southern boundary. A wall occurs along the Project site's eastern and northern boundary. The southwest corner of the Project site where the proposed billboard would be installed is undeveloped and is comprised of ornamental landscaping

2.3.2 Site Access

Regional access to the Project site is provided via the I-5 freeway and the Carmenita Road exit ramp located approximately 0.24-mile southwest of the Project site. Local roadway access to the Project site is provided via Freeway Drive.



Figure 2-1 *Regional Map*



Figure 2-2 Vicinity Map



Figure 2-3 Aerial Photograph



2.3.3 Surrounding Land Uses and Development

As shown on Figure 2-4, *Existing and Surrounding Land Uses*, the Project site is bounded on the north by Excelsior Drive, north of which are industrial buildings; on the west by Freeway Drive, west of which is an industrial building and vacant land; on the east by Spring Avenue, east of which are industrial buildings; and to the south is the I-5 freeway.

2.4 City Planning Context

2.4.1 City of Santa Fe Springs General Plan

As shown on Figure 2-5, *Existing General Plan Land Use Designations*, the Project site is designated "Industrial" by the City's General Plan (City of Santa Fe Springs, 2007a). The "Industrial" designation is intended to reserve lands appropriate for light and heavy industrial uses. (City of Santa Fe Springs, 1994, LUE p. 11)

2.4.2 City of Santa Fe Springs Zoning Designations

As shown on Figure 2-6, *Existing Zoning Designations*, the Project site is zoned "Heavy Manufacturing - Freeway Overlay Zone (M-2-FOZ)" and the surrounding properties are zoned "Heavy Manufacturing (M-2)" and (M-2-FOZ). The (M-2) zoning designation is intended to provide an industrial environment which will be conducive to good employee relations and pride on the part of all citizens of the community (City of Santa Fe Springs, 2018, §155.240). The Freeway Overlay Zone (FOZ) is intended to operate as an overlay zone and sets forth regulations in addition to regulations set forth in the underlying zone district. The purpose of the FOZ is to maintain the land uses permitted within the underlying zone districts, while providing parameters to improve the aesthetic and functional characteristics of properties located adjacent to the freeway. (City of Santa Fe Springs, 2018, §155.376)



Figure 2-4 *Existing and Surrounding Land Uses*



Figure 2-5 Existing General Plan Land Use Designations



Figure 2-6 Existing Zoning Designations



3.0 Project Description

3.1 Project Overview

The Project evaluated in this IS/MND is proposed by Becker Boards (the "Project Applicant") and is referred to as "Santa Fe Springs Digital Billboard." Previously shown in Figure 2-3, the Project is located on a 1.85-acre developed property that is located approximately 100 feet to the north of the I-5 freeway, in the southeast portion of the City of Santa Fe Springs. The proposed Project involves the construction of a dual-faced, digital/LED billboard with associated infrastructure connections. As shown on Figure 3-1, *Proposed Site Plan*, the Project Applicant proposes to construct the billboard on the southwest portion of the rectangular shaped site. Project operation would include displaying of alternating LED advertisements on either side of the billboard. The Project does not entail the alteration of the existing on-site industrial building (occupied by Hurlen Corporation). The Project Applicant would relocate one small ornamental tree to accommodate the placement of the proposed billboard support column. The physical and operational characteristics of the Project, with the application of the mitigation measures presented herein, would not change the physical characteristics of the existing Project site to an extent that could result in reasonably foreseeable significant environmental effects.

3.2 Project Technical / Operational Characteristics

3.2.1 Billboard Specifications

The proposed digital billboard consists of a display surface no larger than 672 square feet (s.f.) in active copy area that supports an image generated by LED. The solid metal filler screening panel is proposed to be placed between LED panels on the wide end of a V-shaped angle and painted grey to match the top and bottom accents. The digital billboard would be installed on a supporting structure which would elevate the billboard to a height of 50 feet from finished grade at the base of the support column to the top edge of the billboard face. A 6-foot-high metal architectural element would occur above the face of the digital billboard to accommodate a 37-foot long triangular top panel painted dark grey with white aluminum logo text, "City of Santa Fe Springs". In total, from the finished grade at the base of the support column to the top of the metal architectural element, the highest point of the billboard structure would be 56 feet tall. The face of the billboard would project over the roof of the existing Hurlen Corporation warehouse building, with a clearance of two feet between the building roof and the bottom of the billboard face.

The supporting structure would have a vertical center column that supports two 14-foot (tall) by 48-foot (wide) digital faces oriented in a "V" shape so as to simultaneously face traffic along the northbound and southbound lanes of the I-5 freeway. The pole cover is proposed to be a 5-foot square 0.100 aluminum outer frame painted medium grey with a textured finish. Accents on the pole include 1/8-inch thick, 42-inch diameter round aluminum city logo in full color detail. Above and below the circular city logo would be a 6-inch square, 5 feet long aluminum band. Beneath the city logo and aluminum bands, a 35-inch-wide, 27-feet and 9-inch-tall by 2-inch deep vertical blue band is proposed centered on the pole. In addition, a 14-inch wide white aluminum accent fins are proposed up one side of the pole cover.

Each image projected on the billboard would be static for a period of time prior to changing to a new image. Pursuant to City of Santa Fe Springs Municipal Code § 155.384, *Billboards*, the billboard would display still images for no less than four seconds. No still image would contain animation, movement, or the appearance or optical illusion of movement of any part of the advertising structure. Additionally, still



images would not contain flashing, scintillating lighting or the varying of light intensity. (City of Santa Fe Springs, 2018, §155.384)

Pursuant to City of Santa Fe Springs Municipal Code § 155.384.J(9), the billboard would be equipped with light sensors to measure ambient light levels and to adjust light intensity to respond to a change in ambient light conditions. The display, for example, would generally be brighter in the daytime than at night. (City of Santa Fe Springs, 2018, §155.384) The displays advertised would be controlled remotely and would have remote maintenance software. Once the digital billboard is installed and operationally



Figure 3-1 Proposed Site Plan



Figure 3-2 Plan View



Figure 3-3 Elevation Views



stabilized, it is anticipated that approximately six to eight visits per year would be needed for maintenance purposes.

3.3 Project Construction Characteristics

Construction activities would span a duration of approximately two weeks and construction equipment would include one drilling rig and one crane. The ultimate area of ground level disturbance would encompass an approximately 10-foot by 10-foot area.

3.4 Project-Related Approvals

The following discretionary approvals are required of the City of Santa Fe Springs to implement the proposed Project: Zoning Variances, a Conditional Use Permit (CUP) and a Development Agreement between the Project Applicant and Lead Agency.

3.4.1 Variances

Implementation of the Project would require the following five zoning variances (ZV) because the Project, as designed, is inconsistent with several requirements applicable to billboards specified in the City of Santa Fe Springs Municipal Code § 155.384, "*Billboards.*" The Project Applicant has requested the variances because the proposed billboard location is the only location available in the City of Santa Fe Springs along the segment of I-5 in which the Applicant desires to place the billboard where Caltrans' 1,000-foot spacing requirement between billboards can be met.

- ZV Case No. 82: A proposed variance to deviate from Municipal Code § 155.384(E)(1) to allow the billboard to project over the roof of an existing warehouse building. The clearance between the building's roof and the bottom of the billboard face is proposed at 2.0 feet. Municipal Code § 155.384(E)(1) specifies that billboards are prohibited from projecting over the roof of a building. The Project Applicant has indicated that the variance is requested because the proposed location is the only location along this segment of the I-5 corridor in the City of Santa Fe Springs where the billboard could be located and meet the 1,000-foot distance separation requirement between billboards required by Caltrans. If the billboard were to be proposed in another location, east or west of the proposed location, where the billboard would not project over a building, the location would not meet Caltrans' 1,000-foot spacing requirement.
- ZV Case Nos. 84, 85, and 86: Three proposed variances to deviate from Municipal Code § 155.384(H)(6) to allow the proposed billboard to be placed 16.3-feet from the front property line (ZV Case No. 84), 11.3 feet from the side property line (ZV Case No. 85), and 2.9 feet from an existing building (ZV Case no. 86). All of these distances are less than the 25-foot minimum setback distance to all property lines and buildings required by the Municipal Code. The Project Applicant has indicated that the variances are requested because there are not 25 feet available between the front and side property lines and the existing warehouse building where the billboard support column can be placed. The proposed location is the only location along this segment of the I-5 corridor in the City of Santa Fe Springs where the billboard can be located and still meet the 1,000-foot distance separation requirement between billboards as required by Caltrans.
- ZV Case No. 87: A proposed variance to deviate from Municipal Code § 155.384(I)(3) to allow for the on-site relocation of an existing small tree. The Municipal Code specifies that the installation



of new billboards shall not require the removal of trees or other on-site landscaping. The tree to be removed is indicated in the photograph below.

Tree to be Relocated



Pursuant to the City's Municipal Code Section § 155.675, "*Required Showing by the Applicant*," before the requested variances can be granted by the Planning Commission, the Project Applicant is required to show that all of the following conditions apply for each requested variance:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone.
- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question.
- (C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity.
- (D) That the granting of such variance will not adversely affect the master plan of the City.

As stated in Municipal Code § 155.671, "*Purpose and Limitations*,"

"The sole purpose of a variance shall be to insure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. No variance shall be granted which would have the effect of granting a special privilege not shared by other properties in the same vicinity and zone."

The Planning Commission will make this determination as part of a duly noticed public hearing to deliberate on the proposed Project consider the Project for approval, approval with conditions, or denial.



3.4.2 Conditional Use Permit No. 795

The City of Santa Fe Springs Municipal Code § 155.384, *Billboards*, requires a Conditional Use Permit (CUP) because the proposed Project consists of the installation of a new digital billboard within the M-2-FOZ zone. Pursuant to Municipal Code § 155.711, *"Purpose and Limitations,"*

"The purpose of the conditional use permit is to allow proper integration of uses into the community which may only be suitable in specific locations, or only if such uses are designed or constructed in a particular manner on the site, and under certain conditions."

Further, in accordance with Municipal Code § 155.716, *"Commission's Consideration,"*

"Before granting a conditional use permit, the Commission shall satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. The Commission shall give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community."

The Planning Commission will make this determination as part of a duly noticed public hearing to deliberate on the proposed Project consider the Project for approval, approval with conditions, or denial.

3.4.3 Development Agreement (City of Santa Fe Springs)

The City of Santa Fe Springs Municipal Code § 155.384, *Billboards*, Section (A) requires a Development Agreement because the proposed Project consists of the installation of a new digital billboard within the M-2-FOZ zone. The Development Agreement would be executed between the Project Applicant and the City of Santa Fe Springs strictly in relation to the proposed Project. California Government Code §§ 65864-65869.5 authorize the use of development agreements between any city, county, or city and county, with any person having a legal or equitable interest in real property for the development of the property. The Development Agreement would provide the Project Applicant with assurance that development of the Project may proceed subject to the rules and regulations in effect at the time of Project approval. The Development Agreement also would provide the City of Santa Fe Springs with assurance that certain obligations of the Project Applicant will be met, including, but not limited to, the following: proof of Outdoor Advertising (ODA) Display Permit approval by Caltrans, proof of property owner consent for the construction of the Project, proof of Conditional Use Permit (CUP) approved by the City, proof of all needed zoning variances (ZVs) approved by the City, and various technical standards regarding the construction and operation of the digital billboard. The entering into of the Development Agreement, in and of itself, would not lead to a physical change in the environment other than the foreseeable changes inherent to the construction and operation of the proposed billboard Project described in this document.

3.4.4 Caltrans Outdoor Advertising (ODA) Display Permit

Pursuant to the Federal Highway Beautification Act (1965) and State Outdoor Advertising Act (2014), Caltrans is responsible for regulating the placement of outdoor advertising displays visible from California Highways and performing regular review of outdoor advertising displays located adjacent to freeways and highways identified on the National Highway System. The Project entails the proposed construction of a digital, dual-faced billboard adjacent to I-5; therefore, the Project would be subject to approval of an Outdoor Advertising (ODA) Display Permit by Caltrans. The approval of the ODA Display Permit



Application, in and of itself, would not lead to a physical change in the environment other than the foreseeable changes inherent to the construction and operation of the proposed billboard Project described in this document.

3.5 Existing Environmental Characteristics

3.5.1 Aesthetics

The City of Santa Fe Springs is located in an urbanized area of Los Angeles County. The Project site is located on the north side of Interstate 5 (I-5), which is an interstate freeway that is part of the California State Highway System. The visual characteristics of the I-5 corridor along the freeway segment where the Project site is located consists of views of industrial and commercial buildings, parking lots, truck trailer storage lots, ornamental landscaping, traffic directional signs, digital billboards, static signs, utility poles, and overhead utility lines.

3.5.2 Air Quality

The City of Santa Fe Springs is located within the South Coast Air Basin (SCAB or "Basin"), which is within the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD identifies the City of Santa Fe Springs, including the Project site, as having better air quality than other inland portions of the Basin (SCAQMD, 2016). Regardless, the SCAQMD reports a severe air pollution problem in the SCAB as a consequence of the combination of emissions and meteorological conditions which are adverse to the dispersion of those emissions. In the SCAB, high concentrations of ozone (O₃) are normally recorded during the spring and summer months, while high concentrations of carbon monoxide (CO) are generally recorded in late fall and winter. High particulate matter concentrations can occur throughout the year, but occur most frequently in the fall and winter.

3.5.3 Topography, Geology, and Soils

Under existing conditions, the parcel upon which the Project is proposed is developed with an industrial warehouse use and is located at an elevation of approximately 68 feet above mean sea level (amsl) in the northeastern portion of the site to 64 ft amsl in the southeastern portion of the site. The Project site and surrounding area is generally flat and lacking of prominent topographical features. (Google Earth Pro, 2018)

Los Angeles County, like most regions in southern California, is located in a region subject to high seismic activity and is subject to risks and hazards associated with potentially destructive earthquakes. One of the secondary hazards of earthquakes is liquefaction, which is a phenomenon involving the loss of shear strength of a soil resulting from the increase of pore water pressure due to vibration of soil particles. Due to the depth of the groundwater table (greater than 50 feet below ground level), the Project site and surrounding area are not likely to be subject to liquefaction hazards. (City of Santa Fe Springs, 1994, SE p. 13)

3.5.4 Hydrology

Under existing conditions, storm water on the Project site generally sheet flows toward an on-site catchment basin and drainage swale which then convey the flows south toward the storm water catchment system in Freeway Drive where the storm water enters the City's master drainage network.



3.5.5 Biological Resources

The Project site is fully developed with an existing building, surface parking lots, ornamental landscaping, and hardscape. Animal life within the area consists of species commonly found in an urban area.

3.5.6 Historical, Archaeological, and Paleontological Resources

Given the extensive ground disturbance that has occurred throughout the City, including the Project site, it is unlikely that archaeologically or paleontologically significant resources would be discovered in the 10-foot by 10-foot area that would be disturbed for Project construction activities.

3.5.7 Rare and Unique Resources

As required by CEQA Guidelines Section 15125(c), "Special emphasis should be placed on resources that are rare or unique to that region and would be affected by the project." Based on the Project's site's existing developed condition, the proposed Project site does not contain any resources that are rare or unique to the region.



4.0 Project Information

1. Project Title

Santa Fe Springs Digital Billboard

2. Lead Agency Name and Address

City of Santa Fe Springs
Planning and Development Department
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

3. Contact Person and Phone Number

Cuong Nguyen – City of Santa Fe Springs Senior Planner
cuongnguyen@santafesprings.org
(562) 868-0511 ext. 7359

4. Project Location

The Project location encompasses Assessor Parcel Number (APN) 8069-016-006 and is associated with the address 13539 East Freeway Drive, Santa Fe Springs, California. The Project site is located immediately north and east of Freeway Drive and west of Spring Drive, north of Interstate 5.

5. Project Applicant

Becker Boards
4350 East Camelback Road, Suite B-195
Phoenix, AZ 85018

6. General Plan Designation

Industrial

7. Zoning

Heavy Manufacturing – Freeway Overlay Zone (M-2 FOZ)

8. Description of Project:

Please refer to Section 3.0 for a detailed description of the proposed Project.

9. Surrounding Land Uses and Setting:

As previously discussed in Section 2.0 and presented in Figure 2-4, the Project site is located along the Interstate 5 (I-5) corridor and is specifically bounded by industrial land uses to the north, beyond which is Excelsior Drive and more industrial land uses; on the south by Freeway Drive and the I-5 freeway, on



the west by industrial land uses and Freeway Drive beyond which are commercial land uses, and on the east by industrial land uses beyond which is Spring Drive and more industrial land uses.

10. Other Public Agencies Whose Approval Is Required (e.g., permits, financing approval, or participation agreement)

Public Agency	Approvals and Decisions
California Department of Transportation (CalTrans)	Approval of development/design plans pursuant to the Outdoor Advertising Act



5.0 Environmental Checklist

5.1 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that would require mitigation, as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| ☐ Aesthetics | ☐ Greenhouse Gas Emissions | ☐ Public Services |
| ☐ Agriculture and Forestry Resources | ☐ Hazards & Hazardous Materials | ☐ Recreation |
| ☐ Air Quality | ☐ Hydrology/Water Quality | ☐ Transportation |
| ☒ Biological Resources | ☐ Land Use/Planning | ☒ Tribal Cultural Resources |
| ☐ Cultural Resources | ☐ Mineral Resources | ☐ Utilities/Service Systems |
| ☐ Energy | ☐ Noise | ☐ Wildfire |
| ☐ Geology/Soils | ☐ Population/Housing | ☐ Mandatory Findings of Significance |

5.2 Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	☐
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	☒
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	☐
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	☐
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	☐

Submitted by: Cuong Nguyen, Senior Planner, Santa Fe Springs

Date



6.0 Environmental Analysis

6.1 Evaluation of Environmental Impacts

6.1.1 Aesthetics

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the Project:				
a) <i>Have a substantial adverse effect on a scenic vista?</i>	☐	☐	☒	☐
b) <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</i>	☐	☐	☐	☒
c) <i>In non-urbanized areas, substantially degrade the existing visual character or quality of public views the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</i>	☐	☐	☒	☐
d) <i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i>	☐	☐	☒	☐

Existing Visual Setting

As previously depicted on Figure 2-3, under existing conditions the Project site is fully developed. The western portion of the Project site is developed with an approximately 45,000 s.f. warehouse facility that is currently occupied by the Hurlen Corporation. A concrete-paved parking lot is located east of the warehouse facility and ornamental landscaping (i.e., street trees, shrubs, etc.) occurs along the southern boundary of the site, which fronts Freeway Drive, and along the Project site's eastern boundary. The proposed Project evaluated herein entails the construction of a dual-faced digital billboard on the southwest portion of the Project site, which is typified with ornamental ground covering, hardscape, and trees.

Public views of the southwest corner of the Project site are available primarily from motorists traveling along the I-5 freeway, and motorist and pedestrians traveling along Freeway Drive. The visual character of the I-5 corridor in the vicinity of the Project site is characterized by views of industrial building frontages, cement dividers located along the center and shoulder of the I-5, street trees, utility poles located along adjacent roadways, and light posts located along adjacent roadways and parking lots. As shown on Figure 6-1, *View Simulation*, views of the southwest corner of the Project site experienced from the I-5 corridor consist of the frontage of the warehouse facility, concrete pavement, street lights, utility poles, and ornamental landscaping. Views of the southwest corner of the Project site from Freeway Drive include frontage views of the warehouse facility and ornamental landscaping. Views of the existing features on the southwest corner of the Project site are not available from private residential properties, located approximately 0.50-mile northwest of the Project site. Nonetheless, impacts to private views are not a



Figure 6-1 View Simulations REVISED SIMULATION REQUESTED OF APPLICANT



subject of consideration in this IS/MND because the City does not have any ordinances or policies in place related to views of billboards from privately-owned property.

a) *Would the Project have a substantial adverse effect on a scenic vista?*

Finding: Less-than-Significant Impact: The Project site and the southwest corner of the Project site where the Project is proposed do not contribute to a scenic vista, and the City of Santa Fe Springs General Plan does not identify any scenic vistas on the Project site or in the vicinity of the site. The nearest scenic vistas to the Project site are the San Gabriel Mountains, Workman Hills, and Hacienda Hills which would not be substantially affected by the Project. Therefore, the Project would have less-than-significant impacts on scenic vistas and no mitigation is required.

The Project site is located in a low-lying, valley floor in the southern portion of the City. The City of Santa Fe Springs General Plan does not identify or discuss scenic vistas throughout the City; however, the nearest potential scenic vistas within the vicinity include views of the San Gabriel Mountains, approximately 20 miles to the north, Hacienda Hills, approximately 7.4 miles to the north, and Workman Hill, approximately 6.6 miles to the northeast (Google Earth Pro, 2018). These distant landforms are prominently visible from the Project site's vicinity on clear days but not under typical conditions due to atmospheric haze that is common throughout the region.

With mandatory compliance with the City of Santa Fe Springs Municipal Code requirements for billboard signage, Project-related development would not adversely affect views of the San Gabriel Mountains from nearby public viewing areas on clear days when the mountains are visible because the maximum height of the billboard would reach approximately 60 feet above ground and would not result in obstruction of, or substantially detract from, public views of the mountains along the horizon. Because public views of the San Gabriel Mountains would still be available from public viewing areas surrounding the Project site and the proposed digital billboard would be substantially lower in height (60 feet above existing grade), compared to the approximate 10,000-foot peak height of the mountain range, the Project would not have a substantial adverse effect on the public views of the surrounding mountains. Accordingly, the Project would result in a less-than-significant impact on the San Gabriel Mountains scenic vista. (USGS, 2004) (Google Earth Pro, 2018)

The Project would have a less-than-significant impact on public views of the Hacienda Hills, to the north, and Workman Hill, to the northeast, due to the distance and elevation of the Hacienda Hills and Workman Hill in relation to the Project site and existing intervening development.

Based on the foregoing analysis, the future development of a digital billboard on the southwest corner of the Project site would not have a substantial adverse effect on scenic vistas, and a less-than-significant impact would occur.

b) *Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

Finding: No Impact. Implementation of the proposed Project would not damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. The Project site is not visible from a State scenic highway. Therefore, there is no potential for impacts to occur.



Under existing conditions, the entirety of the Project site is developed with a few ornamental trees, and no rock outcroppings are located within the Project site proposed to be developed with the digital billboard. The Project would entail the removal of one ornamental tree. Additionally, the Project has no potential to damage historic buildings, as none occur on the Project site under existing conditions. Caltrans does not officially designate any scenic highways within the City of Santa Fe Springs or within the vicinity of the Project site, including the segment of the I-5 freeway located to the immediate south of the Project site (Caltrans, 2011). Accordingly, the proposed Project has no potential to damage scenic resources within a State scenic highway and no impact would occur.

c) *Would the Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Finding: Less-than-Significant Impact (with Zoning Variance and CUP Approvals by the City's Planning Commission). The proposed Project is located in an urbanized area adjacent to I-5. The Project involves zoning variances, and as such, would be found to comply with applicable zoning regulations governing scenic quality only upon the Planning Commission's determination that the provisions of Municipal Code Section §155.675 are met and the Planning Commission's adoption of Findings pursuant to Municipal Code §155.675. Upon the Planning Commission's adoption of Findings and approval of the requested Zoning Variances, a less-than-significant impact related to compliance with applicable regulations would occur and mitigation is not required. If the Findings cannot be made by the Planning Commission, the Project would not be approved. Similarly, the Project involves a CUP, and as such, would be found to comply with applicable zoning regulations governing scenic quality only upon the Planning Commission's determination pursuant to Municipal Code §155.716 that the proposed use would not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. The Commission is required to "give due consideration to the appearance of any proposed structure and . . . the general appearance and welfare of the community" when deliberating on a CUP. Upon the Planning Commission's approval of the requested CUP, a less-than-significant impact related to compliance with applicable regulations would occur and mitigation is not required.

The Project Applicant proposes to construct and operate a digital, dual-faced billboard on the southwest corner of the Project site. The Project site and the surrounding area is fully urbanized and developed with industrial and freeway-oriented land uses. Under existing conditions, the Project site is zoned "Heavy Manufacturing – Freeway Overlay Zone (M-2-FOZ)." The proposed billboard would be permitted upon approval of a CUP and variances to the Freeway Overlay Zone (FOZ).

Municipal Code Chapter 155, *Zoning*, § 155.384, "Billboards," states as follows, which indicates that the City's ordinance pertaining to billboards is an applicable regulation pertaining to scenic quality:

"Purpose. Billboards are recognized as a legitimate form of commercial use in the city. However, the size, number, location and illumination of billboards can have significant influence on the city's visual environment, and can, without adequate control, create or contribute to blighted conditions. The purpose of this section is to provide



reasonable billboard control, recognizing that community appearance is an important factor in ensuring the general community welfare."

Implementation of the Project would require the City's approval of five zoning variances because the Project is inconsistent with several requirements applicable to billboards specified in the City of Santa Fe Springs Municipal Code §155.384. ZV Case No. 82 is a proposed variance to deviate from Municipal Code § 155.384(E)(1) to allow the billboard to project over the roof of an existing warehouse building. The clearance between the building's roof and the bottom of the billboard face is proposed at 2.0 feet. Municipal Code § 155.384(E)(1) specifies that billboards are prohibited from projecting over the roof of a building. ZV Case Nos. 84, 85, and 86 are three proposed variances to deviate from Municipal Code § 155.384(H)(6) to allow the proposed billboard is to be placed 16.3-feet from the front property line (ZV Case No. 84), 11.3 feet from the side property line (ZV Case No. 85), and 2.9 feet from an existing building (ZV Case no. 86). All of these distances are less than the 25-foot minimum setback distance to all property lines and buildings required by the Municipal Code. ZV Case No. 87 is a proposed variance to deviate from Municipal Code § 155.384(I)(3) to allow the on-site relocation of an existing small tree. The Municipal Code specifies that the installation of new billboards shall not require the removal of trees or other on-site landscaping.

The Project Applicant has requested the variances because the proposed billboard location is the only location available in the City of Santa Fe Springs along the segment of I-5 in which the Applicant desires to place the billboard where Caltrans' 1,000-foot spacing requirement between billboards can be met. The visual character of the I-5 corridor in the vicinity of the Project site is established by views of industrial building frontages and associated surface parking lots and drive isles, cement dividers located along the center and shoulder of I-5, freeway directional signage, several digital and static billboards, street trees, utility poles and overhead utility lines located along adjacent roadways, and lighting posts located along adjacent roadways and parking lots. The installation and operation of a digital billboard on the site in the location proposed is visually conducive with the industrial nature of the Project area and environs located adjacent to the freeway corridor. The Project does not propose to alter the existing building and landscaping features on the Project site other than the relocation of one small tree.

Regardless of the industrial nature of the I-5 corridor and the proposed digital billboard's seeming compatibility with the visual character of the area in which the billboard is proposed to be placed, it will be the Planning Commission's discretion to approve or deny the proposed zoning variances pursuant to the adoption of Findings and the consideration of information supplied by the Applicant at the public hearing in accordance with Municipal Code Section § 155.675, "Required Showing by the Applicant," which requires that before the requested variances can be granted by the City's Planning Commission, the Project Applicant is required to show that all of the following conditions apply for each requested variance:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone.
- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question.



(C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity.

(D) That the granting of such variance will not adversely affect the master plan of the City.

The Project would be found to comply with Municipal Code Chapter 155, *Zoning*, § 155.384, “Billboards,” the purpose of which in part is to protect scenic quality, only upon the Planning Commission’s determination that the provisions of Municipal Code Section §155.675 are met and the Planning Commission’s adoption of Findings pursuant to Municipal Code §155.675. Upon the Planning Commission’s adoption of Findings and approval of the requested Zoning Variances, a less-than-significant impact related to compliance with applicable regulations adopted for the purpose of protecting scenic quality would occur. If the Findings cannot be made by the Planning Commission, the Project would not be approved.

Similarly, the Project involves a CUP, and in order to approve a CUP, the City’s Planning Commission is required to consider Municipal Code § 155.716, “*Commission’s Consideration*,” which states the following and establishes applicability to the topic of scenic quality:

“Before granting a conditional use permit, the Commission shall satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. The Commission shall give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.”

Regardless of the digital billboard’s seeming visual compatibility with the I-5 corridor and industrial character of the area, the Project would only be found to comply with this applicable Municipal Code regulation governing scenic quality upon the Planning Commission’s approval of the CUP.

d) *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views?*

Finding: Less-than-Significant Impact. While the Project would introduce a new source of artificial light, implementation of the Project would not result in a significant source of light or glare that would adversely affect daytime or nighttime views. Accordingly, a less-than-significant impact would occur under this threshold.

Under existing conditions, the Project site is developed with industrial land uses and features exterior lighting within the parking lot at the east portion of the Project site. Exterior lighting is also present within neighboring industrial areas to the east and west of the site. Street lights are located along Freeway Drive (to the south and southwest). Lighting posts are located within roadways and parking lots adjacent to the I-5 corridor in the vicinity of the Project site. Exterior lighting from vehicle headlights traveling on the I-5 and roads neighboring the Project site is present. The proposed Project would result in an increase in ambient light generation via the projection of images on an LED interface that would be visible primarily to motorists traveling on the I-5 freeway. Due to the height of the billboard (60 feet), all or a portion of the LED display also would be visible from nearby properties, including the residential neighborhoods located approximately 0.50-mile northwest in relation to the Project site. Light measurements utilize foot-candles as a unit of lighting intensity, which is the amount of light produced by a single candle when



measured from one foot away (for reference, a 100-watt light bulb produces 137 foot-candles at one foot away) (Watchfire, 2019, p. 2). According to the Project's lighting study prepared by Watchfire (included herein as *Technical Appendix A*), and as shown on Figure 6-2, *Billboard Lighting Intensity (Facing West)*, and Figure 6-3, *Billboard Lighting Intensity (Facing East)*, due to the lighting direction, intensity, and distance of the proposed billboard, residential areas within the vicinity of the Project site would experience a nearly undetectable increase in ambient light as a result of the operation of the proposed digital billboard. Ambient light levels are heavily impacted by street, building, and landscape lights compared to the increases produced by a LED display. (Watchfire, 2019, p. 4)

Additionally, City of Santa Fe Springs Municipal Code § 155.384, *Billboards*, regulates the operation of digital billboards with respect to illumination. As stated in § 155.384.J(15), a billboard's illumination shall be considered vision impairing when its brilliance exceeds the minimum measured brightness in the driver's field of view by 1,000 times when the light source is within 10 degrees from the driver's normal line of sight. As shown on Figure 6-2 and Figure 6-3, the lighting study demonstrates that the illumination produced by the proposed billboard would not exceed 0.68-foot candles at 100 feet at any angle from its west-facing or east-facing sides. Additionally, the billboard is required to be equipped with an ambient light sensor that automatically adjusts the brightness level of the electronic sign based on ambient light conditions.

Aesthetics: Mitigation Measures

Upon the Planning Commission's approval of the Project Applicant's proposed Zoning Variances (ZVs) and Conditional Use Permit (CUP), implementation of the proposed Project would result in less-than-significant impacts associated with aesthetics and no mitigation measures are required.



Figure 6-2 *Billboard Lighting Intensity (Facing West)*



Figure 6-3 Billboard Lighting Intensity (Facing East)

**6.1.2 Agriculture and Forestry Resources**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</i>	☐	☐	☐	☒
b) <i>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</i>	☐	☐	☐	☒
c) <i>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</i>	☐	☐	☐	☒
d) <i>Result in the loss of forest land or conversion of forest land to non-forest use?</i>	☐	☐	☐	☒
e) <i>Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</i>	☐	☐	☐	☒

a) *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use*

Finding: No Impact. The Project site is completely developed with industrial land uses. In addition, the Project site does not contain any soils mapped by the California Department of Conservation (CDC) as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. No impact would occur and mitigation is not required.

The City of Santa Fe Springs is mostly built-out and does not contain any significant agricultural resources. According to mapping conducted by the CDC as part of the Farmland Mapping & Monitoring Program (FMMP) the Project site is identified as containing "Other Land." The Project site and surrounding areas do not contain any soils mapped by the CDC as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. (CDC, 2016a) Accordingly, implementation of the proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use. Thus, no impact would occur and no mitigation is required.



b) *Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Finding: No Impact. According to information available from the California Department of Conservation (CDC), there are no agricultural lands subject to a Williamson Act Contract within the City of Santa Fe Springs. The Project has no potential to conflict with existing zoning for agricultural use, or a Williamson Act Contract. No impact would occur and mitigation is not required.

The Project site and areas to the south, east, and west are zoned Heavy Manufacturing- Freeway Overlay Zone (M-2-FOZ). The areas north of the Project site are zoned Heavy Manufacturing (M-2). There are no existing or proposed agricultural zoning designations affecting the Project site or surrounding area. As such the Project has no potential to conflict with agricultural zoning designations, and no impact would occur.

According to information available from the California Department of Conservation (CDC) there are no agricultural lands subject to a Williamson Act Contract within the City of Santa Fe Springs (CDC, 2016b). Accordingly, the proposed Project would not conflict with a Williamson Act Contract. No impact would occur and no mitigation is required.

c) *Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Finding: No Impact. The Project site is zoned for and developed with industrial land uses. Accordingly, the proposed Project has no potential to conflict with existing forest land, timberland, or timberland zoned Timberland Production areas. No impact would occur and mitigation is not required.

The Project site and surrounding areas are developed with industrial uses under existing conditions. There are no forest resources on the Project site or within the vicinity of the Project site. Under existing conditions, the Project site is zoned as M-2-FOZ and the General Plan designation is Industrial. There are no lands within the City of Santa Fe Springs, including the Project site and properties surrounding the Project site, that are zoned for forestland, timberland, or timberland zoned Timberland Production (City of Santa Fe Springs, 2007b). Accordingly, the proposed Project has no potential to impact properties zoned for forest land or timberland zoned Timberland Production. As such, no impact would occur and no mitigation is required.

d) *Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

Finding: No Impact. The Project site is fully developed with industrial land uses. Accordingly, the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur and mitigation is not required.

The City of Santa Fe Springs, including the Project site and properties surrounding the Project site, does not contain any forest lands. Under existing conditions, the Project site is developed with industrial uses and contains only limited ornamental landscaping. Accordingly, the proposed Project has no potential to



result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur and no mitigation is required.

e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Finding: No Impact. The proposed Project would not involve any changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur and mitigation is not required.

As indicated in the analyses presented above under Thresholds a) through d), the Project site and surrounding areas are predominantly developed with industrial uses and do not contain any lands that are used for farmland or forest land. Accordingly, the proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or the conversion of forest land to non-forest use. Thus, no impact would occur and no mitigation is required.

Agriculture and Forestry Resources: Mitigation Measures

Implementation of the proposed Project would result in no impacts associated with agriculture and forestry resources; therefore, no mitigation measures are required.

**6.1.3 Air Quality**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Conflict with or obstruct implementation of the applicable air quality plan?</i>	☐	☐	☐	☒
b) <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?</i>	☐	☐	☒	☐
c) <i>Expose sensitive receptors to substantial pollutant concentrations?</i>	☐	☐	☒	☐
d) <i>Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?</i>	☐	☐	☒	☐

The information and analysis discussion provided within this Subsection is derived from an Air Quality Emission Calculations prepared by Urban Crossroads for a similar digital billboard project located in the City of Baldwin Park and included as *Technical Appendix B* to this IS/MND. The Air Quality Emission Calculations were prepared in order to evaluate the potential impacts to air quality associated with the construction and operation of a digital billboard. The Air Quality Emission Calculations used the California Emissions Estimator ModelTM (CalEEMod) to calculate construction-source and operational-source criteria pollutant emissions that would result from constructing and operating a billboard. Criteria pollutants are pollutants that are regulated through the development of human health-based and/or environmentally-based criteria for setting permissible levels. Criteria pollutants include ozone (O₃), nitrogen oxides (NO_x), volatile organic compounds (VOCs), particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), sulfur dioxide (SO₂), carbon monoxide (CO), reactive organic gases (ROGs), and lead.

As discussed in Section 3.5, the Project site is located within the SCAB, a 6,745-square mile sub-region of the South Coast Air Quality Management District (SCAQMD). The SCAB is bound by the Pacific Ocean to the west; the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, respectively; and the San Diego County line to the south.

a) *Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

Finding: No Impact. The proposed Project would not conflict or obstruct implementation of the SCAQMD's 2012 Air Quality Management Plan (AQMP). No impacts would occur and mitigation is not required.

The SCAQMD has adopted a series of AQMPs to meet State and Federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions and accommodate growth. The most recent AQMP (2016) was adopted by the SCAQMD Governing Board on March 3, 2017. The SCAQMD established criteria for determining consistency with their AQMP, which are defined in Chapter 12, Sections 12.2 and 12.3 of the SCAQMD CEQA Air Quality Handbook and are discussed below.



- *Consistency Criterion No. 1:* The Project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.
- *Consistency Criterion No. 2:* The Project will not exceed the assumptions in the AQMP based on the year of Project build-out (2019).

Implementation of the proposed Project would entail the installation of a digital billboard, the construction and operation of which would not result in an increase in the frequency or severity of existing air quality violations, nor would it cause or contribute to new violations that would inhibit attainment of air quality standards specified in the AQMP. For calculations of the Project's air emissions, refer to Threshold 6.1.3(b), below. Additionally, the proposed Project would not affect any regional population, housing, and employment projections prepared for the City of Santa Fe Springs by SCAG, and therefore would not exceed the assumptions in the AQMP. As a result, the proposed Project would not conflict with, or obstruct the implementation of, the applicable air quality plan and no impacts would occur.

b) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Finding: Less-than-Significant Impact. Construction and operation of the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. Impacts would be less than significant and mitigation is not required.

The Project site is located within the SCAB and within the jurisdiction of the SCAQMD. The SCAB does not attain State of California air quality standards for O₃, PM₁₀, or PM_{2.5}, and does not meet federal air quality standards for O₃ or PM_{2.5} (SCAQMD, 2016a, Ch. 2). To identify projects that will adversely affect the region's air quality through direct and indirect sources, the SCAQMD has developed regional significance thresholds for regulated pollutants, shown below in Table 6-1, *SCAQMD Maximum Regional Daily Emissions Thresholds*. The SCAQMD's CEQA Air Quality Significance Thresholds (March 2015) indicate that any projects in the SCAB with daily regional emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. Additionally, the SCAQMD has established that impacts to air quality are significant if there is a potential to contribute to or cause localized exceedances of the federal and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, these are referred to as Regional Significance Thresholds, which are shown in Table 6-1. Thus, if the proposed Project would produce air emissions that equal or exceed any of the criteria listed in Table 6-1, the emissions will be considered significant on both a direct and cumulative basis.



Table 6-1 SCAQMD Maximum Regional Daily Emissions Thresholds

Regional Significance Thresholds		
Pollutant	Construction	Operations
NO _x	100 lbs./day	55 lbs./day
VOC	75 lbs./day	55 lbs./day
PM ₁₀	150 lbs./day	150 lbs./day
PM _{2.5}	55 lbs./day	55 lbs./day
SO _x	150 lbs./day	150 lbs./day
CO	550 lbs./day	550 lbs./day
Lead	3 lbs./day	3 lbs./day

Source: SCAQMD Air Quality Significance Thresholds, March 2015

Air quality impacts/emissions associated with a project can be placed into two categories: temporary (short-term) or long-term emissions. Temporary (short-term) emissions are generally associated with the demolition, grading, and construction activities of the project while long-term emissions are associated with the day-to-day operation, use, and area emissions from such activities as vehicle use, consumer product use, and energy generation/consumption.

Construction-Related Air Pollutant Emissions

The Project's construction-related air pollutant emissions are anticipated to be similar to the emissions calculated by Urban Crossroads, Inc. using the CalEEMod modeling program, for the Baldwin Park digital billboard project. The CalEEMod calculations are included as *Technical Appendix B*, and are presented in Table 6-2, *Summary of Construction-Related Emissions*. Table 6-2 presents the Project's calculated maximum daily construction emissions for each pollutant prior to the incorporation of mitigation or compliance with mandatory regulatory requirements. As shown in Table 6-2, the maximum daily construction-related emissions would be well below the SCAQMD's significance thresholds for all regulated air pollutants. Additionally, these emissions would be short-term and cease at the completion of construction activity. As such, air quality impacts associated with construction-related emissions would be less than significant, and no mitigation is necessary.

Table 6-2 Summary of Construction-Related Emissions

Construction-Related Activities	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Daily Emissions	2.07	24.68	10.86	0.03	1.06	0.91
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2016, Table 1)

Operation-Related Air Pollutant Emissions

The Project's operation-related emissions are anticipated to be similar to the emissions calculated by Urban Crossroads, Inc. using the CalEEMod modeling program, for the Baldwin Park digital billboard project and are included as *Technical Appendix B. Table 6-3, Summary of Operation-Related Emissions*, presents the emissions calculated to result from the day-to-day operation and maintenance of a digital billboard, which includes energy source emissions, as well as mobile source emissions (vehicle operation) associated with routine maintenance of the billboard. On average, the operation of the proposed billboard would require an input of 6,500 kilowatt hours (kWh) of energy per month and would generate a maximum of one two-way trip approximately six to eight times per year (for maintenance purposes). No mitigation measures were employed in the modeling and calculation of the emissions. As shown in Table 6-3, a digital billboard's operational emissions would not exceed the SCAQMD regional significance thresholds for any criteria pollutants. Therefore, long-term operational air quality emissions associated with the Project would be less than significant, and no mitigation is required.

Table 6-3 Summary of Operation-Related Emissions

Operational Activities (Summer and Winter Scenarios)	Emissions (pounds per day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Total Maximum Daily Emissions	0.01	0.04	0.15	0.00	0.03	0.01
SCAQMD Regional Threshold	55	55	550	150	150	55
Threshold Exceeded?	NO	NO	NO	NO	NO	NO

Source: (Urban Crossroads, 2016, Table 2)

As discussed, the SCAB does not achieve the State of California standards for O₃, PM₁₀, and PM_{2.5}, and also does not achieve federal standards for O₃ and PM_{2.5} (SCAQMD, 2016a, Ch. 2). As indicated in the discussion and analysis of above, Project-related emissions of air pollutants would not exceed the SCAQMD's regional thresholds of significance for any criteria pollutants. Projects that produce daily emissions below the project-specific significance thresholds are considered by the SCAQMD to be less than cumulatively considerable; as such, Project-specific and cumulative significance thresholds are the same. Therefore, because the Project would not result in emissions that exceed the SCAQMD's regional thresholds of significance, the Project would not result in a cumulatively considerable net increase in emissions. Furthermore, Project-related construction activities would not exceed the SCAQMD's regional significance thresholds.

Accordingly, implementation of the Project would not substantially contribute to a net increase of any criteria pollutant for which the Project region is non-attainment or is considered an O₃ precursor; therefore, impacts would be less than significant and less than cumulatively considerable.

c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Finding: Less-than-Significant Impact. The Project would not expose sensitive receptors to substantial construction- or operations-related pollutant concentrations. Additionally, the Project would not result in the generation of a CO "hot spot." Impacts would be less than significant and no mitigation is required.

A "sensitive receptor" is a person in the population who is particularly susceptible to health effects due to exposure to an air contaminant than is the population at large. Sensitive receptors and associated



facilities that house them in proximity to local CO sources, toxic air contaminants, or odors are of particular concern in the evaluation of potential pollutant concentrations. Sensitive receptors include children, the elderly, persons with preexisting respiratory or cardiovascular illness, and athletes and others who engage in frequent, heavy cardiovascular exercise. Sensitive receptors located nearest the Project site include the residences located to the southeast, southwest, and northeast of the Project site.

As described in Threshold b), above, Project-related construction and operation would not produce emissions above the SCAQMD's regional thresholds of significance. In addition, due to the nature of the Project (proposed stationary digital billboard), its trip generation would be nominal at one two-way trip approximately six to eight times per year, for billboard maintenance. A maximum of one two-way trip approximately six to eight times per year is not significant enough to result in a CO "hotspot" that could lead to an exceedance of the State's CO standards. Accordingly, no substantial pollutant concentrations would result from the Project's construction or operation and a less-than-significant impact to sensitive receptors would occur.

d) *Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)*

Finding: Less-than-Significant Impact. Impacts associated with odors generated during the proposed Project's construction and long-term operation would be less than significant, and mitigation is not required.

The proposed Project would involve the construction and operation of a digital billboard, which is not a land use typically associated with emitting objectionable odors. Potential temporary odor sources associated with the construction of the proposed Project may result from construction equipment exhaust and the application of asphalt (if necessary, for Project construction). Construction-related odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phases of construction. In addition, these types of odors are common in construction activities and are not considered to be offensive or objectionable to a large portion of the population. As such, odor emissions associated with construction activities is considered less than significant. The Project's construction-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances related to odors. Therefore, odors associated with construction and operation of the Project would be less than significant and no mitigation is required.

Air Quality: Mitigation Measures

The proposed Project would result in less-than-significant impacts to air quality; accordingly, mitigation measures are not required.



6.1.4 Biological Resources

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</i>	☐	☐	☐	☒
b) <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?</i>	☐	☐	☐	☒
c) <i>Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>	☐	☐	☐	☒
d) <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?</i>	☐	☐	☒	☐
e) <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>	☐	☒	☐	☐
f) <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>	☐	☐	☐	☒

- a) *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Finding: No Impact. The Project site is developed with industrial land uses, and does not contain habitat of sufficient importance to species regulated by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service (USFWS).



Under existing conditions, the Project site is developed with a warehouse facility, concrete-paved parking lot, ornamental landscaping, and hardscape. The proposed 10-foot by 10-foot disturbance area on the southwestern portion of the Project site does not contain native habitat or sensitive plant species or vegetation that serve as habitat to sensitive animal species (Google Earth Pro, 2018). Accordingly, no impacts to sensitive species would occur and no mitigation measures are necessary.

b) *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Finding: No Impact. The Project would have no potential to impact riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW and USFWS.

The Project site is developed with industrial land uses under existing conditions. The Project site does not contain riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or the USFWS. Accordingly, no impact to riparian habitat would occur.

c) *Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Finding: No Impact. The Project would have no impact on State or federally protected wetlands.

The Project site is developed with industrial land uses and does not contain any wetlands. Accordingly, the proposed Project would have no impact on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?*

Finding: Less-than-Significant Impact. Biological resources are limited due to the urban and suburban nature of the City. The construction of the proposed Project would not significantly interfere with native resident or migratory fish or wildlife species movement, wildlife corridors, or native wildlife nursery sites.

Under existing conditions, the Project site is developed with a warehouse facility, concrete-paved parking lot, ornamental landscaping, and hardscape. Under existing conditions, the Project site does not provide habitat for native species, is not part of a terrestrial wildlife movement corridor, and does not serve as a native wildlife nursery site. The Project would involve the relocation of one small tree on the site to accommodate the construction of the billboard. Mandatory compliance with the federal Migratory Bird Treaty Act (MBTA) would preclude impacts to nesting birds in the unlikely event that nesting birds are present at the site during construction activities. Accordingly, implementation of the proposed Project would have a less-than-significant impact with respect to the movement of any native resident or



migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or with the use of native wildlife nursery sites.

e) *Would the Project conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance?*

Finding: Less-than-Significant Impact with Mitigation. The Project would entail the relocation of one small ornamental tree on the Project site during Project development. Municipal Code § 155.384(I)(3) specifies that the installation of new billboards shall not require the removal of trees or other on-site landscaping. Thus, the impact is determined to be significant and mitigation is applied to require tree replacement at a 2:1 ratio.

The Project site is developed with an industrial warehouse use under existing conditions. As discussed under Section 6.1.1, Aesthetics, the City of Santa Fe Municipal Code Billboard Ordinance § 155.384 (I)(3) prohibits the removal of trees or other on-site landscaping for the purpose of installing a billboard. Implementation of the proposed Project would require the relocation of one small ornamental tree, which is in conflict with the ordinance provision. As such, the Project entails ZV Case No. 87, which is a proposed zoning variance to deviate from the ordinance provision to allow the tree relocation. Absent a mitigation measure, there is no assurance that the tree will survive upon relocation. Therefore, the conflict with Municipal Code § 155.384 (I)(3) is determined to be a significant impact requiring mitigation in the form of tree replacement at a 2:1 ratio.

Municipal Code § 96.138, *Tree Ordinance*, regulates the protection of trees in any street, alley, or public right-of-way. As described in Section 3.1, the Project would not affect any trees located in a street, alley, or public right-of way. Therefore, no conflict with would occur with Municipal Code § 96.138.

There are no other local policies or ordinances protecting biological resources that are applicable to the proposed Project.

f) *Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation plan, or other approved local, or state habitat conservation plan?*

Finding: No Impact. The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

According to the CDFW, there are no Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans applicable to the Project site (CDFW, 2017). Accordingly, the Project has no potential to conflict with any of the above and no impact would occur.

Biological Resources: Mitigation Measures

MM BIO-1 To compensate for the loss of one existing ornamental tree, the Project Applicant shall plant two ornamental trees having a minimum size of 24-inch box on the Project site in the landscape strip adjacent to Freeway Drive. Relocation of the existing tree can count toward one of the two required trees if the existing tree can be successfully relocated. The City of



Santa Fe Springs shall verify the tree planting prior to the issuance of permits to initiate billboard construction.

6.1.5 Cultural Resources

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?</i>	☐	☐	☐	☒
b) <i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</i>	☐	☐	☒	☐
c) <i>Disturb any human remains, including those interred outside of formal cemeteries?</i>	☐	☐	☐	☒

a) *Would the Project cause a substantial adverse change in the significant of historical resources pursuant to §15064.5?*

Finding: No Impact. No significant historic resources are located on the Project site and no significant historic resources would be impacted by the construction or operation of the proposed Project. Accordingly, the proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 and no impact would occur.

None of the Project site's existing features are included on the National Register of Historic Places, the California Register of Historical Resources, or the California Historic Resources Information System (NPS, 2014; OHP, 2016). Because the existing structure on the Project site is not on federal, State, or local lists of designated historic resources and not eligible for listing, the building is not historically significant as defined by CEQA Guidelines §15064.5 and no impact to historical resources would occur.

b) *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*

Finding: Less-than-Significant Impact. There is a remote potential for archaeological resources to be unearthed during the Project's ground-disturbing construction activities. The Project site is in a developed urban area where previous ground disturbance excavation has occurred and there is a limited impact area (proposed 10-foot by 10-foot area).

Given the developed nature of the project site and surrounding areas, the lack of known archaeological resources in the area, and the relatively small area of disturbance to install the proposed billboard (proposed 10-foot by 10-foot disturbance area where excavation would occur), and minimal amount of excavation, it is highly unlikely that archaeological resources would be encountered during construction. Therefore, potential impacts from the proposed Project would be less than significant and no mitigation is required. It should be noted that mitigation is applied for the potential discovery of Tribal Cultural Resources in Section 6.1.18 of this IS/MND.



c) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

Finding: No Impact. In the unlikely event that Project construction activities unearth human remains, mandatory compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98(b) would ensure that no impacts would occur.

The Project site is not known to have ever been used as a cemetery. The possibility of uncovering human remains during Project-related grading activities is also remote due to fact that the previous development of the site has substantially disturbed the subsurface of the site. Pursuant to California Health and Safety Code Section 7050.5, in the unlikely event human remains are encountered during ground-disturbing activities, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner. If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98. Mandatory compliance with these requirements would ensure that no impacts associated with the discovery of human remains would occur. In addition, it should be noted that mitigation is applied for the potential discovery of Tribal Cultural Resources in Section 6.1.18 of this IS/MND.

6.1.6 Energy

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

a) Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Finding: Less-than-Significant Impact. The Project would be required to comply with CCR Title 13 Section 2449(d)(3), which limits construction vehicle idling times. Additionally, the proposed billboard would utilize LED bulbs. Compared to incandescent lighting, LED bulbs use at least 75% less energy, last 25 times longer, and also emit substantially less heat. Therefore, the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during construction or operation and impacts would be less than significant.



Project-Related Construction Energy Use

The Project's construction process would consume electrical energy and fuel. Project construction would represent a "single-event" electric energy and fuel demand and would not require on-going or permanent commitment of energy or diesel fuel resources for this purpose. Fuel consumed by construction equipment would be the primary energy resource expended over the course of Project-related construction. The aggregate fuel consumption rate for all equipment is estimated at 18.5 horsepower hours per gallon (hp-hr-gal), obtained from the cited fuel consumption rate factors presented in Table D-21, *Fuel Consumption Rate Factors*, of Appendix D of the Carl Moyer Program Guidelines (CARB, 2017, p. D-27). Construction workers would also consume fuel traveling to and from the site. As generated by EMFAC 2014, an aggregated fuel economy of light duty automobiles (vehicle class within the California sub-area for a 2019 calendar year) are calculated to have a fuel efficiency of 28.17 miles per gallon (MPG).

The 2017 Integrated Energy Policy Report (IEPR) published by the California Energy Commissions (CEC) shows that fuel efficiencies are improving for on and off-road vehicle engines due to more stringent government requirements. The amount of energy and fuel used anticipated by the Project construction activities would be typical for the type of construction proposed because there are no aspects of the Project's proposed construction process that are unusual or energy-intensive, and Project construction equipment would conform to the applicable CARB emissions standards, acting to promote equipment fuel efficiencies. California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3), Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials and/or in response to citizen complaints. As supported by the preceding discussions, Project-related construction energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Project-Related Operational Energy Use

The proposed billboard is designed to use LED bulbs, which is one of the most energy-efficient lighting technologies available. Compared to incandescent lighting, LED bulbs use at least 75% less energy, last 25 times longer, and also emit substantially less heat (USDOE, 2017). The proposed billboard would use approximately 6,500 kilowatt-hours (kWh) per month (Urban Crossroads, 2016). Therefore, the Project would not result in the inefficient or wasteful use of energy. Accordingly, a less-than-significant impact would occur.

b) Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Finding: Less-than-Significant Impact. Federal and State agencies regulate energy use and consumption through various means and programs. On the federal level, the United States Department of Transportation (DOT), the United States Department of Energy (DOE), and the United States Environmental Protection Agency (EPA) are three federal agencies with substantial influence over energy policies and programs. On the State level, the Public Utilities Commission (PUC) and the California Energy Commissions (CEC) are two agencies with authority over different aspects of energy. There is no evidence to



suggest that the Project would be inconsistent with applicable federal and State regulations or renewable energy plans.

Federal and State agencies regulate energy use and consumption through various means and programs. On the federal level, the United State Department of Transportation (DOT), the United States Department of Energy (DOE), and the United States Environmental Protection Agency (EPA) are three federal agencies with substantial influence over energy policies and programs. On the State level, the Public Utilities Commission (PUC) and the California Energy Commissions (CEC) are two agencies with authority over different aspects of energy. Relevant federal and State energy-related laws and plans are summarized below. Project consistency with applicable federal and State regulations is presented below each regulation.

Federal Regulations

Intermodal Surface Transportation Efficiency

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. The applicable MPO for the City of Santa Fe Springs is the Southern California Association of Governments (SCAG). SCAG's *Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* is the applicable planning document for the Project site.

Project Consistency: Transportation and access to the Project site is provided via Freeway Drive. The Project's operation would not generate any traffic, with the exception of one two-way trip that would occur between 6 and 8 times per year to perform on-site maintenance of the proposed billboard. The Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the ISTEA, because no intermodal facilities are planned on or through the Project site.

State Regulations

Integrated Energy Policy Report

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public health and safety (Public Resources Code Section 25301a). The CEC prepares these assessments and associated policy recommendations every two years, with updates on alternate years, as part of the Integrated Energy Policy Report.

The 2017 Integrated Energy Policy Report (CEC, 2018), focuses on next steps for transforming transportation energy use in California. The 2017 IEPR addresses the role of transportation in meeting state climate, air quality, and energy goals; the transportation fuel supply; the Alternative and Renewable Fuel and Vehicle Technology Program; current and potential funding mechanisms to advance transportation policy; transportation energy demand forecasts; the status of statewide plug-in electric



vehicle infrastructure; challenges and opportunities for electric vehicle infrastructure deployment; measuring success and defining metrics within the Alternative and Renewable Fuel and Vehicle Technology Program; market transformation benefits resulting from Alternative and Renewable Fuel and Vehicle Technology Program investments; the state of hydrogen, zero-emission vehicle, biofuels, and natural gas technologies over the next ten years; transportation linkages with natural gas infrastructure; evaluation of methane emissions from the natural gas system and implications for the transportation system; changing trends in California's sources of crude oil; the increasing use of crude-by-rail in California; the integration of environmental information in renewable energy planning processes; an update on electricity reliability planning for Southern California energy infrastructure; and an update to the electricity demand forecast.

Project Consistency: The 2017 IEPR is a State Policy report. An individual development proposal such as the Project has no ability to comply with or conflict with this report.

State of California Energy Plan

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access.

Project Consistency: The Project would not generate substantial amounts of vehicle miles traveled. The Project's operational traffic is limited to 6 to 8 two-way trips per year for billboard maintenance. The Project would not interfere with, nor obstruct implementation of the State of California Energy Plan.

California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code), was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. California's building efficiency standards are updated on an approximately three-year cycle. The 2016 Standards for building construction, which went into effect on January 1, 2017, improved upon the former 2013 Standards for residential and nonresidential buildings. Section 140.8 (a) describes the maximum allowed lighting power for double-faced signs. The proposed Project would comply with the lighting power not exceeding the product of the illuminated sign area and not exceed 2.3 watts per square foot.

Project Consistency: The Project is required by State law to be designed, constructed, and operated to meet or exceed Title 24 Energy Efficiency Standards. Confirmation of compliance with Title 24 will be verified through the City's plan check process. On this basis, the Project is determined to be consistent with and would not interfere with, nor otherwise obstruct implementation of Title 24 Energy Efficiency Standards.

Pavley Fuel Efficiency Standards (AB 1493)



In California, AB 1493 establishes fuel efficiency ratings for model year 2009-2016 passenger cars and light trucks.

Project Consistency: AB 1493 is applicable to the Project because model year 2009-2016 passenger cars and light duty truck vehicles traveling to and from the Project site are required by law to comply with the legislation's fuel efficiency requirements. Compliance with all federal, State, and local ordinances is required and is a standard condition that will be applied to the Project's proposed CUP. On this basis, the Project would not interfere with, nor otherwise obstruct implementation of AB 1493.

California Renewable Portfolio Standards (SB 1078)

SB 1078 requires electric corporations to increase the amount of energy obtained from eligible renewable energy resources to 20 percent by 2010 and 33 percent by 2020.

Project Consistency: Energy directly or indirectly supplied to the Project by electric corporations is required by law to comply with SB 1078.

Based on the forgoing analysis, the proposed Project is not anticipated to conflict or obstruct any federal, State, or local plan for renewable energy or energy efficiency. Project impacts would be less than significant.



6.1.7 Geology and Soils

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</i>	☐	☐	☒	☐
i) <i>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</i>	☐	☐	☐	☒
ii) <i>Strong seismic ground shaking?</i>	☐	☐	☒	☐
iii) <i>Seismic-related ground failure, including liquefaction?</i>	☐	☐	☒	☐
iv) <i>Landslides?</i>	☐	☐	☐	☒
b) <i>Result in substantial soil erosion or the loss of topsoil?</i>	☐	☐	☐	☒
c) <i>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</i>	☐	☐	☒	☐
d) <i>Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</i>	☐	☐	☐	☒
e) <i>Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</i>	☐	☐	☐	☒
f) <i>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>	☐	☐	☐	☒

a) *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- ii) *Strong seismic ground shaking?*
- iii) *Seismic-related ground failure, including liquefaction?*
- iv) *Landslides?*



Finding: Less-than-Significant Impact. With mandatory adherence to the 2016 California Building Code the proposed Project would not directly or indirectly cause potential adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), and landslides. Impacts would be less than significant and no mitigation is required.

a.i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault*

There are no known faults on the Project site and the Project site is not located within an Alquist-Priolo earthquake fault zone (CDC, 2010). As such, there is no potential for ground rupture at the site.

a.ii) *Strong seismic ground shaking*

Southern California is a seismically active area and properties in the City of Santa Fe Springs, including the Project site, are subject to periodic ground shaking and other effects from earthquake activity along nearby and regional faults. Fault zones in the regional vicinity with the potential to cause moderate ground shaking in the City of Santa Fe Springs include the Whittier Fault Zone, the Norwalk Fault Zone, the East Montebello Fault, and the Newport-Inglewood Fault (CDC, 2010).

Similar to all other development projects within Southern California, the Project has the potential to expose the proposed structure to adverse effects associated with seismic events. The Project would be required to comply with the most current California Building Standards Code (CBSC), which requires the incorporation of special structural design standards to attenuate hazards associated with credible seismic ground shaking events that are anticipated in the Project area. Compliance with applicable requirements of the CBSC would be assured through future City review of construction permits, which would require that strong seismic ground shaking effects are attenuated. As such, impacts would be less than significant and mitigation is not required.

a.iii) *Seismic-related ground failure, including liquefaction*

The Project site is located within a current mapped California Liquefaction Hazard Zone (CDC, 2015). Liquefaction typically occurs in loose granular and cohesionless soils with shallow groundwater (within approximately 50 feet below ground surface [bgs]). During an earthquake, distortion of soil mass occurs and pore pressure increases resulting in a decrease in bearing capacity. After dissipation of the excess pore pressures, the saturated soils tend to settle. According to the City's General Plan Safety Element, the depth to the water table throughout the City is greater than 50 feet bgs; therefore, the potential for liquefaction hazard is low (City of Santa Fe Springs, 1994, SE p. 13). Nonetheless, compliance with applicable requirements of the CBSC would be assured through future City review of construction permits, which would require that strong seismic ground shaking effects, that may lead to liquefaction are attenuated. As such, impacts would be less than significant and mitigation is not required.

a.iv) *Landslides*



The Project site is not located within a current mapped California Earthquake-Induced Landslide Hazard Zone (CDC, 2015). Additionally, the Project site and surrounding area is generally flat and lacking of prominent topographical features. As such, no impacts related to landslide would occur and mitigation is not required.

b) *Would the Project result in substantial soil erosion or the loss of topsoil?*

Finding: No Impact. The proposed Project would not result in substantial soil erosion or the loss of topsoil. No impacts related to soil erosion or loss of topsoil would occur and no mitigation is required.

Under existing conditions, the entirety of the Project site is developed and limited excavation would be required for installation of the billboard support column and associated utility connections. Installation of the proposed billboard would require a limited amount of excavation (approximately 590 cubic feet of soil) from the southwest corner of the Project site; however, excavated soil would not remain on-site and would immediately be transported to the Puente Hills Material Recovery Facility, located approximately 9.7 miles north of the Project site. Given the currently developed character of the Project site, the limited area of disturbance, and the fact that excavated soil would not be left on-site to erode, no impacts related to soil erosion or loss of topsoil would be anticipated. Additionally, the long-term operation of the Project as a digital billboard would not result in increased erosion effects and would not increase the volume or velocity of water discharged from the site. Accordingly, no impacts related to soil erosion or loss of topsoil would occur and no mitigation is required.

c) *Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Finding: Less-than-Significant Impact. The proposed Project would not be located on a geologic unit or soil that is unstable that would potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Mandatory compliance with the CBSC would result in less than significant impacts and no mitigation would be required.

Potential landslide, lateral spreading, soil stability, and liquefaction hazards are addressed above under the discussion and analysis of Thresholds a) and b). As discussed under Thresholds a) and b), with mandatory compliance with applicable requirements and standards of the CBSC, impacts due to landslides and liquefaction would be less than significant and mitigation is not required. Additionally, the entirety of the Project site is fully developed and the likelihood for the Project to be subject to unstable soils is low. The billboard column is proposed to be secured to a footing installed at a depth estimated over 40 feet bgs to ensure stability. Based on the foregoing analysis, and with mandatory compliance with the CBSC requirements, the proposed Project would result in less-than-significant impacts due to unstable soil conditions that could result in on- or off-site landslides, lateral spreading, subsidence, liquefaction, and collapse.



d) *Would the Project be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Finding: No Impact. The Project would not be subject to substantial direct or indirect risks to life or property associated with expansive soils. No impact would occur and mitigation is not required.

The Project site is fully developed under existing conditions. Additionally, no new grading or significant excavation activities would be required as part of the construction of the proposed billboard. The billboard column is proposed to be secured with a deep footing (estimated to extend over 40-feet) to ensure stability. Accordingly, the Project would not create a substantial direct or indirect risk to life or property associated with expansive soils, and no impact would occur.

e) *Would the project have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

Finding: No Impact. No septic tanks or alternative waste water disposal systems would be utilized by the Project or are proposed as part of the Project; accordingly, no impact due to soils incapable of supporting such systems would occur. Mitigation is not required.

The proposed Project is a digital billboard, and would not utilize septic tanks or alternative wastewater disposal systems. Accordingly, no impact would occur.

f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Finding: No impact. Due to the existing fully developed nature of the Project site, and the limited excavation activity proposed as part of the Project's construction, it is not reasonably foreseeable that significant paleontological or unique geological resources would be impacted.

Due to the fully developed nature of the Project site under existing conditions, the likelihood of the discovery of a unique paleontological resource or geologic feature during construction activities is considered very low and not reasonably foreseeable due to the limited degree of excavation required to install the proposed billboard column and associated infrastructure connections. Due to the existing disturbed character of the underlying soil at the Project site and the limited extent of excavation that would be required to construct the Project, there would be no impacts to unique geologic features or surficial paleontological resources.

Geology and Soils: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to geology and/or soils; accordingly, mitigation measures are not required.

**6.1.8 Greenhouse Gas Emissions**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	☐	☐	☒	☐
b) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	☐	☐	☐	☒

Global Climate Change

Global Climate Change (GCC) is defined as the change in average meteorological conditions on the Earth with respect to temperature, precipitation, and storms. These historical changes to the Earth's climate have occurred naturally without human influence, as in the case of an ice age. However, many scientists believe that the climate shift taking place since the industrial revolution (1900) is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in the Earth's atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases. Many scientists believe that this increased rate of climate change is the result of GHGs resulting from human activity and industrialization over the past 200 years.

An individual project like the proposed Project cannot generate enough GHG emissions to effect a discernible change in global climate. However, the proposed Project may participate in the potential for GCC by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on GCC.

Greenhouse Gases

GHGs are gases that trap heat in the atmosphere, and are released into the atmosphere by both natural and anthropogenic (human) activity. Emissions of carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O) are the primary contributors to GCC from development projects. Although other substances such as fluorinated gases also contribute to GCC, sources of fluorinated gases are not well-defined and no accepted emissions factors or methodology exist to accurately calculate these gases. GHGs have varying global warming potential (GWP) values; GWP values represent the potential of a gas to trap heat in the atmosphere.

Determination of Significance Thresholds

In 2012, SCAQMD released a draft guidance for greenhouse gas emission thresholds for residential and commercial projects, which presents the following thresholds for evaluating GHG emissions from such projects:

- Tier 1: If the Project is exempt under existing statutory or categorical exemptions there is a presumption of "less-than-significant" impacts with respect to climate change.



- Tier 2: If the project's GHG emissions are within the GHG budgets in approved regional plan (plans consistent with CEQA sections 15064 (h)(3), 15125 (d), or 15152 (s)), there is a presumption of the "less-than-significant" impacts with respect to climate change.
- Tier 3: Consists of screening values at the discretion of the lead agency; however, they should be consistent for all projects within its jurisdiction. Project-related construction emissions should be amortized over 30 years and should be added back to the project's operational emissions. The following thresholds are proposed for consideration:
 - 3,000 metric tons of carbon dioxide equivalent (MTCO₂e) per year for all land use types; or
 - 3,500 MTCO₂e per year for residential; 1,400 MTCO₂e per year for commercial; or 3,000 MTCO₂e per year for mixed-use projects.
- Tier 4: Does the project meet one of the following performance standards? If yes, there is a presumption of "less-than-significant" impacts with respect to climate change.
 - Option 1: Reduce emissions from business as usual by a certain percentage (currently undefined)
 - Option 2: Early implementation of applicable AB 32 Scoping Plan measures; or
 - Option 3: A project-level efficiency target of 4.8 MTCO₂e per service population as a 2020 target and 3.0 MTCO₂e per service population as a 2035 target. The recommended plan-level target for 2020 is 6.6 MTCO₂e and the plan level target for 2035 is 4.1 MTCO₂e.
- Tier 5: Involves mitigation offsets to achieve target significance thresholds.

According to the SCAQMD's proposed GHG screening threshold for stationary source emissions described in the SCAQMD's *Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans* ("SCAQMD interim GHG Threshold"), a screening threshold of 3,000 MTCO₂e per year to determine if additional analysis is required as an acceptable approach for small non-industrial projects. The City of Santa Fe Springs has not adopted its own numeric threshold of significance for determining impacts with respect to GHG emissions. Therefore, for purposes of analysis herein, the proposed Project may have a significant adverse impact on GHG emissions if it would generate GHG emissions that exceed the SCAQMD's proposed 3,000 MTCO₂e per year screening threshold for all land use types (Tier 3).

a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Finding: Less-than-Significant Impact. The Project would result in GHG emissions that are below the significance screening threshold of 3,000 MTCO₂e/year. Thus, the Project's emissions of GHGs would be less than significant and mitigation is not required.

Urban Crossroads, Inc. utilized the CalEEMod modeling program to calculate GHG emissions from billboard-related construction and operational sources. The calculated Project-related GHG emissions (unmitigated) are presented below in Table 6-4, *Total Project Greenhouse Gas Emissions*. As shown in Table 6-4, operational activities associated with the proposed Project would result in emissions of CO₂, CH₄, and N₂O strictly from energy source emissions from the Project's electricity demand and mobile source emissions as a result of billboard maintenance visits (six to eight times per year). As shown in Table 6-4, the Project-related construction and operation would produce approximately 23.07 MTCO₂e per year from GHG emissions. This calculation was derived from the amortization of Project-related construction emissions over 30 years which were added back to the Project's operational emissions. The proposed



Project's estimated GHG emissions of 23.07 MTCO₂e per year would be less than the SCAQMD's interim threshold of 3,000 MTCO₂e per year. Therefore, the proposed Project would result in less-than-significant impact to GHG emissions, and mitigation is not required.

Table 6-4 Total Project Greenhouse Gas Emissions

Emission Source	Emissions (metric tons per year)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ e
Construction-related emissions	0.23	6.57E-05	--	0.23
Energy ^A	18.87	1.03E-03	2.10E-04	18.96
Mobile Sources ^B	3.88	1.60E-04	0	3.88
Total CO₂e (All Sources)	23.07 CO₂e			
SCAQMD Threshold	3,000 CO₂e			
Significant?	NO			

Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

Table results include scientific notation "E" is used to represent *times ten raised to the power of X and is followed by the value of the exponent*.

^A Includes combustion emissions associated with natural gas and electricity.

^B Includes emissions from operation of motor vehicles by construction and maintenance employees.

Source: (Urban Crossroads, 2016, Table 3)

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Finding: No Impacts. The proposed Project would comply with all applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions; accordingly, no impact due to a conflict with any plans, policies, or regulations adopted for the purpose of reducing GHG emissions would occur. Mitigation is not required.

As discussed in Threshold a) above, the Project would generate GHG emissions calculated at 23.07 MTCO₂e per year, which is well below the SCAQMD draft screening level threshold of 3,000 MTCO₂e per year that is utilized to evaluate the significance of a small non-industrial project's GHG emissions.

Additionally, activities associated with the Project would be subject to all applicable federal, state, and regional requirements adopted for the purpose of reducing GHG emissions, including, but not limited to, CBSC Title 24 Energy Standards (also known as CALGreen); California Assemble Bill (AB) 1493; Executive Orders S-3-05 and B-30-15; AB 32: Senate Bill (SB) 1368; SB 97; SB 32 (2016); and the applicable policies of the City's General Plan that reduce GHG emissions. There are no other plans, policies, or regulations adopted for the purpose of reducing GHG emissions that are applicable to the Project area; therefore, the Project would have no potential to conflict with such plans, policies, or regulations.

Based on the foregoing analysis, the Project would have no impact with respect to Threshold b), and no mitigation is necessary.

Greenhouse Gas Emissions: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts due to GHG emissions; therefore, mitigation measures would not be required.

**6.1.9 Hazards and Hazardous Materials**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?</i>	☐	☐	☒	☐
b) <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	☐	☐	☒	☐
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>	☐	☐	☐	☒
d) <i>Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>	☐	☐	☒	☐
e) <i>For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</i>	☐	☐	☐	☒
f) <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>	☐	☐	☐	☒
g) <i>Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</i>	☐	☐	☐	☒

- a) *Would the Project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?*
- b) *Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*



d) *Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Finding: Less-than-Significant Impact. There are no components of the Project's proposed construction or operation characteristics that have the potential to create significant hazard to the public or the environment through routine transport, use or disposal of hazardous materials. Accordingly, a less-than-significant impact would occur and no mitigation would be required.

Implementation of the proposed Project would result in the construction and operation of a digital billboard. While construction of the proposed billboard would disturb soil, there are no known hazardous materials at the Project site and no hazardous materials would be emitted during operation of the billboard. Heavy equipment would be used during construction of the proposed Project, which would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with the proposed Project than would occur on any other similar construction site, and such impacts would be less than significant. The billboard's digital display faces would be comprised of a series of modules that house LED lamps, wiring, and electronics encased in aluminum or steel enclosures, two to three feet in width per side (WireSpring, 2016). Project maintenance may require the removal and replacement of defective LED enclosures, thereby resulting in waste from the disposal of the LED unit. However, LED bulbs are not considered toxic or hazardous and are disposed of in regular landfills. Moreover, implementation and compliance with the City of Santa Fe Springs Municipal Code Chapter 97, *Environmental Protection*, would further ensure that any potential impacts would be less than significant (City of Santa Fe Springs, 2018). There are no other components of the Project's proposed construction or operation characteristics that have the potential to create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. Accordingly, a less-than-significant impact would occur and no mitigation would be required.

c) *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Finding: No Impact. The nearest school is located approximately 0.46 miles from the Project site. Therefore, the proposed Project would therefore have no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. Additionally, no impact would occur and mitigation is not required.

The Project site is not located within one-quarter mile of an existing or proposed school. The nearest school to the Project site is Ramona School located approximately 0.46 miles northwest of the Project site in the City of Norwalk. Accordingly, the proposed Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would occur and no mitigation is required.



e) *For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

Finding: No Impact. The Project site is not located within an airport land use plan or within two miles of a public airport or public use airport. Accordingly, the Project would not result in an airport safety hazard or excessive noise for people residing or working in the Project area. No impact would occur and mitigation is not required.

The nearest airport to the Project site is the Fullerton Municipal Airport which is located approximately 3.7 miles southeast of the Project site. According to the Orange County ALUC Airport Environs Land Use Plan for Fullerton Municipal Airport, the Project site is not located within the influence area of the Fullerton Municipal Airport (OC ALUC, 2004). Due to the Project site's distance from the nearest airport, the Project would not expose people working or residing in the Project area to excessive noise associated with airports. Accordingly, no airport safety impacts would occur and no mitigation is required.

f) *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Finding: No Impact. The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur and mitigation is not required.

Due to the inherent, small-scale nature and location of the proposed billboard within an existing landscape area on the southwestern portion of the developed Project site, the Project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Additionally, all construction activities would occur on-site, and no roadway closures would be required. No impact would occur and mitigation is not required.

g) *Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Finding: No Impact. The Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impact would occur and mitigation is not required.

The City's General Plan states that because Santa Fe Springs is an urbanized community, structural fires rather than wildland fires represent the greatest fire risk throughout the City (City of Santa Fe Springs, 1994, SE p. 35). The Project site is located within and is surrounded by urban built-up land. Accordingly, the proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No impact would occur and no mitigation is required.

Hazards and Hazardous Materials: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts associated with hazards and hazardous materials; therefore, mitigation measures would not be required.



6.1.10 Hydrology and Water Quality

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</i>	☐	☐	☒	☐
b) <i>Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</i>	☐	☐	☐	☒
c) <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</i>				
i. <i>Result in substantial erosion or siltation on- or off-site;</i>	☐	☐	☒	☐
ii. <i>Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</i>	☐	☐	☒	☐
iii. <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or</i>	☐	☐	☒	☐
iv. <i>impede or redirect flood flows?</i>	☐	☐	☐	☒
d) <i>In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</i>	☐	☐	☐	☒
e) <i>Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</i>	☐	☐	☒	☐

a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Finding: Less-Than-Significant Impact. The Project would not violate any water quality standard or waste discharge requirement or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant and mitigation is not required.

Construction of the proposed Project would involve the drilling of a deep (estimated over 40-feet), 5-foot wide borehole and the installation of materials associated with the billboard's support infrastructure. These activities could potentially result in the generation of water quality pollutants such as silt, debris, chemicals, and other solvents with the potential to adversely affect water quality. Project excavation would remove approximately 590 cubic feet of soil from the southwestern corner of the Project site;



however, excavated soil would not remain on-site and would immediately be transported to the Puente Hills Materials Recovery Facility, located 9.7 miles north of the Project site. Given the Project's minimal impact area and the fact that excavated soil would immediately be transported off-site, no substantial physical features associated with the construction of a digital billboard would lead to erosion or substantial contribution of polluted storm water runoff that would result in violation of any water quality standards or waste discharge requirements.

Additionally, because the proposed billboard support column would convert only ± 86.6 square feet of landscaping to a vertical impervious surface (the support column is designed to be 5.25-feet in diameter where it meets the ground), the long-term operation of the digital billboard would not substantially increase the quantity or rate of storm water runoff nor would it substantially increase pollutant concentrations in storm water runoff from the site. Additionally, the Project would not produce wastewater discharge. Therefore, water quality impacts associated with construction and operation activities would be less than significant and no mitigation measures would be required.

Moreover, the construction and operation of a digital billboard within the southwestern portion of the Project site would result in minimal ground disturbance (proposed 10' by 10' area) and would not lead to a substantial increase of impervious surface. Additionally, the construction and operation of a digital billboard would not utilize materials or equipment that could lead to substantial surface water pollution. Other than surface storm water runoff from the Project site (which the Project would not substantially increase or pollute), there are no other known sources of pollutants that could adversely affect or degrade water quality. Accordingly, no impact would occur and mitigation is not required.

b) *Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Finding: No Impact. No groundwater wells are located on the Project site or are proposed as part of the Project. Project-related excavation would not extend into the City's groundwater table and no net change in area wide water consumption would occur. As a result, no impacts to groundwater are anticipated to result from the implementation of the proposed Project.

No groundwater wells are located on the Project site. Additionally, the Project does not propose the installation of any wells. Therefore, implementation of the proposed Project would not decrease groundwater supplies associated with water well withdraw or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

According to the City's General Plan EIR, the depth to groundwater throughout the City is greater than 50 feet bgs (City of Santa Fe Springs, 1994, SE p. 13). The excavation required for utility connections and billboard support infrastructure would not extend greater than 50 feet bgs; therefore, groundwater is not anticipated to be encountered during construction of the Project. Under current conditions, the portion of the Project site where the billboard would be constructed contains ornamental landscaping. As such, the Project would not alter the site in a manner that would interfere with groundwater recharge. In addition, the installation of the billboard would not involve any water consumption and no net change in area-wide water consumption would occur as a result of Project implementation. Accordingly, no impacts would occur with respect to the decrease of groundwater supplies or interference with groundwater recharge.



- c) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*
- i) *result in substantial erosion or siltation on- or off-site;*
 - ii) *substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;*
 - iii) *create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
 - iv) *impede or redirect flood flows?*

Finding: Less-than-Significant Impact. The Project site's drainage pattern would not be substantially altered from existing conditions. Accordingly, the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Additionally, the Project site is not located within a special flood hazard zone and, therefore, would not impede or direct flood flows. Impacts would be less than significant and mitigation is not required.

The Project site is generally flat and storm water generated on the westerly portion of the site either infiltrates on site or drains towards the south into the public storm water collection system in Freeway Drive. With implementation of the Project, the site's existing hydrological characteristics would not be substantially altered. Under the proposed conditions, runoff generated on the westerly portion of the Project site would continue to drain to the south to the storm drain inlets within Freeway Drive and would not be altered by the installation or operation of a billboard in the southwestern portion of the Project site. Furthermore, no streams or rivers are located on-site, and thus would not be altered as a result of Project implementation. Therefore, with installation of the proposed billboard, there would be no significant alteration of the site's existing drainage pattern and there would not be any significant increases in the rates of erosion or siltation or substantial increases in the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Impacts would be less than significant and no mitigation would be required.

As discussed above under Thresholds c) and d) of this Section, the Project would not substantially alter drainage patterns on-site compared to existing conditions because the only a small portion of the southwest corner of the Project site would be converted from ornamental landscaping to paved to support the proposed billboard. The amount of impervious surface added to the site would be nominal and would not substantially affect the on-site drainage pattern. The drainage infrastructure along Freeway Drive has sufficient capacity to convey runoff from the Project site under existing conditions, and because the rate and volume of runoff would not measurably increase with buildout of the Project, the Project would not create or contribute runoff which would exceed the capacity of any existing or planned storm water drainage system. Impacts would be less than significant and no mitigation would be required.



No substantial physical features associated with the construction and operation of the digital billboard would contribute substantial additional sources of polluted runoff and impacts would be less than significant. No mitigation would be required.

Additionally, according to maps provided by the Federal Emergency Management Agency (FEMA) no portion of the Project site is located within a designated 100-year flood hazard area (FEMA, 2008). The Project site is located within FEMA panel number 060158, Zone X, which is an area of minimal flood hazard. Accordingly, the Project would not impede or redirect flood flows. No impact would occur.

d) *Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Finding: No Impact. The Project site is not located within the vicinity of a large body of water or sloped area that would lead to inundation risk release of pollutants due to project inundation by flood hazard, tsunami, or seiche zones. No impacts would occur.

The entire Project site is located within FEMA Flood Zone "X (Unshaded)." Flood Zone X (Unshaded) is an area that is determined to be outside the 0.2% annual chance flood plain; thus, the Project is not located within an area subject to 100-year or 500-year flood hazard (FEMA, 2008). Therefore, Project inundation due to flood flows would not pose a substantial safety risk related to the release of pollutants. No impacts would occur and no mitigation is required.

The Pacific Ocean is located approximately 13 miles south of the site; therefore, tsunami risks are not associated with the Project site or surrounding area. Project inundation due to tsunami flows would not pose a substantial safety risk related to the release of pollutants. No impacts would occur and no mitigation is required.

According to the National Oceanic and Atmospheric Administration (NOAA), a seiche is a standing wave oscillating in a large semi- or fully-enclosed body of water such as a bay or lake, and is typically generated as a result of strong winds, rapid changes in atmospheric pressure, earthquakes, or tsunamis (NOAA, 2015). There are no large semi- or fully-enclosed bodies of water within a notable vicinity of the Project site. Additionally, the Whittier Narrows Dam is located approximately 9.0 miles northwest of the Project site. Therefore, Project inundation due to a seiche would not pose a substantial safety risk related to the release of pollutants. No impacts would occur and no mitigation is required.

e) *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Finding: Less-than-Significant Impact. The Project would not degrade the water quality of surface water or groundwater; therefore, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant.

The Project site is located within the jurisdiction of the Los Angeles Regional Water Quality Control Board (RWQCB). The RWQCB has developed a "Water Quality Control Plan" for the Los Angeles River Basin (herein "Basin Plan"), which was most recently updated in September 2014. The Basin Plan establishes water quality standards for the ground and surface waters of the region. The Basin Plan describes the action by the RWQCB and others that are necessary to achieve and maintain the water quality standards.



The RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's groundwater and surface waters. Permits are issued under a number of programs and authorities. The terms and conditions of these discharge permits are enforced through a variety of technical, administrative, and legal means. The RWQCB ensures compliance with the Basin Plan through its issuance of National Pollutant Discharge Elimination System (NPDES) Permits, issuance of Water Discharge Requirements (WDR), and Water Quality Certifications pursuant to Section 401 of the Clean Water Act (CWA).

Due to the Project's minimal impact area (approximately 10-foot by 10-foot area), the Project would not be required to apply for an NPDES permit. In addition to the Project's minimal impact area, excavated soils would be immediately transported off-site, no physical features associated with the construction of the proposed digital billboard would degrade surface water quality. Therefore, implementation of the proposed Project would not conflict or obstruct implementation of a water quality control plan and impacts would be less than significant.

The 2014 Sustainable Groundwater Management Act (SGMA) requires local public agencies and Groundwater Sustainability Agencies (GSAs) in "high"- and "medium"-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs (DWR, 2019). GSPs are detailed road maps for how groundwater basins will reach long term sustainability. The Project site is located within the Central sub-basin of the Coast Plain of Los Angeles. The California Department of Water Resources (DWR) currently categorizes the Central sub-basin as a "low-priority" basin and therefore is not subject to the requirements of the SGMA (DWR, 2018). Furthermore, §10720.8(a) of the SGMA exempts adjudicated basins from the SGMA's requirement to prepare a GSP (DWR, 2016). Accordingly, the Project has no potential to conflict with or obstruct implementation of a sustainable groundwater management plan.

Hydrology and Water Quality: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts due to hydrology and water quality considerations; accordingly, mitigation measures are not required.

6.1.11 Land Use and Planning

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

a) Would the Project physically divide an established community?

Finding: No Impact. The Project site would not physically divide any established communities. No +impact would occur and mitigation is not required.



The I-5 freeway traverses the City of Santa Fe Springs, and is located adjacent to the south of the Project site. The Project site is located within an area dominated by freeway-oriented industrial land uses that abut the north side of the I-5 freeway where billboard structures are typical. Due to the small-scale nature of the Project (approximately 60-foot tall dual-faced digital billboard on an already developed site), it would not have the potential to physically divide an established community. The nearest residential neighborhood is located approximately 0.50-mile northwest of the Project site in the City of Norwalk. Accordingly, no impacts would result from the Project's implementation with respect to the division of an established community.

b) *Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Finding: Less-than-Significant Impact (with Zoning Variance and CUP Approvals by the City's Planning Commission). The land use plans, policies, and regulations applicable to the proposed Project include the City's General Plan and the City's Zoning Code/Municipal Code. The installation of a digital billboard adjacent to the I-5 freeway is a typical land use within industrial areas adjacent to freeways and would not conflict with the General Plan. The Project involves zoning variances, however, and as such, would be found to comply with the City's Zoning Code only upon the Planning Commission's determination that the provisions of Municipal Code Section §155.675 are met and the Planning Commission's adoption of Findings pursuant to Municipal Code §155.675. Upon the Planning Commission's adoption of Findings and approval of the requested Zoning Variances, a less-than-significant impact related to compliance with the City's Zoning Code would occur and mitigation is not required. If the Findings cannot be made by the Planning Commission, the Project would not be approved. Similarly, the Project involves a CUP, and as such, would be found to comply with the Zoning Code only upon the Planning Commission's determination pursuant to Municipal Code §155.716 that the proposed use would not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. Upon the Planning Commission's approval of the requested CUP, a less-than-significant impact related to compliance with the Zoning Code would occur and mitigation is not required.

Finding:

The land use plans, policies, and regulations applicable to the proposed Project include the City's General Plan and the City's Zoning Code/Municipal Code. Each of these plans, policies, and regulations is discussed below.

Analysis of Consistency with the City of Santa Fe Springs General Plan

The City's General Plan Land Use Map designates the Project site as "Industrial" (City of Santa Fe Springs, 2007a). The installation of a digital billboard adjacent to the I-5 freeway is a typical land use within industrial areas adjacent to freeways and would not conflict with future or existing industrial development. There are several existing billboards in the City along the I-5 freeway on properties designated as Industrial by the General Plan. Accordingly, the Project would be consistent with the City's General Plan and would not require an amendment to the City's General Plan. Therefore, the Project would not cause a significant environmental impact due to a conflict with the City's General Plan and no impacts would occur.

Analysis of Consistency with the City of Santa Fe Springs Zoning Code/Municipal Code

Under existing conditions, the Project site is zoned Heavy Manufacturing – Freeway Overlay Zone (M-2-FOZ). The M-2-FOZ zoning classification is intended to provide areas for the development of heavy industrial use while providing parameters to improve the aesthetic and functional characteristic of the properties located adjacent to the freeway (City of Santa Fe Springs, 2018). Per the City's Zoning Code, billboards within the M-2-FOZ zone are permitted following the approval of a CUP. The Project Applicant has applied for a CUP to allow the installation of the proposed digital billboard. However, as discussed in Section 3.0 of this IS/MND, the Project is not consistent with certain zoning standards provided under §155.384, *Billboards*, of the City of Santa Fe Municipal Code, and thus the Project Applicant has also requested a number of variances related to setbacks, building overhang, and tree removal.

Implementation of the Project would require the City's approval of five zoning variances. ZV Case No. 82 is a proposed variance to deviate from Municipal Code § 155.384(E)(1) to allow the billboard to project over the roof of an existing warehouse building. The clearance between the building's roof and the bottom of the billboard face is proposed at 2.0 feet. Municipal Code § 155.384(E)(1) specifies that billboards are prohibited from projecting over the roof of a building. ZV Case Nos. 84, 85, and 86 are three proposed variances to deviate from Municipal Code § 155.384(H)(6) to allow the proposed billboard to be placed 16.3-feet from the front property line (ZV Case No. 84), 11.3 feet from the side property line (ZV Case No. 85), and 2.9 feet from an existing building (ZV Case no. 86). All of these distances are less than the 25-foot minimum setback distance to all property lines and buildings required by the Municipal Code. ZV Case No. 87 is a proposed variance to deviate from Municipal Code § 155.384(I)(3) to allow the on-site relocation of an existing small tree. The Municipal Code specifies that the installation of new billboards shall not require the removal of trees or other on-site landscaping.

The Project Applicant has requested the variances because the proposed billboard location is the only location available in the City of Santa Fe Springs along the segment of I-5 in which the Applicant desires to place the billboard where Caltrans' 1,000-foot spacing requirement between billboards can be met. The Project does not propose to alter the existing building and landscaping features on the Project site other than the relocation of one small tree.

It will be the Planning Commission's discretion to approve or deny the proposed zoning variances pursuant to the adoption of Findings and the consideration of information supplied by the Applicant at the public hearing in accordance with Municipal Code Section § 155.675, *"Required Showing by the Applicant,"* which requires that before the requested variances can be granted by the City's Planning Commission, the Project Applicant is required to show that all of the following conditions apply for each requested variance:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone.
- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question.
- (C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity.



(D) That the granting of such variance will not adversely affect the master plan of the City.

The Project would be found to comply with Municipal Code Chapter 155, *Zoning*, § 155.384, “*Billboards*,” the purpose of which in part is to protect scenic quality (an environmental issue), only upon the Planning Commission’s determination that the provisions of Municipal Code Section §155.675 are met and the Planning Commission’s adoption of Findings pursuant to Municipal Code §155.675. Upon the Planning Commission’s adoption of Findings and approval of the requested Zoning Variances, a less-than-significant impact related to compliance with applicable regulations adopted for the purpose of avoiding or mitigating an environmental effect would occur. If the Findings cannot be made by the Planning Commission, the Project would not be approved.

In addition, the proposed Project would be required to comply with the variety of lighting, structural, and legal provisions required by Municipal Code §155.384, *Billboards*, all of which would be enforced as conditions of the Project’s required Conditional Use Permit, Development Agreement, or through future City review of implementing development permit applications (grading permits, building permits, etc.)

Similarly, the Project involves a CUP, and in order to approve a CUP, the City’s Planning Commission is required to consider Municipal Code § 155.716, “*Commission’s Consideration*,” which states the following and establishes applicability to the topic of scenic quality:

“Before granting a conditional use permit, the Commission shall satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. The Commission shall give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.”

Regardless of the digital billboard’s seeming visual compatibility with the I-5 corridor and industrial character of the area, the Project would only be found to comply with this applicable Municipal Code regulation governing scenic quality upon the Planning Commission’s approval of the CUP.

Based on the foregoing analysis, and assuming approval of the proposed Project’s CUP and five requested variances by the City’s Planning Commission, the proposed Project would be consistent with or otherwise would not conflict with the City of Santa Fe Springs Zoning/Municipal Code or the City’s General Plan goals and policies and would not result in significant environmental impacts. A less-than-significant impact would occur and no mitigation is required.

Land Use and Planning: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts due to land use and planning considerations with zoning variances and CUP approvals by the City’s Planning Commission; accordingly, mitigation measures are not required.

**6.1.12 Mineral Resources**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

Finding: No Impact. The proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. No impact would occur and mitigation is not required.

Under existing conditions, the Project site is developed with an industrial warehouse use. No mines, wells, or other resource extraction activity occurs on the property or is known to have ever occurred on the property. Accordingly, implementation of the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, and no impact would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Finding: No Impact. The proposed Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, and no impact would occur.

The proposed Project site is not identified as a locally-important mineral resource recovery site delineated on a local general, specific plan, or other land use plan. Accordingly, no impact would occur.

Mineral Resources: Mitigation Measures

Implementation of the proposed Project would result in no impacts to mineral resources; accordingly, mitigation measures are not required.

6.1.13 Noise

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project result in:				



Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) <i>Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>	☐	☐	☒	☐
b) <i>Generation of excessive groundborne vibration or groundborne noise levels?</i>	☐	☐	☒	☐
e) <i>For a project located within the vicinity of a private airstrip or an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</i>	☐	☐	☐	☒

Existing Noise Conditions

Existing Study Area Ambient Noise Conditions

The Project site occurs in an urbanized portion of the City of Santa Fe Springs. Accordingly, the background ambient noise levels within the vicinity of the Project site are dominated by transportation-related noise associated with the surrounding roadway network, which includes noise from automobile and light/heavy truck activities along the I-5 freeway.

Existing Groundborne Vibration

Based on the operational characteristics of the industrial uses on the site under current conditions, there are no sources of substantial groundborne vibration generated on the Project site. With the exception of groundborne vibration generated by roadway vehicle traffic along the I-5 freeway and adjacent roadways, no sources of substantial groundborne vibration occur in the Project site's vicinity.

Airport Noise and Vibration

The nearest airport to the Project is the Fullerton Municipal Airport which is located approximately 3.7 miles southeast of the Project site. According to the Orange County ALUC Airport Environs Land Use Plan for Fullerton Municipal Airport, the Project site is not located within the influence area of the Fullerton Municipal Airport (OC ALUC, 2004). Accordingly, noise or vibration issues from airports would not occur.

a) *Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies*

Finding: Less-than-Significant Impact. With mandatory adherence to the City's Municipal Code Noise Ordinance standards and the inherent characteristics of the construction and operation of a digital billboard, the Project would not generate noise levels in excess of



standards established in the City's Municipal Code, General Plan Noise Element, or any other applicable regulatory standards. As such, the Project would result in a less-than-significant impact under this threshold.

Construction-Related Noise Impacts

The only potential sources of substantial temporary or periodic increases in noise levels are temporary and intermittent noise associated with the Project's construction activities via the operation of heavy equipment. According to the City of Santa Fe Springs Municipal Code § 155.425, *Special Noise Sources*, it is unlawful for any person within a residential zone or within a radius of 500 feet therefrom to operate equipment or perform any construction or repair work on buildings, structures, or project or any construction type device between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day (City of Santa Fe Springs, 2018). Further, construction noise would likely be overshadowed by vehicular noise levels from the adjacent I-5 freeway. No time frame is established by the City's Municipal Code pertaining to allowance of construction activities in the M-2 zone or M-2-FOZ. However, the City's Municipal Code does establish a noise level threshold in the M-2 zone as shown in Table 6-5, *Municipal Code Noise Standards*. Therefore, the Project's mandatory compliance with the noise level thresholds hours established by the City's Municipal Code would ensure that noise generated by the construction of the Project would not exceed applicable standards. Less-than-significant impacts would occur with respect to noise generated from construction of the Project, and mitigation is not required. For additional evaluation of temporary construction noise, refer to Threshold d) below.

Operation-Related Noise Impacts

Regarding Project-related operational activities, noise level standards applicable to the Project include those provided in the Noise Element of the City of Santa Fe Springs General Plan and the Santa Fe Springs Municipal Code, as described below.

City of Santa Fe Springs General Plan Noise Element

The City of Santa Fe Springs General Plan Noise Element identifies noise-sensitive land uses and noise sources, and defines areas of noise impact for the purpose of developing policies to ensure that Santa Fe Springs residents are protected from excessive noise (City of Santa Fe Springs, 1994, NE p. 1). Sensitive land uses are generally defined as locations where people reside or where the presence of noise could adversely affect the use of the land. Sensitive land uses include but are not limited to uses such as schools, hospitals, residences, libraries, and recreation areas. Sensitive receptors located nearest the Project site include the residences located 0.50-mile northwest of the Project site. According to the City's General Plan Noise Element, noise-sensitive land uses, such as residential, are clearly compatible with exterior noise levels at or below 65 dBA CNEL (City of Santa Fe Springs, 1994, Table 2). Operation of the Project is not anticipated to emit any audible noise except for very minor noise from periodic maintenance activity that would be overshadowed by vehicular noise on adjacent I-5 freeway. Accordingly, the Project would result in less-than-significant impacts with respect to the noise standards established by the City of Santa Fe Springs General Plan Noise Element.

City of Santa Fe Springs Municipal Code

The City of Santa Fe Springs Municipal Code § 155.424, *Permitted Noise Levels*, establishes noise limits that apply to all zones within the City, which are shown in Table 6-5, *Municipal Code Noise Standards*.



Table 6-5 Municipal Code Noise Standards

Zoning Classification	Daytime (7:00 a.m. to 10:00 p.m.)					Nighttime (10:00 p.m. to 7:00 a.m.)				
	Max dBA Cumulative Minutes (min.) Duration in Any 1-hour period				Absolute Max (dBA)	Max Cumulative Minutes (min.) Duration in Any 1-hour period (dBA)				Absolute Max (dBA)
	30 min.	15 min.	5 min.	1 min.		30 min.	15 min.	5 min.	1 min.	
Commercial: C-1 or C-4	60	65	70	75	80	55	60	65	70	75
Manufacturing: M-1 or M-2	70	75	80	85	90	70	75	80	85	90

Sound levels at or above each decibel level given in the table shall not occur for a duration longer than that given in the corresponding column heading.

Source: (City of Santa Fe Springs, 2018, § 155.424)

The Project site is located in the “Heavy Manufacturing -Freeway Overlay Zone (M-2-FOZ)” zone. Surrounding properties are zoned “Heavy Manufacturing (M-2)” and (M-2-FOZ). The operational activities associated with the proposed digital billboard would not emit any audible noise except for very minor noise from periodic maintenance activity that would be overshadowed by vehicular noise on the adjacent I-5 freeway. Therefore, impacts would be less than significant, and no mitigation is required.

The operational activities associated with the proposed digital billboard would not be anticipated to generate any substantial temporary or permanent increases in ambient noise levels to the area that would result in exceedance of the base exterior noise level standards shown in Table 6-5. Accordingly, the Project would result in less-than-significant impacts with respect to Municipal Code standards applicable to operational noise, and no mitigation is required.

Based on the foregoing analysis, the Project would not generate a temporary or permanent increase in ambient noise levels in excess of standards established in the City’s General Plan or the Municipal Code noise ordinance, or the applicable standards of other agencies. As such, impacts would be less than significant and mitigation is not required.

b) Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less-than-Significant Impact. People would not be exposed to excessive groundborne vibration or groundborne noise levels during Project construction or operations. Impacts would be less than significant and mitigation is not required.

Groundborne vibration is an oscillatory motion which can be described in terms of displacement, velocity, or acceleration. It is expected that groundborne vibration from Project construction activities would cause



intermittent, localized intrusion through the operation of heavy construction equipment and trucks. Any exposure of nearby sensitive receivers to nominal vibration would be temporary and only occur during Project construction. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. Additionally, truck deliveries (if necessary) to the site may increase vibration levels in the area; however, truck deliveries would only occur during Project construction and would be indiscernible from vehicular movement on the adjacent I-5 freeway. There would be no sources of perceptible vibration associated with Project's operation. Based on the foregoing analysis, vibration levels associated with the Project are considered less than significant, and no mitigation is necessary.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Finding: No Impact. The proposed Project is not located within the noise contours of an airport land use plan or where such a plan has been adopted, or within two miles of a public airport or public use airport. The Project is not located within a vicinity of an airstrip. Accordingly, no impact would occur and mitigation is not required.

The nearest airport to the Project is the Fullerton Municipal Airport which is located approximately 3.7 miles southeast of the Project site. According to the Orange County ALUC Airport Environs Land Use Plan for Fullerton Municipal Airport, the Project site is not located within the influence area of the Fullerton Municipal Airport (OC ALUC, 2004). Accordingly, the Project would not expose people residing or working in the Project area to excessive noise levels in relation to airports.

There are no private airstrips within the Project vicinity. Accordingly, the proposed Project would not expose people residing or working in the Project area to excessive noise levels. No impact would occur and no mitigation is required.

Noise: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to noise; accordingly, mitigation measures are not required.

**6.1.14 Population and Housing**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Finding: No Impact. Implementation of the Project would not induce substantial unplanned population growth in the area. Additionally, Project-related utility improvements would solely serve Project demand and would not induce growth to the area. No impact would occur and mitigation is not required.

The proposed Project entails the installation of a digital billboard. Digital billboards are typical of and complementary to freeway uses when properly designed and placed and have no potential to induce substantial population growth in the area, either directly or indirectly. Electric utility improvements required by the Project would solely serve the digital billboard's energy demand and would not directly or indirectly induce substantial unplanned population growth to the area. No impact would occur and no mitigation is required.

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Finding: No Impact. Under existing conditions, the Project site does not contain any residential structures. Accordingly, the Project would not displace substantial numbers of existing housing, necessitating the construction of housing elsewhere. No impact would occur and mitigation is not required.

The Project site does not contain any residential structures, is not designated for residential land use by the City's General Plan, and is not zoned for residential uses. Therefore, there is no potential for the Project to displace people or housing. No impact would occur and no mitigation is required.

Population and Housing: Mitigation Measures

Implementation of the proposed Project would result in no impact to Population and Housing. Thus, no mitigation measures are required.

**6.1.15 Public Services**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
<i>Fire protection?</i>	☐	☐	☐	☒
<i>Police protection?</i>	☐	☐	☐	☒
<i>Schools?</i>	☐	☐	☐	☒
<i>Other public facilities?</i>	☐	☐	☐	☒

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: a) Fire protection; b) Police protection; c) Schools; or d) Other public facilities?**

Finding: Less-than-Significant Impact. Public services are currently provided to the site for operation of the existing industrial land uses; therefore, the proposed Project would not measurably increase public service demands or result in the need to physically alter or cause the construction of new public service facilities. Less-than-significant impacts would occur and mitigation is not required.

Fire protection, police protection, and other public services are provided to the existing industrial land uses at the Project site. The addition of a digital billboard to the southwestern portion of the Project site would not create a measurable increase in demand for fire or police protection services because the site is already receiving these services, but a nominal increase in demand could occur directly or indirectly associated with operation of the billboard. The Project would not create a direct demand for public school services, as the land use that would occupy the Project site (i.e., a digital billboard) would not generate any school-aged children requiring public education. No component of the Project would measurably increase demand for public service facilities or result in the need to physically alter or cause the construction of new public service facilities. Because no physically expanded or new public facilities would be required, no impact would occur and mitigation is not required.

Public Services: Mitigation Measures

Implementation of the proposed Project would not measurably increase public services demand such that new or physically altered public service facilities would need to be constructed or expanded to meet the demand. Thus, no impact would occur and no mitigation measures are required.

**6.1.16 Recreation**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

- a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- b) Does the Project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?**

Finding: No Impact. Implementation of the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. The Project would not include recreational facilities or require the construction of or expansion of recreational facilities which would have an adverse physical effect on the environment. No impact would occur and mitigation is not required.

The construction and/or operation of a digital billboard on the southwestern portion of the Project site would not increase the use of recreation facilities, because it would not create a measurable demand for recreational facilities through inducing population growth, inducing the growth of businesses or housing developments, or displacing existing recreational facilities. Accordingly, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Additionally, implementation of the Project would not include recreational facilities or require the construction of or expansion of recreational facilities which would have an adverse physical effect on the environment. No impact would occur, and mitigation is not required.

Recreation: Mitigation Measures

Implementation of the proposed Project would have no impact to Recreation. Thus, no mitigation measures are required.

**6.1.17 Transportation**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) Conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

a) Would the project conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Finding: No Impact. The Project's construction-related trips would be nominal and temporary. Project operation is not anticipated to generate any vehicle trips, with the exception of 6-8 visits per year required for maintenance purposes. The Project would be consistent with or would not otherwise conflict with the City's alternative transportation policies. Accordingly, the Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. No impact would occur and mitigation is not required.

Temporary traffic impacts would be restricted within the window of the Project's construction schedule (less than a week). Due to the small-scale of the proposed construction of the billboard, Project construction would not require a substantial quantity of truck hauls to the site. Additionally, the Project Applicant estimates that four construction crew members would be required at the site each day throughout the construction of the Project, which would not generate a substantial quantity of trips during construction hours. Project operation is not anticipated to generate any additional trips to the Project site, with the exception of one two-way trip 6-8 times per year in order to perform on-site maintenance of the billboard. Accordingly, the Project would not conflict with an applicable plan, ordinance or policy related to the circulation system. No impact would occur and mitigation is not required.

The proposed billboard is not located within the right-of-way of any existing public transit, bicycle, or pedestrian facilities. Project-related construction and operation would not obstruct or alter any existing public transit, bicycle, or pedestrian facilities. No component of the Project would require the temporary or permanent closure of a public transit, bicycle, or pedestrian facility. Accordingly, the Project would not conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

**b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?**

Finding: No Impact. There is no potential for the Project to conflict with CEQA Guidelines Section 15064.3 subdivision(b). Operation of a billboard does not generate any daily traffic trips other than one two-way trip a few times (6-8) per year for maintenance. No impacts would occur and mitigation is not required.

On December 28, 2018, the State approved updates to the CEQA Guidelines, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation. Updates to the CEQA Guidelines included the addition of CEQA Guidelines Section 15064.3, of which subdivision b establishes criteria for evaluating a project's transportation impacts based on project type and using automobile Vehicle Miles Travelled (VMTs) as the metric. As a component of OPR's revisions to the CEQA Guidelines in December 2018, lead agencies will be required to adopt VMT thresholds of significance by July 2020. At the time this IS/MND was prepared the City of Santa Fe Springs in its capacity as Lead Agency has not yet adopted a VMT metric as the significance criteria for evaluating a Project's traffic impacts. Further, operation of a billboard does not generate any daily traffic trips other than one two-way trip a few times (6-8) per year for maintenance. There is no potential for the Project to conflict with CEQA Guidelines Section 15064.3 subdivision (b) since a VMT metric has not yet been established and the Project will not generate any substantive traffic other than 6-8 two-way maintenance trips per year. No impacts would occur.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Finding: Less-than-Significant Impact. The Project would not require the construction of a new roadway and would not change existing roadways. Additionally, compliance with State and Federal standards applicable to freeway-adjacent billboards would ensure the Project would not substantially increase hazards due to a geometric design feature or incompatible uses. A less-than-significant impact would occur and mitigation is not required.

Project-related construction or operation would not require the construction of new roadways and the existing configuration of the roadways within the vicinity of the Project site would remain unchanged; therefore, impacts related to sharp curves or dangerous intersections would not occur.

Implementation of the Project would be required to comply with the State Outdoor Advertising Act (2014) and the Federal Highway Beautification Act (1965). The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of digital and static signs adjacent to roadways which are intended to prevent the creation of unsafe driving conditions along the adjacent roadways as a result of the presence of such signs. These provisions include, but are not limited to, the following:

- The placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway" is prohibited (Caltrans, 2014, § 21466.5);
- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface;
- No sign shall display any statements or words of an obscene, indecent, or immoral character;
- No sign shall display flashing, intermittent, or moving light or lights;



- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard or 1,000 feet of another message center display, on the same side of the highway. (Caltrans, 2014, § 5401 - § 5405)

The Federal Highway Beautification Act governs advertising signage located along the interstate highway system, such as the I-5 freeway. The Federal Highway Beautification Act requires advertising signage be erected only in commercial or industrial zones and adhere to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- Signs located on the same side of the freeway must be separated by at least 500 feet; and,
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that may obstruct or impair the vision of any driver.

Mandatory compliance with State and federal regulations would ensure that the Project would not increase hazards due to a geometric design feature. Additionally, as described in Subsection 6.1.11, Threshold b), the Project site is designated as "Industrial" by the City's General Plan and "Heavy Manufacturing – Freeway Overlay Zone" by the City's Zoning Map. The installation of a digital billboard adjacent to the I-5 freeway is a typical land use within the industrial areas adjacent to freeways and would not conflict with future or existing industrial development. Considering the foregoing analysis and regulatory requirements, Project impacts would be less than significant and no mitigation is required.

d) *Would the Project result in inadequate emergency access?*

Finding: No Impact. No component of the Project would lead to inadequate emergency access within the vicinity of the Project site and no impact would occur.

Under existing conditions, adequate emergency access is provided within the vicinity of the Project site via Freeway Drive. Project-related construction and operation would not obstruct existing roadways and would not alter the existing roadway system. No component of the Project would require the temporary or permanent closure of a roadway. Accordingly, the Project would not result in inadequate emergency access and no impact would occur.

Transportation: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to Transportation. Thus, no mitigation measures are required.

**6.1.18 Tribal Cultural Resources**

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defines in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is				
a) <i>Listed or eligible for listing in the California Register of Historical resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?</i>	☐	☒	☐	☐
b) <i>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying for the criteria set forth in (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</i>	☐	☒	☐	☐

- a) *Listed or eligible for listing in the California Register of Historical resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*
- b) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying for the criteria set forth in (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe*

Finding: Less-than-Significant Impact with Mitigation Incorporated. There is a remote potential for tribal cultural resources to be unearthed during the Project's ground-disturbing construction activities; however, it is highly unlikely that resources, if unearthed, would be eligible for inclusion in the California Register of Historical Resources. Accordingly, impacts would be less than significant with mitigation incorporated.

The provisions of Public Resources Code § 21074 were established to address Assembly Bill 52 (AB 52). Pursuant to § 11 (c) of AB 52, the provisions of AB 52 apply to projects that have a notice of preparation (NOP) or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015. Accordingly, the Project is subject to the provisions of AB 52.

As part of the AB 52 consultation process required by State law, on December 27, 2018, notification of the proposed Project was sent to three Native American tribes with possible traditional or cultural affiliation to the area: Gabrieleño Band of Mission Indians – Kizh Nation, Gabrieleño Tongva Band of Mission Indians – San Gabriel California Tribal Council, and Gabrieleño Tongva – San Gabriel Band of Mission Indians. To date, one tribe requested consultation, the Gabrieleño Band of Mission Indians – Kizh Nation.



As indicated above in Subsection 6.1.5 Threshold b), given the developed nature of the project site and surrounding areas, the lack of known archaeological resources in the area, and the relatively small proposed area of disturbance to install the proposed billboard (of the proposed 10-foot by 10-foot disturbance area where excavation would occur), and minimal amount of excavation, it is highly unlikely that archaeological resources or tribal cultural resources would be encountered and the impact would be less than significant. Notwithstanding this conclusion, in an abundance of caution, a Native American Monitor of a tribe shall be on-site during Project-related ground disturbances in order to protect tribal cultural resources potentially encountered.

Tribal Cultural Resources: Mitigation Measures

Impacts would be less than significant with mitigation incorporated.

MM TCR-1 The Project Applicant shall be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the Project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.

6.1.19 Utilities and Service Systems

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</i>	☐	☐	☒	☐
b) <i>Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?</i>	☐	☐	☐	☒
c) <i>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i>	☐	☐	☐	☒
d) <i>Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</i>	☐	☐	☒	☐



Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
e) <i>Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?</i>	☐	☐	☒	☐

a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Finding: Less-than-Significant Impact. The proposed Project would not result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities. Less-than-significant impacts would occur and mitigation is not required.

Under existing conditions, the Project site is provided domestic water services by the Santa Fe Springs Water Utility Authority (SFSWUA) and sewer services by the Los Angeles County Sanitation District (LACSD), and is currently connected to sewer lines and domestic water lines. Implementation of the Project would result in the construction and operation of a digital billboard, which would not result in a demand for potable water services or generate wastewater. No impact would occur and mitigation is not required.

Under the proposed conditions, runoff would continue to infiltrate or drain to the south to the storm drain inlets within Freeway Drive and would not be altered by the installation or operation of a billboard in the southwestern portion of the Project site. Therefore, with installation of the proposed Project, there would be no significant alteration of the site's existing drainage pattern and there would not be any significant increases in the rate or quantity of surface runoff. Accordingly, the Project would not require or result in the construction of new storm water drainage facilities or the expansion of existing facilities. No impact would occur and mitigation is not required.

Power and gas utilities are provided to the Project site by Southern California Edison and Southern California Gas Company. Project-related construction and operation would not create a demand for natural gas utilities; however, Project operation would consume approximately 6,500 kilowatt hours (kWh) of energy per month, which would be supplied on-demand by Southern California Edison. Since Southern California Edison serves the Project site under existing conditions, the Project would not result in a need for new or substantially altered power facilities and a less-than-significant impact would occur. The billboard proposes the use of LED bulbs, which is one of the most energy-efficient lighting technologies available. Compared to incandescent lighting, LED bulbs use at least 75% less energy, last 25 times longer, and also emit substantially less heat (USD OE, 2017). Therefore, the Project would not result in the inefficient or wasteful use of energy. Accordingly, a less-than-significant impact would occur.

The construction and operation of the proposed digital billboard would not require the use of communication systems. Additionally, the construction and operation of the proposed digital billboard would not impact existing telephone lines surrounding the billboard site. No impact would occur and no mitigation measures are required.



b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Finding: No Impact. The Project would not increase water demand. No impact would occur and mitigation is not required.

The construction and operation of the proposed digital billboard would not create a demand for domestic water. No impact would occur and no mitigation measures are required.

c) *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Finding: No Impact. The Project site is adequately served by the LACSD and no changes in wastewater treatment demand would occur as a result of the Project. Thus, no impact would occur and mitigation is not required.

Under existing conditions, the LACSD adequately serves wastewater treatment services to the Project site. The construction and operation of a digital billboard would not generate wastewater or cause an increased demand for wastewater treatment. Thus, the Project would not adversely affect the physical capacity of the existing wastewater infrastructure system that services the site. No impact would occur and no mitigation measures are required.

d) *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Finding: Less-than-Significant Impact. The Project would generate a nominal demand for solid waste disposal. Accordingly, a less-than-significant impact would occur and no mitigation is required.

The City of Santa Fe Springs contracts with CR&R Environmental Services, Consolidated Disposal Service, and Serv-Wel Disposal Company for solid waste collection services. Solid waste generated within the City is transported to the Scholl Canyon Landfill (SCLF), operated by the LACSD. As of 2011, the SCLF was calculated to have a remaining capacity of 9,900,000 cubic yards (or 3,400 tons per day) and has a cease operation date of April 1, 2030 (CalRecycle, 2011). Considering the remaining capacity (9,900,000 cubic yards) and cease operation date (April 1, 2030) of the SCLF, the SCLF would have sufficient capacity to accommodate the Project's nominal construction-related waste generation. Additionally, Project-related excavation to install the billboard's supporting column would remove approximately 590 cubic feet (21.8 cubic yards) of soil from the Project site which would be transported to the Puente Hills Materials Recovery Facility, located 9.7 miles north of the Project site. The Puente Hills Landfill does not accept solid waste; however, according to the LACSD the Puente Hills Materials Recovery Facility has the capacity to accept to all soil dumps until otherwise noted (LACSD, 2015). Lastly, Project operations would not generate a substantial demand for solid waste beyond the existing demand of the Project site. Thus, the Project would not adversely affect the physical capacity of any landfills and a less-than-significant impact would occur.

e) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*



Finding: Less-than-Significant Impact. The Project would not conflict with federal, state, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant and mitigation is not required.

The construction and operation of a digital billboard is not anticipated to generate a substantial demand for solid waste disposal. Project-related construction activities would generate nominal quantities of solid waste during the Project's construction schedule. The Project would be required to comply with all applicable solid waste statutes and regulations; as such, impacts related to solid waste statutes and regulations would be less than significant. Accordingly, the Project would not foreseeably conflict with any federal, State, and local management and reduction statutes and regulations related to solid waste, resulting in a less-than-significant impact.

Utilities and Service System: Mitigation Measures

Implementation of the proposed Project would result in less-than-significant impacts to utilities and service systems and no mitigation measures are required.

6.1.20 Wildfire

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) <i>Substantially impair an adopted emergency response plan or emergency evacuation plan?</i>	☐	☐	☐	☒
b) <i>Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?</i>	☐	☐	☐	☒
c) <i>Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?</i>	☐	☐	☐	☒
d) <i>Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?</i>	☐	☐	☐	☒

- a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b) *Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*



- c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

Finding: No Impact. The Project site is not located within a State responsibility area (SRA) or in land classified as very high fire hazard severity zones (VHFHSZ). Therefore, no impacts would occur.

The State Responsibility Area (SRA) is the land where the State of California is financially responsible for the prevention and suppression of wildfires. The SRA does not include lands within city boundaries or in federal ownership. According to the California Department of Forestry and Fire Protection (CalFire), the Project site is not located within an SRA or VHFHSZ (CalFire, 2007; CalFire, 2012). As such, no impacts related to wildfire would occur and mitigation is not required.

6.1.21 Mandatory Findings of Significance

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the Project:				
a) <i>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?</i>	☐	☐	☒	☐
b) <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</i>	☐	☐	☒	☐
c) <i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	☐	☐	☒	☐



- a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?***

Finding: Less-than-Significant Impact. The proposed Project has no potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. Additionally, the proposed Project has no potential to eliminate important examples of the major period of California history or prehistory. Accordingly, impacts would be less than significant, and mitigation measures are not required.

All impacts to the environment, including impacts to habitat for fish and wildlife species, fish and wildlife populations, plant and animal communities, rare and endangered plants and animals, and historical and pre-historical resources were evaluated as part of this IS/MND. Implementation of the Project would contribute additional development in the form of a digital billboard to a fully developed property and would not significantly impact biological resources with the exception of the proposed relocation of one existing ornamental tree that will be mitigated by the planting of two trees on the Project site. As indicated in the discussion and analysis of Cultural Resources in Subsection 6.1.5, none of the existing buildings on the Project are included on the National Register of Historic Places, California Register of Historical Resources, or a local register of historical resources, nor are they eligible for listing; accordingly, there would be no impact to historical resources resulting from Project implementation. The Project site is fully developed under existing conditions; therefore, no significant archaeological resources are likely to be discovered during excavation activities. The limited degree of excavation that would be required to install the proposed billboard column and associated utility connections would not result in impacts to significant archaeological resources. Regardless, mitigation is provided in the unlikely event that Tribal Cultural Resources are unearthed during the excavation required for the billboard's support column.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)***

Finding: Less-than-Significant Impact. The proposed Project would not result in impacts that are individually limited, but cumulatively considerable. Cumulative impacts of the proposed Project would be less than significant, and mitigation measures are not required.

Based on the evaluation of Project impacts provided in this document and *Technical Appendices A and B*, in every environmental subject area, the Project was found to contribute no impact or a less-than-cumulatively considerable impact. Accordingly, the proposed Project would not result in impacts that are individually limited, but cumulatively considerable. Impacts would be less-than-significant and no mitigation measures are required.



c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Finding: Less-than-Significant Impact. Based on the evaluation of Project impacts provided in this document, the Project would not cause substantial adverse effects on human beings, either directly or indirectly. Accordingly, a less-than-significant impact would occur and no mitigation measures are required.

The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, is discussed throughout this IS/MND. Based on the evaluation of Project impacts discussed in this document, the Project would not cause substantial adverse effects on human beings, either directly or indirectly. Accordingly, a less-than-significant impact would occur and the Project requires no mitigation measures with respect to this Threshold.



7.0 Mitigation, Monitoring, and Reporting Program

MITIGATION MEASURES		RESPONSIBLE PARTY / MONITORING PARTY	IMPLEMENTATION STAGE	COMPLIANCE STATUS
Biological Resources				
MM BIO-1	To compensate for the loss of one existing ornamental tree, the Project Applicant shall plant two ornamental trees having a minimum size of 24-inch box on the Project site in the landscape strip adjacent to Freeway Drive. Relocation of the existing tree can count toward one of the two required trees if the existing tree can be successfully relocated. The City of Santa Fe Springs shall verify the tree planting prior to the issuance of permits to initiate billboard construction.	Project Applicant / City of Santa Fe Springs	Prior to Billboard Construction	
Tribal Cultural Resources				
MM TRC-1	During construction-related ground disturbance activities, the project Applicant will be required to obtain the services of a qualified Native American Monitor(s). Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the Project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.	Project Applicant / City of Santa Fe Springs	Throughout Ground- Disturbing Activities	



8.0 References

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9.0 Persons Contributing to this Document

City of Santa Fe Springs (Lead Agency)

Cuong Nguyen – City of Santa Fe Springs Senior Planner

T&B Planning, Inc. (Primary CEQA Consultant)

Tracy Zinn, AICP, Principal

Ryan Kelleher, Project Manager (former)

Christhida Mroska, Staff Planner/Environmental Analyst

Taryn Fowlkes, Environmental Analyst/GIS Technician

Steven Lusk, GIS/Graphic Specialist

Attachment 6: Conditional Use Permit Application



City of Santa Fe Springs

Application for

CONDITIONAL USE PERMIT (CUP)

Received

AUG 09 2018

Planning Department

Application is hereby made by the undersigned for a Conditional Use Permit on the property located at (Provide street address or, if no address, give distance from nearest cross street): 13539 Freeway Dr. Santa Fe Springs, CA

Give the correct legal description of the property involved (include **only** the portion to be utilized for the Conditional Use Permit. If description is lengthy, attach supplemental sheet if necessary) Parcel # 8069016006,

Record Owner of the property: Hurlen Leasing LLC

Name: Hurlen Leasing LLC Phone No: _____

Mailing Address: 9841 Bell Ranch Dr Santa Fe Springs, CA Date of Purchase: 11/26/2007

Fax No: _____ E-mail: _____

Is this application being filed by the Record Owner? No

(If filed by anyone other than the Record Owner, written authorization signed by the Owner must be attached to the application.)

Representative authorized by the Record Owner to file this application:

Name: Joseph White Phone No: 1-602-312-7990

Mailing Address: 4234 E Indian School Rd, Phoenix, AZ 85018

Fax No: 602-368-4358 E-mail: jwhite@beckerboards.com

Describe any easements, covenants or deed restrictions controlling the use of the Property _____

The Conditional Use Permit is requested for the following use (Describe in detail the nature of the proposed use, the building and other improvements proposed): _____

A new digital dual faced billboard.

NOTE

This application must be accompanied by the filing fee, map and other data specified in the form entitled "Checklist for Conditional Use Permits."

JUSTIFICATION STATEMENT

ANSWERS TO THE FOLLOWING QUESTIONS MUST BE CLEAR AND COMPLETE. THEY SHOULD JUSTIFY YOUR REQUEST FOR A CONDITIONAL USE PERMIT

1. Explain why the proposed use is essential or desirable in the location requested.

The addition of a digital dual faced billboard will fit in to the industrial and heavy manufacturing- freeway overlay zone. The proposed billboard will also acquire architectural features which will enhance the site and aesthetics of the existing site.

2. Explain why the proposed use will not be detrimental to persons and properties in the vicinity, nor to the welfare of the community in general.

The proposed billboard will not be detrimental to persons and properties in the vicinity because there are no residential properties located near or adjacent to the proposed billboard location. it will be located and placed at the far southern end of the property set back 1'-0" from the existing building and set baack 20'-0" + from the southern property line. The sign will be adjacent to Freeway Drive, which has minimum pedestrian use. In addition the main post will be painted a matching color as its background features.

3. What steps will be taken to ensure that there will be no harmful noise, dust, odors or other undesirable features that might affect adjoining properties?

The adjoining properties are not residential. The billboard will not project noise, any impact will be mitigated due to distance from adjoining properties. The billboard does nor create trash and or dust . The billboards will not display distasteful of innapropriate context such as marijuana dispensaries and or gentlemen clubs.

4. Explain why the proposed use will not in the future become a hindrance to quality development or redevelopment of adjoining properties.

Becker Boards considers itself a billboard company that believes in quality. That being said, the billboard and its surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing. Design elements to the billboards will be architecturally appealing. Any emergency alerts, disaster alerts and amber alerts will be displayed in the event of emergency.

5. Explain what measures will be taken to ensure that the proposed use will not impose traffic burdens or cause traffic hazards on adjoining streets.

The billboard is sufficiently set back 20'-0" from Freeway Drive and wont cause congestion because it is out of the public right of way. Pole base is not located in the public right of way. Any maintainance to the billboard will be done on private property removed from the public right of way. There will be no diplay of signs that resemble traffic control devices to cause confusion.

6. If the operator of the requested conditional use will be someone other than the property owner, state name and address of the operator.

Joseph White
4234 E Indian School Rd, Phoenix, AZ 85018

PROPERTY OWNERS STATEMENT

We, the undersigned, state that we are the owners of all of the property involved in this petition
(Attach a supplemental sheet if necessary):

Name (please print): IGNACIO HURTADO
Mailing Address: 9841 Bell Ranch Dr Santa Fe Springs, CA 90670
Phone No: 562-941-5330
Fax No: _____ E-mail: _____
Signature: [Signature]

Name (please print): _____
Mailing Address: 9841 Bell Ranch Dr Santa Fe Springs, CA 90670
Phone No: _____
Fax No: _____ E-mail: _____
Signature: _____

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

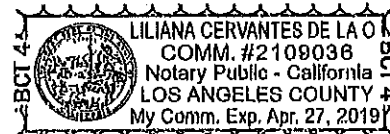
I, IGNACIO HURTADO, being duly sworn, depose and say that I am
the petitioner in this application for a Conditional Use Permit, and I hereby certify under penalty
of law that the foregoing statements and all statements, maps, plans, drawings and other data
made a part of this application are in all respects true and correct to the best of my knowledge
and belief.

A notary public or other officer completing this
certificate verifies only the identity of the
individual who signed the document to which this
certificate is attached, and not the truthfulness,
accuracy, or validity of that document.

Signed: [Signature]
(If signed by other than the Record Owner, written
authorization must be attached to this application)

(seal)

On 7/24/18 before me, Liliana Cervantes Dela Cruz, notary public
Personally appeared Ignacio Hurtado
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is
subscribed to the within instrument and acknowledged to me
that he/she/they executed the same in his/her/their authorized
capacity(ies) and that by his/her/their signature(s) on the
instrument, the person(s) or the entity upon behalf of which the
person(s) acted, executed the instrument.



WITNESS my hand and official seal

[Signature]
Notary Public

FOR DEPARTMENT USE ONLY

CASE NO: _____
DATE FILED: _____
FILING FEE: _____
RECEIPT NO: _____
APPLICATION COMPLETE? _____

August 1, 2018

City of Santa Fe Springs
11710 Telegraph Rd.
Santa Fe Springs, CA 90670
Attn: Wayne M. Morrell
Director of Planning



RE: Request for Conditional Use Permit and Development Agreement; 13539 Freeway Dr. Santa Fe Springs, CA (the "Property"); Becker Boards Small, LLC ("Becker Boards"),

Description Of Business

To whom this may concern,

Becker Boards Small is a billboard company located in Phoenix, Arizona. We take pride in our developments and have been building billboards for the past 10 years successful throughout Phoenix, Miami and the greater Los Angeles Area. We are known to work with cities and come up with creative ideas to enhance the look and display of digital advertisements. The existing operating business on site is a warehouse operated by Hurlen Corporation. This new development is for a digital display billboard which will be just outside the existing building on site. The billboard will display advertisements on the site located at 13539 Freeway Drive in Santa Fe Springs. It is operated by a computer and will be displaying ads 7 days a week.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph White'.

Joseph White
Cell (602) 312-7990
Becker Boards Small, LLC
4234 E Indian School Road
Phoenix, AZ 85018

August 1, 2018

City of Santa Fe Springs
11710 Telegraph Rd.
Santa Fe Springs, CA 90670
Attn: Wayne M. Morrell
Director of Planning



Becker Boards is a registered trademark of Becker Boards, LLC

RE: Request for Conditional Use Permit and Development Agreement; 13539 Freeway Dr. Santa Fe Springs, CA (the "Property"); Becker Boards Small, LLC ("Becker Boards"),

Justification Statement

To whom this may concern,

Becker Boards Small, LLC is requesting a conditional use permit and desires to enter into a development agreement for the construction of a new digital billboard. The Property is located at 13539 Freeway Dr. Santa Fe Springs, CA meets the standards set forth in the Ordinance No. 1092 with the exception of Section 155.384(H)(6) which reads:

155.384.H.6. Minimum setback. The minimum setback distance of the billboard column support post shall be at least twenty-five (25) feet from any property line and at least twenty-five (25) feet from any building. Notwithstanding, no portion of the billboard shall project over the width of any street, highway or public right-of-way.

A variance is needed in order to apply for a request for a reduction of the "billboard column support post from the required 25 feet to 2 foot. This variance will vary from Section 155.384 (H)(6) of the zoning regulations for properties with proposed digital billboards and specifically for the property which is located in an M-2-FOZ Heavy Manufacturing - Freeway Overlay Zone. Becker Boards considers itself a billboard company that believes in quality. The billboard and its surroundings including the adjoining properties will be maintained, well-kept and manicured to be visually appealing. The proposed billboard variance will not be detrimental to people and properties in the vicinity because it will be located and placed at the far southern end of the property set back 2'-0" from the existing building and set back 20'-0" from the southern

property line. The sign will be adjacent to Freeway Drive, which has minimum pedestrian use. The proposed billboard surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing and will not adversely affect the public welfare or community. In addition, the billboard will be set back 1000' from adjoining billboard(s).

Sincerely,

A handwritten signature in black ink, appearing to read "J. White", written in a cursive style.

Joseph White
Cell (602) 312-7990
Becker Boards Small, LLC
4234 E Indian School Road
Phoenix, AZ 85018

Attachment 7: Zone Variance Application



City of Santa Fe Springs

Application for

ZONE VARIANCE

Application is hereby made by the undersigned for a Variance to certain requirements of the Zoning Ordinance as they apply to the property located at (Give street address, or if no address, give distance from nearest cross street): _____
13539 Freeway Dr. Santa Fe Springs, CA

The correct legal description of the property involved (Include only the portion proposed to be utilized for the Variance. If description is lengthy, attach a supplemental sheet): Parcel # 8069016006

Record Owner of the Property:

Name: Hurlen Leasing LLC Phone: _____

Mailing address: 9841 Bell Ranch Dr Santa Fe Springs, CA

Date of purchase: 11/26/2007

Representative authorized by the Record Owner to file this application:

Name: Joseph White Phone: 1-602-312-7990

Mailing address 4234 E Indian School Rd, Phoenix, AZ 85018

Date of purchase: _____

Describe any easements, covenants or deed restrictions controlling the use of the property: N/A

The Variance is requested for the following use (Describe in detail the nature of the proposed use, the building and other improvements proposed.): _____
A new digital dual faced billboard.

NOTE

This application must be accompanied by the filing fee, map and other data specified in the form "Information on Variances"

BEFORE A ZONE VARIANCE CAN BE GRANTED, THE PLANNING COMMISSION MUST BE SATISFIED THAT ALL OF THE FOLLOWING CONDITIONS APPLY. EXPLAIN IN DETAIL HOW YOUR REQUEST CONFORMS TO THE FOLLOWING REQUIREMENTS. THE ANSWERS SHOULD JUSTIFY YOUR REQUEST FOR A VARIANCE (Attach a supplemental sheet if necessary).

1. Explain any special circumstances or conditions which apply to the land or the use involved in this application which DO NOT apply generally to other land or uses in the same vicinity and the same zone.

The addition of a digital dual faced billboard fits in to the industrial and heavy manufacturing- freeway overlay zone.

2. Explain why a Variance is necessary to maintain the same substantial property rights possessed by other property owners in the same vicinity and the same zone. (If your property can reasonably be developed and devoted to uses permitted in the existing zone, you are probably not being deprived of a substantial property right.)
 1. A variance is requested in order to allow minimum setback of billboard column support from two property lines ; less than 25'-0" (Side and Front).
 2. In addition we are requesting to allow the proposed billboard to overhang the existing building.
 3. Lastly, a Variance requesting the relocation of 1 tree in the frontyard. We are limited to a small area that allows our proposed billboard to be the required 1000'-0" set back from the adjoining billboard.
3. Demonstrate why the Variance requested will not be detrimental to other persons or properties in the same area, nor adversely affect the public welfare or the community in general.

The proposed billboard variance will not be detrimental to persons and properties in the vicinity because it will be located in an industrial zone and placed at the far southern end of the property. It will be set back 2.88' from the existing building and set back 11.32' from the south/west property line. The sign will be adjacent to Freeway Drive, which has minimum pedestrian use. The proposed billboard surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing and will not adversely affect the public welfare or community.
4. Will the Variance requested adversely affect the General Plan of the City of Santa Fe Springs?

No, the billboard will be set back 1000' from adjoining billboard(s). The area in which the billboard is proposed is a heavy manufacturing area. The billboard and its surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing.

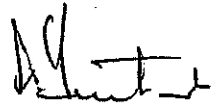
We, the undersigned, state that we are the owners of all of the property involved in this petition (Attach a supplemental sheet if necessary):

Name (please print): _____
Mailing Address: 9841 Bell Ranch Dr. Santa Fe Springs, CA 90670
Phone No: _____
Signature: _____

Name (please print): _____
Mailing Address: 9841 Bell Ranch Dr. Santa Fe Springs, CA 90670
Phone No: _____
Signature: _____

CERTIFICATION

I, IGNACIO HURTADO JR., being duly sworn, depose and say that I am the petitioner in this application for a Zone Variance, and I hereby certify under penalty of law that the foregoing statements and all statements, maps, plans, drawings and other data made a part of this application are true and correct to the best of my knowledge and belief.

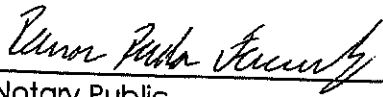
Signed: 
(If signed by other than the Record Owner, written authorization must be attached to this application)

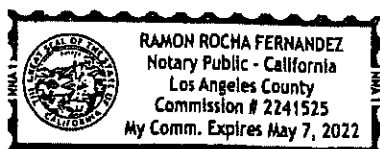
STATE OF CALIFORNIA }

SS

COUNTY OF LOS ANGELES

Subscribed and sworn to (or affirmed) before me this 15th day of November, 2018 by Ignacio Hurtado Jr., proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.


Notary Public



FOR DEPARTMENT USE ONLY

CASE NO: _____
DATE FILED: _____
FILING FEE: _____
RECEIPT NO: _____
APPLICATION COMPLETE? _____

Attachment 8: Development Agreement No. 01-2020

DEVELOPMENT AGREEMENT NO. 02-2019

This Development Agreement (hereinafter "Agreement") is entered into this _____ day of _____, 2019 (hereinafter the "Effective Date"), by and between the City of Santa Fe Springs (hereinafter "City"), and Becker Boards Small LLC, a California Corporation (hereinafter "Developer").

RECITALS

A. California Government Code Sections 65864 *et seq.* ("Development Agreement Law") authorizes cities to enter into binding development agreements with persons having a legal or equitable interest in real property for the development of such property, all for the purposes of strengthening the public planning process, encouraging private participation and comprehensive planning and identifying the economic costs of such development.

B. Developer has a leasehold or license interest in that certain portion of real property, located adjacent to and on the northerly side of the northbound lanes of the 5 Freeway, at 13539 Freeway Drive (APN: 8069-016-006), in the City of Santa Fe Springs, as more specifically described in Exhibit "A" and depicted at Exhibit "C-1", attached hereto and incorporated herein (the "Site"), upon which it seeks to install a new lawfully permitted 60-foot tall, V-Shaped digital billboard with a total of two (2) digital display areas (each display measuring 14' x 48' within the billboard frame) that are oriented toward the 5 Freeway, as depicted in Exhibits "C-2" & "C-3" (the "New Digital Billboard").

C. Developer and City recognize that the Developer has a legal or equitable interest in the Site and thus is qualified to enter into this Agreement in accordance with Development Agreement Law.

D. In exchange for the City approvals sought by Developer for the New Digital Billboard as provided on the Site herein, Developer is agreeable to paying to the City an initial annual Development Fee of One Hundred Thousand and No/100 Dollars (\$100,000.00), on the first Anniversary Date and on subsequent Anniversary Dates the Development Fee shall be increased in an amount equal to the Development Fee payable during the preceding year increased by three percent (3%), or Alternative Development Fee, whichever is greater, as defined and provided in Sections 2.5 and 2.6 below, for the cost to the City to mitigate the impact of the installation of the New Digital Billboard.

E. The Site is located within the City's M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone, designated by the General Plan as Industrial. Developer and the City agree that a development agreement should be approved and adopted to memorialize the property expectations of the City and Developer, as more particularly described herein.

F. On _____, 2019, the City Council of the City, at a duly noticed hearing, granted a "Conditional Use Permit" and related "Zone Variances" for the construction and operation of a New Digital Billboard on the Site, in compliance with, and satisfying the requirements of, the California Environmental Quality Act ("CEQA"), on the basis that an Initial Study/Mitigated Negative Declaration which was also approved at the _____, 2019 City Council meeting, concluded that although the proposed project could have an effect on the

environment, the effects are not considered to be significant. Such CEQA determination considered the impacts of the digital billboard which is the subject of this Agreement.

G. On _____, 2019, at a duly noticed public hearing, the Planning Commission adopted Resolution No. ____-2019, recommending approval of this Agreement (in substantially the form) to the City Council.

H. On _____, 2019, the City Council of the City, at a duly noticed hearing to consider the approval of this Agreement, considered the proposal, heard testimony, and introduced Ordinance No. _____, which Ordinance approves this Agreement.

I. The City Council has found that this Agreement is in the best public interest of the City and its residents, adopting this Agreement constitutes a present exercise of the City's police power, and this Agreement is consistent with the City's General Plan. This Agreement and the proposed Development (as hereinafter defined) will achieve a number of City objectives, including utilizing the Site for a revenue-generating use. Upon any termination of the Term (as defined below) of this Agreement, Developer will remove the digital displays, and restore the Site to its pre-billboard condition, except the columns can be cut off one (1) foot below grade, if a new development agreement is not negotiated with the City.

J. On _____, 2019, the City Council held the second reading and adopted Ordinance No. _____, thereby approving this Agreement which will become effective thirty (30) days after adoption.

K. The City finds and determines that all actions required of the City precedent to approval of this Agreement by Ordinance No. _____ of the City Council have been duly and regularly taken.

L. The purpose of this Agreement is to set forth the rules and regulations applicable to the Development, which shall be accomplished in accordance with this Agreement, including the Scope of Development (Exhibit "B") which sets forth Scope of the Development and the Schedule of Performance (Exhibit "D").

COVENANTS

NOW, THEREFORE, in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1. Definitions. This Agreement uses a number of terms having specific meanings, as defined below. These specially defined terms are distinguished by having the initial letter capitalized, when used in the Agreement. In addition to the terms defined in the Recitals above, the defined terms include the following:

1.1.1 "Agreement" means this Development Agreement and all attachments and exhibits hereto.

1.1.2 "Anniversary Date" is the annual reoccurrence of the Commencement Date.

1.1.3 "City" means the City of Santa Fe Springs, a California municipal corporation.

1.1.4 "City Council" means the City Council of the City.

1.1.5 "Commencement Date" is the date that the building inspector releases the electric meter to Southern California Edison.

1.1.6 "Developer" means Becker Boards Small LLC, a California Corporation duly existing and operating, and its successors and assigns, doing business at 4234 E. Indian School Rd, Phoenix, AZ 85018.

1.1.7 "Development" means the installation of a New Digital Billboard on the Site and the undergrounding of all utilities from Southern California Edison's electrical source or an electrical source located elsewhere on Owner's property (e.g., from an electrical panel on a building situation on Owner's property) to the New Digital Billboard.

1.1.8 "Development Approvals" means the approved Development, based on the recommended approval by the Planning Commission on _____, 2019, pursuant to Resolution No. ____-2019, and approval by the City Council by on _____, 2019, pursuant to Resolution No. ____-2019 and Ordinance No. ____ on _____, 2019, as further described at Section 5.3 herein.

1.1.9 "Effective Date" means the date inserted into the preamble of this Agreement, which is thirty (30) days following approval of this Agreement by ordinance of the City Council, provided this Agreement is signed by Developer and the City.

1.1.10 "Final Permits" shall mean all necessary/required permits and inspections by all governmental and utility agencies, to construct, operate and maintain the New Digital Billboard, and are signed and dated by the Building Official, where applicable.

1.1.11 "Gross Revenue" is based solely on the revenue generated from the digital display (basic advertising area of the billboard), as recorded on the City of Santa Fe Springs building permits, and does not include neon channel letters. Developer shall not conceal advertising revenues derived from the digital display within the normal price range the Developer charges for any appurtenances that are installed on the Billboard. Gross Revenue specifically excludes advertising agency fees paid to the advertiser's advertising agency and or brokerage fees paid to the sales broker other than Developer.

1.1.12 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City, including, but not limited to, the City's General Plan, Municipal Code and Zoning Code, which govern development and use of the Site, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of the New Digital Billboard, and the design, improvement and construction standards and specifications applicable to the Development or the Site which are in full force and effect as of the Effective Date of this Agreement, subject to the terms of this Agreement. Land Use Regulations shall also include the federal National Pollutant Discharge Elimination System ("NPDES") regulations and approvals from the California Department of Transportation Outdoor Advertising Division, to the extent applicable.

1.1.13 "Lease" means the lease or license agreement, as the case may be, for the Site between Owner, as landlord or licensor, and Developer, as tenant or licensee.

1.1.14 "Mortgagee" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device, a lender or each of their respective successors and assigns.

1.1.15 "Site" refers to the site described in Recital B and more specifically described on Exhibit "A" attached hereto and incorporated herein.

1.1.16 "Schedule of Performance" means the Schedule of Performance attached hereto as Exhibit "D" and incorporated herein.

1.1.17 "Scope of Development" means the Scope of Development attached hereto as Exhibit "B" and incorporated herein.

1.1.18 "Subsequent Land Use Regulations" means any Land Use Regulations effective after the Effective Date of this Agreement (whether adopted prior to or after the Effective Date of this Agreement) which govern development and use of the Site.

1.1.19 "Subsequent Development Approvals" means any Development Approvals sought by Developer in connection future changes desired to be made by Developer to the Development following its initial completion.

1.1.20 "Term" shall have the meaning provided in Section 2.3, unless earlier terminated as provided in this Agreement.

1.2 **Exhibits.** The following documents are attached to, and by this reference made a part of, this Agreement: Exhibit "A" (Legal Description of Site), Exhibit "B" (Scope of Development), Exhibit "C-1" (Site Plan of Site), Exhibit "C-2" (Billboard Elevation), Exhibit "C-3" (Screening Rendering & Pole Cover), and, Exhibit "D" (Schedule of Performance).

2. GENERAL PROVISIONS.

2.1. Binding Effect of Agreement. From and following the Effective Date, actions by the City and Developer with respect to the Development, including actions by the City on applications for Subsequent Development Approvals affecting the Site, shall be subject to the terms and provisions of this Agreement, provided, however, that nothing in this Agreement shall be deemed or construed: (i) to modify or amend the Lease, or any of Developer's obligations thereunder, or to bind or restrict Owner with respect to its ownership or operation of the Site except as expressly set forth herein with respect to the Development, or (ii) to impose any obligation whatsoever on Owner with respect to the Development, except as expressly set forth in this Agreement.

2.2. Interest in Site. The City and Developer acknowledge and agree that Developer is the tenant or licensee of the Site and thus is qualified to enter into and be a party to this Agreement under the Development Agreement Law. The City and Developer acknowledge and agree that Developer has a legal or equitable interest in the Site and thus is qualified to enter into and be a party to this Agreement under the Development Agreement Law. Additionally, prior to the execution of this Agreement, Developer has allowed the City to view a redacted copy of the Lease which demonstrates that Developer has a leasehold or license interest in the Site, which

interest shall be maintained for the entire Term of this Agreement. If Developer's leasehold or license interest is prematurely and legally terminated by Owner in conformance with the Lease, then Developer shall have no further obligations under Section 3(a) of the Scope of Development, attached as Exhibit "B" herein, relative to the maintenance of landscaping thereon that particular Site, except as provided under Section 7.1. Additionally, if Developer's leasehold or license interest is prematurely terminated by Owner, then Developer shall have no further obligations under this Agreement for that particular Site, except as provided under Section 7.1.

2.3. Term of Agreement. Unless earlier terminated as provided in this Agreement, the "Term" of this Agreement shall continue in full force and effect for thirty (30) years from the Commencement Date and will terminate on (i) the expiration or earlier termination of the Lease, or (ii) the permanent removal of the New Digital Billboard constructed pursuant to the terms hereof, other than its removal for repair or replacement. Developer shall completely remove the New Digital Billboard within the times and as provided under Section 7.1 herein. Within thirty (30) days after the termination of this Agreement, the parties shall execute a written cancellation of this Agreement which shall be recorded with the County Recorder pursuant to Section 10.1 below. If no extension or renewal of this Agreement is agreed to following its termination, then the digital displays shall come down and the lease area restored to its pre-billboard condition, except the columns can be cut off one (1) foot below grade.

2.4. Processing Fee. Thirty (30) days after the Commencement Date the Developer shall pay the City a processing fee ("Processing Fee") in the amount of One Hundred Thousand Dollars (\$100,000.00). The City shall retain and use the Processing Fee, or any part thereof, for any public purpose within the City's discretion. The Processing Fee shall be separate from all fees which are standard and uniformly applied to similar projects in the City, including, but not limited to, business license fees (due by Developer to the City annually), one-time plan check fees and building permit fees, and any other fees imposed by Los Angeles County, as may be applicable.

2.5. Development Fee. The potential impacts of the Development on the City and surrounding community are difficult to identify and calculate. Developer and the City agree that an annual development fee paid by Developer to the City would adequately mitigate all such potential impacts. The parties therefore agree that Developer shall pay an annual development fee to the City ("Development Fee"). The initial Development Fee for the Site shall be One Hundred Thousand and No/100 Dollars (\$100,000.00), and shall be increased in an amount equal to the Development Fee payable during the preceding year increased by three percent (3%) on subsequent Anniversary Dates. By way of example: Initial Development Fee \$100,000.00; 2nd year \$103,000.00 (Initial Development fee of \$100,000.00 plus 3% or \$3,000.00); 3rd year \$106,090.00 (Preceding year Development Fee of \$103,000.00 plus % \$3,090.00); 4th year \$109,272.70 (Preceding year Development Fee of 106,090.00 plus 3% or \$3,182.70).

2.6. Alternative Development Fee. For any calendar year of the Term, the "Alternative Development Fee" shall be an amount equal to nine percent (9%) of the Gross Revenue made from the digital displays on the Site during the preceding calendar year of the Term. By way of example only, should the Gross Revenue during 3rd year of the Term total \$1,200,000.00 for the New Digital Billboard, then for that year Developer shall pay to the City for the New Digital Billboard the Alternative Fee of \$108,000.00 assuming no applicable deductions from Section 1.1.11 above (i.e., 9% of \$1,200,000.00 is \$108,000.00 in lieu of the 3rd year Development Fee of \$106,090.00). The Alternative Development Fee of \$108,000.00 will then become the Development Fee for the calculation for the 4th year Development Fee.

2.6.1. Revenue Report & Payment of Alternative Development Fee or Development Fee: Within ninety (90) days following the Anniversary Date Developer shall furnish to the City an itemized statement in writing ("Revenue Report"), certified by Developer to be correct, showing the total Gross Revenue made from each sign face of the New Digital Billboard during the preceding calendar year of the Term attributable to each sign display of the New Digital Billboard. If during any particular year of the Term the Alternative Development Fee calculation is higher than the Development Fee calculation with the 3% increase at the time of calculating the Revenue Report, the Developer shall include along with the Revenue Report a payment corresponding to the Alternative Development Fee. If the Alternative Development Fee calculation is less than the Development Fee with the 3% increase at the time of calculating the Revenue Report, the Developer shall include along with the Revenue Report a payment corresponding to the Development Fee calculation.

2.6.2. Additional Revenue. While Developer is not precluded from generating additional revenue from wireless deployment on the billboard, other than wireless communication devices for the use of operating a billboard, Developer shall not enter any agreement with any party for additional revenue, including revenue derived from wireless deployment on the billboard, without first reaching an agreement with City regarding the additional revenue.

2.6.3. Audit of Alternative Fee. With prior written notice to Developer of not less than ten (10) business days, the City has the right to audit Developer's New Digital Billboard revenue and to view those portions of any advertising space contracts or invoices that only related to this Agreement, at Developer's Corporate office, on any normal workday between 9:00 a.m. and 4:00 p.m. once a year. City also has the option of having the contracts and invoices reviewed at City Hall, 11710 Telegraph Road, Santa Fe Springs, CA 90670, for the audit. Prior to the audit, the City shall sign a confidentiality agreement regarding the advertising space contracts and invoices. If the statement of total Gross Revenue previously provided to the City shall be found to be inaccurate for prior calendar years of the Term, then and in that event, there shall be an adjustment and one party shall pay to the other on demand such sums as may be necessary to settle in full the accurate amount of the Alternative Fee, if any, that should have been paid to the City for the period or periods covered by such inaccurate statement or statements. If said audit discloses an underpayment of greater than three percent (3%) with respect to the amount of total Gross Revenue reported by Developer for the period or periods of said report, then Developer shall immediately pay to the City the cost of such audit, plus ten percent (10%) interest per annum on the amount underpaid, but the application of the said interest is limited to the previous year before the time any underpayment should have been paid to the City; if the audit does not disclose an underpayment of greater than three percent (3%) with respect to the amount of total Gross Revenue reported by Developer for the period or periods of said report, the cost of such audit shall be paid by the City.

3. COMMUNITY BENEFITS. Developer shall also provide the following Community benefits during the entire Term of this Agreement.

3.1. City's Use of the Billboard. Developer shall provide five (5) weeks' worth of display time per year for the Site for public service announcements by the City on either side of the Billboard, subject to availability of space. Developer shall place City-provided announcements, on a space available basis, in one of the eight (8) display images in the current rotation of display images at any time. The City shall be responsible for providing Developer with approved advertising copy and shall also be responsible for any costs associated with providing Developer

with artwork in acceptable format per Developer's specifications. City's use is subject to the following conditions and parameters: (1) all copy must be submitted to Developer at least five (5) days before the proposed display date and will be subject to Developer's standard advertising copy rejection and removal policies, which allow Developer, in its sole discretion, to approve or disapprove copy and remove copy once posted or displayed, and (2) all five (5) weeks' worth of display time for a particular year must be utilized during such year (i.e., no advertisement rights shall accumulate or carryover to the following year).

3.2. Discount Advertising. Developer shall offer a twenty percent (20%) discount off its applicable rates for display of advertising on the Billboard to any business that is a member of the Santa Fe Springs Chamber of Commerce, and has a headquarters and/or office in the City.

4. PROHIBITED USE. Developer shall not utilize any of the displays on the New Digital Billboard to advertise tobacco, marijuana, hashish, "gentlemen's clubs," adult entertainment businesses, sexually oriented materials, or use sexually oriented images or language, or as may be prohibited by any City ordinance existing as of the Effective Date of this Agreement, or as may be amended or implemented from time-to-time after the Effective Date and equally-applicable to all billboard displays by any duly and valid City ordinance.

5. DEVELOPMENT AND IMPLEMENTATION OF THE DEVELOPMENT.

5.1. Rights to Develop. Subject to and during the Term of this Agreement, Developer shall have the right to develop the Site in accordance with, and to the extent of, the Development Approvals, the Land Use Regulations and this Agreement, provided that nothing in this Agreement shall be deemed to modify or amend any of the pre-existing Land Use Regulations, as more particularly set forth in Section 5.2 below.

5.2. Effect of Agreement on Land Use Regulations. Except as otherwise provided under the terms of this Agreement, the rules, regulations and official policies governing permitted uses of the Site, the density and intensity of use of the of the structure on the Site, the maximum height and size of proposed structures on the Site, and the design, improvement and construction standards and specifications applicable to the Site, shall be as set forth in the Land Use Regulations which are in full force and effect as of the Effective Date of this Agreement, subject to the terms of this Agreement.

5.3. Development Approvals. Developer shall, at its own expense and before commencement of demolition, construction or development of any structures or other work of improvement upon the Site, secure or cause to be secured the Development Approvals, including but not limited to, a Conditional Use Permit, six (6) Zone Variances, and building permit(s) from the City, and any and all permits and approvals which may be required by any other governmental agency or utility affected by such construction, development or work to be performed by Developer pursuant to the Scope of Development; provided, however, that the City acknowledges that the City's Planning Commission and City Council have approved an Initial Study/Mitigated Negative Declaration for the project, thus complying with, and satisfying the requirements of, the California Environmental Quality Act ("CEQA"). Not by way of limiting the foregoing, in developing and constructing the Development, Developer shall comply with all: (1) applicable development standards in the City's Municipal Code that were in affect at the time the Development Agreement and Conditional Use Permit were approved by the City Council, (2)

applicable NPDES requirements pertaining to the Development, and (3) applicable building codes that were in affect at the time the Development Agreement and Conditional Use Permit were approved by the City Council, except as may be permitted through approved variances and modifications. Developer shall pay all normal and customary fees and charges applicable to such permits, and any fees and charges hereafter imposed by the City in connection with the Development which are standard and uniformly-applied to similar projects in the City. Nothing contained in this Agreement shall be deemed to impose any obligation on Owner with respect to the Development Approvals or the Development.

5.4. Timing of Development; Scope of Development. Developer shall commence the Development within the time set forth in the Schedule of Performance, attached hereto as Exhibit "D". "Commencement" of the Development is defined herein as commencement of construction or improvements under the City building permit for the construction of the New Digital Billboard on the Site, which shall occur as soon as possible following Developer's receipt of all necessary Development Approvals and Final Permits. In the event that Developer fails to meet the schedule for Commencement of the Development, then after compliance with Section 5.4, either party hereto may terminate this Agreement by delivering written notice to the other party, and, in the event of such termination, neither party shall have any further obligation hereunder. However, if circumstances within the scope of Section 10.10 delay the Commencement or completion of the Development, then such delays shall not constitute grounds for any termination rights found within this Agreement. In such case, the timeline to commence or complete the relevant task shall be extended in the manner set forth at Section 10.10. Notwithstanding the above, Developer shall, at all times, comply with all other obligations set forth in this Agreement regarding the construction or improvement of the New Digital Billboard. Developer shall also maintain the New Digital Billboard at all times during the Term in accordance with the maintenance provisions set forth in Section 3 of the Scope of Development, attached as Exhibit "B" herein.

5.5. Changes and Amendments. Developer may determine that changes to the Development Approvals are appropriate and desirable. In the event Developer makes such a determination, Developer may apply in writing for an amendment to the Development Approvals to effectuate such change(s), provided that the City may request written consent from Owner if the modification is deemed material. The parties acknowledge that the City shall be permitted to use its inherent land use authority in deciding whether to approve or deny any such amendment request; provided, however, that in exercising the foregoing reasonable discretion, the City shall not apply a standard different than that used in evaluating requests of other developers. Accordingly, under no circumstance shall the City be obligated in any manner to approve any amendment to the Development Approvals. The City Manager shall be authorized to approve any non-substantive amendment to the Development Approvals without processing an amendment to this Agreement. All other amendments shall require the approval of the City Council. Nothing herein shall cause Developer to be in default if it upgrades the digital displays installed pursuant to this Agreement during the Term of this Agreement to incorporate newer technology; provided Developer shall secure all applicable ministerial permits to do so and such upgrade is consistent with the dimensions and standards for the displays, as provided under this Agreement, Land Use Regulations and Subsequent Land Use Regulations.

5.6. Reservation of Authority.

5.6.1. *Limitations, Reservations and Exceptions.* Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the Development:

(a) Processing fees and charges of every kind and nature imposed by the City to cover the estimated actual costs to the City of processing applications for Subsequent Development Approvals.

(b) Procedural regulations consistent with this Agreement relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure. Notwithstanding the foregoing, if such change materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

(c) Changes adopted by the International Conference of Building Officials, or other similar body, as part of the then most current versions of the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, or National Electrical Code, as adopted by the City as Subsequent Land Use Regulations, if adopted prior to the issuance of a building permit for development of the New Digital Billboard. Notwithstanding the foregoing, if such change materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

(d) Regulations that are not in conflict with the Development Approvals or this Agreement.

(e) Regulations that are in conflict with the Development Approvals or this Agreement, provided Developer has given written consent to the application of such regulations to the Development.

(f) Applicable federal, state, county and multi-jurisdictional laws and regulations which the City is required to enforce against the Site or the Development, and that do not have an exception for existing signs or legal nonconforming uses.

5.6.2. *Future Discretion of the City.* This Agreement shall not prevent the City from denying or conditionally approving any application for a Subsequent Development Approval on the basis of the Land Use Regulations.

5.6.3. *Modification or Suspension by Federal, State, County, or Multi-Jurisdictional Law.* In the event that applicable federal, state, county or multi-jurisdictional laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, and there is no exception for the legal nonconforming use, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such federal, state, county or multi-jurisdictional laws or regulations, and this Agreement shall remain in full force and effect to the extent it is not inconsistent with

such laws or regulations and to the extent such laws or regulations do not render such remaining provision impractical to enforce. Notwithstanding the foregoing, if such change materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

5.7. Regulation by Other Public Agencies. It is acknowledged by the parties that other public agencies not subject to control by the City may possess authority to regulate aspects of the Development as contemplated herein, and this Agreement does not limit the authority of such other public agencies. Developer acknowledges and represents that, in addition to the Land Use Regulations, Developer shall, at all times, comply with all applicable federal, state and local laws and regulations applicable to the Development and that do not have an exception for a legal nonconforming use. To the extent such other public agencies preclude development or maintenance of the Development and do not have an exception for a legal nonconforming use, Developer shall not be further obligated under this Agreement except as provided in Section 7.1. Notwithstanding the foregoing, if such action by another public agency materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

5.8. Public Improvements. Notwithstanding any provision herein to the contrary, the City shall retain the right to condition any Subsequent Development Approvals on the requirement that Developer pay subsequently required development fees, and/or construct certain subsequently required public infrastructure ("Exactions") at such time as the City shall determine, subject to the following conditions:

5.8.1. The payment or construction must be to alleviate an impact caused by the Development or be of benefit to the Development; and

5.8.2. The timing of the Exaction should be reasonably related to the development of the Development, and said public improvements shall be phased to be commensurate with the logical progression of the development of the Development, as well as the reasonable needs of the public.

5.8.3. It is understood, however, that if there is a material increase in cost to Developer, or such action by the City otherwise materially impacts Developer or its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

5.9. Fees, Taxes and Assessments. During the Term of this Agreement, the City shall not, without the prior written consent of Developer, impose any additional fees, taxes or assessments on all or any portion of the Development, except such fees, taxes and assessments as are described in or required by this Development Agreement and/or the Development Approvals. However, this Development Agreement shall not prohibit the application of fees, taxes or assessments upon the Site only and not on the New Digital Billboard or Developer directly, except as follows:

5.9.1. Developer shall be obligated to pay those fees, taxes or City assessments and any increases in same which exist as the Effective Date and applicable to the Development or are included in the Development Approvals;

5.9.2. Developer shall be obligated to pay any fees or taxes, and increases thereof, imposed on a City-wide basis such as, but not limited to, business license fees or taxes or utility taxes applicable to the Development;

5.9.3. Developer shall be obligated to pay all fees applicable to any permit applications as charged by the City at the time such application(s) are filed by Developer; and

5.9.4. Developer shall be obligated to pay any fees imposed pursuant to any Uniform Code that existed when the permit applications are filed by Developer or that exist when Developer applies for any Subsequent Development Approvals.

5.10. Changes. Notwithstanding anything to the contrary herein, if there is a change in such fees as compared to those fees in effect as of the Effective Date, or if any additional fees are charged and such additional or increased fees materially change Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

6. REVIEW FOR COMPLIANCE.

6.1. Annual Review. The City Council shall have the right to review this Agreement annually at the City's sole cost, on or before the Anniversary Date, to ascertain the good faith compliance by Developer with the terms of this Agreement ("Annual Review"). However, no failure on the part of the City to conduct or complete an Annual Review as provided herein shall have any impact on the validity of this Agreement. Developer shall cooperate with the City in the conduct of such any Annual Review and provide the following information and documentation to the City at least thirty (30) days before the anniversary of the commencement of the Term: (1) any updates to Developer's contact information related to complaints concerning the billboards, as required in the conditions at Exhibit "B", (2) status and amount of all payment obligations to the City required under this Agreement for the year in question and cumulatively beginning from the Commencement of the Development herein, (3) any easement or Lease changes that could in any way materially impact the City or the parties' obligations under this Agreement, but any disclosure shall be via a redacted Lease per Section 2.2, (4) any utility changes that could in any way materially impact the City or the parties' obligations under this Agreement, and (5) any maintenance issues addressed or needing to be addressed per the requirements of Exhibit "B".

6.2. Special Review. The City Council may, in its sole and absolute discretion, order a special review of compliance with this Agreement at any time at the City's sole cost ("Special Review"). Developer shall cooperate with the City in the conduct of such any Special Review.

6.3. City Rights of Access. Subject to the City's execution of a permit to enter in a form reasonably acceptable to Owner, the City and its officers, employees, agents and contractors shall have the right, at their sole risk and expense, to enter the Site without interfering with any railroad or other right-of-way, and at all reasonable times with as little interference as possible, for the purpose of conducting the review under this Article 4, inspection, construction, reconstruction, relocation, maintenance, repair or service of any public improvements or public facilities located on the Site, or to perform any rights of the City under Section 6.2 above. Any damage or injury to the Site or to the improvements constructed thereon resulting from such entry

shall be promptly repaired at the sole expense of the City. Notwithstanding the foregoing or any other provision in this Agreement (including without limitation Section 6.2 above) to the contrary, the City shall have no right whatsoever to enter the Site unless and until the City executes and delivers to Owner a permit to enter in a form reasonably acceptable to Owner (except that this provision is not intended to interfere with the City's police powers to address any nuisance, dangerous condition, or other condition pursuant to the City's ordinances). Notwithstanding anything to the contrary herein, in no event will the City's representatives ever climb up the pole of the New Digital Billboard during any inspection.

6.4. Procedure. Each party shall have a reasonable opportunity to assert matters which it believes have not been undertaken in accordance with this Agreement, to explain the basis for such assertion, and to receive from the other party a justification of its position on such matters. If, on the basis of the parties' review of any terms of this Agreement, either party concludes that the other party has not complied in good faith with the terms of this Agreement, then such party may issue a written "Notice of Non-Compliance" specifying the grounds therefore and all facts demonstrating such non-compliance. The party receiving a Notice of Non-Compliance shall have thirty (30) days to cure or remedy the non-compliance identified in the Notice of Non-Compliance, but if such cure or remedy is not reasonably capable of being cured or remedied within such thirty (30) day period, then the party receiving a Notice of Non-Compliance shall commence to cure or remedy the non-compliance within such thirty (30) day period and thereafter diligently and in good faith prosecute such cure or remedy to completion. If the party receiving the Notice of Non-Compliance does not believe it is out of compliance and contests the Notice of Non-Compliance, it shall do so by responding in writing to said Notice of Non-Compliance within thirty (30) days after receipt of the Notice of Non-Compliance. If the response to the Notice of Non-Compliance has not been received in the office of the party alleging the non-compliance within the prescribed time period, the Notice of Non-Compliance shall be conclusively presumed to be valid. If a Notice of Non-Compliance is contested, the parties shall, for a period of not less than fifteen (15) days following receipt of the response, seek to arrive at a mutually acceptable resolution of the matter(s) occasioning the Notice of Non-Compliance. In the event that a cure or remedy is not timely completed, the party alleging the non-compliance may thereupon pursue the remedies provided in Section 7; provided, however, that if the Notice of Non-Compliance is contested and the parties are not able to arrive at a mutually acceptable resolution of the matter(s) by the end of the fifteen (15) day period, then either party shall have the right to seek a judicial determination of such contested matter. Neither party hereto shall be deemed in breach if the reason for non-compliance is due to "force majeure" as defined in, and subject to the provisions of, Section 10.10.

6.5. Certificate of Agreement Compliance. If, at the conclusion of an Annual Review or a Special Review, Developer is found to be in compliance with this Agreement, the City shall, upon request by Developer, issue within ten (10) days of receipt of the request, a written confirmation ("Certificate") to Developer stating that, after the most recent Annual Review or Special Review, and based upon the information known or made known to the City Manager and the City Council, that (1) this Agreement remains in effect, and (2) Developer is in compliance. The Certificate, whether issued after an Annual Review or Special Review, shall be in recordable form if requested by Developer, and shall contain information necessary to communicate constructive record notice of the finding of compliance. Developer may record the Certificate with the County Recorder. Additionally, Developer may, at any time, request from the City a Certificate stating, in addition to the foregoing, which specific obligations under this Agreement have been fully satisfied with respect to the Site and City shall respond within ten (10) days of receipt of the

request. If the City fails to respond to a Developer's request pursuant to this Section 6.5, the Developer is presumed to be in compliance with this Agreement or any obligation that is the subject of the Developer's request.

7. DEFAULT AND REMEDIES.

7.1. Termination of Agreement.

7.1.1. *Termination of Agreement for Material Default of Developer.* The City, in its discretion, may terminate this Agreement for any material failure of Developer to perform any material duty or obligation of Developer hereunder or to comply in good faith with the terms of this Agreement (hereinafter referred to as "default" or "breach"); provided, however, the City may terminate this Agreement pursuant to this Section only after following the procedures set forth in Section 6.4. In the event of a termination by the City under this Section 7.1.1, Developer acknowledges and agrees that the City may retain all fees accrued up to the date of the termination, including the Processing Fee and the Development Fee or Alternative Fee, as applicable, paid up to the date of termination, and Developer shall pay the prorated amount of the Development Fee or Alternative Fee, as applicable, within sixty (60) days after the date of termination and removal of the New Digital Billboard that equates to the percentage of time elapsed in the year of the Term at the time of termination.

7.1.2. *Termination of Agreement for Material Default of City.* Developer, in its discretion, may terminate this Agreement for any material failure of the City to perform any material duty or obligation of the City hereunder or to comply in good faith with the terms of this Agreement; provided, however, Developer may terminate this Agreement pursuant to this Section only after following the procedures set forth in Section 6.4. In addition, Developer may terminate this Agreement if, despite Developer's good faith efforts, (1) it is unable to secure the necessary permits and/or compliance with requirements under laws necessary to effectuate the Development, or (2) any governmental agency has concluded a taking or regulatory taking of the Site and/or the Development or (3) the Lease is terminated, or (4) it is unable to profitably operate the Development. In the event of a termination by Developer under this Section 7.1.2, Developer acknowledges and agrees that the City may retain all fees, including the Processing Fee and the Development Fee or Alternative Fee, as applicable, paid up to the date of termination, and Developer shall pay the prorated amount of the Development Fee or Alternative Fee, as applicable, within sixty (60) days after the date of termination and removal of the New Digital Billboard that is so terminated that equates to the percentage of time elapsed in the year of the Term at the time of termination.

7.1.3. *Rights and Duties Following Termination.* Upon the termination of this Agreement, no party shall have any further right or obligation hereunder except with respect to (i) any obligations to have been performed prior to said termination of this Agreement, (ii) any default in the performance of the provisions of this Agreement which has occurred prior to said termination of this Agreement, (iii) Developer's obligation to remove the terminated New Digital Billboard pursuant to Section 2.3, or (iv) any continuing obligations to indemnify other parties.

8. INSURANCE, INDEMNIFICATION AND WAIVERS.

8.1. Insurance.

8.1.1. *Types of Insurance.*

(a) *Liability Insurance.* Beginning on the Effective Date hereof and until completion of the Term, Developer shall, at its sole cost and expense, keep or cause to be kept in force for Developer comprehensive broad form general liability insurance against claims and liabilities covered by the indemnification provisions of Section 8.2. Developer has agreed to indemnify the City hereunder to the extent of the liability insurance coverage with respect to its use, occupancy, disuse or condition of the Site, improvements or adjoining areas or ways, affected by such use of the Site or for property damage, providing protection of at least One Million Dollars (\$1,000,000) for bodily injury or death to any one person, at least Two Million Dollars (\$2,000,000) for any one accident or occurrence, and at least One Million Dollars (\$1,000,000) for property damage. Developer shall also furnish or cause to be furnished to the City evidence that any contractors with whom Developer has contracted for the performance of any work for which Developer is responsible maintains the same coverage required of Developer.

(b) *Worker's Compensation.* Developer shall also furnish or cause to be furnished to the City evidence that any contractor with whom Developer has contracted for the performance of any work for which Developer is responsible hereunder carries worker's compensation insurance as required by law.

8.1.2. *Insurance Policy Form, Sufficiency, Content and Insurer.* All insurance required by express provisions hereof shall be carried only by responsible insurance companies qualified to do business by California with an AM Best Rating of no less than "A". All such policies shall be non-assignable and shall contain language, to the extent obtainable, to the effect that (i) the insurer waives the right of subrogation against the City and against the City's agents and representatives except as provided in this Section; (ii) the policies are primary and noncontributing with any insurance that may be carried by the City, but only with respect to the liabilities assumed by Developer under this Agreement; and (iii) the policies cannot be canceled or materially changed except after written notice by the insurer to the City or the City's designated representative as expeditiously as the insurance company agrees to provide such notice. Developer shall furnish the City with certificates evidencing the insurance required to be procured by the terms of this Agreement.

8.1.3. *Failure to Maintain Insurance and Proof of Compliance.* Developer shall deliver to the City, in the manner required for notices, copies of certificates of all insurance policies required of each policy within the following time limits:

(a) For insurance required above, within seven (7) days after the Effective Date or consistent with the requirements of Exhibit "D" (Schedule of Performance), Item No. 8.

(b) The City can request to see updated copies of the current certificates of all insurance policies required. The City reserves the right to obtain copies of the entire insurance policy, including endorsements.

(c) If Developer fails or refuses to procure or maintain insurance as required hereby or fails or refuses to furnish the City with required proof that the insurance has

been procured and is in force and paid for, the City, after complying with the requirements of Section 6.4, may view such failure or refusal to be a default hereunder.

8.2. Indemnification.

8.2.1. **General.** Developer shall indemnify the City and Owner, and their respective officers, employees, and agents against, and will hold and save them and each of them harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions, or liabilities (herein "claims or liabilities") that may be asserted or claimed by any person, firm, or entity arising out of or in connection with the work, operations, or activities of Developer, its agents, employees, subcontractors, or invitees, hereunder, upon the Site.

(a) Developer will defend any action or actions filed in connection with any of said claims or liabilities covered by the indemnification provisions herein and will pay all costs and expenses, including reasonable legal costs and attorneys' fees incurred in connection therewith, which attorneys will be the attorneys hired by the insurance company where insurance coverage applies.

(b) Developer will promptly pay any judgment rendered against the City or Owner or their respective officers, agents, or employees for any such claims or liabilities arising out of or in connection with such work, operations, or activities of Developer hereunder, and Developer agrees to save and hold the City and Owner and their respective officers, agents, and employees harmless therefrom.

8.2.2. **Exceptions.** The foregoing indemnity shall not include claims or liabilities arising from the negligence or willful misconduct of the City, or its officers, agents or employees who are directly responsible to the City.

8.2.3. **Additional Coverage.** Without limiting the generality of the foregoing, Developer's indemnity obligation shall include any liability arising by reason of:

(a) Any accident or other occurrence in or on the Site causing injury to any person or property whatsoever caused by Developer;

(b) Any failure of Developer to comply with performance of all of the provisions of this Agreement;

(c) Any harm, delays, injuries or other damages incurred by any party as a result of any subsurface conditions on the Site caused solely by Developer, including but not limited to, the presence of buried debris, hazardous materials, hydrocarbons, or any form of soil contamination.

8.2.4. **Loss and Damage.** Except as set forth below, the City shall not be liable for any damage to property of Developer, Owner or of others located on the Site, nor for the loss of or damage to any property of Developer, Owner or others by theft or otherwise. Except as set forth below, the City shall not be liable for any injury or damage to persons or property resulting from fire, explosion, steam, gas, electricity, water, rain, dampness or leaks from any part of Site

or from the pipes or plumbing, or from the street, or from any environmental or soil contamination or hazard, or from any other latent or patent defect in the soil, subsurface or physical condition of Site, or by any other cause of whatsoever nature. The foregoing two (2) sentences shall not apply (i) to the extent the City or its agents, employees, subcontractors, invitees or representatives causes such injury or damage when accessing the Site, or (ii) to the extent covered in any permits to enter executed by the City, or (iii) under the circumstances set forth in Section 8.2.2 above.

8.2.5. *Period of Indemnification.* The obligations for indemnity under this Section 8.2 shall begin upon the Effective Date and shall survive termination of this Agreement.

8.3. *Waiver of Subrogation.* Developer and the City mutually agree that neither shall make any claim against, nor seek to recover from the other or its agents, servants, or employees, for any loss or damage to Developer or the City or to any person or property relating to this Agreement, except as specifically provided hereunder, which include but is not limited to a claim or liability to the extent arising from the negligence or willful misconduct of the City or Developer, as the case may be, or their respective officers, agents, or employees who are directly responsible to the City and Developer, as the case may be.

9. *MORTGAGEE PROTECTION.* The parties hereto agree that this Agreement shall not prevent or limit Developer, in any manner, at Developer's sole discretion, from encumbering Site or any portion thereof or the Development or any improvement on the Site thereon by any mortgage, deed of trust or other security device securing financing with respect to the Site. The City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and the City agrees upon request, from time to time, to meet with Developer or Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. Subject to compliance with applicable laws, the City will not unreasonably withhold its consent to any such requested interpretation or modification, provided the City determines such interpretation or modification is consistent with the intent and purposes of this Agreement. Upon reasonable approval by the City Attorney, the City authorizes the City Manager to execute any Notices of Consent to Assignment on behalf of the City or similar financial documentation. Any Mortgagee of the Site shall be entitled to the following rights and privileges:

9.1.1. Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Development of the Site or any mortgage of the Site made in good faith and for value, unless otherwise required by law.

9.1.2. The Mortgagee of any mortgage or deed of trust encumbering the Development of the Site or any mortgage or deed of trust encumbering the Site, or any part thereof, which Mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from the City of any default by Developer in the performance of Developer's obligations under this Agreement.

9.1.3. If the City timely receives a request from a Mortgagee requesting a copy of any Notice of Non-Compliance given to Developer under the terms of this Agreement, the City shall make a good faith effort to provide a copy of that Notice of Non-Compliance to the Mortgagee within ten (10) days of sending the Notice of Non-Compliance to Developer. The Mortgagee shall have the right, but not the obligation, to cure the non-compliance during the period that is the

longer of (i) the remaining cure period allowed such party under this Agreement, or (ii) sixty (60) days.

9.1.4. Any Mortgagee who comes into possession of the Development or the Site, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Development or the Site, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; except that (i) to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by the City, the performance thereof shall continue to be a condition precedent to the City's performance hereunder, and (ii) in the event any Mortgagee seeks to develop or use any portion of the Development or the Site acquired by such Mortgagee by foreclosure, deed of trust, or deed in lieu of foreclosure, such Mortgagee shall strictly comply with all of the terms, conditions and requirements of this Agreement and the Development Approvals applicable to the Development or the Site or such part thereof so acquired by the Mortgagee.

10. MISCELLANEOUS PROVISIONS.

10.1. Recordation of Agreement. This Agreement shall be recorded in "short form" version with the County Recorder by the City Clerk within 10 days of execution, as required by Government Code Section 65868.5. Amendments approved by the parties, and any cancellation, shall be similarly recorded.

10.2. Entire Agreement. This Agreement sets forth and contains the entire understanding and agreement of the parties with respect to the subject matter set forth herein, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

10.3. Severability. If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, then that term, provision, covenant or condition of this Agreement shall be stricken and the remaining portion of this Agreement shall remain valid and enforceable if that stricken term, provision, covenant or condition is not material to the main purpose of this Agreement, which is to allow the Development to be permitted and operated and to provide the Development Fee to the City; otherwise, this Agreement shall terminate in its entirety, unless the parties otherwise agree in writing, which agreement shall not be unreasonably withheld.

10.4. Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning, to achieve the objectives and purposes of the parties hereto. The rule of construction, to the effect that ambiguities are to be resolved against the drafting party or in favor of the non-drafting party, shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

10.5. Section Headings. All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

10.6. Singular and Plural. As used herein, the singular of any word includes the plural.

10.7. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

10.8. Waiver. Failure of a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

10.9. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit for the parties and Owner and their respective successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

10.10. Force Majeure. Notwithstanding any provision to the contrary herein, neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by earthquakes, other acts of God, fires, rains, winds, wars, terrorism, riots or similar hostilities, strikes and other labor difficulties beyond the party's control (including the party's employment force), government actions and regulations (other than those of the City), court actions (such as restraining orders or injunctions), or other causes beyond the party's reasonable control. If any such events shall occur the term of this Agreement then the time for performance shall be extended for the duration of each such event, provided that the Term of this Agreement shall not be extended under any circumstances for more than five (5) years beyond the date it would have otherwise expired, and further provided that if such delay is longer than six (6) months, Developer may terminate this Agreement upon written notice to the City and the City shall return to Developer any portion of the Development fee paid for any period after the effective date of such termination.

10.11. Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

10.12. Counterparts. This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

10.13. Litigation. Any action at law or in equity arising under this Agreement or brought by any party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Los Angeles, State of California, or such other appropriate court in said county. Service of process on the City shall be made in accordance with California law. Service of process on Developer shall be made in any manner permitted by California law and shall be effective whether served inside or outside California. In the event of any action between the City and Developer seeking enforcement of any of the terms and conditions to this Agreement, the prevailing party in such action shall be awarded, in addition to such relief to which such party is entitled under this

Agreement, its reasonable litigation costs and expenses, including without limitation its expert witness fees and reasonable attorneys' fees.

10.14. Covenant Not To Sue. The parties to this Agreement, and each of them, agree that this Agreement and each term hereof are legal, valid, binding, and enforceable. The parties to this Agreement, and each of them, hereby covenant and agree that each of them will not commence, maintain, or prosecute any claim, demand, cause of action, suit, or other proceeding against any other party to this Agreement, in law or in equity, which is based on an allegation, or assert in any such action, that this Agreement or any term hereof is void, invalid, or unenforceable.

10.15. Development as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the Development is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between the City and Developer is that of a government entity regulating the development of private property, on the one hand, and the holder of a legal or equitable interest in such private property on the other hand. The City agrees that by its approval of, and entering into, this Agreement, that it is not taking any action which would transform this private development into a "public work" development, and that nothing herein shall be interpreted to convey upon Developer any benefit which would transform Developer's private development into a public work project, it being understood that this Agreement is entered into by the City and Developer upon the exchange of consideration described in this Agreement, including the Recitals to this Agreement which are incorporated into this Agreement and made a part hereof, and that the City is receiving by and through this Agreement the full measure of benefit in exchange for the burdens placed on Developer by this Agreement.

10.16. Further Actions and Instruments. Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of either party at any time, the other party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

10.17. Eminent Domain. No provision of this Agreement shall be construed to limit or restrict the exercise by the City of its power of eminent domain or Developer's right to seek and collect just compensation or any other remedy available to it.

10.18. Amendments in Writing/Cooperation. This Agreement may be amended only by written consent of both parties specifically approving the amendment (which approval shall not be unreasonably withheld, conditioned or delayed) and in accordance with the Government Code provisions for the amendment of development agreements. The parties shall cooperate in good faith with respect to any amendment proposed in order to clarify the intent and application of this Agreement, and shall treat any such proposal on its own merits, and not as a basis for the introduction of unrelated matters. Minor, non-material modifications may be approved on behalf of the City by the City Manager upon reasonable approval by the City Attorney.

10.19. Assignment. Developer shall have the right to transfer or assign its rights and obligations under this Agreement (collectively, an "Assignment") to any person or entity (an "Assignee") in connection with a transfer or assignment of all of Developer's interest in the Lease without the prior approval of the City; provided that, (a) Developer shall notify City in writing of such proposed Assignment at least thirty (30) days prior to the effective date of any proposed Assignment, and (b) Developer and Assignee shall enter into a written assignment and assumption agreement, executed in recordable form, pursuant to which Assignee shall agree to assume all duties and obligations of Developer under this Agreement remaining to be performed at the time of the Assignment.

10.20. Corporate Authority. The person(s) executing this Agreement on behalf of each of the parties hereto represent and warrant that (i) such party, if not an individual, is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other agreement to which such party is bound.

10.21. Notices. All notices under this Agreement shall be effective when delivered by United States Postal Service mail, registered or certified, postage prepaid return receipt requested, and addressed to the respective parties as set forth below, or to such other address as either party may from time to time designate in writing by providing notice to the other party:

If to the City: City of Santa Fe Springs
 11710 E. Telegraph Road
 Santa Fe Springs, CA 90670
 Attn: City Manager

If to Developer: Becker Boards Small, LLC
 4234 E. Indian School Rd
 Phoenix, AZ 85018
 Attn: _____

With a copy to: _____

10.22. Nonliability of City Officials. No officer, official, member, employee, agent, or representatives of the City shall be liable for any amounts due hereunder, and no judgment or execution thereon entered in any action hereon shall be personally enforced against any such officer, official, member, employee, agent, or representative.

10.23. No Brokers. The City and Developer each represent and warrant to the other that it has not employed any broker and/or finder to represent its interest in this transaction. Each party agrees to indemnify and hold the other free and harmless from and against any and all liability, loss, cost, or expense (including court costs and reasonable attorneys' fees) in any manner connected with a claim asserted by any individual or entity for any commission or finder's fee in

connection with this Agreement or arising out of agreements by the indemnifying party to pay any commission or finder's fee.

10.24. No Amendment of Lease. Nothing contained in this Agreement shall be deemed to amend or modify any of the terms or provisions of the Lease. Nothing contained in this Agreement shall constitute or be deemed to constitute a limit on any of Developer's obligations under the Lease, or any of Owner's rights or remedies against Developer under the Lease.

[Signatures on the following page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first set forth above.

CITY:

CITY OF SANTA FE SPRINGS
a California municipal corporation

By: _____
Mayor

DEVELOPER:

BECK BOARDS SMALL, LLC
a California Corporation

By: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____

,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____

,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature (Seal)

EXHIBIT "A"

LEGAL DESCRIPTION OF SITE

All that certain real property located in the City of Santa Fe Springs, County of Los Angeles, State of California more particularly described as follows:

Legal Description to be provided by applicant

APN: 8069-016-006

EXHIBIT "B"

SCOPE OF DEVELOPMENT

Developer and the City agree that the Development shall be undertaken in accordance with the terms of the Agreement, which include the following:

1. The Development. Developer shall install the New Digital Billboard in accordance with the terms of this Agreement. The New Digital Billboard consists of one (1) 60 foot tall, "bulletin" size V-Shaped freeway-oriented billboard with a total of two (2) digital displays (each display measuring 14' x 48' within the billboard frame) on the 5 Freeway. Before the issuance of final inspection of the Final Permits, Developer shall underground all utilities necessary for the New Digital Billboard and the Site shall be maintained in accordance with the conditions at Paragraph 3 below.

2. Building Fees. Developer shall pay all applicable City building fees, as described at Section 2.4 of the Agreement, at the time that the building permit is issued for the installation of the New Digital Billboard.

3. Maintenance and Access. Developer, for itself and its successors and assigns, hereby covenants and agrees to be responsible for the following:

(a) Maintenance and repair of the New Digital Billboard (where authorized pursuant to the Agreement, and including but not limited to, the displays installed thereon, and all related on-site improvements and, if applicable, easements and rights-of-way, at its sole cost and expense), including, without limitation, landscaping, poles, lighting, signs and walls (as they relate to the Development) in good repair, free of graffiti, rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction over the Site, unless those federal, state, and local bodies have an exception for a legal nonconforming use. Such, maintenance and repair shall include, but not be limited to, the following: (i) sweeping and trash removal related to the Development; (ii) the care and replacement of all shrubbery, plantings, and other landscaping or the painted backing in a healthy condition if damaged by the Development; (iii) the ongoing maintenance by Developer of any access road to the New Digital Billboard if damaged by the Development and to minimize dust caused by the Development; and (iii) the repair, replacement and repainting of the New Digital Billboard's structures and displays as necessary to maintain such billboards in good condition and repair.

(b) Maintenance of the New Digital Billboard and surrounding portion of the Site in such a manner as to avoid the reasonable determination of a duly authorized official of the City that a public nuisance has been created by the absence of adequate maintenance of the Development such as to be detrimental to the public health, safety or general welfare, or that such a condition of deterioration or disrepair causes appreciable harm or is materially detrimental to property or improvements within three hundred (300) feet of the Site.

(c) Developer shall reasonably coordinate with any neighboring property owners who share utilities or access roads to their separate respective billboards. The City may

designate alternative access for planning purposes so long as such alternative access allows Developer to access its billboard and related utilities.

4. Other Rights of the City. In the event of any violation or threatened violation of any of the provisions of this Exhibit "B", then in addition to, but not in lieu of, any of the rights or remedies the City may have to enforce the provisions of the Agreement, the City shall have the right, after complying with Section 6.4 of the Agreement, (i) to enforce the provisions hereof by undertaking any maintenance or repairs required by Developer under Paragraph 3 above (subject to the execution of a permit to enter in form reasonably acceptable to Owner) and charging Developer for any actual maintenance costs incurred in performing same, and (ii) to withhold or revoke, after giving written notice of said violation, any building permits, occupancy permits, certificates of occupancy, business licenses and similar matters or approvals pertaining to the Development or any part thereof or interests therein as to the violating person or one threatening violation.

5. No City Liability. The granting of a right of enforcement to the City does not create a mandatory duty on the part of the City to enforce any provision of the Agreement. The failure of the City to enforce the Agreement shall not give rise to a cause of action on the part of any person. No officer or employee of the City shall be personally liable to Developer, its successors, transferees or assigns, for any default or breach by the City under the Agreement.

6. Conditions of Approval. The following additional conditions shall apply to the installation of the New Digital Billboard and, where stated, landscaping adjacent to New Digital Billboard, which billboard and landscaping or painted backing adjacent to the billboard, respectively, shall conform to all applicable provisions of the Development Approvals and the following conditions, in a manner subject to the approval of the Director of Planning or his or her designee:

(a) A building permit will be required, and structural calculations shall be prepared by a licensed civil engineer and approved by the City's Building Official.

(b) The Billboard shall be located in the portion of the Site shown on Exhibit "C-1", and shall be of the dimensions described in Section 1, above.

(c) The size of each sign display of the New Digital Billboard shall not exceed the dimensions set forth in the Ordinance, and shall not to exceed the maximum height set forth in the Ordinance, including all extensions, and shall be spaced at intervals from any other billboard on the same side of the freeway and measured parallel to the freeway as set forth in the Ordinance and depicted in the Site Plan at Exhibit "C-1", Billboard Elevation at Exhibit "C-2", and Screening Rendering & Pole Cover at Exhibit "C-3" as approved by the City as part of the Development Approvals.

(d) The New Digital Billboard pole shall have a column cover as depicted in the Billboard Elevation within Exhibits "C-2" & "C-3".

(e) Plans and specifications for the proposed installation of the New Digital Billboard shall be submitted to the City Planning and Building Departments for plan check and approval prior to the issuance of building permits. Plans and specifications for the proposed

installation of the undergrounding of all utilities, shall be submitted to the City Planning and Building Departments for plan check and approval prior to the issuance of electrical permits.

(f) Prior to the approval of the final inspection, all applicable conditions of approval and all mandatory improvements shall be completed to the reasonable satisfaction of the City.

(g) Developer shall maintain the New Digital Billboard and use thereof in full compliance with all applicable codes, standards, policies and regulations imposed by the City, county, state or federal agencies by any duly and valid City, county or state ordinance with jurisdiction over the facilities, unless the Development is exempted as a legal nonconforming use.

(h) Developer shall, at all time, comply with the approval for the New Digital Billboard from the California Department of Transportation Outdoor Advertising Division, and shall maintain acceptable clearance between proposed billboards and Southern California Edison distribution lines.

(i) Developer shall pay any and all applicable fees due to any public agency prior to the final issuance of the applicable building or electrical permits.

(j) The activities proposed in the Agreement shall be conducted completely upon the Site and shall not use or encroach on any public right-of-way.

(k) Developer shall ensure that all access to the New Digital Billboard is kept restricted to the general public to the extent permitted under local laws and by the Development Approvals.

(l) If any portion of the landscaping or painted backing installed adjacent to the New Digital Billboard is damaged by the Development or becomes damaged, unhealthy or otherwise in need of replacement, as determined by the City's Director of Planning or his or her designee, Developer shall ensure that the replacement is accomplished within fourteen (14) days of notification by the City, unless such time is extended by the City's Director of Planning or his or her designee if Developer shows unusual circumstances requiring more time to accomplish such replacement. Developer or Owner may trim such landscaping so as not to block the billboards or with the reasonable consent of the Director of Planning, the Developer at the Developer's own cost, can remove and relocate any landscaping.

(m) Developer shall be required to install all utilities underground in connection with the New Digital Billboard in conformance with Ordinance 1036 and 1092. Developer shall coordinate its work with the requirements of Southern California Edison to achieve the undergrounding of all utilities.

(n) Developer shall comply with all necessary federal National Pollutant Discharge Elimination System (NPDES) requirements pertaining to the proposed use, to the extent applicable.

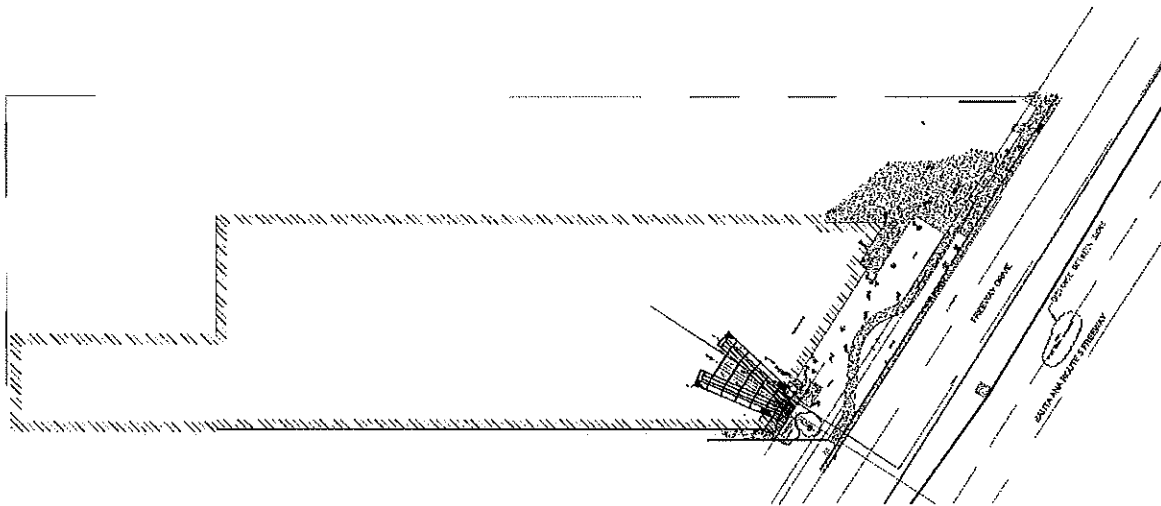
(o) All graffiti shall be adequately and completely removed or painted over within 48 hours of notice to Developer of such graffiti being affixed on the Development.

(p) Prior to final sign off of the building permit for the New Digital Billboard, the applicable landscaping or painted backing shall be installed at the Site.

(q) Developer shall comply with State law regarding the limitation of light or glare or such other standards as adopted by the Outdoor Advertising Association of America, Inc. (OAAA), including but not limited to, the 0.3 foot-candles limitation over ambient light levels and ensuring additional flexibility in reducing such maximum light level standard given the lighting environment, the obligation to have automatic dimming capabilities, as well as providing the City's Director of Planning or his or her designee with a designated Developer employee's phone number and/or email address for emergencies or complaints that will be monitored 24 hours a day/7 days per week. Upon any reasonable complaint by the City's Planning Officer or designee, Developer shall dim the display to meet these guidelines and further perform a brightness measurement of the display using OAAA standards and provide the City with the results of same within 5 days of the City's complaint.

EXHIBIT "C-1"

SITE PLAN



PARTIAL SITE PLAN

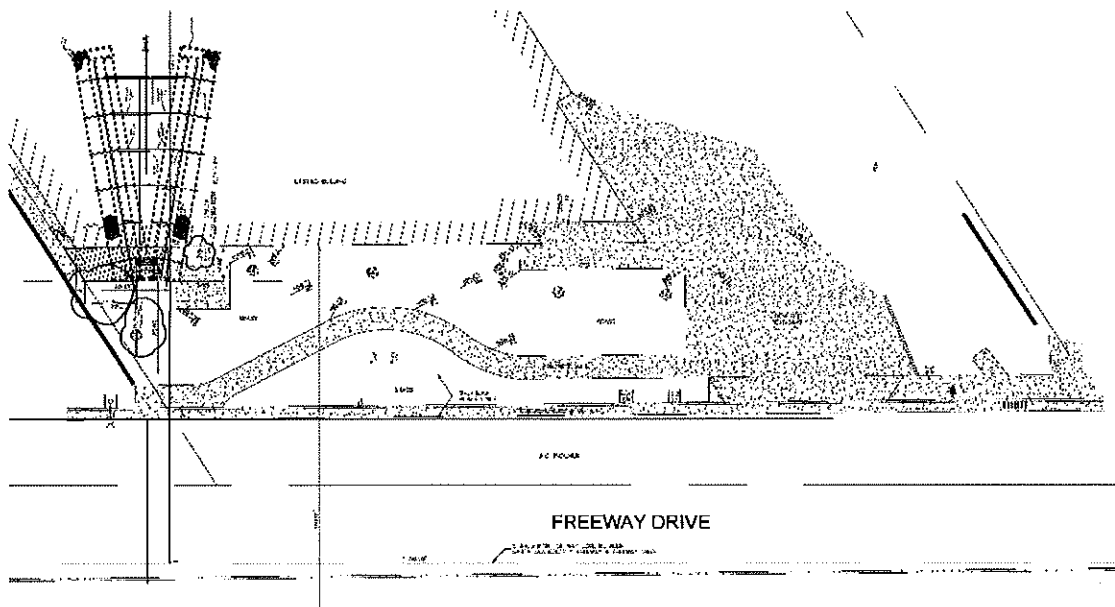
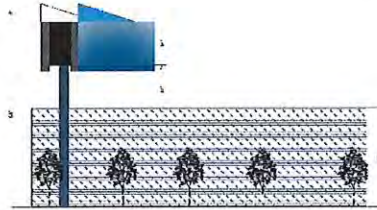


EXHIBIT "C-2"

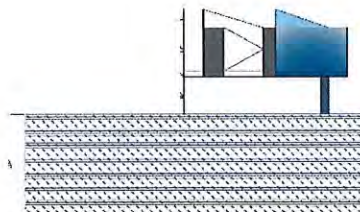
BILLBOARD ELEVATIONS



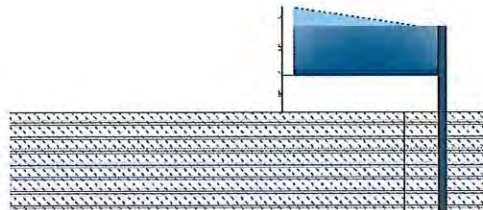
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

EXHIBIT "C-3"

SCREENING RENDERING & POLE COVER

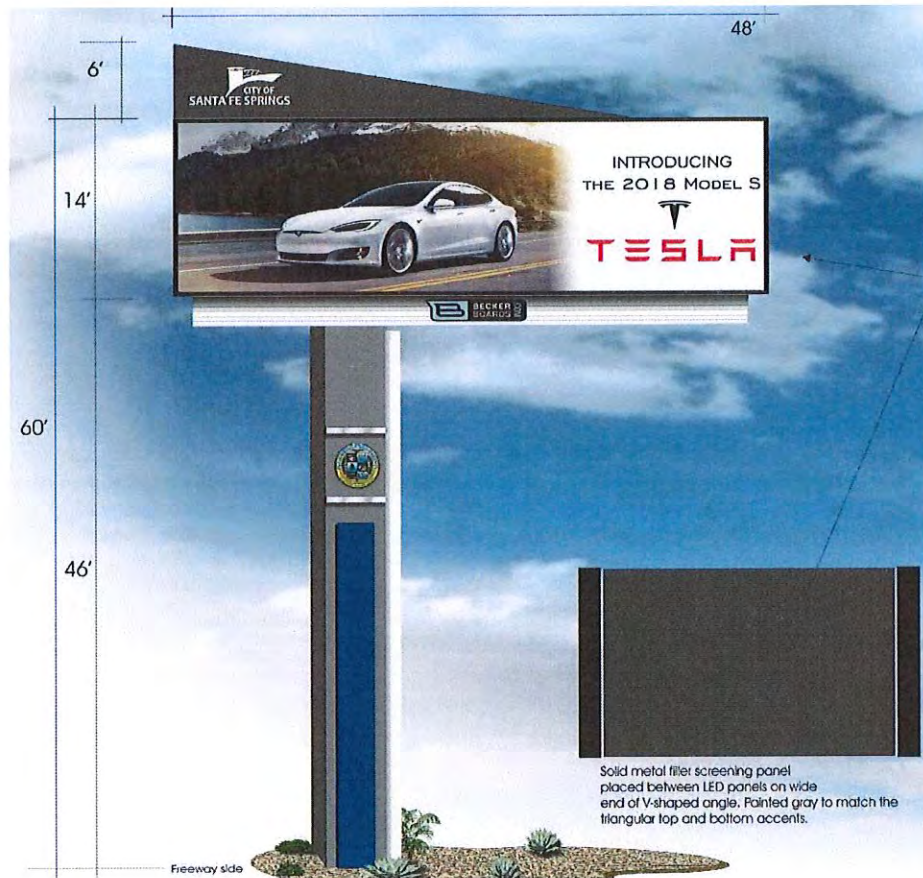


EXHIBIT "D"

SCHEDULE OF PERFORMANCE

ITEM OF PERFORMANCE	TIME FOR PERFORMANCE	REFERENCE
1. City's Planning Commission holds public hearing and recommends approval of Agreement and Conditions of Approval		Recitals
2. City's City Council holds hearings to approve Agreement and first and second reading of Ordinance	_____, 2019 (1st Reading); _____, 2019 (2nd Reading), provided Developer has fully executed the Agreement	Recitals
3. Effective Date of this Agreement.	30 days following City Council's second reading of Ordinance, or _____, 2019	N/A
4. Developer prepares and submits to City working drawings specifications and engineering, the City commences approval process.	Within 120 days of the Council's second reading of the Ordinance approving this Agreement	5.4
5. City to approve all construction and engineering drawings and specifications with a plan check approval, and issue a building permit and an electrical permit. City agrees to any necessary building or electrical permits need for Developer to acquire the Caltrans approvals. Developer agrees not to commence construction until it receives the applicable Caltrans approvals.	Within 30 days of City's receipt of Developer's construction drawings and specifications addressing all of City's comments.	

ITEM OF PERFORMANCE	TIME FOR PERFORMANCE	REFERENCE
6. Developer to provide copy of Caltrans approval to City	Prior to commencing any inspections and work on the Development.	5.3, 5.4
7. Developer to submit proof of insurance to City.	Prior to commencing any inspections and work on the Development	8.1.2
8. Developer pays Processing Fee	Thirty days from the date that the building official releases the electrical meter to Southern California Edison (Commencement Date)	2.4
9. Developer pays City annual installments of the Development Fee or Alternate Development Fee.	Within ninety (90 days) following the Anniversary Date and after the termination of the Term.	2.5, 2.6
10. Developer pays the Alternative Fee if in excess of the Development Fee.	Within 90 days of the end of each calendar year of the Term	2.6

It is understood that this Schedule of Performance is subject to all of the terms and conditions of the text of the Agreement. The summary of the items of performance in this Schedule of Performance is not intended to supersede or modify the more complete description in the text; in the event of any conflict or inconsistency between this Schedule of Performance and the text of the Agreement, the text shall govern.

The time periods set forth in this Schedule of Performance may be altered or amended only by written agreement signed by both Developer and the City. Notwithstanding any extension of the Term in the manner described in, and subject to the provisions of Section 5.5 of the Agreement, the City Manager shall have the authority to approve extensions of time set forth in this Schedule of Performance without action of the City Council, not to exceed a cumulative total of 180 days.

Attachment 9: Caltrans Determination

**DEPARTMENT OF TRANSPORTATION
OFFICE OF OUTDOOR ADVERTISING**

P.O. BOX 942873, MS-36
SACRAMENTO, CA 94273-0001
PHONE (916) 654-6473
FAX (916) 651-9359
TTY 711

www.dot.ca.gov/trafficops



*Making Conservation
a California Way of Life.*

September 12, 2019

CERTIFIED MAIL: 7016 3010 0000 5882 2232

Wayne Morrell
City of Santa Fe Springs
11710 Telegraph Road
Santa Fe Springs, CA 90670

Re: Outdoor Advertising Preliminary Application Number P07-3525

Dear Wayne Morrell:

Thank you for your outdoor advertising preliminary review application for an outdoor advertising display comprised of a back to back display to be placed in the County of Los Angeles, adjacent to northbound Interstate 5, at Post Mile marker 2.200R, and 1306 feet south of Carmenita Road. A true and correct copy of your application is attached hereto for your reference. Unfortunately, the display location does not conform to the requirements of the Outdoor Advertising Act codified at California Business and Professions Code section 5200 et seq.; therefore, the application cannot be approved for the following reason:

- Outdoor Advertising Act section 5405(d)(1) states that no message center display may be placed within 1,000 feet of another message center display on the same side of the highway. According to the Department's records, there is an on-premise message center display 463 feet north of the proposed display location.

Therefore, your preliminary review application is denied. The preliminary determination application process is designed to provide applicants with the Department's preliminary determination as to whether a particular site would qualify for a permit if a permit application were submitted; it is not intended to substitute for the permit application process, which provides an actual decision on an actual outdoor advertising permit application. A preliminary determination is non-binding-it neither compels nor denies any further action- and thus, it does not qualify for any legal remedy such as an appeal process.

If you have any questions, please contact our office at (916) 654-6473.

Sincerely,

A handwritten signature in blue ink, appearing to read 'George Anzo'.

George Anzo
Area Manager

Enc.:

Outdoor Advertising Permit Applications and:

- Photographs of on-premise message center display
- Copy of 4 BPC § 5216.4 & 5405

OUTDOOR ADVERTISING (ODA) DISPLAY PERMIT APPLICATION

ODA-0002 (REV 01/2019)

Page 1 of 2

PERSONAL INFORMATION NOTICE Pursuant to the Federal Privacy Act (Section 552, et seq.) and the Information Practices Act of 1977 (IPA) (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular.				DO NOT WRITE IN SHADED AREAS			
DISTRICT 07		COUNTY LA		ROUTE 5		POST MILE 2.200R	
ROAD / STREET / ADDRESS							
CSR NUMBER		APPLICATION NUMBER POT-3525					
PERMIT ISSUE DATE				PERMIT EXPIRATION DATE			

COMPLETE ALL SECTIONS. ISSUANCE OF A PERMIT WILL BE DELAYED UNLESS ALL ITEMS ARE FILLED IN AND THE PROPER FEES REMITTED. IF APPROVED, A COPY WILL BE RETURNED FOR YOUR RECORDS. www.dot.ca.gov/oda

MAIL TO: DEPARTMENT OF TRANSPORTATION, Division of Traffic Operations, Office of ODA MS-36, P.O. Box 942874, Sacramento, CA 94274-0001

SECTION 1 - FEES (NO CASH ACCEPTED BY MAIL)

MAKE CHECK PAYABLE TO: DEPARTMENT OF TRANSPORTATION, OR PROVIDE THE INFORMATION BELOW TO APPLICABLE CREDIT CARD.

APPLICATION (non-refundable) ☐ \$300	PERMIT FEES:
PENALTY (required if display was placed prior to obtaining permit) ☐ \$100	2019-2023 ☐ \$500
PRELIMINARY REVIEW REQUEST (If approved, \$100 will be applied towards the application fee per BPC Section 5486) ☒ \$200	2019** ☐ \$100

The Department operates on a 5-year billing cycle: 2019-2023. **Companies that have more than 10 permitted displays may pay on an annual basis.

TOTAL FEES PAID (Application + Permit Fees): \$ 200.00

METHOD OF PAYMENT: ☐ CHECK NUMBER	☒ VISA	☐ MASTERCARD	☐ AMERICAN EXPRESS	☐ DISCOVER	Expiration Date: 02/13
CHARGE ACCOUNT NUMBER	TOTAL FEES CHARGED \$200.00		AUTHORIZED SIGNATURE <i>Wayne M. Morrell</i>		

SECTION 2 - DISPLAY TYPE (CHECK THE APPROPRIATE BOX(ES))

☐ STATIC DISPLAY ☒ TRI-VISION/MESSAGE CENTER DISPLAY ☐ PRIVATE DIRECTIONAL DISPLAY ☐ PUBLIC DIRECTIONAL DISPLAY

SECTION 3 - APPLICANT

PERMIT APPLICANT (Please print or type name of firm or individual desiring permit) City of Santa Fe Springs		ODA LICENSED? ☐ YES ☒ NO		LICENSE NUMBER
STREET ADDRESS (CANNOT be a Post Office Box) 11710 Telegraph Road	CITY Santa Fe Springs	STATE CA	ZIP CODE 90670	BUSINESS PHONE NO. 562-868-0511
MAILING ADDRESS, IF DIFFERENT (Street Address or P.O. Box)	CITY	STATE	ZIP CODE	

SECTION 4 - PROPERTY

PROPERTY OWNER (Person in control of property upon which display is situated) Hurlen Leasing, LLC		ASSESSOR'S PARCEL NO. 8069-016-006	ZONING M-2-POZ
STREET ADDRESS / P.O. BOX 13539 Freeway Drive	CITY Santa Fe Springs	STATE CA	ZIP CODE 90670

SECTION 5 - DISPLAY LOCATION INFORMATION

COUNTY NAME Los Angeles	CITY NAME (If incorporated) Santa Fe Springs	(circle) ON THE N S E W SIDE OF	STATE ROUTE NUMBER OR ROAD/STREET NAME Santa Ana (5) Freeway
FEET/MILES 1306' & 1506'	(circle) N S E W	NAME OF NEAREST CROSSROAD, OVER/UNDERPASS Carmenita Overpass	
IDENTIFY A BUSINESS ACTIVITY BY THE NAME THAT IS WITHIN 1,000 FEET OF THE DISPLAY LOCATION Carmenita Truck Center		STREET ADDRESS OF THE BUSINESS ACTIVITY 13443 Freeway Drive, Santa Fe Springs 90670	

SECTION 6 - DISPLAY CONFIGURATION

NOTE: V-Shaped structures are separate displays and require separate applications.

COPY: ☐ ONE SIDE ☒ BOTH SIDES ☐ 1/2 OF A V-SHAPED DISPLAY

PANEL: HEIGHT 14'	LENGTH 48'	DISPLAY NUMBER (optional)
UPRIGHTS: NUMBER	SIZE	MATERIAL ☐ METAL ☐ WOOD ☐ OTHER

ILLUMINATION? ☐ YES ☐ NO

INDICATE FACING ☒ N ☐ S ☐ E ☐ W

DISTANCE FROM BOTTOM PANEL TO GROUND
36'

MESSAGE CENTER: ☐ ELECTRONIC BOARD ☒ L.E.D. ☐ TRI-VISION

SECTION 7 - REQUIRED DOCUMENTS

Applications submitted without ALL of the following documents will be returned:

☐ Building Permit (City or County written permission) **

☒ Detailed plot map of the proposed display location

☐ Evidence of Property Owner's Consent **

☒ Assessor's Parcel Map

☒ Assessor's Property Ownership Information

** (NOTE: Not required if submitting a preliminary review)

Check One ☐ An imprint is placed at the location.

☐ An imprint will be placed by: _____ (Date)

☐ Display is in place (upgrade)

An imprint is a flag, or some type of marker, at the exact location of the desired display.

SECTION 8 - SIGNATURE

NAME (Please print) City of Santa Fe Springs (Wayne M. Morrell)	SIGNATURE OF APPLICANT OR AUTHORIZED AGENT <i>Wayne M. Morrell</i>	BUSINESS PHONE NO. 562-868-0511	DATE 04/29/2019
ADDRESS 11710 Telegraph Road	CITY Santa Fe Springs	STATE CA	ZIP CODE 90670

The applicant hereby agrees to place and maintain the advertising display described above in accordance with the provisions of the Outdoor Advertising Act, State Regulations, and local zoning ordinances. The applicant certifies that the statements made in this application are true, and understands that an incorrect statement of fact may be grounds for permit denial or for permit revocation.

For outdoor advertising information, contact the Office of Outdoor Advertising at (916) 654-6473.



BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.*)

CHAPTER 2. Advertisers [5200 - 5486] (*Chapter 2 repealed and added by Stats. 1970, Ch. 991.*)

ARTICLE 7. Regulations [5400 - 5419] (*Article 7 added by Stats. 1970, Ch. 991.*)

Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, other than any of the following:

5405.

(a) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders and scenic and historical attractions, and which comply with regulations adopted by the director relative to their lighting, size, number, spacing, and any other requirements as may be appropriate to implement this chapter which are consistent with national standards adopted by the United States Secretary of Transportation pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(b) Advertising displays advertising the sale or lease of the property upon which they are located, if all advertising displays within 660 feet of the edge of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251 and 5415.

(c) Advertising displays which advertise the business conducted, services rendered, or goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; and if all advertising displays within 660 feet of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251, 5403, and 5415; and except that no advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent, or moving lights (other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or a message center display as defined in subdivision (d)).

(d) (1) Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

(2) Any message center display located beyond 660 feet from the edge of the right-of-way of an interstate or primary highway and permitted by a city, county, or city and county on or before December 31, 1988, is in compliance with Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400) for purposes of this section.

(3) Any message center display legally placed on or before December 31, 1996, which does not conform with this section may continue to be maintained under its existing criteria if it advertises only the business conducted, services rendered, or goods produced or sold upon the property upon which the display is placed.

(4) This subdivision does not prohibit the adoption by a city, county, or city and county of restrictions or prohibitions affecting off-premises message center displays which are equal to or greater than those imposed by this subdivision, if that ordinance or regulation does not restrict or prohibit on-premises advertising displays, as defined in Chapter 2.5 (commencing with Section 5490).

(e) Advertising displays erected or maintained pursuant to regulations of the director, not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

(Amended by Stats. 2000, Ch. 787, Sec. 10. Effective January 1, 2001.)



BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 2. Advertisers [5200 - 5486] (*Chapter 2 repealed and added by Stats. 1970, Ch. 991.)*

ARTICLE 1. General Provisions [5200 - 5231] (*Article 1 added by Stats. 1970, Ch. 991.)*

“Message center” is an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds.

5216.4. (*Added by Stats. 2000, Ch. 787, Sec. 5. Effective January 1, 2001.*)

P07-3525-LA-RTE 5-PM 2.2-ON PREMISE
DISPLAY-CYCLES EVERY 4 SECONDS-
LOCATED IN THE BUSINESS ACTIVITY



© 2018 Google

© 2019 Google

Google Earth

33°53'36.76" N 118°02'40.37" W elev 101 ft eye alt 87 ft

2:29 PM

Video taken 7/31/2019, confirms
that the display operates as a
message center per B&P 5216.4

IMG_0014

Time Stamp 00:01

00:01



Video taken 7/31/2019, confirms
that the display operates as a
message center per B&P 5216.4

IMG_0014

Time stamp 00:08

00:08





TOM'S TRUCK CENTER

TTRUCK.COM

New 2017 Ford Transit
Connect Van XL
\$206 / mo.

SANTA FE SPRINGS

Ford

RAM

MAZDA

CAT

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P07-3525-LA-RTE 5-
PM 22

33.893195, -118.044335 business

imprint

point B

I-5 NORTH

I-5 SOUTH

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length:	463.14	Feet
Ground Length:	463.14	
Heading:	299.15	degrees

☒ Mouse Navigation

Google Earth

©2018 Google

Imagery Date: 6/8/2018 33°53'32.21" N 118°02'39.22" W elev. 78 ft eye alt 717 ft

Attachment 10: Resolution 150-2020

CITY OF SANTA FE SPRINGS
RESOLUTION NO. 150-2020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS DENYING CONDITIONAL USE PERMIT CASE NO. 795, ZONE VARIANCE CASE NO. 82, ZONE VARIANCE CASE NOS. 84-87, AND DEVELOPMENT AGREEMENT No. 01-2020

WHEREAS, the applicant, Becker Boards, has requested approval for a Conditional Use Permit (CUP Case No. 795) to construct and operate a new 50-foot tall V-shaped digital billboard on the southwest corner of the property located at 13539 Freeway Drive (APN: 8069-016-006); and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 82) to allow the subject digital billboard to project over the roof of a building, contrary to Section 155.384 (E)(1) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 84) to allow the subject digital billboard to be located less than 25' from the front property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 85) to allow the subject digital billboard to be located less than 25' from the side property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 86) to allow the subject digital billboard to be located less than 25' from the adjacent building, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 87) to allow the removal of an existing on-site tree, contrary to Section 155.384 (I)(3) of the City's Zoning Ordinance, in order to locate the subject digital billboard; and

WHEREAS, a request was concurrently filed for a Development Agreement (DA No. 01-2020) by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed; and

WHEREAS, the subject property is comprised of a single parcel measuring approximately 1.85-acre and located at 13539 Freeway Drive, with Accessor's Parcel Numbers of 8069-016-006, as shown in the latest rolls of the Los Angeles County Office of the Assessor; and

WHEREAS, the property owner is Hurlen Leasing LLC, 9841 Bell Ranch Drive, Santa Fe Springs, CA 90670; and WHEREAS, the proposed project which includes Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone

Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020 is considered a project as defined by the California Environmental Quality Act (CEQA), Article 20, Section 15378(a); and

WHEREAS, the City of Santa Fe Springs Planning and Development Department, on December 26, 2019, published a legal notice in the *Whitter Daily News*, a local paper of general circulation, indicating the date and time of the public hearing, and also mailed said public hearing notice on December 23, 2019 to each property owner within a 500 foot radius of the project site in accordance with state law; and

WHEREAS, On January 13, 2020, the Planning Commission conducted a duly noticed public hearing on the Project. At which time all interested persons were permitted the opportunity to address the Planning Commission. After seeing that no one was present to speak on the matter, and at the request made by the applicant prior to the meeting, the Planning Commission continued the hearing to the adjourned Planning Commission meeting scheduled for February 12, 2020 at 6:00 p.m.; and

WHEREAS, the City of Santa Fe Springs Planning Commission has held a duly noticed public hearing and considered the application, the written and oral staff report, the General Plan and zoning of the subject property, the public testimony, written comments, or other materials presented at the Planning Commission Meeting on February 12, 2020 concerning the environmental findings and determination, Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020.

WHEREAS, the following findings of fact have been made in regard to the subject billboard project:

1. The proposed billboard, with a total of five (5) Zone Variances, is not consistent with the overall Purpose and intent of the City's billboard ordinance which, although recognizes billboards as a legitimate form of commercial use in the city, provides necessary controls including but not limited to, the size, number, location and illumination of billboards to minimize their influence on the city's visual environment and thus ensure general community welfare; and
2. The proposed billboard, with a total of five (5) Variances, is not consistent with the principal purpose of the Freeway Overlay Zone (FOZ) which strives to present a positive community identity and ensure orderly and consistent development throughout the FOZ by maintaining high standard of design and quality improvements; and
3. The proposed billboard project is not consistent with goals, policies or programs of the General Plan:
 - a. Goal 4 of the General Plan Land Use Element states that "Where incompatible land uses are in proximity to one another, provide for buffering, transitional uses or other controls which will reduce the

conflict to the maximum extent possible." The subject billboard does not provide the necessary setbacks as specified in the City's Zoning Ordinance nor does it provide the minimum 1,000-foot separation from another message center display as per the Outdoor Advertising Act section 5405(d)(1) which was intended to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.

- b. Goal 12 of the General Plan Land Use Element states that the City shall "Encourage high quality, appropriate private investment in commercial areas of Santa Fe Springs." The subject billboard is proposed to be constructed over an existing building which is specifically prohibited by the existing Zoning Ordinance, thus does not provide a "high quality" design per said goal. Additionally, the design of the subject billboard is identical to another digital billboard recently approved at 13534 Firestone Boulevard. Unlike other previously approved digital billboards, the subject billboard does not provide any originality or unique design.
- c. Policy 9.1 of the General Plan Safety Element states that "City land use planning policies and decisions will take into consideration the crime and traffic safety impacts of the uses." Since the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which provides minimum standards to not only minimize aesthetic impacts but also help prevent unsafe distractions to drivers, the Commission, therefore, finds that traffic safety impacts related to the subject billboard have not been adequately addressed.
- d. Goal 10.1 of the General Plan Safety Element states that the City shall "Continue to protect the Santa Fe Springs community from the loss of life and property from crime or traffic hazards." Again, given that the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which are in place to help minimize unsafe distractions to drivers, the Commission finds that the subject billboard could be a traffic hazard which has the potential to result in the loss of life and property.

NOW, THEREFORE, be it RESOLVED that the PLANNING COMMISSION of the CITY OF SANTA FE SPRINGS does hereby RESOLVE, DETERMINE and ORDER AS FOLLOWS:

SECTION I. ENVIRONMENTAL FINDINGS AND DETERMINATION

California Environmental Quality Act (CEQA) Guidelines, Section 15061, includes a "Common Sense" exemption which states that CEQA does not apply to activities "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

The Planning Commission hereby finds and determines that an action to deny the proposed Project would fall under the "Common Sense" provisions, as outlined in Section 15061(b)(3) of the CEQA Guidelines, since it can be seen with certainty that an action to deny the project would not cause a direct or any reasonable foreseeable indirect physical change on or in the environment. Thus, the action to deny the project is found to be exempt from CEQA.

SECTION II. CONDITIONAL USE PERMIT

Pursuant to Section 155.716 of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission, in their review and determination, finds that the applicant's CUP request does not meet the necessary criteria set forth in §155.716 of the City's Zoning Ordinance:

- (A) Satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general; and.

The Planning Commission believes that the manner in which the billboard use is proposed will be detrimental to persons and properties in the immediate vicinity. The subject billboard, as proposed, does not meet the City's billboard ordinance with respect to setbacks, will require the removal of a tree, and will overhang the existing building. As a result, a total of five (5) Zone Variances are required. When the billboard ordinance was adopted, it contained specific regulations to prohibit the types of variances that are being requested. These specific regulations were not derived in a vacuum, but were based on an observation of the existing freeway corridor within and beyond city limits, and on other billboard regulations at the time.

Approving a total of five variance without sufficient evidence to support the necessary findings would not only be unprecedented but could also result in a "de facto" amendment to the City's billboard ordinance. Moreover, any variances that are approved for the subject billboard project would also set a precedent for future requests. The Planning Commission, therefore, finds that such precedence and potential "de facto" amendment to the City's billboard ordinance would be detrimental to persons and properties in the immediate vicinity.

- (B) Give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.

Aside from the first digital billboard that was approved by the City, all other digital billboards were required to provide various architectural treatments (i.e. screening of cylindrical column, torsion bar, and areas in between the billboard face). It should be noted that the design of all previously approved billboards have each been unique. Although the applicant had originally proposed a unique design, said design was later changed to be an identical match to the recently approved billboard at 13534 Firestone Blvd (Outdoor Associates, LLC / Dynasty Suites). Such a design does provide the necessary architectural treatments, but the most obvious distinction is, unlike any other previously approved billboard, the proposed digital billboard will project over the roof of the existing building, will be located less than 3 feet from the existing building and will be located within the setback (front and side) areas. To accommodate the billboard as proposed will be precedent setting. The Commission, therefore, finds that the overall appearance, including its location, of the proposed billboard project does not adhere to the regulations of the existing billboard ordinance, nor does it uphold the minimum standards that have been requested and provided by other previously approved billboards, and thus would not preserve the general appearance and welfare of the community.

Additionally, pursuant to Section 155.384 (C) of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall not approve a conditional use permit for any billboard project unless it can make a finding:

(C) That the subject billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.

In accordance with the City's billboard ordinance and the California Business and Professions Code, the minimum separation between digital billboards/message center displays on the same side of the freeway is 1,000 feet. This control is in place to help minimize light pollution as well as prevent aesthetic clutter resulting from excessive sign displays, both of which can be unsafe distractions to drivers if not properly controlled. As proposed, the subject billboard will be located approximately 465 feet from the existing message center display just north of the subject property and therefore will be in conflict with the California Business and Professions Code. For the reasons mentioned above, the Planning Commission finds the proposed billboard will be a hazard to the safe and efficient operations of vehicles along the adjacent Interstate 5 Freeway.

SECTION III. ZONE VARIANCE

Pursuant to Section 155.675 of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall satisfy itself that the applicant has shown that all of the following conditions apply. Based on the available information, the City of Santa Fe Springs Planning Commission hereby make the following findings:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone; and

Applicant Response:

Explain any special circumstances or conditions which apply to the land or the use involved in this application which DO NOT apply generally to other land or uses in the same vicinity and the same zone.

The addition of a digital dual faced billboard fits in to the industrial and heavy manufacturing- freeway overlay zone.

The response provided by the applicant simply provides an opinion statement, but does not clarify if there are any exceptional or extraordinary circumstances or conditions which apply to the subject billboard project that does not apply to other land or uses in the same vicinity and zone. The property is not irregularly shaped, is relatively flat, meets the City's development standards for lot area, lot width, lot depth, population density building height, and yard area. Additionally, the property, unlike other properties within the vicinity has not been impacted by Caltrans widening on Interstate 5, whereby portions of the property was required for the widening or portions of the building had to be removed. Notwithstanding, the applicant is requesting several Zone Variances. Although other previously approved billboards were granted variances to deviate from existing billboard regulations due to their unique circumstances, none of said billboards had required or received more than two variances. Granting a total of five (5) Zone Variances and the specific nature of the Variances, for a digital billboard project would be unprecedented. Therefore, the Planning Commission cannot make this required finding.

- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in questions; and

Applicant Response:

Explain why a Variance is necessary to maintain the same substantial property rights possessed by other property owners in the same vicinity and the same zone. (If your property can reasonably be developed and devoted to uses permitted in the existing zone, you are probably not being deprived of a substantial property right.)

1. A variance is requested in order to allow minimum setback of billboard column support from two property lines ; less than 25'-0" (Side and Front).

2. In addition we are requesting to allow the proposed billboard to overhang the existing building.

3. Lastly, a Variance requesting the relocation of 1 tree in the frontyard. We are limited to a small area that allows our proposed billboard to be the required 1000'-0" set back from the adjoining billboard.

The response provided by the applicant simply, again, identifies the variances being requested. It does not clarify or otherwise explain why such variances are necessary

for the preservation and enjoyment of a substantial property right by other properties in the same vicinity and zone district. It should be noted that the applicant's response is missing the request for a variance to the 25' minimum separation between the subject billboard and the adjacent building. Nevertheless, it should be noted that the subject property is already developed with an approximately 41,650 sq. ft. concrete tilt-up industrial building which is consistent with the City's development standards. The subject billboard is a property right only after a valid conditional use permit has first been obtained and a development agreement has been approved.

Section 155.384 (C) states that "the Planning Commission or City Council, as applicable, shall not approve a conditional use permit for any billboard project unless it can make a finding that the billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway. As stated previously, the subject billboard does not comply with the City's billboard ordinance or the California Business and Professions Code, which provides regulation to prevent and relieve needless distraction and aesthetic clutter resulting from excessive and confusing sign displays; to promote traffic safety; to safeguard and enhance property values; and to promote the public safety and general welfare. The Planning Commission, therefore finds that inconsistency from such regulations would be consider an unsafe distraction to drivers and thus would constitute a hazard to the safe and efficient operation of vehicles traveling the adjacent street and freeway.

- (C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity; and

Applicant Response:

Demonstrate why the Variance requested will not be detrimental to other persons or properties in the same area, nor adversely affect the public welfare or the community in general.

The proposed billboard variance will not be detrimental to persons and properties in the vicinity because it will be located in an industrial zone and placed at the far southern end of the property. It will be set back 2.88' from the existing building and set back 11.32' from the south/west property line. The sign will be adjacent to Freeway Drive, which has minimum pedestrian use. The proposed billboard surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing and will not adversely affect the public welfare or community.

Although the applicant's response does clarify the location and setback of the proposed billboard, it fails to acknowledge that such setbacks do not meet the City's Zoning Ordinance which are in place to not only safeguard and enhance property values but also to promote the public safety and general welfare of not only pedestrians but drivers as well. As proposed, the billboard project requires a total of five (5) Zone Variances. To date, no other billboard approved by the City has needed more than two variances. Approving an unprecedented total of five (5) Zone Variance for the subject billboard, therefore, would have an adverse effect the community in general, thus the Planning Commission cannot make this required finding.

- (D) That the granting of such variance will not adversely affect the master plan of the City.

Applicant Response:

Will the Variance requested adversely affect the General Plan of the City of Santa Fe Springs?

No, the billboard will be set back 1000' from adjoining billboard(s). The area in which the billboard is proposed is a heavy manufacturing area. The billboard and its surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing.

The response provided by the response identifies conformance to the City's Zoning Ordinance with regards to the 1,000' separation of billboards on the same side of the freeway. However, said response fails to acknowledge that project still does not conform to the City's billboard ordinance as well as the California Business and Professions Code, which requires that digital billboards/message center displays on the same side of the freeway are a minimum of 1,000 feet apart. As proposed, the subject billboard will be located approximately 465 feet from the existing message center display just north of the subject property.

Nevertheless, as previously noted in the findings of fact, the proposed billboard project is not consistent with goals, policies or programs of the General Plan, specifically:

- a. Goal 4 of the General Plan Land Use Element states that "Where incompatible land uses are in proximity to one another, provide for buffering, transitional uses or other controls which will reduce the conflict to the maximum extent possible." The subject billboard does not provide the necessary setbacks as specified in the City's Zoning Ordinance nor does it provide the minimum 1,000-foot separation from another message center display as per the Outdoor Advertising Act section 5405(d)(1) which was intended to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.
- b. Goal 12 of the General Plan Land Use Element states that the City shall "Encourage high quality, appropriate private investment in commercial areas of Santa Fe Springs." The subject billboard is proposed to be constructed over an existing building which is specifically prohibited by the existing Zoning Ordinance, thus does not provide a "high quality" design per said goal. Additionally, the design of the subject billboard is identical to another digital billboard recently approved at 13534 Firestone Boulevard. Unlike other

previously approved digital billboards, the subject billboard does not provide any originality or unique design.

- c. Policy 9.1 of the General Plan Safety Element states that "City land use planning policies and decisions will take into consideration the crime and traffic safety impacts of the uses." Since the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which provides minimum standards to not only minimize aesthetic impacts but also help prevent unsafe distractions to drivers, the Commission, therefore, finds that traffic safety impacts related to the subject billboard have not been adequately addressed.
- d. Goal 10.1 of the General Plan Safety Element states that the City shall "Continue to protect the Santa Fe Springs community from the loss of life and property from crime or traffic hazards." Again, given that the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which are in place to help minimize unsafe distractions to drivers, the Commission finds that the subject billboard could be a traffic hazard which has the potential to result in the loss of life and property.

The Planning Commission, therefore, cannot make the required finding that the master plan of the City will not be adversely affected by the project.

SECTION IV. PLANNING COMMISSION ACTION

After consideration of the application materials, the written and oral staff report, the General Plan and zoning of the subject property, the public testimony, written comments, and any other materials presented at the February 12, 2020 Planning Commission Meeting, the Planning Commission hereby adopts Resolution No. 150-2020 to deny:

1. *CUP Case No. 795*: A request to allow the construction and operation of a new 50-foot tall v-shaped digital billboard with 14' x 48' display areas on the subject 1.85-acre property located at 13539 Freeway Drive (APN: 8069-016-006), within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone.
2. *ZV Case No. 82*: A request to allow the subject digital billboard to project over the roof of a building as set forth in Section 155.384 (E)(1) of the City's Zoning Ordinance.
3. *ZV Case No. 84*: A request to allow the subject digital billboard to be located less than 25' from the front property line as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance.
4. *ZV Case No. 85*: A request to allow the subject digital billboard to be located less than 25' from the side property line as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance.

5. *ZV Case No. 86*: A request to allow the subject digital billboard to be located less than 25' from the adjacent building as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance;
6. *ZV Case No. 87*: A request to allow the removal of an existing on-site tree in order to locate the subject digital billboard as currently prohibited by Section 155.384 (I)(3) of the City's Zoning Ordinance.
7. *DA No. 01-2020*: A Development Agreement by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed.

PASSED AND ADOPTED this 12th day of February, 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS.

Frank Ybarra, Chairperson

ATTEST:

Teresa Cavallo, Planning Secretary

PLANNING COMMISSION MEETING



FEBRUARY 12, 2020

PROPOSED DIGITAL BILLBOARD PROJECT BY BECKER BOARDS

Presented by: Wayne Morrell and Cuong Nguyen





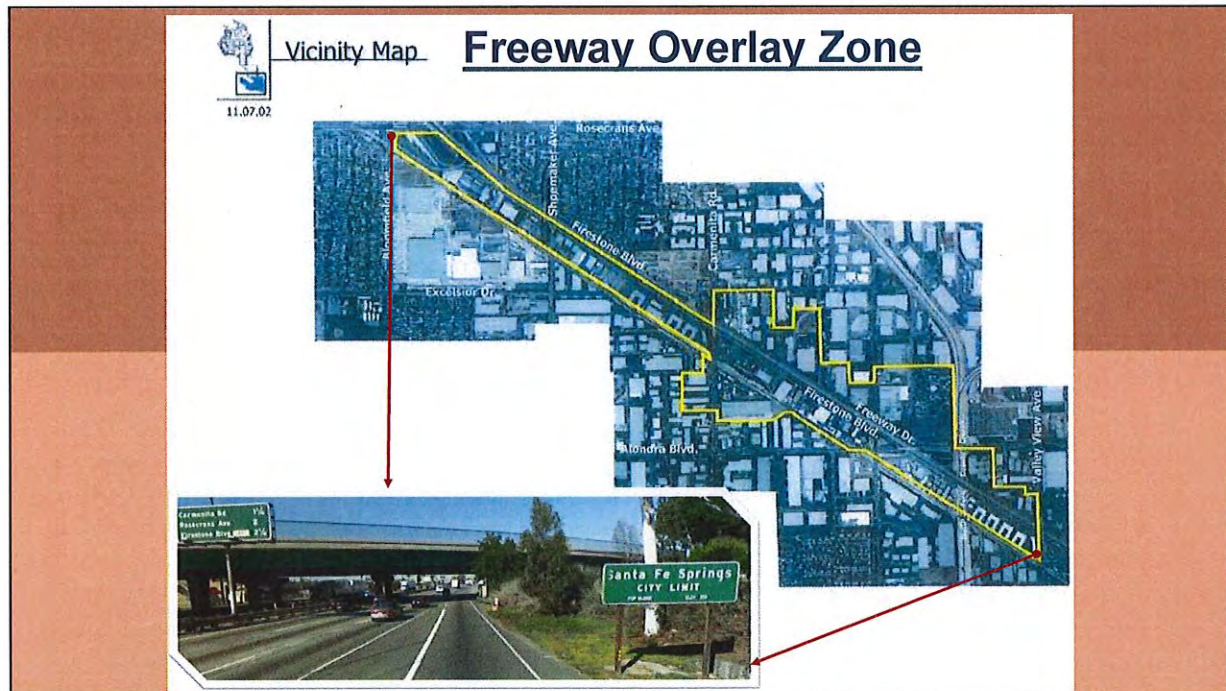
BACKGROUND

NOV 2012 - Ordinance No. 1036 adopted

- **First request for a digital billboard**
 - Freeway Springs Development Co.
- **City Code outdated**
 - Digital billboards, supergraphics, and mobile billboards, not addressed.
- **Ordinance No. 1036 adopted**
 - Looked to Carson, Inglewood, Compton, Commerce, Corona, etc.

Key Elements of Ordinance No. 1036:

- Only in the F-O-Z (Freeway Overlay Zone)



Key Elements of Ordinance No. 1036:

- Only in the F-O-Z (Freeway Overlay Zone)
- CUP and DA required



14620 Firestone Boulevard





14575 firestone blvd



14620 Firestone Boulevard



14500 firestone blvd





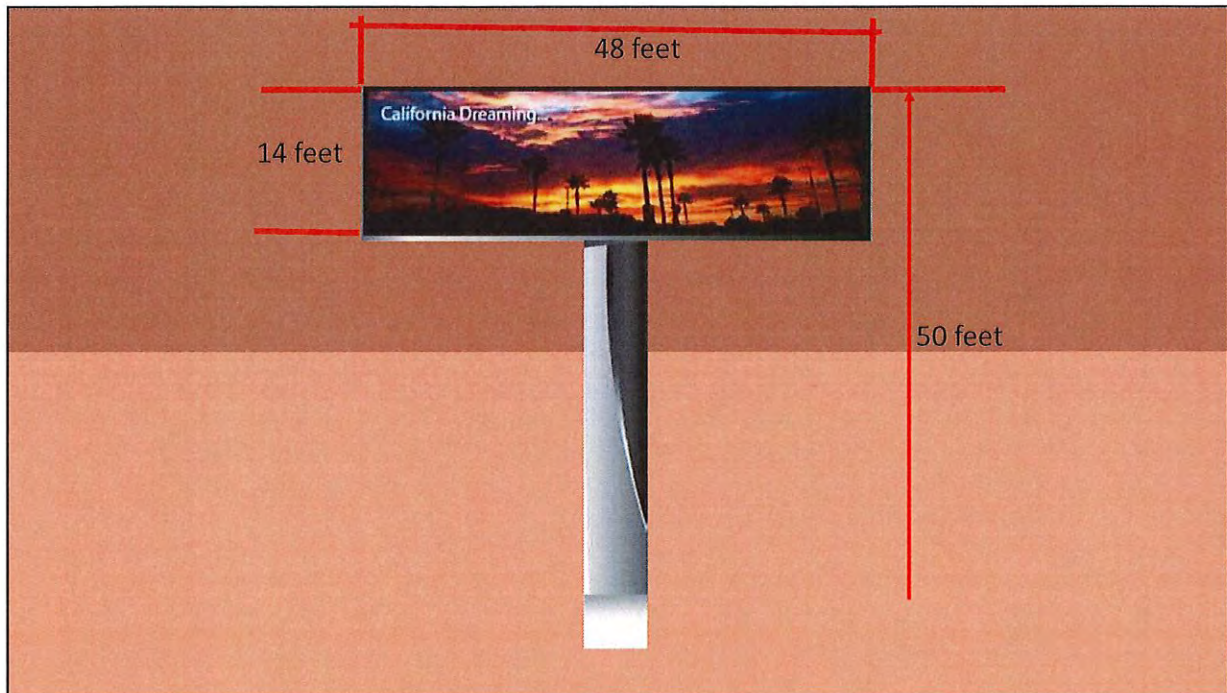
142320 firestone





Key Elements of Ordinance No. 1036:

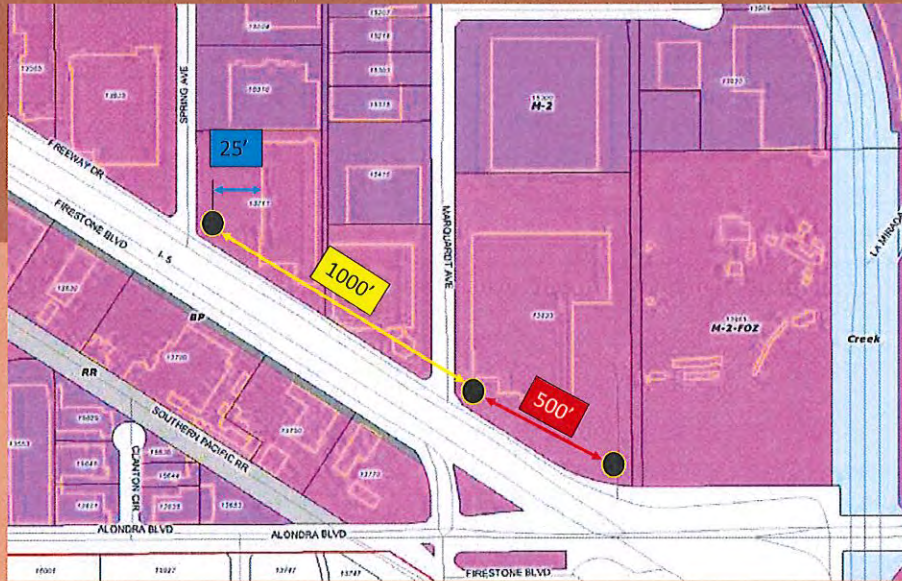
- Only in the F-O-Z (Freeway Overlay Zone)
- CUP and DA required
- Define and regulate digital billboards
 - General Requirements



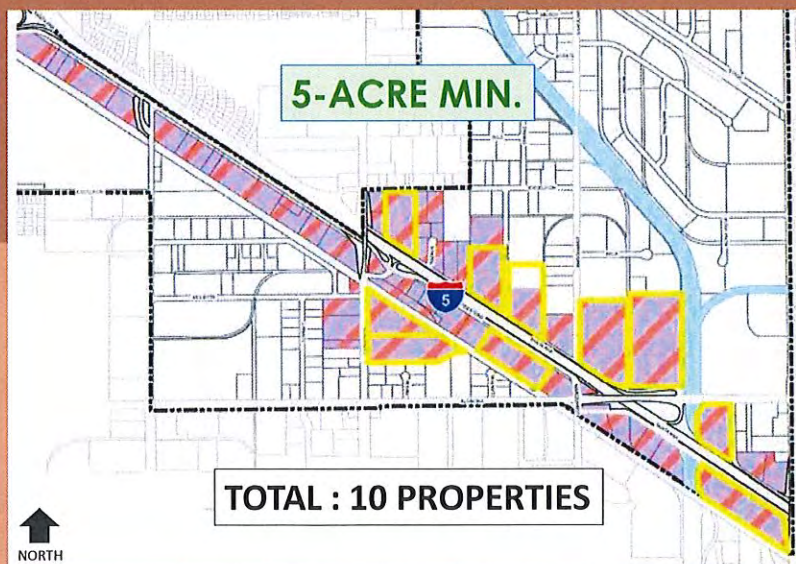
Setback and Distance Restrictions



Setback and Distance Restrictions

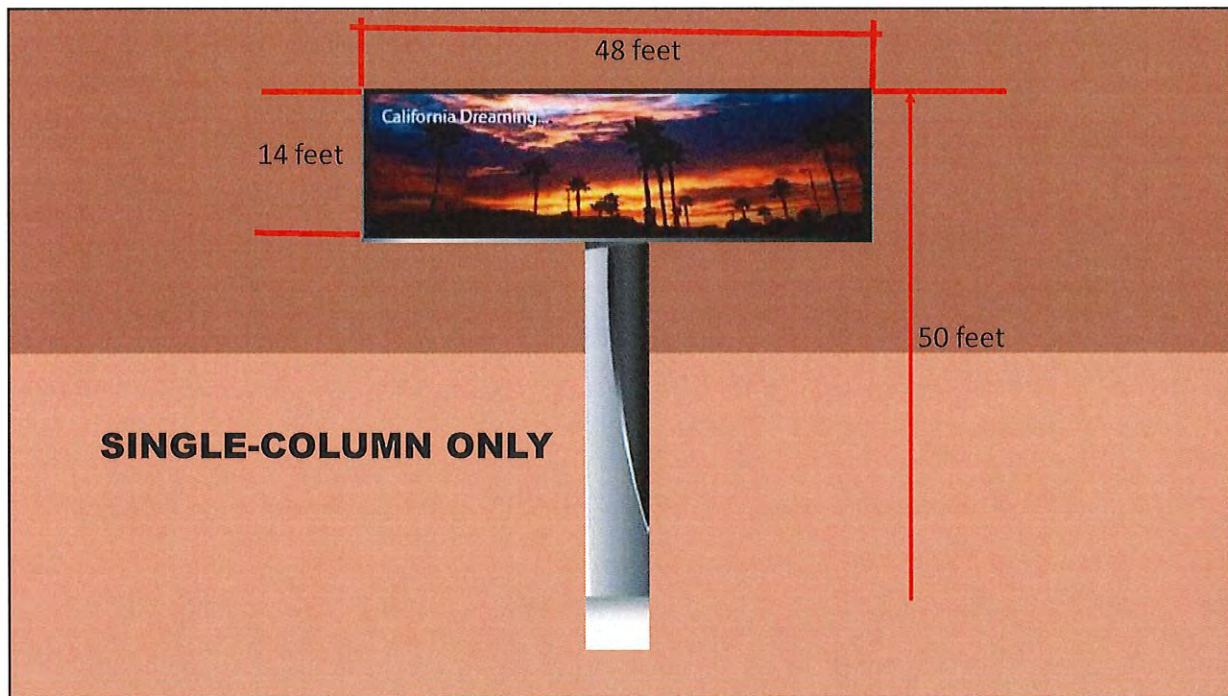


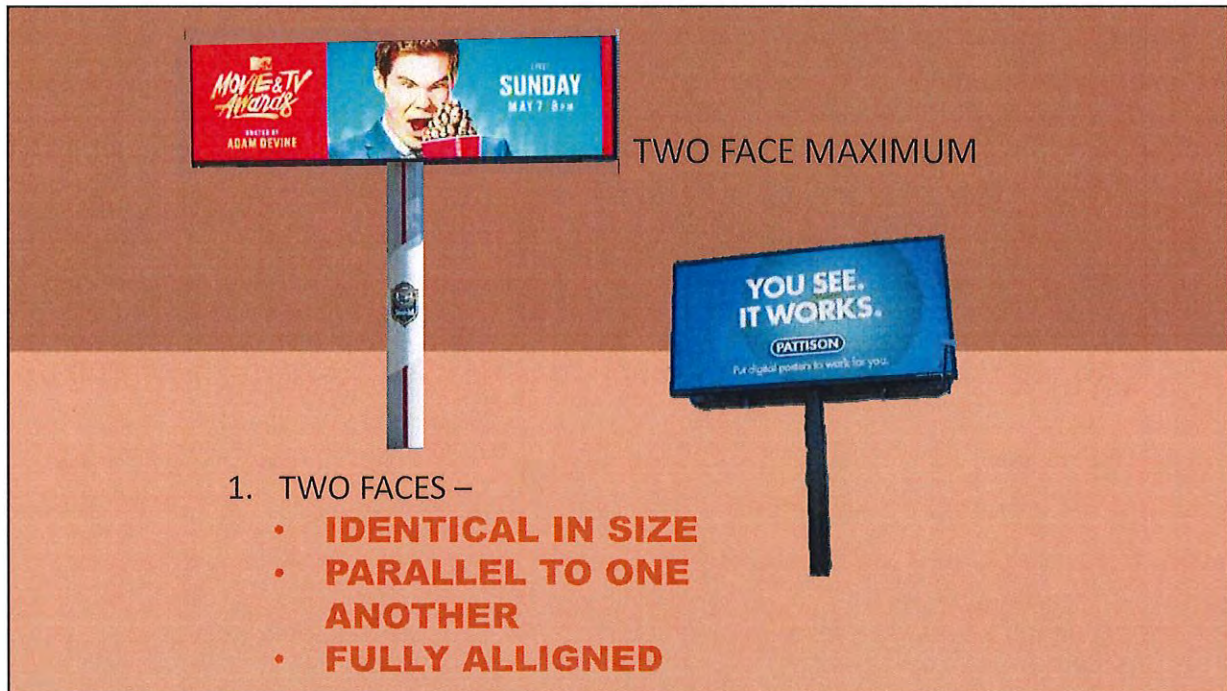
Lot Size



Key Elements of Ordinance No. 1036:

- Only in the F-O-Z (Freeway Overlay Zone)
- CUP and DA required
- Define and regulate digital billboards
 - General Requirements
 - Standards of Design

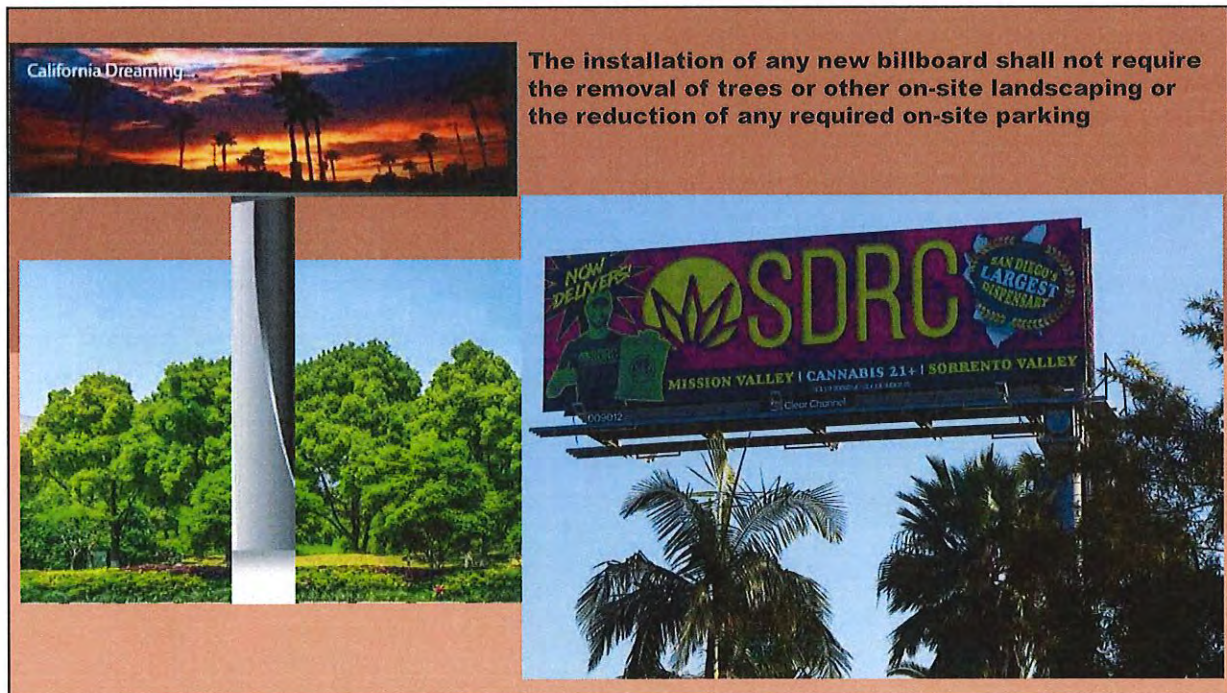
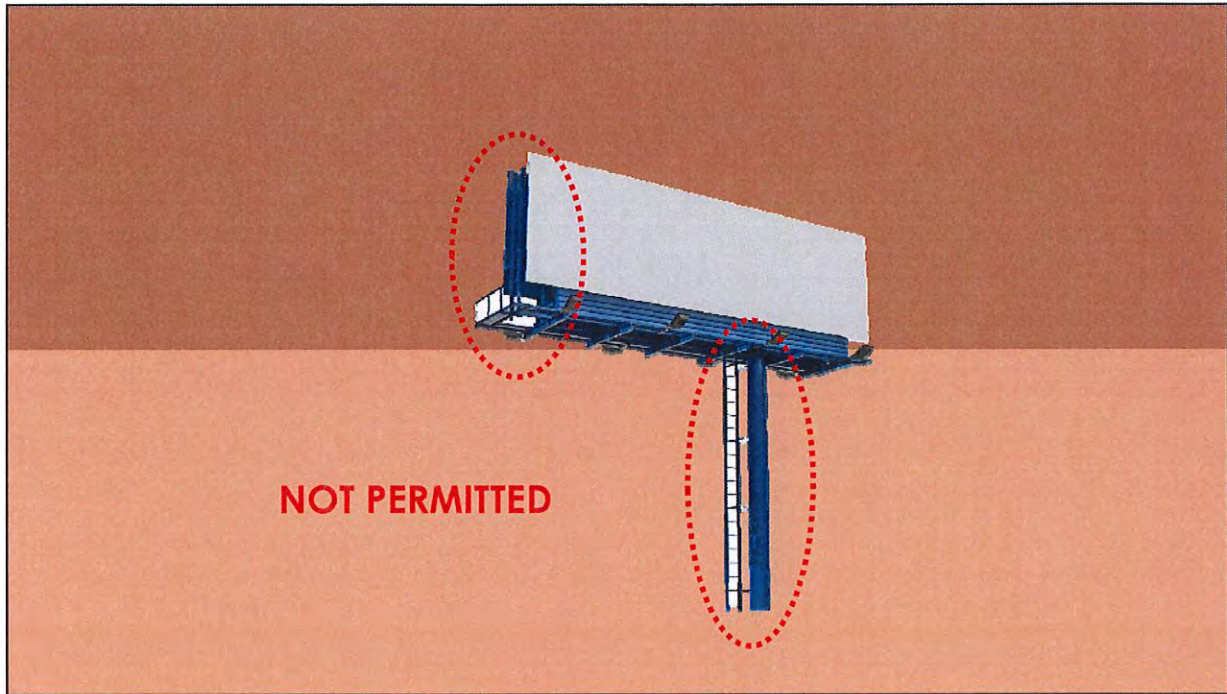






SCREENED, ENCASED, OR SUITABLY COVERED





Key Elements of Ordinance No. 1036:

- Only in the F-O-Z (Freeway Overlay Zone)
- Properties 5-acres or more
- CUP and DA required
- Define and regulate digital billboards
 - General Requirements
 - Standards of Design
 - Operational Characteristics

Operational Characteristics

- ADVERTISING LIMITATIONS – Sexually explicit material; Illegal products, obscene language, etc.
- TRANSITIONS – 4 second minimum.
- ILLUMINATION – Ambient light sensors required – automatically adjusted to ambient light conditions.
- SOUNDS, ODOR, DRIVER INTERACTION, etc. – Not allowed.

Key Elements of Ordinance No. 1036:

- Lastly, define and prohibit – Supergraphics & Mobile Billboards



Supergraphics





**Mobile
Billboards
(when parked)**

BILLBOARD APPROVALS SINCE ORDINANCE NO. 1036 ADOPTED (2012)

TOTAL OF 8 CONDITIONAL USE PERMITS:

- 6 Digital Billboards
- 2 Static Billboards

CONSTRUCTED:

- 6 Digital & 1 Static - *constructed*
- 1 Digital (**not operational-Ryder Sign**) & 1 Static - ***not constructed (Landscaped Freeway)***



MARCH 2019

Staff continues to receive numerous inquiries from interested parties.

RECENT ZONE TEXT AMENDMENT

To allow a few more billboards:

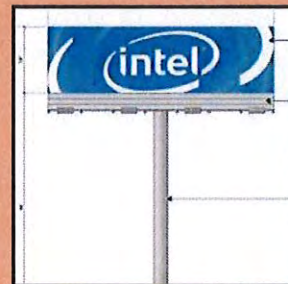
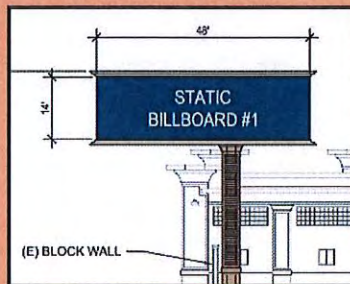
- **Remove 5-acre minimum**
 - Rely on current setback, separation and quantity restrictions, & Caltrans' restriction along a "classified landscape freeway" to control the number of billboards along the F-O-Z.

RECENT ZONE TEXT AMENDMENT

- **Remove 5-acre minimum**
- **Using opportunity to update current Billboard Ordinance**

ZONE TEXT AMENDMENT

- Discontinue allowing static billboards; Define; Non-conforming provision



ZONE TEXT AMENDMENT

- Discontinue allowing static billboards; Define; Non-conforming provision
- Expand 500' restriction (on same parcel) to include exist. freestanding signs
- Max. 200' from freeway centerline
- Establish standards for V-shaped billboards

Evolution of V-shaped Billboards



New V-shaped billboards



- Back, side, bottom, suitably screened.

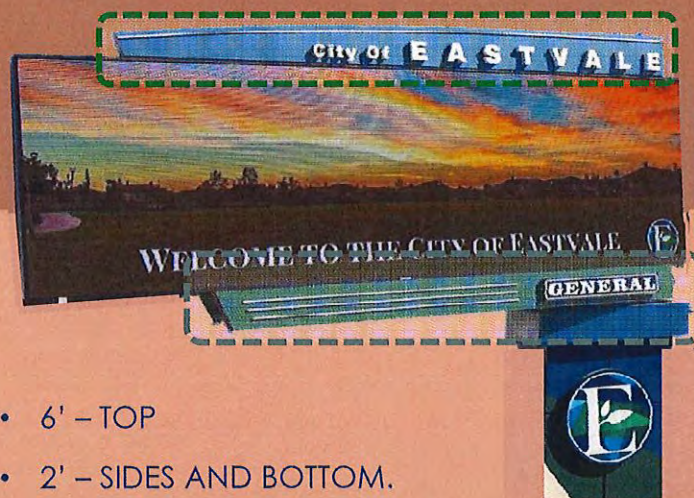


PROPOSED ZONE TEXT AMENDMENT

Staff is recommending the following changes to the existing Billboard Ordinance:

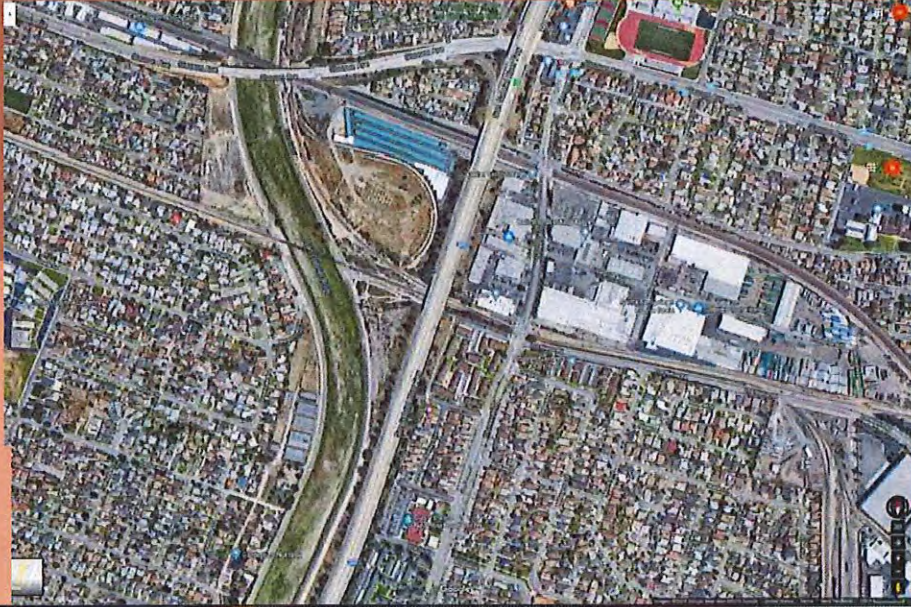
- Define and discontinue allowing static billboards; non-conforming provision
- Expand 500' restriction (on same parcel) to include exist. freestanding signs
- Max. 200' from freeway centerline
- Establish standards for V-shaped billboards
- Allow architectural elements beyond billboard face

Architectural Elements



- 6' – TOP
- 2' – SIDES AND BOTTOM.

Extend Billboards to 605 Freeway



Extend Billboards to 605 Freeway



Company	Type of Sign	Term	Agreement	Alternative Fee	Yr of Agreement	Processing Fee
Platinum Billboard	1 Digital 1 Static	30 yrs	\$25,000 Annually	Annual Fee or 7% of Gross	2013	\$7,500
LeFiell	1 Digital 1 Static			Annual Fee or 25% of Gross	2013	\$100,000
Bulletin Display	1 Digital	20 yrs	\$68,500 Annually	Annual Fee or 9% of Gross	2016	\$100,000 within a yr
Newport Diversified	1 Digital	20 yrs	\$58,225 Annually	Annual Fee or 9% of Gross	2016	\$50,000
Outdoor Associates	1 Digital V-Shaped	30 yrs	100,000 with 3% annual increase	Annual Fee or 9% of Gross	2018	\$100,000 within 30 days
General Outdoor	1 Digital V-Shaped	20 yrs	100,000 with 3% annual increase	Annual Fee or 9% of Gross	2018	\$100,000

When the billboard ordinance was developed, it was not developed in a vacuum. Staff looked at the existing Freeway corridor within and beyond City limits, and other billboard regulations at the time.

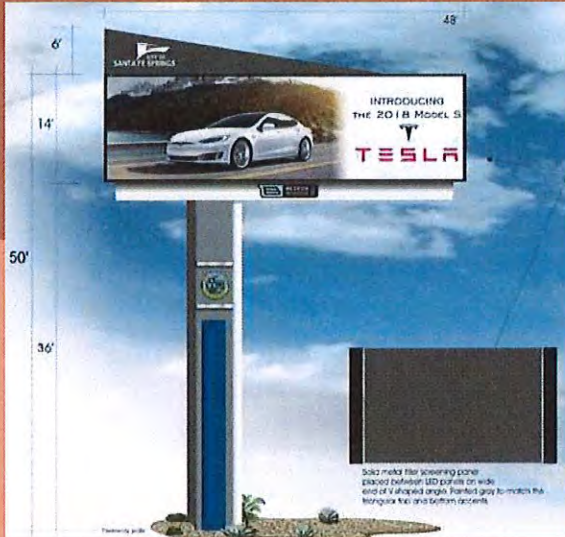
- Prohibited Locations
- Types of Billboards
- General Requirements
- Setbacks, Height, No of Signs, Minimum Size of Property
- Standards of Design



REQUEST

- Conditional Use Permit (CUP) Case No. 795
- Zone Variance (ZV) Case No. 82
- Zone Variance (ZV) Case No. 84-87
- Development Agreement (DA) No. 01-2020
- And Environmental Determination (CEQA)

REQUEST

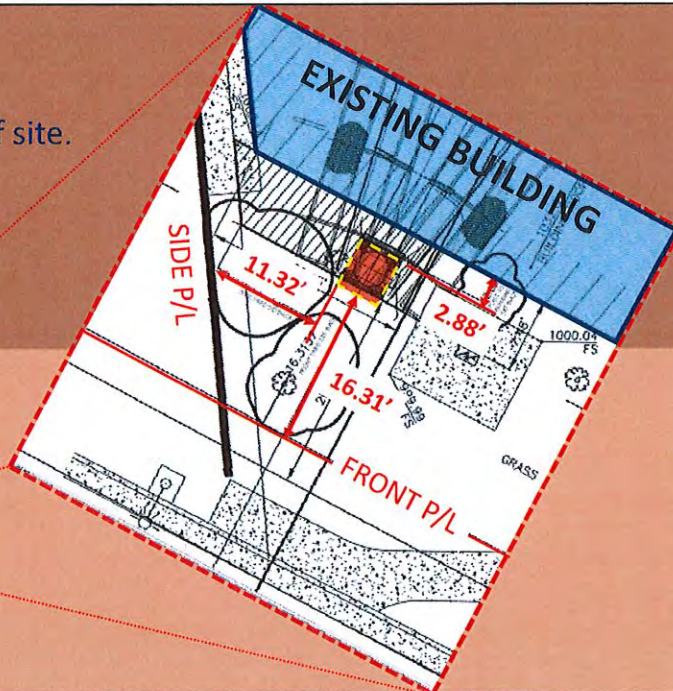
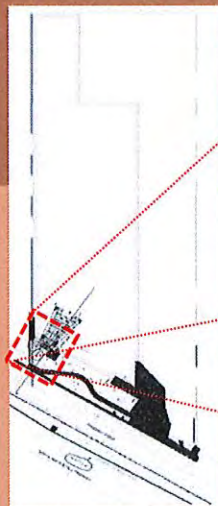


Conditional Use Permit (CUP) Case No. 795

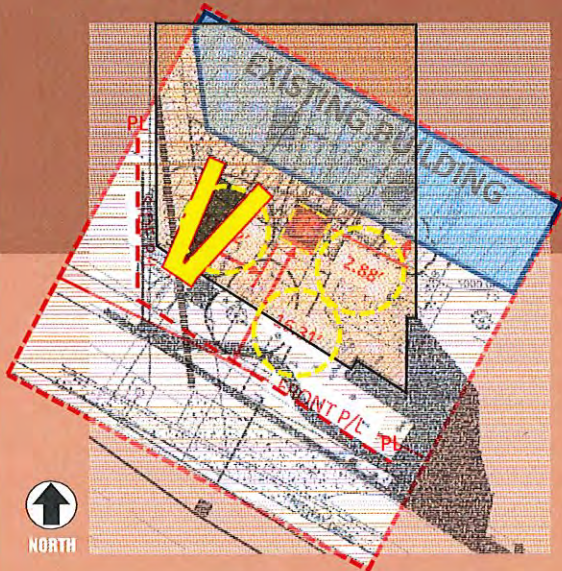
- Becker Boards is proposing to construct and operate a new 50-foot tall v-shaped digital billboard with two display areas measuring 14' x 48' on the subject property.
- 24-hour operation

REQUEST

- Location: SW/C of site.



REQUEST



Zone Variance (ZV) Case No. 82

- 155.384 (E)(1) - *Project Over the Roof of a Building.*

Zone Variance (ZV) Case No. 84

- 155.384 (H)(6) – *Less than 25' from front property line.*

Zone Variance (ZV) Case No. 85

- 155.384 (H)(6) - *Less than 25' from side property line.*

Zone Variance (ZV) Case No. 86

- 155.384 (H)(6) - *Less than 25' from adjacent building.*

Zone Variance (ZV) Case No. 87

REQUEST

Section 155.384 (H)(6)

Section 155.384 Billboards

(H) General Requirements

6. Minimum setback. The minimum setback distance of the billboard **column support post** shall be at least 25 feet from any property line and at least 25 feet from any building. Notwithstanding, no portion of a billboard shall project over the width of any street, highway or other public right-of-way.

- It should be noted that the minimum setback of billboards are measured from the "column support post".

REQUEST

- Billboards may project into the setback areas provide that no portion of the billboard project into the public R-O-W or otherwise over the roof of a building in conflict with Section 155.384 (E)(1).



REQUEST



Zone Variance (ZV) Case No. 82

- 155.384 (E)(1) - *Project Over the Roof of a Building.*

Zone Variance (ZV) Case No. 84

- 155.384 (H)(6) – *Less than 25' from front property line.*

Zone Variance (ZV) Case No. 85

- 155.384 (H)(6) - *Less than 25' from side property line.*

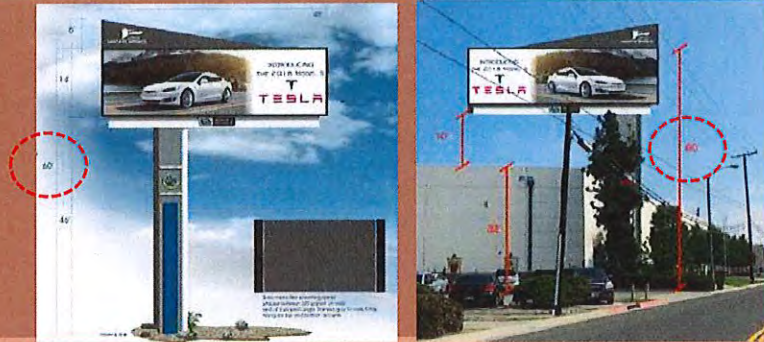
Zone Variance (ZV) Case No. 86

- 155.384 (H)(6) - *Less than 25' from adjacent building.*

Zone Variance (ZV) Case No. 87

- 155.384 (I)(3) – *Allow the removal of existing on-site landscaping.*

REQUEST



Zone Variance (ZV) Case No. 82

- 155.384 (E)(1) - Project Over the Roof of a Building.

Zone Variance (ZV) Case No. 83

- 155.384 (H)(3) - Exceed Maximum height of 50' feet.

Zone Variance (ZV) Case No. 84

- 155.384 (H)(6) - Less than 25' from front property line.

Zone Variance (ZV) Case No. 85

- 155.384 (H)(6) - Less than 25' from side property line.

Zone Variance (ZV) Case No. 86

- 155.384 (H)(6) - Less than 25' from adjacent building.

Zone Variance (ZV) Case No. 87

- 155.384 (I)(3) - Allow the removal of an existing tree.

REQUEST

Development Agreement (DA) No. 01-2020

- An Agreement by and between the City of Santa Fe Springs and Becker Boards - sets forth the rules and regulations under which the proposed billboard would be allowed.



REQUEST

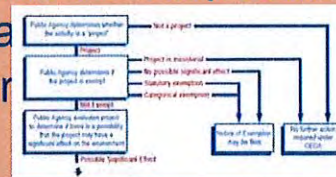
Development Agreement (DA) No. 01-2020

- Staff did not require the applicant to move forward with the subject DA.
- Since staff was not in support of the project, staff did not see the need to prepare a DA at this time given the added time and costs involved.
- Efforts to... by, and at
- DA is on... decides to approve



CEQA REVIEW

- Preliminary review of the project – a **“PROJECT”** subject to the CEQA.
- Determination by the City, *as the lead agency*, that an **“MND”** would need to be prepared for the project
- Becker Boards submitted an Initial Study to the City



CEQA REVIEW

- Rather than to dismiss their findings, staff asked the City's environmental consultant, BBEP, to peer review the Initial Study/ND.
- After careful review, BBEP concluded that potential impacts for **three** key areas would *require mitigation* to lessen or eliminate potentially significant impacts:
 1. **Aesthetics**
 2. **Land use; and**
 3. **Biology**

CEQA REVIEW

- Conclusion for **Land Use** and **Aesthetics**:
 - Project, as proposed, conflicts with multiple zoning regulations.
 - Lack of evidence to support necessary findings.
- Conclusion for **Biology**:
 - Project conflicts with local zoning ordinance.
 - Section 155.384 (I)(3) of the FOZ is in place to preserve trees and thus protect biological resources.
- The applicant's environmental consultant agreed with said conclusion.

CEQA REVIEW

- On several occasions, *during meetings and conference calls*, concerns were expressed that mitigations for Land Use and Aesthetics may not be possible.
 - Absent *effective* mitigation measures, an “**EIR**” would be needed so that a “**Statement of Overriding Considerations**” could be adopted as part of the certification of the Final EIR.

CEQA REVIEW

- Applicant subsequently submitted a IS/MND.
 - Reviewed by Staff, BBEP, and City Attorney’s office.
 - Determined that document lacked clear, effective, and enforceable mitigation measures that would be effective in addressing potentially significant environmental impacts.
 - A “**Focused EIR**” was needed.

CEQA REVIEW

- Applicant did not agree with conclusion for Focused EIR – **IMPASSE**.
- City staff and BBEP suggested that to move the project forward that it be presented to the Planning Commission
 - with a determination that an action to deny the project would meet the “**common sense**” exemption, as outlined in Section 15061(b)(3) of the CEQA Guidelines.

CEQA REVIEW

“Common Sense” Rule – *CEQA does not apply to projects with no potential for significant impact on the environment [CEQA Guidelines, section 15061 (b)(3)].*

- Since there is no project being recommended for approval at this time, the above exemption would apply.
- Provided the Commission agrees with Staff’s recommendation, additional environmental analysis is not necessary to meet the requirements of CEQA at this time.

PUBLIC HEARING

FILE COPY



CITY OF SANTA FE SPRINGS
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT CASE NO. 755 AND
ZONE VARIANCE CASE NOS. 82 AND 84-87

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City of Santa Fe Springs Planning Commission for the following:

CONDITIONAL USE PERMIT CASE NO. 755: A request to allow the construction and operation of a new 10,000 sq. ft. enclosed digital billboard with 14 x 8 ft. display areas on the subject property, within the M-2 F02 (Heavy Manufacturing - Freeway Overlay Zone) zone.

ZONE VARIANCE CASE NO. 82: A request to allow the subject digital billboard to project over the roof of a building as set forth in Section 155.384 (2)(c) of the City's Zoning Regulations.

ZONE VARIANCE CASE NO. 84: A request to allow the subject digital billboard to be located less than 25' from the front property line as set forth in Section 155.384 (2)(d) of the City's Zoning Regulations.

ZONE VARIANCE CASE NO. 85: A request to allow the subject digital billboard to be located less than 25' from the side property line as set forth in Section 155.384 (2)(e) of the City's Zoning Regulations.

ZONE VARIANCE CASE NO. 86: A request to allow the subject digital billboard to be located less than 25' from the rear property line as set forth in Section 155.384 (2)(f) of the City's Zoning Regulations.

ZONE VARIANCE CASE NO. 87: A request to allow the removal of an existing on-site tree in order to locate the subject digital billboard as currently prohibited by Section 155.384 (2)(g) of the City's Zoning Regulations.

APPLICANT / PROJECT LOCATION: Becker Boards / 13529 Freeway Drive (APN: 8269-073-000)

CEQA STATUS: City staff believes the project qualifies for the General Rule CEQA Exemption since no project is being recommended for approval at this time. At this time the project is moving forward with a recommendation for denial. For this reason, staff believes the project would meet the "General Rule" exemption outlined in Section 15001 (b)(3) of the CEQA Guidelines which states the following: "Where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Additionally, the project site is not listed on the Hazardous Waste and Substance Site List (California LHA) as set forth in Government Code Section 65963.3.

13529 Freeway Drive (APN: 8269-073-000)
 City of Santa Fe Springs
 Planning Commission

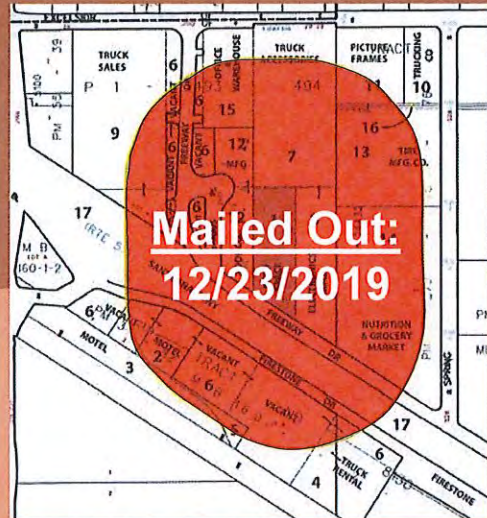
certainty that there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Additionally, the project site is not listed on the Hazardous Waste and Substance Site List (California LHA) as set forth in Government Code Section 65963.3.

THE HEARING will be held before the Planning Commission of the City of Santa Fe Springs in the Council Chambers of the City Hall, 11719 Telegraph Road, Santa Fe Springs, on Monday, January 13, 2020 at 6:00 p.m.

ALL INTERESTED PERSONS are invited to attend the Public Hearing before the Planning Commission and express their opinion on the subject items listed above. You should note that if you challenge the above mentioned Conditional Use Permit or Zone Variances in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the office of the Commission at or prior to the Public Hearing.

FURTHER INFORMATION on this item may be obtained at the City of Santa Fe Springs Planning Department, 11719 Telegraph Road, Santa Fe Springs, California 90703 or by telephone or e-mail: (310) 860-6111, extension 7309, cvsprings@sanfatesprings.org

Warren M. Merrill
 Director of Planning
 City of Santa Fe Springs
 11719 Telegraph Road
 Santa Fe Springs, CA 90703



Mailed to:
Everyone within a
500' RADIUS

Also posted in:
City Hall, TCH, & Library

PUBLIC HEARING

Whittier Daily News

Published in
local newspaper:
12/26/2019

No comments/inquiries received
to date.

Advertising Order Confirmation

CITY OF SANTA FE SPRINGS
NOTICE OF PUBLIC HEARING
CONDITIONAL USE PERMIT CASE NO. 755 AND
ZONE VARIANCE CASE NOS. 82 AND 84-87

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Warren M. Merrill
 Director of Planning
 City of Santa Fe Springs
 11719 Telegraph Road
 Santa Fe Springs, CA 90703

PUBLIC HEARING

January 13, 2020

- Planning Commission conducted a duly noticed public hearing on the Project.
- All interested persons were permitted the opportunity to address the Planning Commission.
- After seeing that no one was present to speak on the matter, *and at the request made by the applicant prior to the meeting upon receipt of the draft report*, the Commission continued the hearing to this PC meeting (2/12).

CONSIDERATIONS

1. Billboard projects are generally designed based on existing code regulations, rather than selecting a location and working backwards to obtain the necessary approvals.
 - Conditions (i.e. existing building location, existing trees, location of nearby billboards, etc.) existed when applicant selected the subject property.
 - As proposed, the subject billboard requires five (5) Zone Variances.

CONSIDERATIONS

2. Although other billboards were granted deviations from the Code, none received more than two (2) deviations.
 - Proposed billboard requires a total of five (5) deviations.



TWO (2) EXISTING DIGITAL BILLBOARDS DID NOT REQUIRE ANY DEVIATIONS



GENERAL OUTDOORS – 13060 Firestone Blvd
CUP CASE NO. 792



PLATINUM BILLBOARDS – 13833 Firestone Blvd
CUP CASE NO. 739

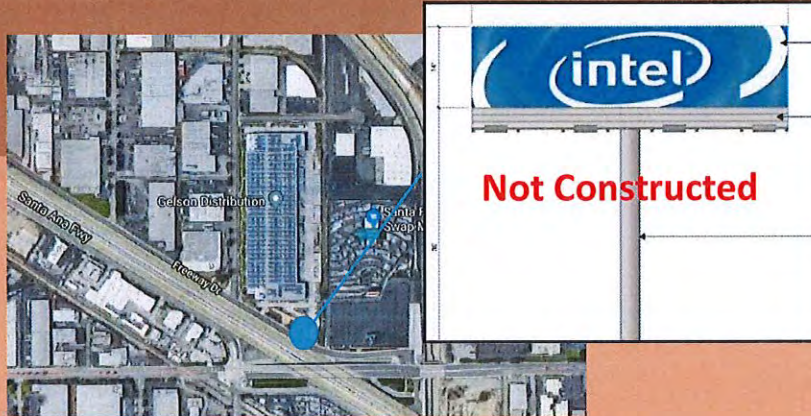


PLATINUM BILLBOARDS – 13833 Firestone Blvd
CUP CASE NO. 739

Billboard does satisfy the minimum 25' distance from a building.

- Billboard is close to the building, but setback is measured from column post.

ONE (1) STATIC BILLBOARD (NOT CONSTRUCTED) ALSO DID NOT REQUIRE ANY DEVIATIONS



PLATINUM BILLBOARDS – 13833 Firestone Blvd
CUP CASE NO. 740



REQUIRED TWO DEVIATIONS.

1. Allow a billboard on property with less than 5-acre minimum.
 - 4.98-Acres
 - Caltrans
2. Allow architectural elements to extend beyond the maximum requirements.
 - Very unique design



LE FIELL (DIGITAL) – 13700 Firestone Blvd
CUP CASE NO. 744

REQUIRED TWO DEVIATIONS.

1. Allow billboard to exceed the maximum 50' height limit.
 - **Constructed at 40'**
2. Allow the reduction of the required 25' side yard setback
 - **Utilities – original location did not require any deviations.**



LE FIELL (STATIC) – 13750 Firestone Blvd
CUP CASE NO. 743

REQUIRED ONE DEVIATION.

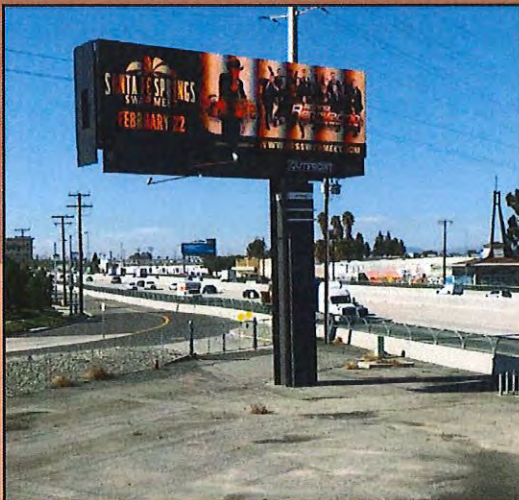
1. Allow reduction of the 25' minimum distance from a building
 - **Original location was setback 25'.**
 - **Le Fiell volunteered to move their billboard to meet Caltrans separation requirement.**
 - **2 options reviewed.**



NEWPORT DIVERSIFIED – 15718 Marquardt Ave
CUP CASE NO. 751

REQUIRED TWO DEVIATIONS.

1. Allow a billboard on property with less than 5-acre minimum.
2. Reduction of the 1,000' distance from another billboard, not on the same property but on the same side of the freeway.
 - Existing Sign
 - Agreement in place with Caltrans to re-locate – freeway expansion.



NEWPORT DIVERSIFIED – 15718 Marquardt Ave
CUP CASE NO. 751

Billboard satisfies the minimum 25' setback requirements.

- Photos from different angles do lead one to believe otherwise.





OUTDOOR ASSOCIATED – 13530 Firestone Blvd
CUP CASE NO. 793

REQUIRED TWO DEVIATIONS.

1. Allow billboard to exceed the maximum 50' height limit
 - Freeway on ramp
2. Allow reduction of one (1) parking stall related to the hotel use.
 - Existing parking variance
 - Hotel occupancy levels

Snell & Wilmer
LLP
LAW OFFICES
Plaza Tower
600 Anton Boulevard
Suite 1400
Costa Mesa, California 92626-7669
714.427.7000
www.swlaw.com

Sean M. Sherlock
714.427.7036
ssherlock@swlaw.com

The City's past practice demonstrates a policy of approving variance requests for similar projects. Moreover, for other applicants Planning Staff has routinely consolidated deviations from multiple development standards into a single variance application; whereas in this case the Planning Staff has required each deviation from a development standard to stand as a separate variance application. By so doing, Planning Staff is attempting to make Becker Boards's project appear worse than other projects having similar impacts.

- Staff has not routinely consolidated deviations from multiple development standards into a single Variance.
- For Newport Diversified – 15718 Marquardt Ave, there was one Zone Variance application for the two deviations. But in the end, there were still only two deviations.
- The practice was never repeated. No other billboard projects were treated in that manner.

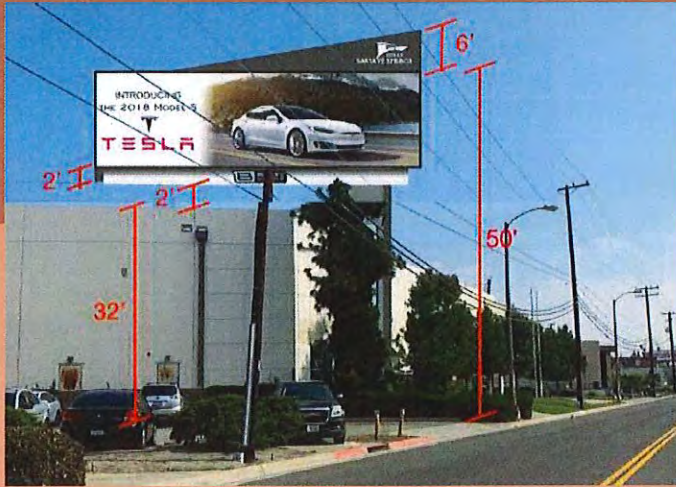
CONSIDERATIONS

3. Allowing a billboard to be constructed over an existing building is a Variance that has not been granted.
 - Staff believes it would result in a significant and negative aesthetic impact.
 - City's billboard ordinance specifically prohibits such designs because they do not portray the image that the City is striving for.

CONSIDERATIONS



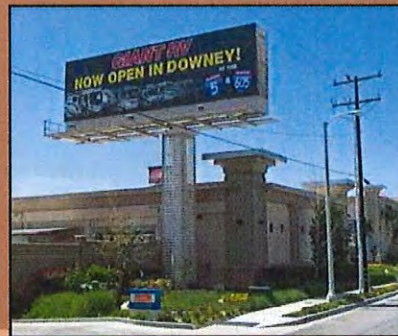
CONSIDERATIONS



PROPOSED BILLBOARD BY BECKER BOARD



CONSIDERATIONS



LE FIELL (STATIC) – 13750 Firestone Blvd

- Billboard itself does not overhang onto the building.
- When project was approved by PC, it did not include the catwalk.
- The applicant has been notified.

CONSIDERATIONS

4. Granting of multiple variances, in the absence of sound findings, would result in a “de facto” amendment to the City’s Billboard Ordinance.

- Approving a project with 5 variances would render the respective Code Sections ineffectual.

CONSIDERATIONS

5. Development Agreement does provide the City with some money through established development fees.

- Good public policy should not be driven solely by money as the overwhelming factor.

CONSIDERATIONS

6. Although the removal of existing on-site landscaping appears minor, because it is specifically prohibited by the Billboard Ordinance, staff does not have the authority to waive such requirement.

- A decision to deviate from the Code is a discretionary action that can only be done through a Variance.

Additionally, the relocation of a minor, non-native ornamental tree need not require a variance. Planning Staff's insistence on requiring a variance for the tree relocation seems calculated to prejudice the City's consideration of the Project.

CONSIDERATIONS

7. Required conditions per Section 155.675 of the City Zoning Ordinance must be demonstrated by the applicant.

§ 155.675 REQUIRED SHOWING BY THE APPLICANT:

Before any variance shall be granted, the Planning Commission shall satisfy itself that the applicant has shown that all of the following conditions apply:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone.
- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question.
- (C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity.
- (D) That the granting of such variance will not adversely affect the master plan of the city.

('64 Code, § 70.05)

- Burden to demonstrate that the project meets the five required conditions falls on the applicant, not Staff.

CONSIDERATIONS

8. The proposed billboard, is in conflict with the California Business and Professions Code, Section 5405 (d)(1).

(d)(1) Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of **subdivision (b) of Section 5408**, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. **No message center display may be placed within 1,000 feet of another message center display on the same side of the highway.** No message center display may be placed in violation of **Section 131 of Title 23 of the United States Code**.

Based on staff's research, the existing digital sign on the Tom's Truck Center site (located approx. 465' north of the subject site) is considered a message center display.



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING (ODA) DISPLAY PERMIT APPLICATION
ODA 002 (Rev. 12/18)

Page 1 of 2

PERSONAL INFORMATION NOTICE
This form is for the use of the Department of Transportation (Caltrans) and its contractors. It is not to be used for any other purpose. The information provided on this form is for the use of Caltrans and its contractors only. It is not to be used for any other purpose. The information provided on this form is for the use of Caltrans and its contractors only. It is not to be used for any other purpose.

DO NOT WRITE IN THESE SPACES

07 LA 2 2009

P07-3525

SECTION 1 - APPLICANT
PERMIT APPLICANT (Please print or type name of firm or individual desiring permit)
City of Santa Fe Springs
STREET ADDRESS (CANNOT be a Post Office Box)
11710 Telegraph Road
MAILING ADDRESS, IF DIFFERENT (Street Address or P.O. Box)
CITY
Santa Fe Springs
STATE
CA
CITY
Santa Fe Springs
STATE
CA

SECTION 2 - DISPLAY LOCATION INFORMATION
COUNTY NAME
San Diego
CITY NAME
San Diego
STREET ADDRESS
11710 Telegraph Road
CITY
Santa Fe Springs
STATE
CA
CITY
Santa Fe Springs
STATE
CA

SECTION 3 - APPLICANT
PERMIT APPLICANT (Please print or type name of firm or individual desiring permit)
City of Santa Fe Springs
STREET ADDRESS (CANNOT be a Post Office Box)
11710 Telegraph Road
MAILING ADDRESS, IF DIFFERENT (Street Address or P.O. Box)
CITY
Santa Fe Springs
STATE
CA
CITY
Santa Fe Springs
STATE
CA

OUTDOOR ADVERTISING DISPLAY PERMIT APPLICATION

SECTION 3 - APPLICANT

PERMIT APPLICANT (Please print or type name of firm or individual desiring permit)		ODA LICENSE
City of Santa Fe Springs		☐ YES
STREET ADDRESS (CANNOT be a Post Office Box)	CITY	STATE
11710 Telegraph Road	Santa Fe Springs	CA
MAILING ADDRESS, IF DIFFERENT (Street Address or P.O. Box)	CITY	STATE

- The City did not submit the application on the applicant's behalf.



- Caltrans confirmed that existing sign at Tom's Truck Center is a message center display.
- Caltrans also confirmed the distance between the subject billboard and said message center display to be 463'.



DEPARTMENT OF TRANSPORTATION
OFFICE OF OUTDOOR ADVERTISING
1500 B Street, Suite 100
Sacramento, CA 95833-0001
Phone: (916) 445-4400
Fax: (916) 445-4400
TDD: (916) 445-4400
www.southcentraltransit.com

September 12, 2019
Wayne Morell
City of Santa Fe Springs
13710 Telegraph Road
Santa Fe Springs, CA 90670
Re: Outdoor Advertising Preliminary Application Number P07-3525
Dear Wayne Morell:

Thank you for your outdoor advertising preliminary review application for an outdoor advertising display comprised of a back to back display to be placed in the County of Los Angeles, adjacent to north-bound Interstate 5, at Post Mile marker 22006, and 1206 feet south of Carrizosa Road. A true and correct copy of your application is attached hereto for your reference. Unfortunately, the display location does not conform to the requirements of the Outdoor Advertising Act codified at California Business and Professions Code section 5200 et seq; therefore, the application cannot be approved for the following reason:

- Outdoor Advertising Act section 5405(d)(1) states that no message center display may be placed within 1,000 feet of another message center display on the same side of the highway. According to the Department's records, there is an on-premise message center display 463 feet north of the proposed display location.

Therefore, your preliminary review application is denied. The preliminary determination application process is designed to provide applicants with the Department's preliminary determination as to whether a particular site would qualify for a permit if a permit application were submitted. It is not intended to substitute for the permit application process, which provides an actual decision on an actual outdoor advertising permit application. A preliminary determination is non-binding. It neither compels nor denies any further action, and thus, it does not qualify for any legal remedy such as an appeal process.

If you have any questions, please contact our office at (916) 454-6473.

Sincerely,

George Anzo
Area Manager

CSA-0025

Provide a safe, sustainable, integrated and efficient transportation system to the people of California and beyond.

Caltrans Denied the request based on the fact that the proposed billboard does not conform to Section 5405 (d)(1).

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CSA-0025

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Therefore, your preliminary review application is denied. The preliminary determination

- Even if the project was approved by the City, it is still subject to Caltrans review and approval.
- Unless Tom's truck removes their message center display, Caltrans could not approve the project.

RECOMMENDATIONS

- Planning Commission **Deny** CUP 795, ZV 82 & ZV 84-87, and DA 01-2020.
- Find and determine that pursuant to **Section 15061(b)(3)** of the California Environmental Quality Act Guidelines, an action to deny the **project** is **Exempt** from CEQA.
- Adopt **Resolution No. 150-2020**, which incorporates the Planning Commission's findings and actions regarding this matter.

#6

Proposed Billboard | Development Agreement

13539 Freeway Dr.
Santa Fe Springs, CA

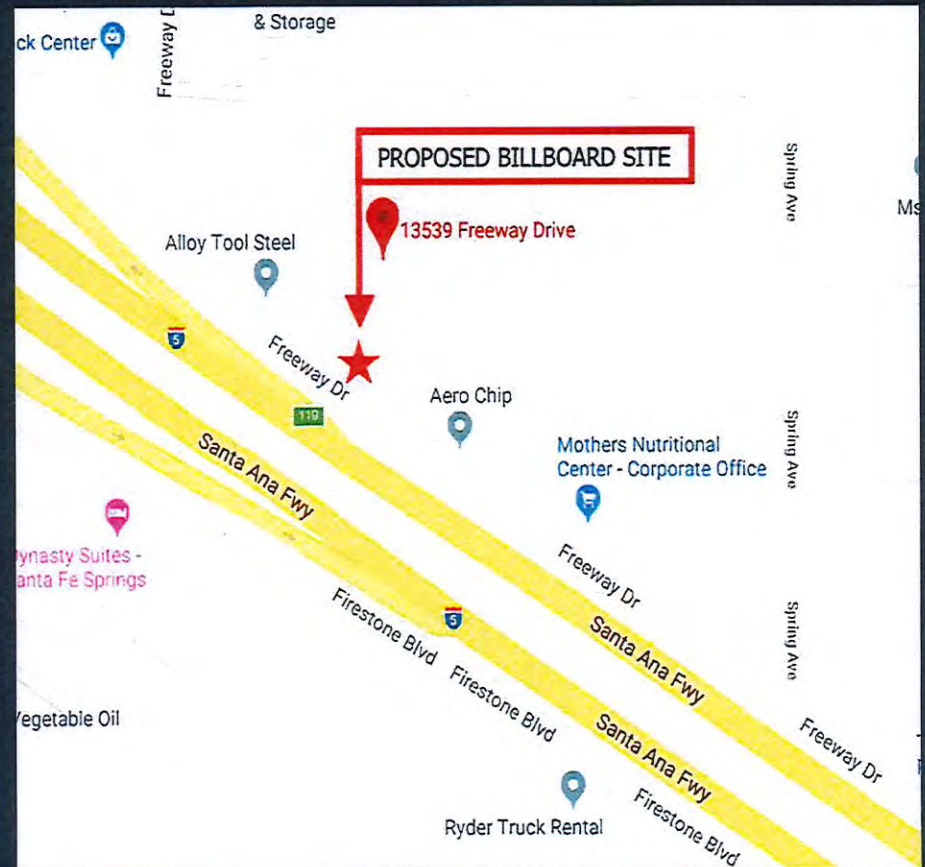


4234 E Indian School Road.
Phoenix, AZ 85018



IN NOVEMBER OF 2018 BECKER BOARDS SUBMITTED A CUP APPLICATION AND VARIANCE APPLICATION FOR A NEW BILLBOARD IN A HEAVY MANUFACTURING / FREEWAY OVERLAY ZONE (M-2) FRONTING FREEWAY DRIVE AND THE 5 FREEWAY.

THE SUBJECT LOT HAS AN EXISTING INDUSTRIAL BUILDING WHICH BELONGS TO THE HURLEN CORPORATION, A WELL RESPECTED COMPANY THAT MANUFACTURES AEROSPACE MATERIALS AND HAS BEEN BASED IN SANTA FE SPRINGS SINCE 1981.

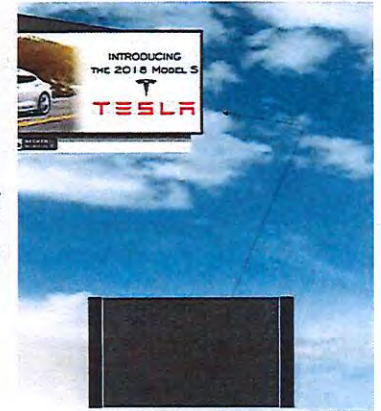


RENDERING OF PROPOSED BILLBOARD 13539 FREEWAY DRIVE



BILLBOARD FEATURES

Solid metal filler
screening panel
placed between LED
panels on wide end of
V angel - painted gray
to match top and
bottom accents.

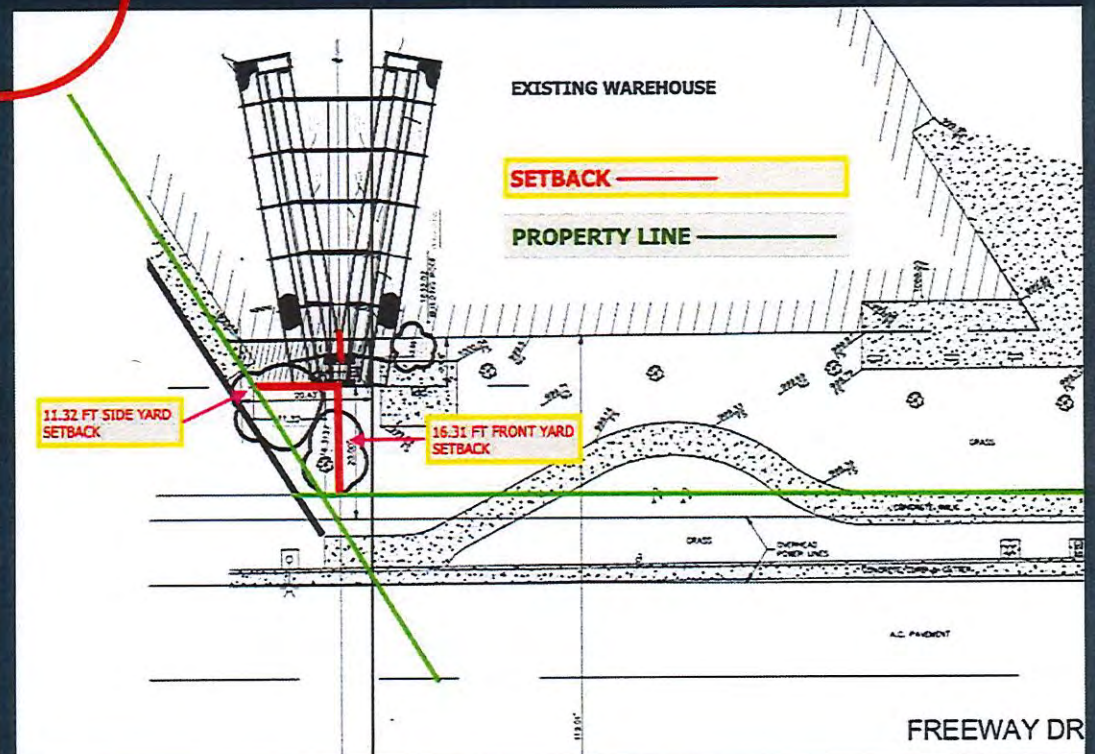


Santa Fe Springs
seal featured on
pole cover with
thick aluminum
plate

Request for Deviations from Development Standards (4)

1. To allow minimum setback of proposed billboard column support from two property lines to be less than 25'-0" (The Front Yard and One Side Yard).
 - The proposed **South / West Side yard** setback is **11.32 feet** in lieu of 25 feet
 - The proposed **Front yard** setback is **16.31 feet** in lieu of 25 feet
2. To allow the proposed billboard to overhang the building.
3. Requesting the set back from the structural pole mount to the building to be **2.88 feet**.
4. To relocate 1 non protected tree.

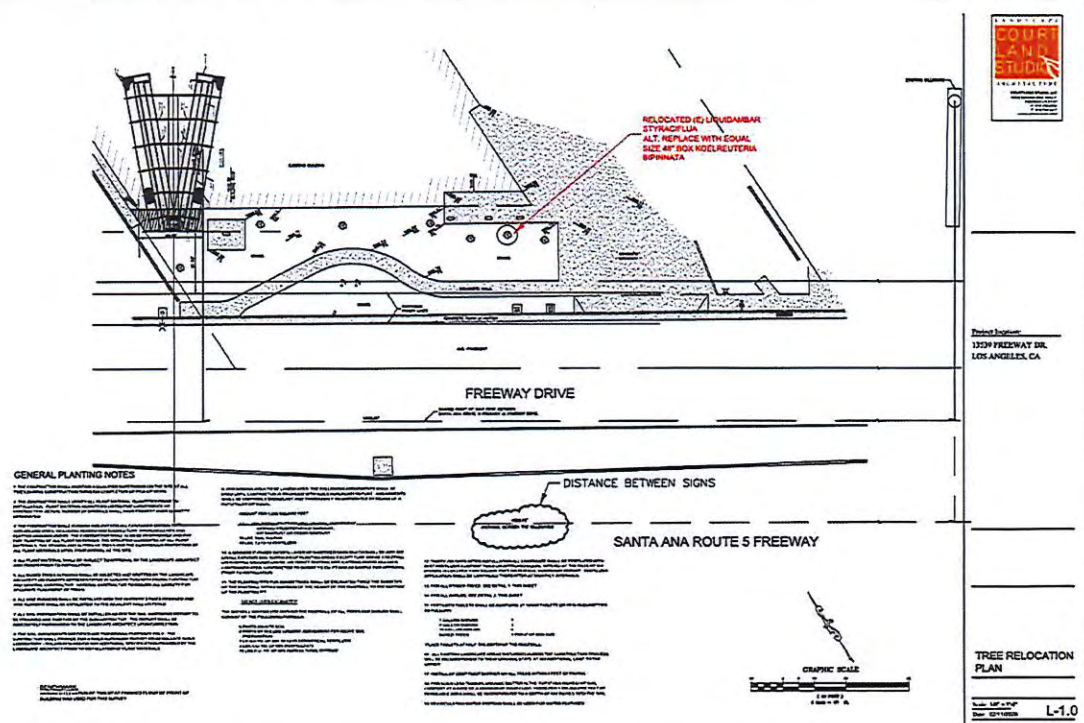
CITY PLANNING COUNTS #1 AS TWO SEPARATE VARIANCES LEADING THE PROPOSED SCOPE TO CARRY 5 VARIANCES.





Tree to be replaced is a non protected Liquidambar Styraciflua

Landscape Plan proposed by **Court Land Studio Landscape Architects** to 'RELOCATE (E) LIQUIDAMBAR STYRACIFLUA OR REPLACE WITH EQUAL SIZE 48" BOX KOELREUTERIA BIPINNATA' Proposed Landscape Plan Below.



Below are a list of **FIVE billboards** in Santa Fe Springs not far from the subject location 13539 Freeway Drive. Underneath each billboard location is:

- A list of obtained variances, some of which are multiple deviations from development standards counted as ONE variance.
- List of violations, Non approved features.
- None of the other projects were required to prepare an EIR, although they also required variances.

Motion
Second



1. 15718 Mardquardt Ave – Santa Fe Springs – Six deviations from development standards approved under THREE variances.

- a. To allow minimum distance from another billboard on the same side of the street to be less than 1000'-0"
- b. To allow the minimum setback of the billboard column support from **ANY** property line (**ALL 4**) to be less than the required 25'-0"
- c. To allow a billboard on a site less than the required five acres

According to planning regulations (which they enforced on Becker Boards applications) there are a total of **SIX deviations from development standards that were approved as THREE VARIANCES** for this project.

City Revenue : \$58,225 / Year

Total city revenue **to date** (7/10/2016) : \$174,675.00

City revenue over a 10 year span: \$582,250.00

2. 13700 & 13750 Firestone Blvd – **EXISTING (2 VARIANCES AND 2 VIOLATIONS).**

- a. A Variance requesting a height of **60'-0"** in lieu of the required 50'-0"
- b. A variance to allow minimum setback of proposed billboard column support from the side property lines to be **9'-7"** in lieu of the required **25'-0"**

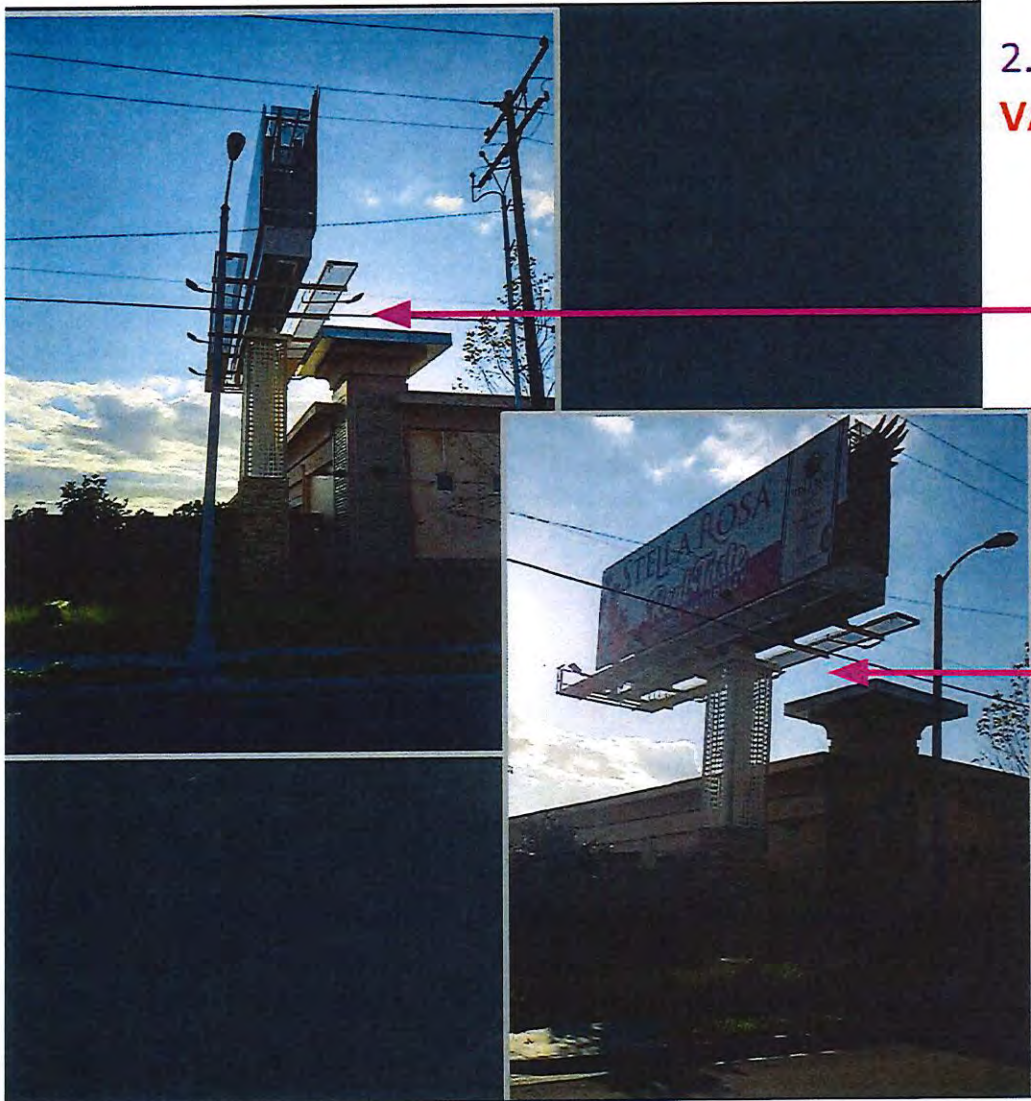
This sign @ LEFIELL is existing and currently in violation of two codes:

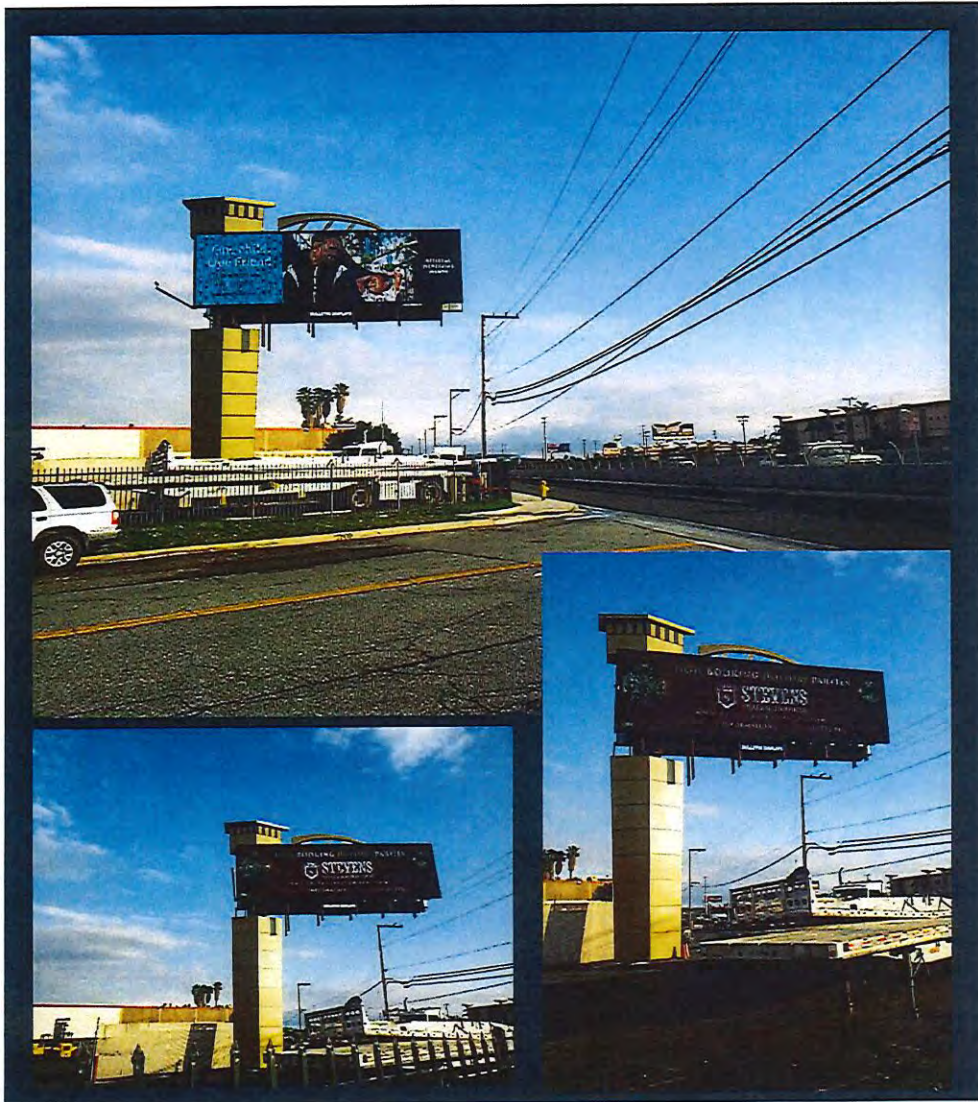
- 1. *Overhanging the building (without a variance).*
- 2. *The billboard sits right up against the building and the mount is not setback from the building see images below.*

City Revenue : \$68,500/ Year

Total city revenue **to date** (7/10/2016) : \$205,500.00

City revenue over a **10 year span**: \$685,000.00





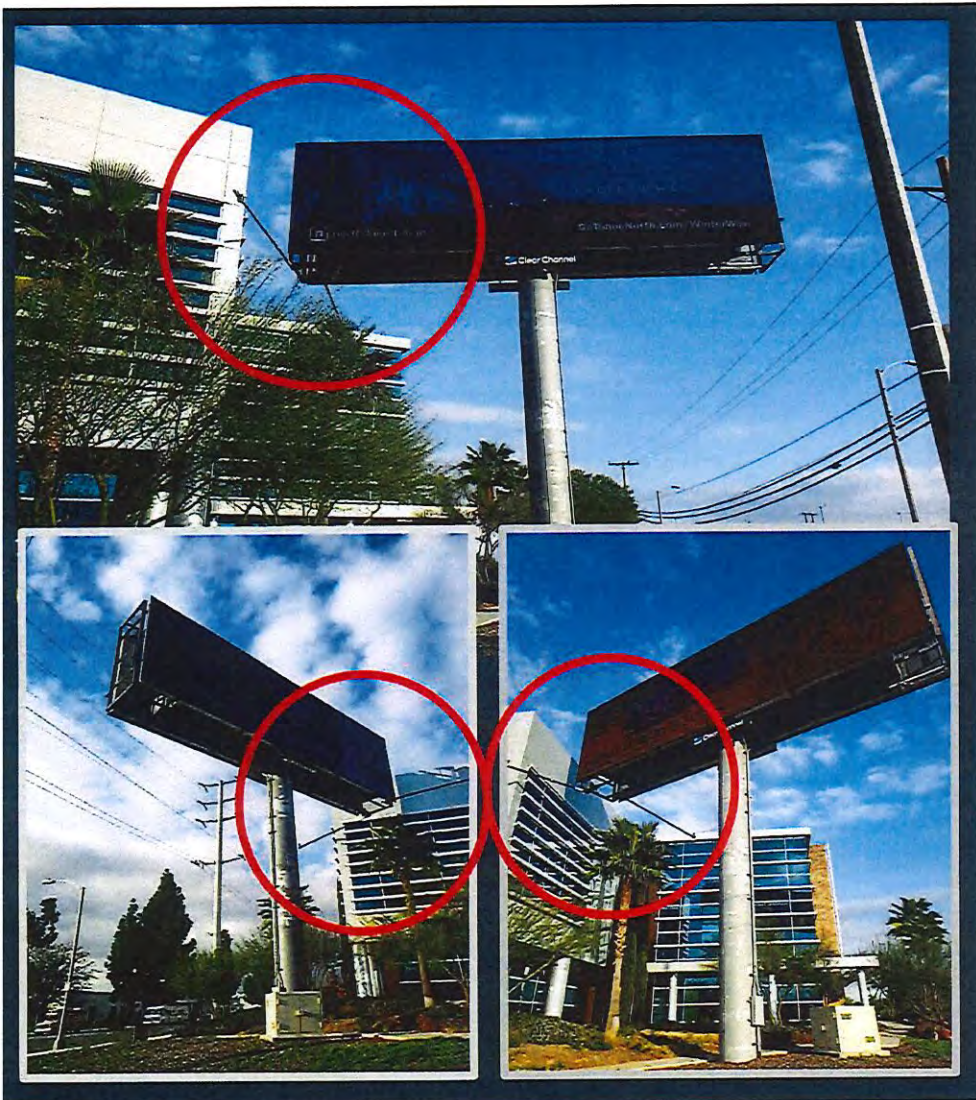
3. 13711 Freeway Drive – Santa Fe Springs – **THREE** deviations from development standards approved under **ONE** variance.

- a. To allow a height **extension of 7'-0"** to the top of a 50'-0" digital display.
- b. To allow a 3'-0" extension to **each side (2)** of the digital display.
- c. To allow a 3'-0" **extension** of the digital display.

City Revenue \$68,500 / Year

Total city revenue **to date** (1/28/2016) : \$274,000.00

City revenue over a 10 year span: \$685,000.00



4. 13833 Freeway Drive – Santa Fe Springs – EXISTING

Currently in violation:

- a. The light extensions and face of the billboard are very close to the building and are not set back.

City Revenue : \$25,000/ Year

Total city revenue **to date** (3/28/2013): \$150,000.00

City revenue **over a 10 year span**: \$250,000.00



5. 13530 Firestone Blvd – Santa Fe Springs – **EXISTING**

- a. A Variance requesting a height of 65'-0" in lieu of the required 50'-0"

City Revenue \$100,000 / Year

Total city revenue to date (1/24/2019) : **\$100,000.00**

City revenue over a **10 year span**: \$1,000,000.00

Becker Boards development agreement proposes an annual revenue fee to city of Santa Fe Springs of \$100,000.00 / Year.

City revenue over a 30 year span will
be : **\$3,000,000.00**

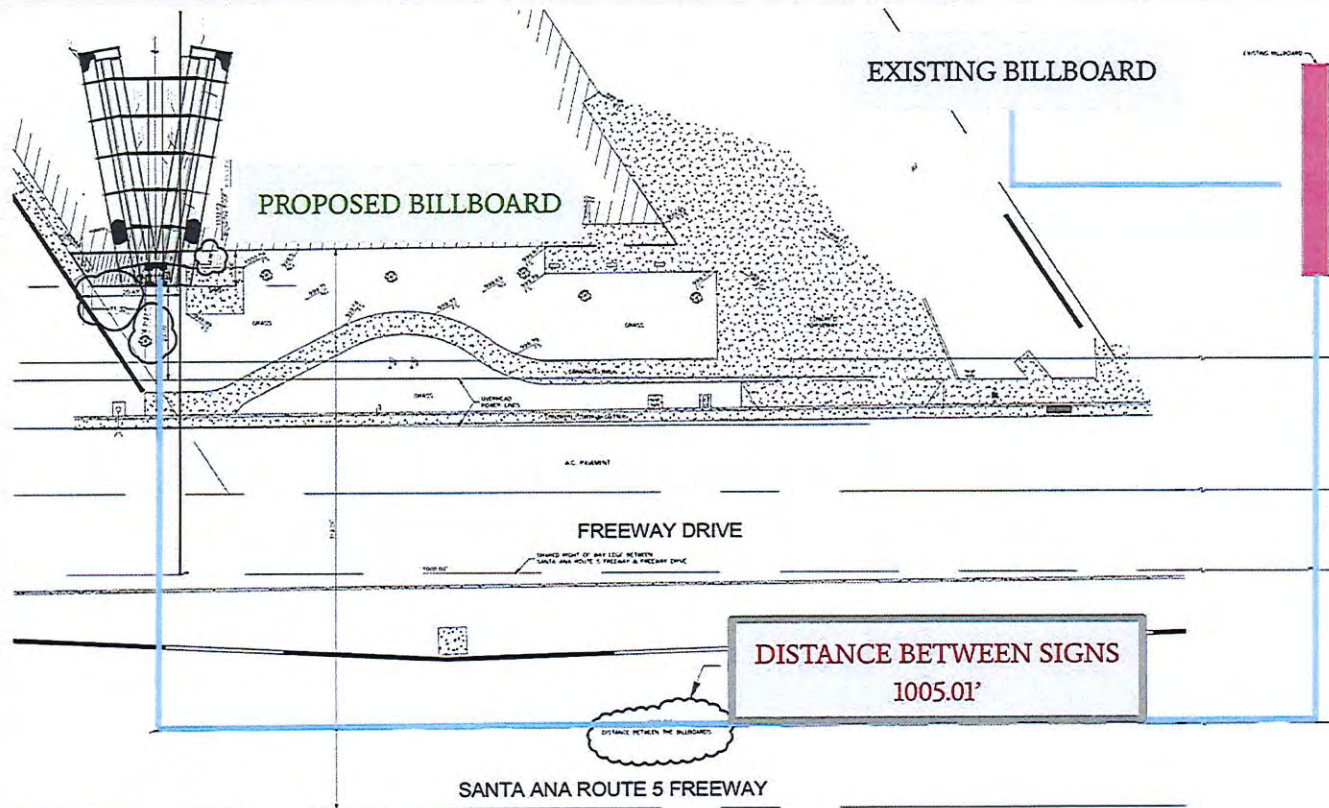
2011 California Code
Business and Professions Code
DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY
[5000 - 9998.8]
ARTICLE 1. General Provisions
Section 5216.4

Universal Citation: CA Bus & Prof Code § 5216.4 (through 2012 Leg Sess)

Message center is an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds.

(Added by Stats. 2000, Ch. 787, Sec. 5. Effective January 1, 2001.)

Topographic survey conducted. The proposed billboard fits at the current proposed location to provide minimum 1000'-0" setback from neighboring billboard. Distance shown below.



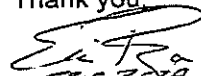
Letter of acknowledgement from neighboring property 13539 Freeway Dr.

1/19/2020

To whom this may concern:

This letter is to confirm that **Alloy Tool Steel Inc.** located at 13525 Freeway Dr. in Santa Fe Springs, California is aware of the proposed development of a 50'-0" billboard located at our neighbors property **13539 Freeway Dr.** The current proposed location is located completely on their property and the applicant has come fourth to make us aware of their intent to propose and build the pole mounted sign.

Thank you


ERIC PEÑA
Alloy Tool Steel Inc.



APPROVED: March 9, 2020

MINUTES OF THE ADJOURNED MEETING OF THE SANTA FE SPRINGS PLANNING COMMISSION

February 12, 2020

1. CALL TO ORDER

Chair Ybarra called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Ybarra led everyone in the Pledge of Allegiance.

3. ROLL CALL

Members present:

Chairperson Ybarra
Vice Chairperson Arnold
Commissioner Aranda
Commissioner Carbajal
Commissioner Jimenez

Staff:

Richard L. Adams II, City Attorney
Wayne Morrell, Director of Planning
Cuong Nguyen, Senior Planner
Laurel Reimer, Planning Consultant
Vince Velasco, Associate Planner
Jimmy Wong, Associate Planner
Teresa Cavallo, Planning Secretary

Council:

Councilmember Joe Angel Zamora

Members absent:

None

4. ORAL COMMUNICATIONS

None

5. MINUTES

Approval of the minutes for the January 13, 2020 Planning Commission meeting

It was moved by Vice-Chair Arnold, seconded by Commissioner Carbajal to approve the minutes as submitted, with the following vote:

Ayes: Arnold, Aranda, Carbajal, Jimenez, and Ybarra

Nays: None

Absent: None

PUBLIC HEARING

6. PUBLIC HEARING – Continued from the January 13, 2020 Planning Commission meeting
CEQA Exemption Section 15061(b)(3)
Conditional Use Permit (CUP) Case No. 795
Zone Variance (ZV) Case No. 82
Zone Variance (ZV) Case No. 84-87
Development Agreement (DA) No. 01-2020

Recommendation: That the Planning Commission:

- Open the Public Hearing and receive any comments from the public regarding Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020, and thereafter, close the Public Hearing; and
- Find and determine that the proposed project, as proposed, will not be in conformance with the overall purpose and objective of the City's Zoning Ordinance and thus will also be inconsistent with the goals, policies and programs of the City's General Plan; and
- Find that the applicant's CUP request does not meet the necessary criteria set forth in §155.716 of the City's Zoning Ordinance for the granting of a Conditional Use Permit; and
- Find that the applicant's project does not meet the necessary finding set forth in §155.384 (C) of the City's Zoning Ordinance for the granting of a Conditional Use Permit for a billboard project; and
- Find that the applicant has not adequately demonstrated that the required conditions for approval of a Variance can be found for the subject billboard project, as set forth in §155.675 of the City of Santa Fe Springs Zoning Ordinance; and
- Deny Conditional Use Permit Case No. 795; Zone Variance Case No. 82, Zone Variance Case Nos. 84-87; and Development Agreement No. 01-2020; and
- Find and determine that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the project is Exempt from CEQA since no project is being recommended for approval at this time.
- Adopt Resolution No. 150-2020, which incorporates the Planning Commission's findings and actions regarding this matter.

Chair Ybarra called upon Director of Planning Wayne Morrell and Senior Planner Cuong Nguyen to present Item No. 6 before the Planning Commission. Present in the audience was the Applicant's Representatives Joseph White and Danielle Hayman.

Director of Planning Wayne Morrell provided the history of the billboard ordinance.

Senior Planner Cuong Nguyen presented the reasons the City is not in favor of the proposed entitlements.

Chair Ybarra called upon the Commissioners for questions and/or comments.

A discussion ensued regarding the proposed entitlements, set-backs, and other billboard entitlements.

Minutes of the February 12, 2020 Planning Commission Meeting

Chair Ybarra opened the Public Hearing at 6:55 p.m. and asked if the Applicant's Representative Joseph White would like to approach the podium to address the Planning Commission. The Applicant's Representative Joseph White approached the podium and provided a PowerPoint Presentation in favor of Item No. 6.

Chair Ybarra asked if anyone from the audience wished to speak on Item 6. The following spoke against Item No. 6:

George Saelzler
K.C. Heidler of Tom's Truck Center

Chair Ybarra called back Mr. Joseph White for rebuttal.

Chair Ybarra asked the Commissioners if they had any questions or comments. A discussion ensued regarding the audience's comments, the Applicant's rebuttal and the City's position regarding the proposed entitlements.

Having no further questions, Chair Ybarra closed the Public Hearing at 7:22 p.m. and requested a motion and second for Item No. 6.

It was moved by Commissioner Aranda, seconded by Vice Chair Arnold to deny Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case No. 84-87, Development Agreement (DA) No. 01-2020, and the recommendations regarding this matter, which passed by the following roll call vote:

Ayes: Arnold, Aranda, Jimenez, and Ybarra

Abstained: Carbajal

Absent: None

City Attorney Richard Adams II read the City's appeal process to inform the Planning Commission and public.

7. PUBLIC HEARING – Continued from the January 13, 2020 Planning Commission meeting

Adoption of Mitigated Negative Declaration

Tentative Parcel Map (TPM) No. 82709

Specific Plan Amendment Case No. 1

Development Plan Approval (DPA) Case No. 964

Recommendation: That the Planning Commission:

- Open the Public Hearing and receive any comments from the public regarding Tentative Parcel Map No. 82709; Development Plan Approval Case No. 964; Specific Plan Amendment Case No. 1; and related Environmental Documents, and thereafter, close the Public Hearing; and
- Find and determine that the proposed project will not be detrimental to persons or properties in the surrounding area or to the City in general, and will be in conformance with the overall purpose and objective of the Zoning Regulations and consistent with the goals, policies and program of the City's General Plan; and
- Find that Tentative Parcel Map No. 82709 meets the standards set forth in Sections 66474 and 66474.6 of the Subdivision Map Act for the granting of a tentative or

Minutes of the February 12, 2020 Planning Commission Meeting

- final map; and
- Find that Specific Plan Amendment Case No. 1 meets the criteria set forth in Section 65454 of the State Planning, Zoning and Development Laws, for amending the Waste Disposal Inc. (WDI) Specific Plan; and
- Find that the applicant's DPA requests meet the criteria set forth in §155.739 of the City's Zoning Regulations, for the granting of a Development Plan Approval; and
- Approve and adopt the proposed Mitigated Negative Declaration which, based on the findings of the initial study, indicates that although potential significant effects on the environment have been identified, revisions in the project plan or proposal made by, or agreed to by, the applicant, would avoid the effects or mitigate the effects to a point where clearly no significant effects on the environment would occur, and there is no substantial evidence in light of the whole record that the project, as revised, may have a significant effect on the environment; and
- Approve the proposed Mitigation Monitoring and Reporting Program (MMRP) for the proposed project; and
- Approve Tentative Parcel Map No. 82709; Development Plan Approval Case No. 964; and Specific Plan Amendment Case No. 1, subject to the conditions of approval as contained with Resolution No. 152-2020; and
- Adopt Resolution No. 152-2020, which incorporates the Planning Commission's findings and actions regarding this matter.

Chair Ybarra called upon Associate Planner Jimmy Wong to present Item No. 7 before the Planning Commission. Present in the audience was the Applicant's Representatives Senior Vice President William Lu, P.E., and Traffic Engineer Hassan Ahmed, T.E. with Kittelson & Associates, Inc.

Chair Ybarra called upon the Commissioners for questions and/or comments.

A discussion ensued regarding the traffic engineer's report, trucks along Greenleaf Avenue, the only truck entrance on Santa Fe Springs Road and Conditions of Approval.

Planning Consultant Laurel Reimer addressed the Planning Commissioners' comments and concerns.

Chair Ybarra opened the Public Hearing at 7:52 p.m. and asked if the Applicant's Representatives Senior Vice President William Lou and Traffic Engineer Hassan Ahmed would like to approach the podium to address the Planning Commission. The Applicant's Representatives approached the podium and addressed the Planning Commissioners' concerns regarding the traffic report's traffic analysis, truck trip scenarios and truck traffic along Greenleaf Avenue, Los Nietos Road and the truck entrance along Santa Fe Springs Road. A discussion ensued regarding the truck routes and the Department of California Transportation correspondence.

There being no one from the audience wishing to speak and the Planning Commission having no further questions, Chair Ybarra closed the Public Hearing at 8:19 p.m. and requested a motion and second for Item No. 7.

It was moved by Commissioner Aranda, seconded by Commissioner Jimenez to approve

Minutes of the February 12, 2020 Planning Commission Meeting

Tentative Parcel Map (TPM) No. 82709, Specific Plan Amendment Case No. 1, Development Plan Approval (DPA) Case No. 964, with the addition of a condition of approval regarding signage and the recommendations regarding this matter, which passed by the following roll call vote:

Ayes: Arnold, Aranda, Carbajal, Jimenez, and Ybarra
Nays: None
Absent: None

8. PUBLIC HEARING

CEQA Exemption Section 15061(b)(3)

Zone Determination Case No. 2020-01

Recommendation: That the Planning Commission:

- Open the Public Hearing and receive any comments from the public regarding Zone Determination Case No. 2020-01, and thereafter, close the Public Hearing; and
- Find that Zone Determination Case No. 2020-01 will be harmonious with adjoining properties and surrounding uses in the area and therefore will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the community in general; and
- Find that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed Zone Determination is exempt; and
- Approve Zone Determination Case No. 2020-01, determining that the manufacturing and assembly of trade show displays is a similar and compatible use with other similarly listed uses permitted in the ML, Limited Manufacturing – Administration and Research, Zone; and
- Adopt Resolution No. 154-2020, which incorporates the Planning Commission's findings and actions regarding this matter.

Chair Ybarra called upon Associate Planner Vince Velasco to present Item No. 8 before the Planning Commission. Present in the audience was the Applicant's Representative Allen Chung.

Chair Ybarra called upon the Commissioners for questions and/or comments.

Vice-Chair Arnold inquired about any requirements from AQMD as it pertains to the dust collection system. Associate Planner Vince Velasco replied that conditions have not been imposed but when the applicant goes through the building process for the dust collection system then conditions from AQMD will apply.

Chair Ybarra opened the Public Hearing at 8:31 p.m. and asked if the Applicant's Representative would like to approach the podium. The Applicant's Representative Allen Chung thanked the Planning Commission and stated that Santa Fe Springs is a great location for the growth of his business.

Having no further questions or comments, Chair Ybarra closed the Public hearing and requested a motion and second for Item No. 8.

It was moved by Commissioner Jimenez, seconded by Commissioner Carbajal to

approve Zone Determination Case No. 2020-01, and the recommendations regarding this matter, which passed by the following roll call vote:

Ayes: Arnold, Aranda, Carbajal, Jimenez, and Ybarra
Nays: None
Absent: None

9. PUBLIC HEARING

Categorically Exempt – CEQA Guidelines Section 15282(h)
Zoning Text Amendment – Accessory Dwelling Unit

Recommendation: That the Planning Commission:

- Continue Zoning Text Amendment – Accessory Dwelling Unit to the Planning Commission meeting of March 9, 2020.

Chair Ybarra called upon Associate Planner Jimmy Wong to present Item No. 9 before the Planning Commission.

Chair Ybarra opened the Public Hearing at 8:34 p.m.

There being no one from the audience wishing to speak and the Planning Commission having no further questions, Chair Ybarra kept the Public Hearing open and requested a motion and second for Item No. 9.

It was moved by Vice-Chair Arnold, seconded by Commissioner Carbajal to continue Zoning Text Amendment – Accessory Dwelling Unit, and the recommendations regarding this matter, which passed by the following roll call vote:

Ayes: Arnold, Aranda, Carbajal, Jimenez, and Ybarra
Nays: None
Absent: None

CONSENT ITEMS

10. CONSENT ITEMS

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

A. CONSENT ITEM

Conditional Use Permit Case No. 590-6

- Find that the continued operation and maintenance of a church facility, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and will be in conformance with the overall purposes and objectives of the Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan.
- Require that Conditional Use Permit Case No. 590-6 be subject to a compliance review in ten (10) years, on or before February 12, 2030, to ensure the use is still

operating in strict compliance with the conditions of approval as contained within this staff report.

B. CONSENT ITEM

Conditional Use Permit Case No. 608-4

- Find that the continued operation and maintenance of an open storage yard, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and will be in conformance with the overall purposes and objectives of the Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan.
- Require that Conditional Use Permit Case No. 608-4 be subject to a compliance review in five (5) years, on or before February 12, 2025, to ensure the use is still operating in strict compliance with the conditions of approval as contained within this staff report.

C. CONSENT ITEM

Conditional Use Permit Case No. 782-1

- Find that the continued operation and maintenance of a mini-warehouse facility, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses and will be in conformance with the overall purposes and objectives of the Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan.
- Require that Conditional Use Permit Case No. 782-1 be subject to a compliance review in three (3) years, on or before February 12, 2023, to ensure the use is still operating in strict compliance with the conditions of approval as contained within this staff report.

Chair Ybarra requested a motion regarding Item Nos. 10A-10C.

It was moved by Commissioner Carbajal, seconded by Commissioner Aranda approve Consent Items No. 10A – 10C, and the recommendations regarding this matter, which passed by the following roll call vote:

Ayes: Arnold, Aranda, Carbajal, Jimenez, and Ybarra
Nays: None
Absent: None

11. ANNOUNCEMENTS

Commissioners:
None.

Staff:
Planning Consultant Laurel Reimer invited the Planning Commissioners to the City Council meeting to show support for approving the consultants who will be preparing the City's General Plan.

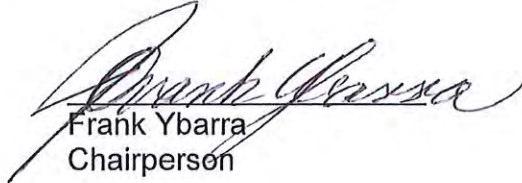
Minutes of the February 12, 2020 Planning Commission Meeting

Senior Planner Cuong Nguyen invited the Planning Commissioners to the City's Penny Carnival as the Planning Department will be conducting Census Outreach.

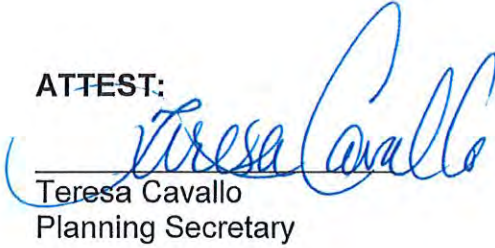
Associate Planner Vince Velasco announced the new full-time hires: Associate Planner Jimmy Wong, Assistant Planner Claudia Jimenez, and himself.

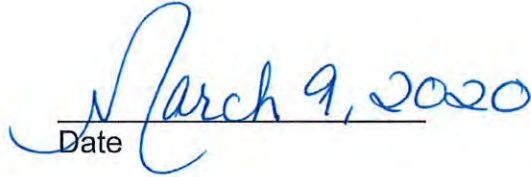
12. ADJOURNMENT

Chairperson Ybarra adjourned the meeting at 8:39 p.m. to the next regular Planning Commission meeting scheduled for March 9, 2020, at 6:00 p.m.


Frank Ybarra
Chairperson

ATTEST:


Teresa Cavallo
Planning Secretary


Date

CITY OF SANTA FE SPRINGS
RESOLUTION NO. 150-2020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS DENYING CONDITIONAL USE PERMIT CASE NO. 795, ZONE VARIANCE CASE NO. 82, ZONE VARIANCE CASE NOS. 84-87, AND DEVELOPMENT AGREEMENT No. 01-2020

WHEREAS, the applicant, Becker Boards, has requested approval for a Conditional Use Permit (CUP Case No. 795) to construct and operate a new 50-foot tall V-shaped digital billboard on the southwest corner of the property located at 13539 Freeway Drive (APN: 8069-016-006); and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 82) to allow the subject digital billboard to project over the roof of a building, contrary to Section 155.384 (E)(1) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 84) to allow the subject digital billboard to be located less than 25' from the front property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 85) to allow the subject digital billboard to be located less than 25' from the side property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 86) to allow the subject digital billboard to be located less than 25' from the adjacent building, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 87) to allow the removal of an existing on-site tree, contrary to Section 155.384 (I)(3) of the City's Zoning Ordinance, in order to locate the subject digital billboard; and

WHEREAS, a request was concurrently filed for a Development Agreement (DA No. 01-2020) by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed; and

WHEREAS, the subject property is comprised of a single parcel measuring approximately 1.85-acre and located at 13539 Freeway Drive, with Accessor's Parcel Numbers of 8069-016-006, as shown in the latest rolls of the Los Angeles County Office of the Assessor; and

WHEREAS, the property owner is Hurlen Leasing LLC, 9841 Bell Ranch Drive, Santa Fe Springs, CA 90670; and WHEREAS, the proposed project which includes Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone

Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020 is considered a project as defined by the California Environmental Quality Act (CEQA), Article 20, Section 15378(a); and

WHEREAS, the City of Santa Fe Springs Planning and Development Department, on December 26, 2019, published a legal notice in the *Whitter Daily News*, a local paper of general circulation, indicating the date and time of the public hearing, and also mailed said public hearing notice on December 23, 2019 to each property owner within a 500 foot radius of the project site in accordance with state law; and

WHEREAS, On January 13, 2020, the Planning Commission conducted a duly noticed public hearing on the Project. At which time all interested persons were permitted the opportunity to address the Planning Commission. After seeing that no one was present to speak on the matter, and at the request made by the applicant prior to the meeting, the Planning Commission continued the hearing to the adjourned Planning Commission meeting scheduled for February 12, 2020 at 6:00 p.m.; and

WHEREAS, the City of Santa Fe Springs Planning Commission has held a duly noticed public hearing and considered the application, the written and oral staff report, the General Plan and zoning of the subject property, the public testimony, written comments, or other materials presented at the Planning Commission Meeting on February 12, 2020 concerning the environmental findings and determination, Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020.

WHEREAS, the following findings of fact have been made in regard to the subject billboard project:

1. The proposed billboard, with a total of five (5) Zone Variances, is not consistent with the overall Purpose and intent of the City's billboard ordinance which, although recognizes billboards as a legitimate form of commercial use in the city, provides necessary controls including but not limited to, the size, number, location and illumination of billboards to minimize their influence on the city's visual environment and thus ensure general community welfare; and
2. The proposed billboard, with a total of five (5) Variances, is not consistent with the principal purpose of the Freeway Overlay Zone (FOZ) which strives to present a positive community identity and ensure orderly and consistent development throughout the FOZ by maintaining high standard of design and quality improvements; and
3. The proposed billboard project is not consistent with goals, policies or programs of the General Plan:
 - a. Goal 4 of the General Plan Land Use Element states that "Where incompatible land uses are in proximity to one another, provide for buffering, transitional uses or other controls which will reduce the

conflict to the maximum extent possible." The subject billboard does not provide the necessary setbacks as specified in the City's Zoning Ordinance nor does it provide the minimum 1,000-foot separation from another message center display as per the Outdoor Advertising Act section 5405(d)(1) which was intended to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.

- b. Goal 12 of the General Plan Land Use Element states that the City shall "Encourage high quality, appropriate private investment in commercial areas of Santa Fe Springs." The subject billboard is proposed to be constructed over an existing building which is specifically prohibited by the existing Zoning Ordinance, thus does not provide a "high quality" design per said goal. Additionally, the design of the subject billboard is identical to another digital billboard recently approved at 13534 Firestone Boulevard. Unlike other previously approved digital billboards, the subject billboard does not provide any originality or unique design.
- c. Policy 9.1 of the General Plan Safety Element states that "City land use planning policies and decisions will take into consideration the crime and traffic safety impacts of the uses." Since the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which provides minimum standards to not only minimize aesthetic impacts but also help prevent unsafe distractions to drivers, the Commission, therefore, finds that traffic safety impacts related to the subject billboard have not been adequately addressed.
- d. Goal 10.1 of the General Plan Safety Element states that the City shall "Continue to protect the Santa Fe Springs community from the loss of life and property from crime or traffic hazards." Again, given that the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which are in place to help minimize unsafe distractions to drivers, the Commission finds that the subject billboard could be a traffic hazard which has the potential to result in the loss of life and property.

NOW, THEREFORE, be it RESOLVED that the PLANNING COMMISSION of the CITY OF SANTA FE SPRINGS does hereby RESOLVE, DETERMINE and ORDER AS FOLLOWS:

SECTION I. ENVIRONMENTAL FINDINGS AND DETERMINATION

California Environmental Quality Act (CEQA) Guidelines, Section 15061, includes a "Common Sense" exemption which states that CEQA does not apply to activities "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

The Planning Commission hereby finds and determines that an action to deny the proposed Project would fall under the "Common Sense" provisions, as outlined in Section 15061(b)(3) of the CEQA Guidelines, since it can be seen with certainty that an action to deny the project would not cause a direct or any reasonable foreseeable indirect physical change on or in the environment. Thus, the action to deny the project is found to be exempt from CEQA.

SECTION II. CONDITIONAL USE PERMIT

Pursuant to Section 155.716 of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission, in their review and determination, finds that the applicant's CUP request does not meet the necessary criteria set forth in §155.716 of the City's Zoning Ordinance:

- (A) Satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general; and.

The Planning Commission believes that the manner in which the billboard use is proposed will be detrimental to persons and properties in the immediate vicinity. The subject billboard, as proposed, does not meet the City's billboard ordinance with respect to setbacks, will require the removal of a tree, and will overhang the existing building. As a result, a total of five (5) Zone Variances are required. When the billboard ordinance was adopted, it contained specific regulations to prohibit the types of variances that are being requested. These specific regulations were not derived in a vacuum, but were based on an observation of the existing freeway corridor within and beyond city limits, and on other billboard regulations at the time.

Approving a total of five variance without sufficient evidence to support the necessary findings would not only be unprecedented but could also result in a "de facto" amendment to the City's billboard ordinance. Moreover, any variances that are approved for the subject billboard project would also set a precedent for future requests. The Planning Commission, therefore, finds that such precedence and potential "de facto" amendment to the City's billboard ordinance would be detrimental to persons and properties in the immediate vicinity.

- (B) Give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.

Aside from the first digital billboard that was approved by the City, all other digital billboards were required to provide various architectural treatments (i.e. screening of cylindrical column, torsion bar, and areas in between the billboard face). It should be noted that the design of all previously approved billboards have each been unique. Although the applicant had originally proposed a unique design, said design was later changed to be an identical match to the recently approved billboard at 13534 Firestone Blvd (Outdoor Associates, LLC / Dynasty Suites). Such a design does provide the necessary architectural treatments, but the most obvious distinction is, unlike any other previously approved billboard, the proposed digital billboard will project over the roof of the existing building, will be located less than 3 feet from the existing building and will be located within the setback (front and side) areas. To accommodate the billboard as proposed will be precedent setting. The Commission, therefore, finds that the overall appearance, including its location, of the proposed billboard project does not adhere to the regulations of the existing billboard ordinance, nor does it uphold the minimum standards that have been requested and provided by other previously approved billboards, and thus would not preserve the general appearance and welfare of the community.

Additionally, pursuant to Section 155.384 (C) of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall not approve a conditional use permit for any billboard project unless it can make a finding:

- (C) That the subject billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.

In accordance with the City's billboard ordinance and the California Business and Professions Code, the minimum separation between digital billboards/message center displays on the same side of the freeway is 1,000 feet. This control is in place to help minimize light pollution as well as prevent aesthetic clutter resulting from excessive sign displays, both of which can be unsafe distractions to drivers if not properly controlled. As proposed, the subject billboard will be located approximately 465 feet from the existing message center display just north of the subject property and therefore will be in conflict with the California Business and Professions Code. For the reasons mentioned above, the Planning Commission finds the proposed billboard will be a hazard to the safe and efficient operations of vehicles along the adjacent Interstate 5 Freeway.

SECTION III. ZONE VARIANCE

Pursuant to Section 155.675 of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall satisfy itself that the applicant has shown that all of the following conditions apply. Based on the available information, the City of Santa Fe Springs Planning Commission hereby make the following findings:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone; and

Applicant Response:

Explain any special circumstances or conditions which apply to the land or the use involved in this application which **DO NOT** apply generally to other land or uses in the same vicinity and the same zone.

The addition of a digital dual faced billboard fits in to the industrial and heavy manufacturing- freeway overlay zone.

The response provided by the applicant simply provides an opinion statement, but does not clarify if there are any exceptional or extraordinary circumstances or conditions which apply to the subject billboard project that does not apply to other land or uses in the same vicinity and zone. The property is not irregularly shaped, is relatively flat, meets the City's development standards for lot area, lot width, lot depth, population density building height, and yard area. Additionally, the property, unlike other properties within the vicinity has not been impacted by Caltrans widening on Interstate 5, whereby portions of the property was required for the widening or portions of the building had to be removed. Notwithstanding, the applicant is requesting several Zone Variances. Although other previously approved billboards were granted variances to deviate from existing billboard regulations due to their unique circumstances, none of said billboards had required or received more than two variances. Granting a total of five (5) Zone Variances and the specific nature of the Variances, for a digital billboard project would be unprecedented. Therefore, the Planning Commission cannot make this required finding.

- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in questions; and

Applicant Response:

Explain why a Variance is necessary to maintain the same substantial property rights possessed by other property owners in the same vicinity and the same zone. (If your property can reasonably be developed and devoted to uses permitted in the existing zone, you are probably not being deprived of a substantial property right.)

1. A variance is requested in order to allow minimum setback of billboard column support from two property lines ; less than 25'-0" (Side and Front).

2. In addition we are requesting to allow the proposed billboard to overhang the existing building.

3. Lastly, a Variance requesting the relocation of 1 tree in the frontyard. We are limited to a small area that allows our proposed billboard to be the required 1000'-0" set back from the adjoining billboard.

The response provided by the applicant simply, again, identifies the variances being requested. It does not clarify or otherwise explain why such variances are necessary

for the preservation and enjoyment of a substantial property right by other properties in the same vicinity and zone district. It should be noted that the applicant's response is missing the request for a variance to the 25' minimum separation between the subject billboard and the adjacent building. Nevertheless, it should be noted that the subject property is already developed with an approximately 41,650 sq. ft. concrete tilt-up industrial building which is consistent with the City's development standards. The subject billboard is a property right only after a valid conditional use permit has first been obtained and a development agreement has been approved.

Section 155.384 (C) states that "the Planning Commission or City Council, as applicable, shall not approve a conditional use permit for any billboard project unless it can make a finding that the billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway. As stated previously, the subject billboard does not comply with the City's billboard ordinance or the California Business and Professions Code, which provides regulation to prevent and relieve needless distraction and aesthetic clutter resulting from excessive and confusing sign displays; to promote traffic safety; to safeguard and enhance property values; and to promote the public safety and general welfare. The Planning Commission, therefore finds that inconsistency from such regulations would be consider an unsafe distraction to drivers and thus would constitute a hazard to the safe and efficient operation of vehicles traveling the adjacent street and freeway.

- (C) *That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity; and*

Applicant Response:

Demonstrate why the Variance requested will not be detrimental to other persons or properties in the same area, nor adversely affect the public welfare or the community in general.

The proposed billboard variance will not be detrimental to persons and properties in the vicinity because it will be located in an industrial zone and placed at the far southern end of the property. It will be set back 2.88' from the existing building and set back 11.32' from the south/west property line. The sign will be adjacent to Freeway Drive, which has minimum pedestrian use. The proposed billboard surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing and will not adversely affect the public welfare or community.

Although the applicant's response does clarify the location and setback of the proposed billboard, it fails to acknowledge that such setbacks do not meet the City's Zoning Ordinance which are in place to not only safeguard and enhance property values but also to promote the public safety and general welfare of not only pedestrians but drivers as well. As proposed, the billboard project requires a total of five (5) Zone Variances. To date, no other billboard approved by the City has needed more than two variances. Approving an unprecedented total of five (5) Zone Variance for the subject billboard, therefore, would have an adverse effect the community in general, thus the Planning Commission cannot make this required finding.

- (D) That the granting of such variance will not adversely affect the master plan of the City.

Applicant Response:

Will the Variance requested adversely affect the General Plan of the City of Santa Fe Springs?

No, the billboard will be set back 1000' from adjoining billboard(s). The area in which the billboard is proposed is a heavy manufacturing area. The billboard and its surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing.

The response provided by the response identifies conformance to the City's Zoning Ordinance with regards to the 1,000' separation of billboards on the same side of the freeway. However, said response fails to acknowledge that project still does not conform to the City's billboard ordinance as well as the California Business and Professions Code, which requires that digital billboards/message center displays on the same side of the freeway are a minimum of 1,000 feet apart. As proposed, the subject billboard will be located approximately 465 feet from the existing message center display just north of the subject property.

Nevertheless, as previously noted in the findings of fact, the proposed billboard project is not consistent with goals, policies or programs of the General Plan, specifically:

- a. Goal 4 of the General Plan Land Use Element states that "Where incompatible land uses are in proximity to one another, provide for buffering, transitional uses or other controls which will reduce the conflict to the maximum extent possible." The subject billboard does not provide the necessary setbacks as specified in the City's Zoning Ordinance nor does it provide the minimum 1,000-foot separation from another message center display as per the Outdoor Advertising Act section 5405(d)(1) which was intended to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.
- b. Goal 12 of the General Plan Land Use Element states that the City shall "Encourage high quality, appropriate private investment in commercial areas of Santa Fe Springs." The subject billboard is proposed to be constructed over an existing building which is specifically prohibited by the existing Zoning Ordinance, thus does not provide a "high quality" design per said goal. Additionally, the design of the subject billboard is identical to another digital billboard recently approved at 13534 Firestone Boulevard. Unlike other

previously approved digital billboards, the subject billboard does not provide any originality or unique design.

- c. Policy 9.1 of the General Plan Safety Element states that "City land use planning policies and decisions will take into consideration the crime and traffic safety impacts of the uses." Since the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which provides minimum standards to not only minimize aesthetic impacts but also help prevent unsafe distractions to drivers, the Commission, therefore, finds that traffic safety impacts related to the subject billboard have not been adequately addressed.
- d. Goal 10.1 of the General Plan Safety Element states that the City shall "Continue to protect the Santa Fe Springs community from the loss of life and property from crime or traffic hazards." Again, given that the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which are in place to help minimize unsafe distractions to drivers, the Commission finds that the subject billboard could be a traffic hazard which has the potential to result in the loss of life and property.

The Planning Commission, therefore, cannot make the required finding that the master plan of the City will not be adversely affected by the project.

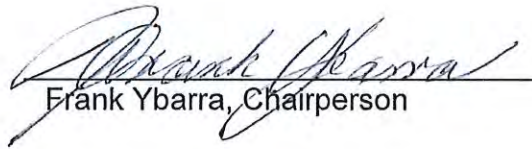
SECTION IV. PLANNING COMMISSION ACTION

After consideration of the application materials, the written and oral staff report, the General Plan and zoning of the subject property, the public testimony, written comments, and any other materials presented at the February 12, 2020 Planning Commission Meeting, the Planning Commission hereby adopts Resolution No. 150-2020 to deny:

1. *CUP Case No. 795*: A request to allow the construction and operation of a new 50-foot tall v-shaped digital billboard with 14' x 48' display areas on the subject 1.85-acre property located at 13539 Freeway Drive (APN: 8069-016-006), within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone.
2. *ZV Case No. 82*: A request to allow the subject digital billboard to project over the roof of a building as set forth in Section 155.384 (E)(1) of the City's Zoning Ordinance.
3. *ZV Case No. 84*: A request to allow the subject digital billboard to be located less than 25' from the front property line as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance.
4. *ZV Case No. 85*: A request to allow the subject digital billboard to be located less than 25' from the side property line as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance.

5. *ZV Case No. 86:* A request to allow the subject digital billboard to be located less than 25' from the adjacent building as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance;
6. *ZV Case No. 87:* A request to allow the removal of an existing on-site tree in order to locate the subject digital billboard as currently prohibited by Section 155.384 (I)(3) of the City's Zoning Ordinance.
7. *DA No. 01-2020:* A Development Agreement by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed.

PASSED AND ADOPTED this 12th day of February, 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS.


Frank Ybarra, Chairperson

ATTEST:


Teresa Cavallo, Planning Secretary

RESOLUTION NO. 9686

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DENYING THE APPEAL BY BECKER BOARDS AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY CONDITIONAL USE PERMIT CASE NO. 795, ZONE VARIANCE CASE NO. 82, ZONE VARIANCE CASE NOS. 84-87, AND DEVELOPMENT AGREEMENT No. 01-2020; AND A DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the applicant, Becker Boards, has requested approval for a Conditional Use Permit (CUP Case No. 795) to construct and operate a new 50-foot tall V-shaped digital billboard on the southwest corner of the 1.85-acre subject property located at 13539 Freeway Drive (APN: 8069-016-006); and

WHEREAS, a request was concurrently filed for a total of five Zone Variances: 1) Zone Variance Case No. 82 to allow the subject digital billboard to project over the roof of a building, contrary to Section 155.384 (E)(1) of the City's Zoning Ordinance; 2) Zone Variance Case No. 84 to allow the subject digital billboard to be located less than 25' from the front property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; 3) Zone Variance Case No. 85 to allow the subject digital billboard to be located less than 25' from the side property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; 4) Zone Variance Case No. 86 to allow column support post of the subject digital billboard to be located less than 25' any property line and at least 25' from the adjacent building, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and 5) Zone Variance Case No. 87 to allow the removal of an existing on-site tree, contrary to Section 155.384 (I)(3) of the City's Zoning Ordinance, in order to locate the subject digital billboard; and

WHEREAS, a request was also concurrently filed for a Development Agreement (DA No. 01-2020) by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed; and

WHEREAS, On January 13, 2020, the Planning Commission conducted a duly noticed public hearing on the Project. At which time all interested persons were permitted the opportunity to address the Planning Commission. After seeing that no one was present to speak on the matter, and at the request made by the applicant prior to the meeting, the Planning Commission continued the hearing to the adjourned Planning Commission meeting scheduled for February 12, 2020 at 6:00 p.m.; and

WHEREAS, on February 12, 2020, the Planning Commission held the continued public hearing from the meeting of January 13, 2020 and considered the evidence and testimony on, Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-

2020, and denied the project by a 4:0:1 vote as set forth in Planning Commission Resolution No. 150-2020 attached hereto as Attachment "A"; and

WHEREAS, on February 13, 2020, Becker Boards filed an appeal of the Planning Commission's decision and requesting that the matter be forwarded and presented to the City Council; and

WHEREAS, on March 12, 2020, in accordance with Section 155.866 of the City's Zoning Ordinance, the City Council unanimously voted in favor of setting the appeal matter as a public hearing before itself; and

WHEREAS, the public hearing was intended to be scheduled for the April 9th City Council meeting to allow the City Council to consider the subject appeal; however, due to health concerns and travel limitations surrounding the Covid-19 (coronavirus) outbreak, the appellant requested that the matter be postponed; and

WHEREAS, understanding that we are in unprecedented times, the appellant has been provided with a total of four (4) postponements to date: The first postponement had delayed the public hearing until the May 28, 2020 City Council meeting, the second was to the June 11, 2020 City Council Meeting, the third was to the June 25, 2020 City Council Meeting, and the fourth was to the July 23, 2020 City Council Meeting; and

WHEREAS, although staff received another request from Becker Boards on June 30, 2020 to seek further postponement, at the advice from the City Attorney's office and having considered the amount of time that has lapsed since the appeal was filed, it was recommended that the matter be set for a public hearing on July 23, 2020, to ensure that any further postponement of the appeal be decided by the City Council and no longer considered at staff level; and

WHEREAS, on July 23, 2020, the City Council considered the applicant's appeal, as well as the evidence and testimony related to the proposed project.

NOW, THEREFORE, the CITY COUNCIL of the CITY OF SANTA FE SPRINGS does hereby RESOLVE, DETERMINE and ORDER AS FOLLOWS:

SECTION I. That the City Council finds and determines that the project is exempt from the California Environmental Quality Act as indicated in the Planning Commission Resolution No. 150-2020.

SECTION II. That the City Council concurs with the Planning Commission findings for project denial, indicated in Planning Commission Resolution No. 150-2020, attached hereto as Attachment "A".

SECTION III. That the appeal to the Planning Commission's denial of Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020 is hereby denied in its

entirety; and Planning Commission Resolution No. 150-2020, attached hereto as Attachment "A", is hereby upheld by the City Council, including the findings for denial therein, and deemed the effective denial of the project.

PASSED and ADOPTED this 23rd day of July, 2020 by the following roll call vote.

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

William Rounds, Mayor

ATTEST:

Janet Martinez, CMC, City Clerk

CITY OF SANTA FE SPRINGS
RESOLUTION NO. 150-2020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS DENYING CONDITIONAL USE PERMIT CASE NO. 795, ZONE VARIANCE CASE NO. 82, ZONE VARIANCE CASE NOS. 84-87, AND DEVELOPMENT AGREEMENT No. 01-2020

WHEREAS, the applicant, Becker Boards, has requested approval for a Conditional Use Permit (CUP Case No. 795) to construct and operate a new 50-foot tall V-shaped digital billboard on the southwest corner of the property located at 13539 Freeway Drive (APN: 8069-016-006); and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 82) to allow the subject digital billboard to project over the roof of a building, contrary to Section 155.384 (E)(1) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 84) to allow the subject digital billboard to be located less than 25' from the front property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 85) to allow the subject digital billboard to be located less than 25' from the side property line, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 86) to allow the subject digital billboard to be located less than 25' from the adjacent building, contrary to Section 155.384 (H)(6) of the City's Zoning Ordinance; and

WHEREAS, a request was concurrently filed for Zone Variance (ZV Case No. 87) to allow the removal of an existing on-site tree, contrary to Section 155.384 (I)(3) of the City's Zoning Ordinance, in order to locate the subject digital billboard; and

WHEREAS, a request was concurrently filed for a Development Agreement (DA No. 01-2020) by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed; and

WHEREAS, the subject property is comprised of a single parcel measuring approximately 1.85-acre and located at 13539 Freeway Drive, with Accessor's Parcel Numbers of 8069-016-006, as shown in the latest rolls of the Los Angeles County Office of the Assessor; and

WHEREAS, the property owner is Hurlen Leasing LLC, 9841 Bell Ranch Drive, Santa Fe Springs, CA 90670; and WHEREAS, the proposed project which includes Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone

Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020 is considered a project as defined by the California Environmental Quality Act (CEQA), Article 20, Section 15378(a); and

WHEREAS, the City of Santa Fe Springs Planning and Development Department, on December 26, 2019, published a legal notice in the *Whittier Daily News*, a local paper of general circulation, indicating the date and time of the public hearing, and also mailed said public hearing notice on December 23, 2019 to each property owner within a 500 foot radius of the project site in accordance with state law; and

WHEREAS, On January 13, 2020, the Planning Commission conducted a duly noticed public hearing on the Project. At which time all interested persons were permitted the opportunity to address the Planning Commission. After seeing that no one was present to speak on the matter, and at the request made by the applicant prior to the meeting, the Planning Commission continued the hearing to the adjourned Planning Commission meeting scheduled for February 12, 2020 at 6:00 p.m.; and

WHEREAS, the City of Santa Fe Springs Planning Commission has held a duly noticed public hearing and considered the application, the written and oral staff report, the General Plan and zoning of the subject property, the public testimony, written comments, or other materials presented at the Planning Commission Meeting on February 12, 2020 concerning the environmental findings and determination, Conditional Use Permit (CUP) Case No. 795, Zone Variance (ZV) Case No. 82, Zone Variance (ZV) Case Nos. 84-87, and Development Agreement (DA) No. 01-2020.

WHEREAS, the following findings of fact have been made in regard to the subject billboard project:

1. The proposed billboard, with a total of five (5) Zone Variances, is not consistent with the overall Purpose and intent of the City's billboard ordinance which, although recognizes billboards as a legitimate form of commercial use in the city, provides necessary controls including but not limited to, the size, number, location and illumination of billboards to minimize their influence on the city's visual environment and thus ensure general community welfare; and
2. The proposed billboard, with a total of five (5) Variances, is not consistent with the principal purpose of the Freeway Overlay Zone (FOZ) which strives to present a positive community identity and ensure orderly and consistent development throughout the FOZ by maintaining high standard of design and quality improvements; and
3. The proposed billboard project is not consistent with goals, policies or programs of the General Plan:
 - a. Goal 4 of the General Plan Land Use Element states that "Where incompatible land uses are in proximity to one another, provide for buffering, transitional uses or other controls which will reduce the

conflict to the maximum extent possible." The subject billboard does not provide the necessary setbacks as specified in the City's Zoning Ordinance nor does it provide the minimum 1,000-foot separation from another message center display as per the Outdoor Advertising Act section 5405(d)(1) which was intended to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.

- b. Goal 12 of the General Plan Land Use Element states that the City shall "Encourage high quality, appropriate private investment in commercial areas of Santa Fe Springs." The subject billboard is proposed to be constructed over an existing building which is specifically prohibited by the existing Zoning Ordinance, thus does not provide a "high quality" design per said goal. Additionally, the design of the subject billboard is identical to another digital billboard recently approved at 13534 Firestone Boulevard. Unlike other previously approved digital billboards, the subject billboard does not provide any originality or unique design.
- c. Policy 9.1 of the General Plan Safety Element states that "City land use planning policies and decisions will take into consideration the crime and traffic safety impacts of the uses." Since the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which provides minimum standards to not only minimize aesthetic impacts but also help prevent unsafe distractions to drivers, the Commission, therefore, finds that traffic safety impacts related to the subject billboard have not been adequately addressed.
- d. Goal 10.1 of the General Plan Safety Element states that the City shall "Continue to protect the Santa Fe Springs community from the loss of life and property from crime or traffic hazards." Again, given that the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which are in place to help minimize unsafe distractions to drivers, the Commission finds that the subject billboard could be a traffic hazard which has the potential to result in the loss of life and property.

NOW, THEREFORE, be it RESOLVED that the PLANNING COMMISSION of the CITY OF SANTA FE SPRINGS does hereby RESOLVE, DETERMINE and ORDER AS FOLLOWS:

SECTION I. ENVIRONMENTAL FINDINGS AND DETERMINATION

California Environmental Quality Act (CEQA) Guidelines, Section 15061, includes a "Common Sense" exemption which states that CEQA does not apply to activities "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment."

The Planning Commission hereby finds and determines that an action to deny the proposed Project would fall under the "Common Sense" provisions, as outlined in Section 15061(b)(3) of the CEQA Guidelines, since it can be seen with certainty that an action to deny the project would not cause a direct or any reasonable foreseeable indirect physical change on or in the environment. Thus, the action to deny the project is found to be exempt from CEQA.

SECTION II. CONDITIONAL USE PERMIT

Pursuant to Section 155.716 of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission, in their review and determination, finds that the applicant's CUP request does not meet the necessary criteria set forth in §155.716 of the City's Zoning Ordinance:

- (A) Satisfy itself that the proposed use will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general; and.

The Planning Commission believes that the manner in which the billboard use is proposed will be detrimental to persons and properties in the immediate vicinity. The subject billboard, as proposed, does not meet the City's billboard ordinance with respect to setbacks, will require the removal of a tree, and will overhang the existing building. As a result, a total of five (5) Zone Variances are required. When the billboard ordinance was adopted, it contained specific regulations to prohibit the types of variances that are being requested. These specific regulations were not derived in a vacuum, but were based on an observation of the existing freeway corridor within and beyond city limits, and on other billboard regulations at the time.

Approving a total of five variance without sufficient evidence to support the necessary findings would not only be unprecedented but could also result in a "de facto" amendment to the City's billboard ordinance. Moreover, any variances that are approved for the subject billboard project would also set a precedent for future requests. The Planning Commission, therefore, finds that such precedence and potential "de facto" amendment to the City's billboard ordinance would be detrimental to persons and properties in the immediate vicinity.

- (B) Give due consideration to the appearance of any proposed structure and may require revised architectural treatment if deemed necessary to preserve the general appearance and welfare of the community.

Aside from the first digital billboard that was approved by the City, all other digital billboards were required to provide various architectural treatments (i.e. screening of cylindrical column, torsion bar, and areas in between the billboard face). It should be noted that the design of all previously approved billboards have each been unique. Although the applicant had originally proposed a unique design, said design was later changed to be an identical match to the recently approved billboard at 13534 Firestone Blvd (Outdoor Associates, LLC / Dynasty Suites). Such a design does provide the necessary architectural treatments, but the most obvious distinction is, unlike any other previously approved billboard, the proposed digital billboard will project over the roof of the existing building, will be located less than 3 feet from the existing building and will be located within the setback (front and side) areas. To accommodate the billboard as proposed will be precedent setting. The Commission, therefore, finds that the overall appearance, including its location, of the proposed billboard project does not adhere to the regulations of the existing billboard ordinance, nor does it uphold the minimum standards that have been requested and provided by other previously approved billboards, and thus would not preserve the general appearance and welfare of the community.

Additionally, pursuant to Section 155.384 (C) of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall not approve a conditional use permit for any billboard project unless it can make a finding:

- (C) *That the subject billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.*

In accordance with the City's billboard ordinance and the California Business and Professions Code, the minimum separation between digital billboards/message center displays on the same side of the freeway is 1,000 feet. This control is in place to help minimize light pollution as well as prevent aesthetic clutter resulting from excessive sign displays, both of which can be unsafe distractions to drivers if not properly controlled. As proposed, the subject billboard will be located approximately 465 feet from the existing message center display just north of the subject property and therefore will be in conflict with the California Business and Professions Code. For the reasons mentioned above, the Planning Commission finds the proposed billboard will be a hazard to the safe and efficient operations of vehicles along the adjacent Interstate 5 Freeway.

SECTION III. ZONE VARIANCE

Pursuant to Section 155.675 of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission shall satisfy itself that the applicant has shown that all of the following conditions apply. Based on the available information, the City of Santa Fe Springs Planning Commission hereby make the following findings:

- (A) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone; and

Applicant Response:

Explain any special circumstances or conditions which apply to the land or the use involved in this application which DO NOT apply generally to other land or uses in the same vicinity and the same zone.

The addition of a digital dual faced billboard fits in to the industrial and heavy manufacturing- freeway overlay zone.

The response provided by the applicant simply provides an opinion statement, but does not clarify if there are any exceptional or extraordinary circumstances or conditions which apply to the subject billboard project that does not apply to other land or uses in the same vicinity and zone. The property is not irregularly shaped, is relatively flat, meets the City's development standards for lot area, lot width, lot depth, population density building height, and yard area. Additionally, the property, unlike other properties within the vicinity has not been impacted by Caltrans widening on Interstate 5, whereby portions of the property was required for the widening or portions of the building had to be removed. Notwithstanding, the applicant is requesting several Zone Variances. Although other previously approved billboards were granted variances to deviate from existing billboard regulations due to their unique circumstances, none of said billboards had required or received more than two variances. Granting a total of five (5) Zone Variances and the specific nature of the Variances, for a digital billboard project would be unprecedented. Therefore, the Planning Commission cannot make this required finding.

- (B) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in questions; and

Applicant Response:

Explain why a Variance is necessary to maintain the same substantial property rights possessed by other property owners in the same vicinity and the same zone. (If your property can reasonably be developed and devoted to uses permitted in the existing zone, you are probably not being deprived of a substantial property right.)

1. A variance is requested in order to allow minimum setback of billboard column support from two property lines ; less than 25'-0" (Side and Front).

2. In addition we are requesting to allow the proposed billboard to overhang the existing building.

3. Lastly, a Variance requesting the relocation of 1 tree in the frontyard. We are limited to a small area that allows our proposed billboard to be the required 1000'-0" set back from the adjoining billboard.

The response provided by the applicant simply, again, identifies the variances being requested. It does not clarify or otherwise explain why such variances are necessary

for the preservation and enjoyment of a substantial property right by other properties in the same vicinity and zone district. It should be noted that the applicant's response is missing the request for a variance to the 25' minimum separation between the subject billboard and the adjacent building. Nevertheless, it should be noted that the subject property is already developed with an approximately 41,650 sq. ft. concrete tilt-up industrial building which is consistent with the City's development standards. The subject billboard is a property right only after a valid conditional use permit has first been obtained and a development agreement has been approved.

Section 155.384 (C) states that "the Planning Commission or City Council, as applicable, shall not approve a conditional use permit for any billboard project unless it can make a finding that the billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway. As stated previously, the subject billboard does not comply with the City's billboard ordinance or the California Business and Professions Code, which provides regulation to prevent and relieve needless distraction and aesthetic clutter resulting from excessive and confusing sign displays; to promote traffic safety; to safeguard and enhance property values; and to promote the public safety and general welfare. The Planning Commission, therefore finds that inconsistency from such regulations would be consider an unsafe distraction to drivers and thus would constitute a hazard to the safe and efficient operation of vehicles traveling the adjacent street and freeway.

- (C) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity; and

Applicant Response:

Demonstrate why the Variance requested will not be detrimental to other persons or properties in the same area, nor adversely affect the public welfare or the community in general.

The proposed billboard variance will not be detrimental to persons and properties in the vicinity because it will be located in an industrial zone and placed at the far southern end of the property. It will be set back 2.88' from the existing building and set back 11.32' from the south/west property line. The sign will be adjacent to Freeway Drive, which has minimum pedestrian use. The proposed billboard surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing and will not adversely affect the public welfare or community.

Although the applicant's response does clarify the location and setback of the proposed billboard, it fails to acknowledge that such setbacks do not meet the City's Zoning Ordinance which are in place to not only safeguard and enhance property values but also to promote the public safety and general welfare of not only pedestrians but drivers as well. As proposed, the billboard project requires a total of five (5) Zone Variances. To date, no other billboard approved by the City has needed more than two variances. Approving an unprecedented total of five (5) Zone Variance for the subject billboard, therefore, would have an adverse effect the community in general, thus the Planning Commission cannot make this required finding.

- (D) That the granting of such variance will not adversely affect the master plan of the City.

Applicant Response:

Will the Variance requested adversely affect the General Plan of the City of Santa Fe Springs?

No, the billboard will be set back 1000' from adjoining billboard(s). The area in which the billboard is proposed is a heavy manufacturing area. The billboard and its surroundings including the adjoining properties will be maintained, well kept and manicured to be visually appealing.

The response provided by the response identifies conformance to the City's Zoning Ordinance with regards to the 1,000' separation of billboards on the same side of the freeway. However, said response fails to acknowledge that project still does not conform to the City's billboard ordinance as well as the California Business and Professions Code, which requires that digital billboards/message center displays on the same side of the freeway are a minimum of 1,000 feet apart. As proposed, the subject billboard will be located approximately 465 feet from the existing message center display just north of the subject property.

Nevertheless, as previously noted in the findings of fact, the proposed billboard project is not consistent with goals, policies or programs of the General Plan, specifically:

- a. Goal 4 of the General Plan Land Use Element states that "Where incompatible land uses are in proximity to one another, provide for buffering, transitional uses or other controls which will reduce the conflict to the maximum extent possible." The subject billboard does not provide the necessary setbacks as specified in the City's Zoning Ordinance nor does it provide the minimum 1,000-foot separation from another message center display as per the Outdoor Advertising Act section 5405(d)(1) which was intended to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives.
- b. Goal 12 of the General Plan Land Use Element states that the City shall "Encourage high quality, appropriate private investment in commercial areas of Santa Fe Springs." The subject billboard is proposed to be constructed over an existing building which is specifically prohibited by the existing Zoning Ordinance, thus does not provide a "high quality" design per said goal. Additionally, the design of the subject billboard is identical to another digital billboard recently approved at 13534 Firestone Boulevard. Unlike other

previously approved digital billboards, the subject billboard does not provide any originality or unique design.

- c. Policy 9.1 of the General Plan Safety Element states that "City land use planning policies and decisions will take into consideration the crime and traffic safety impacts of the uses." Since the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which provides minimum standards to not only minimize aesthetic impacts but also help prevent unsafe distractions to drivers, the Commission, therefore, finds that traffic safety impacts related to the subject billboard have not been adequately addressed.
- d. Goal 10.1 of the General Plan Safety Element states that the City shall "Continue to protect the Santa Fe Springs community from the loss of life and property from crime or traffic hazards." Again, given that the proposed billboard does not comply with either the City's billboard ordinance or the California Business and Professions Code, which are in place to help minimize unsafe distractions to drivers, the Commission finds that the subject billboard could be a traffic hazard which has the potential to result in the loss of life and property.

The Planning Commission, therefore, cannot make the required finding that the master plan of the City will not be adversely affected by the project.

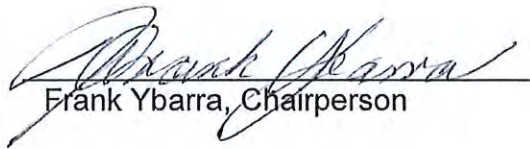
SECTION IV. PLANNING COMMISSION ACTION

After consideration of the application materials, the written and oral staff report, the General Plan and zoning of the subject property, the public testimony, written comments, and any other materials presented at the February 12, 2020 Planning Commission Meeting, the Planning Commission hereby adopts Resolution No. 150-2020 to deny:

1. *CUP Case No. 795*: A request to allow the construction and operation of a new 50-foot tall v-shaped digital billboard with 14' x 48' display areas on the subject 1.85-acre property located at 13539 Freeway Drive (APN: 8069-016-006), within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone.
2. *ZV Case No. 82*: A request to allow the subject digital billboard to project over the roof of a building as set forth in Section 155.384 (E)(1) of the City's Zoning Ordinance.
3. *ZV Case No. 84*: A request to allow the subject digital billboard to be located less than 25' from the front property line as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance.
4. *ZV Case No. 85*: A request to allow the subject digital billboard to be located less than 25' from the side property line as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance.

5. *ZV Case No. 86:* A request to allow the subject digital billboard to be located less than 25' from the adjacent building as set forth in Section 155.384 (H)(6) of the City's Zoning Ordinance;
6. *ZV Case No. 87:* A request to allow the removal of an existing on-site tree in order to locate the subject digital billboard as currently prohibited by Section 155.384 (I)(3) of the City's Zoning Ordinance.
7. *DA No. 01-2020:* A Development Agreement by and between the City of Santa Fe Springs and Becker Boards which would set forth the rules and regulations under which the proposed billboard would be allowed.

PASSED AND ADOPTED this 12th day of February, 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS.


Frank Ybarra, Chairperson

ATTEST:


Teresa Cavallo, Planning Secretary