



City of Santa Fe Springs

Planning Commission Meeting

AGENDA

FOR THE REGULAR MEETING OF THE PLANNING COMMISSION

December 14, 2015

6:00 p.m.

Council Chambers
11710 Telegraph Road
Santa Fe Springs, CA 90670

Ken Arnold, Commissioner
Gabriel Jimenez, Commissioner
Susie Johnston, Commissioner
John Mora, Commissioner
Frank Ybarra, Commissioner

Public Comment: The public is encouraged to address the Commission on any matter listed on the agenda or on any other matter within its jurisdiction. If you wish to address the Commission, please complete the card that is provided at the rear entrance to the Council Chambers and hand the card to the Secretary or a member of staff. The Commission will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. The Commission will hear public comment on matters not listed on the agenda during the Oral Communications period.

Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda or unless certain emergency or special circumstances exist. The Commission may direct staff to investigate and/or schedule certain matters for consideration at a future Commission meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Please Note: Staff reports are available for inspection in the Planning & Development Department, City Hall, 11710 E. Telegraph Road, during regular business hours 7:30 a.m. – 5:30 p.m., Monday – Friday (closed every other Friday) Telephone (562) 868-0511.

1. CALL TO ORDER**2. PLEDGE OF ALLEGIANCE****3. ROLL CALL**

Commissioners Arnold, Jimenez, Johnston, Mora and Ybarra.

4. ORAL COMMUNICATIONS

This is the time for public comment on any matter that is not on today's agenda. Anyone wishing to speak on an agenda item is asked to please comment at the time the item is considered by the Planning Commission.

5. ELECTION OF OFFICERS FOR 2015-2016

The bylaws require the election of Commission Officers.

6. MINUTES

The minutes of the November 9, 2015 Regular Planning Commission Meeting will be brought before the Planning Commission for approval at the January 11, 2016 meeting.

7. PUBLIC HEARING**Amendment of Conditional Use Permit Case No. 623**

A request for approval to allow the establishment, operation, and maintenance of electronic waste recycling activities in conjunction with an existing City Franchise Rubbish Hauler use on property located at 12739 Lakeland Road (APN: 8011-016-022), in the M-2, Heavy Manufacturing, Zone. (CR&R Incorporated)

8. PUBLIC HEARING**Conditional Use Permit Case No. 750 and Environmental Documents**

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on property located at 13711 Freeway Drive (APN: 8069-015-055), in the M-2-FOZ, Heavy Manufacturing - Freeway Overlay Zone. (Bulletin Displays, LLC).

PUBLIC HEARING**9. Zone Variance Case No. 76**

A request for a reduction of the 5-acre minimum size requirement as set forth in Section 155.384 (H)(7) of the zoning regulations for property's with a digital billboard and specifically for property located at 13711 Freeway Drive (APN: 8069-015-055), in the M-2-FOZ, Heavy Manufacturing - Freeway Overlay Zone. (Bulletin Displays, LLC).

10. PUBLIC HEARING

Resolution No. 53-2015 - Recommending that the City Council adopt Ordinance No. 1069, approving a Development Agreement by and between the City of Santa Fe Springs and Bulletin Displays, LLC, a California Limited Liability Company.

11. PUBLIC HEARING

Resolution No. 52-2015 – Recommending that the City Council adopt Ordinance No. 1068, clarifying and imposing an express ban on marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries and cooperatives and testing laboratories in the City.

12. 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. 731-1**

A request for a compliance review for the continued operation of a meat processing facility, within an 11,000 sq. ft. building, located at 13044 Park Street (APN:8011-014-031), approximately ±469 lineal feet east of the centerline of Shoemaker Avenue in the M-2, Heavy Manufacturing Zone. (Quentin Meats, Inc.)

13. ANNOUNCEMENTS

- ♦ Commissioners
- ♦ Staff

14. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda has been posted at the following locations; 1) City Hall, 11710 Telegraph Road; 2) City Library, 11700 Telegraph Road; and 3) Town Center Plaza (Kiosk), 11740 Telegraph Road, not less than 72 hours prior to the meeting.

Teresa Cavallo
Commission Secretary

December 11, 2015
Date



PUBLIC HEARING

Amendment of Conditional Use Permit Case No. 623

A request for approval to allow the establishment, operation, and maintenance of electronic waste recycling activities in conjunction with an existing City Franchise Rubbish Hauler use on property located at 12739 Lakeland Road (APN: 8011-016-022), in the M-2, Heavy Manufacturing, Zone. (CR&R Incorporated)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the proposed electronic waste recycling activities, if conducted in strict compliance with the conditions of approval, 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 city in general.
2. Find and determine that the proposal meets the criteria for "Existing Facilities", pursuant to Section 15301-Class 1 of the California Environmental Quality Act (CEQA); therefore, the proposed project is determined to be a categorically-exempt project, and no additional environmental analysis is necessary to meet the requirements of the CEQA.
3. Approve Amendment of CUP 623, subject to the conditions of approval as stated within the staff report.

BACKGROUND

The subject site, comprised of a single parcel (APN: 8011-016-022) of approximately 3.33 acres, has an address of 12739 Lakeland Road and is located on the north side of Lakeland Road, east of Bloomfield Avenue, and within the M-2, Heavy Manufacturing, Zone. Surrounding properties to the north, east, south, and west are zoned M-2 and consist of various industrial uses.

The subject site was originally granted Conditional Use Permit (CUP) approval, in 2004, to allow the operation and maintenance of a City-franchised rubbish hauling use on the fully improved 3.33-acre site developed with a 13,650 sq. ft. building. Specifically, the existing CUP allows the applicant to utilize the site for the storage of empty rubbish collection trucks, containers, and bins.

The applicant is requesting to amend the existing CUP to allow for the recycling and storage of electronic waste (e-waste) within the interior of the existing building as an ancillary activity to the existing use. The proposed operations consist of the

utilization of a bobtail truck to collect e-waste (televisions, computer monitors, keyboards, printers, etc.) at nearby residential properties on a daily basis. The materials are transported back to the facility (approximately one-truck load per day) and unloaded into the fully enclosed warehouse, where they are sorted onto pallets and shrink wrapped. The pallets are stored until the applicant has approximately 20-22 pallets of e-waste, at which time they are loaded onto a semi-trailer and taken to an electronic waste recycling facility for further processing. The applicant anticipates four (4) such trips per year. Greater detail on the proposed operations is contained within the attached amendment request letter.

Per Section 155.243 (C)(5) of the Zoning Regulations, a CUP is required within the M-2 (Heavy Manufacturing) Zone for the establishment of an industrial waste salvage, recycling, storage, and processing use. As a result, the applicant has filed an application for said permit as required by the Zoning Regulations.

ZONING CODE REQUIREMENT

The procedures set forth in Section 155.243 (C)(5) of the Zoning Regulations, state that an industrial waste salvage, recycling, storage, and processing use shall be allowed only after a valid conditional use permit has first been obtained.

Code Section:	Conditional Uses
155.243 (C)(5)	<u>Section 155.243</u> The following uses shall be permitted in the M-2 Zone only after a valid conditional use permit has first been issued: (C) Salvage, reclamation, recycling, wrecking, storage and disposal activities of the following kinds: (5) Industrial waste material salvage, recycling, storage and processing including metal, rags, clothing, wood, wood residues, sawdust, wood chips, rubber, oil, glass and paper.

STREETS AND HIGHWAYS

The subject site is located on the north side of Lakeland Road, east of Bloomfield Avenue. Lakeland Road is designated as a Secondary Highway within the Circulation Element of the City's General Plan.

ZONING AND LAND USE

The subject property is zoned M-2, Heavy Manufacturing, with a General Plan land use designation of Industrial. Industrially zoned areas generally surround the subject site and consist of a mix of industrial type uses.

ENVIRONMENTAL DOCUMENTS

After review and analysis, staff finds the project to be Categorically Exempt, pursuant to Section 15301 (Class 1) – Existing Facilities of the California Environmental Quality Act (CEQA). Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

As aforementioned, the project will consist of the sorting and storage of e-waste within the interior of the existing building. The recycling use will result in one additional truck trip per day to and from the subject site (negligible expansion of the existing use); there will be no exterior changes or interior improvements. Staff finds that the project meets the criteria stated above and believes the e-waste recycling use will not be detrimental to persons or property in the immediate vicinity. Consequently, additional environmental analysis is, therefore, not necessary to meet the requirements of the CEQA. If the Planning Commission agrees, staff will file a Notice of Exemption (NOE) with the Los Angeles County Clerk within 5 days of approval of the proposed project by the Planning Commission.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 and 65091 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 use was sent by first class mail 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 on December 3, 2015. The legal notice was also posted in Santa Fe Springs City Hall, the City Library, and Town Center and published in a newspaper of general circulation (Whittier Daily News) on December 3, 2015, as required by the State Zoning and Development Laws and by the City's Zoning Regulations.

COMMISSION'S CONSIDERATIONS**Conditional Use Permit**

As mentioned previously, Section 155.243 (C)(5) of the Zoning Regulations, states that industrial waste salvage, recycling, storage, and processing uses shall be allowed only after a valid conditional use permit has first been obtained.

Additionally, the Commission should note that in accordance with Section 155.716 of the City's Zoning Regulations, 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.

Staff believes that the applicant's request meets the criteria required by Section 155.716 of the City's Zoning Regulations for the granting of a Conditional Use Permit.

The reasons for the findings are as follows:

1. That the proposed e-waste recycling use will not be detrimental to persons or property in the immediate vicinity for the following reasons:

The subject site is located within the M-2 (Heavy Manufacturing) Zone and also has a General Plan land use designation of Industrial. An e-waste recycling use would be consistent with the current zoning and land use designation. Additionally, the project site is generally surrounded by industrial uses which would be compatible with the proposed use.

The primary concerns related to recycling uses are the potential for foul odors and ensuring that materials are stored in a neat and orderly manner. As aforementioned, the recycled materials consist of electronics, such as television sets, computer monitors and towers, printers, fax machines, etc., that do not have the potential to release foul odors. Additionally, all materials are stored within the interior of the existing building in a neat and orderly manner that will have no visual impact to persons or property in the immediate vicinity. Nonetheless, concerns related to foul odors and outdoor activities have been addressed through conditions of approval numbers 1, 9, 10, 12, and 15.

Therefore, if conducted in strict compliance with the conditions of approval and the City's municipal code, staff finds that the proposed e-waste recycling use 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.

2. **That the proposed e-waste recycling use has been designed to preserve the general appearance and welfare of the community for the following reasons:**

The subject property is fully improved with a 13,650 sq. ft. building and mature landscaping along the sites frontage. No interior or exterior modifications to the existing building or parking area are proposed. Additionally, day-to-day functions of the proposed recycling use will be conducted indoors. Staff therefore finds that since the site characteristics will remain practically unchanged, the proposed use will preserve the general appearance and welfare of the community.

STAFF CONSIDERATIONS:

For the reasons mentioned above, staff finds that if the proposed e-waste recycling use operates in strict compliance with the required conditions of approval, it will be compatible with the surrounding properties and will not be detrimental or pose a nuisance risk to persons or property in the immediate vicinity.

Staff is therefore recommending an approval of the e-waste recycling use, subject to an administrative review after one-year. Additionally, the e-waste recycling use and City-franchised rubbish hauling use will be subject to a compliance review after five-years to ensure both uses are operating in strict compliance with the conditions of approval as stated within the staff report.

CONDITIONS OF APPROVAL

NOTE: Changes to existing conditions are provided as a strike-through or bolded lettering.

POLICE SERVICES DEPARTMENT:

(Contact: Margarita Munoz 562.868.0511 x3319)

1. **That all material shall be stored indoors at all times.**

DEPARTMENT OF FIRE - RESCUE (FIRE PREVENTION DIVISION)

(Contact: Brian Reparuk 562.868-0511 x3701)

2. **Storage height of all plastic is restricted to FIVE feet or less unless design sprinkler densities under Table 15.2.6 (a) of NFPA 13, 2013 edition are provided.**

DEPARTMENT OF FIRE - RESCUE (ENVIRONMENTAL DIVISION)**(Contact: Tom Hall 562.868-0511 x3715)**

3. That the applicant shall maintain a valid certification as an electronic waste recycler with the California Department of Toxic Substances Control.

WASTE MANAGEMENT:**(Contact: Teresa Cavallo 562.868.0511 x7309)**

4. That the applicant shall, upon approval of the Santa Fe Springs City Council, obtain a Recyclable Materials Dealer Permit through the Police Services Center. Permit shall be valid for a period of one year. Applicant shall renew said permit on an annual basis through the Police Services Center. Please contact Margarita Munoz, Management Assistant, at (562) 409-1850 for said application.
5. That the applicant shall not knowingly transport loads containing more than 10% residue.
6. That the applicant shall maintain a log of origin of all materials collected by content and by weight from within the City of Santa Fe Springs and track their point of destination. Logs shall indicate any fees for collection and/or processing of materials. Logs shall be submitted to the Waste Management Division on a monthly basis using forms provided by the Environmental Program Coordinator. Any fee charged under this section shall be subject to the fees specified under § 50.22. In addition, any recyclable materials dealer engaging in fee-for-service hauling shall also be subject to the reports, remittances, books and records, audits, and penalties specified under § 50.24. (Ord. 892, passed 4-22-99) Penalty, see § 10.97
7. That the applicant shall maintain a log of all materials that have a point of origin in Santa Fe Springs that are subsequently disposed at a landfill. Logs shall be submitted to the Waste Management Division on a monthly basis using forms referenced in condition #6.

PLANNING AND DEVELOPMENT DEPARTMENT:**(Contact: Paul Garcia 562.868.0511 x7354)**

8. That this approval shall allow the applicant, CR&R, to establish, operate, and maintain a recycling facility involving electronics (e-waste) within an existing approximately 13,650 sq. ft. industrial building located at 12739 Lakeland Road. Said recycling use shall be an accessory use to the

existing operation and maintenance of a City-franchised rubbish hauling use.

9. **That there shall be no on-site acceptance of e-waste materials from the general public, individuals, or peddlers.**
10. **That all recycling activities, except for the transferring of materials into the building, shall occur inside the building. No materials, scrap, or pallets shall be sorted, baled, or otherwise stored outside the building.**
11. **That the subject uses shall operate within the noise limitations established within Section 155.424 of the City's Zoning Regulations.**
12. **That the subject uses shall comply with Section 155.420 of the City's Zoning Regulations regarding the generation of objectionable odors. If there is a violation of this aforementioned Section, the applicant shall immediately take any necessary measures to ensure the objectionable odors are eliminated in a timely manner.**
13. **That the applicant shall understand, and accept, that this Permit is solely for a land use entitlement to operate and maintain a recycling facility in conjunction with an existing City Franchise Rubbish Hauler use. The granting of this Permit does not circumvent any Federal, State or regulatory local laws as they apply to the recycling activities.**
14. **That the Applicant and/or his employees shall not park in a temporary or full time basis any rubbish truck, commercial vehicle or employee vehicle on the public street or other properties not approved by the City at any time. It is the responsibility of the Applicant to ensure that truck parking, customer parking and employee parking be provided on the subject site at all times.**
15. **That the subject e-waste and City franchise rubbish hauling uses shall continuously be maintained in a neat and orderly manner.**
16. **That trash and/or recyclable materials shall not be permitted on the property at any time. Trucks, containers and roll-off bins stored on the property shall be maintained empty while on the subject property at all times.**
17. **That the washing of trucks, containers and other equipment associated with the operation shall not be permitted unless full compliance with the water runoff requirements are complied with.**

18. That the subject site or any portion thereof shall not be subleased, sublet, or otherwise assigned for use by any other entity other than the applicant's subject business.
19. That ~~this Conditional Use Permit Case No. 623 shall be valid for a period of five (5) years until January 12, 2014~~ **shall be subject to an administrative review after one (1) year, on or before December 14, 2016, and a compliance review in five (5) years, on or before December 14, 2020.** Approximately three (3) months before ~~January 12, 2014~~ **December 14, 2020**, the applicant shall request, in writing, an extension of the privileges granted herein, provided that the use has been continuously maintained in strict compliance with these conditions of approval.
20. That all other applicable requirements of the City Zoning Ordinance, Uniform Building Code, Uniform Fire Code, and the determinations of the City and State Fire Marshall, and all other applicable regulations shall be strictly complied with.
21. That this permit shall not be effective for any purpose until the applicant has filed with the City of Santa Fe Springs an affidavit stating that he is aware of and accepts all the conditions of this Permit.
22. That the applicant, CR & R, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the Conditional Use Permit No. 623, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the applicant of such claim, action or proceeding, and shall cooperate fully in the defense thereof.
23. **That if there is evidence that the conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services in general, the Director of Planning may refer the use permit to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit. Applicant shall be notified of any such proceedings.**

24. That it is hereby declare to be the intent that if any provision of this Approval is violated or held to be invalid, or if any law, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse.

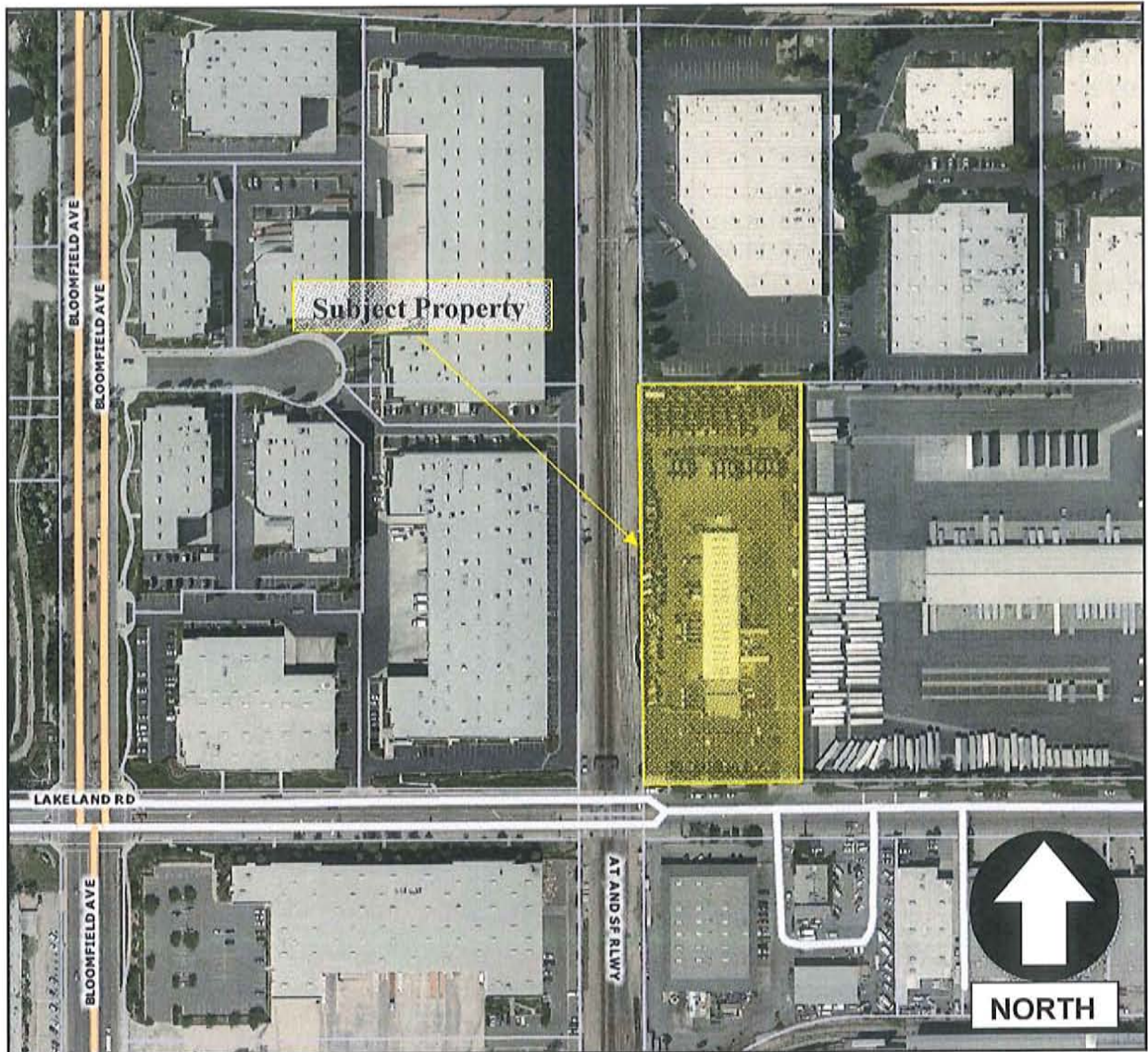


Wayne M. Morrell
Director of Planning

Attachments:

1. Aerial Photograph
2. Amendment Request Letter

Aerial Photograph



Amendment of Conditional Use Permit Case No. 623

12739 Lakeland Road

CR&R Incorporated



Conditional Use Permit Amendment Request Letter

CR&R

August 31, 2015

Paul M. Garcia

City of Santa Fe Springs
Planning Department
11710 Telegraph Road
Santa Fe Springs, CA 90670

RECEIVED

SEP 04 2015

Planning Dept.

RE: C.U.P. Renewal and Amendment for CR&R Inc. located at 12739 Lakeland Road, Santa Fe Springs.

Dear Mr. Garcia,

Thank you for allowing CR&R to request the renewal and amendment of our Conditional Use Permit (#623). CR&R has always strived to meet and adhere to all the conditions as outlined in our permit.

Recently as part of our recycling efforts as mandated by CA State Law we are recycling e-waste materials to include television sets, CPU monitors and towers, used keyboards, old fax machines and printers. These e-waste items are primarily collected by hand from municipal and residential customers only.

E-waste items are collected by a bobtail truck throughout the day. The e-waste materials are brought to our Lakeland facility and off loaded into our fully enclosed warehouse, items are then placed on a pallet and shrink wrapped for easy loading into a 40 foot semi trailer. We collect approximately 200 of the above mentioned items every 3 months or so. 200 units of these e-waste (comingled) items equate to approximately 20-22 pallets of material which is enough to fill 1 semi trailer and this material usually ends up weighing about 17-18 thousand pounds. The frequency of this process is approximately every 3 months. I would estimate that we could fill one semi trailer once per every 3 months or approximately 4 times per year. Sometimes we may receive less than 200 units in 3 months but 1 trailer per quarter seems to be the approximate amount of e-waste material that we have been receiving/shipping/collecting. In addition to this description, I would like to add that this material does not decompose, it does not smell and it is not mixed with any trash or recyclable materials that are hauled directly to our Material Recovery Facilities that receive material from us on a daily basis. E-waste recycling involves a lot of paperwork and tracking and cannot be dumped at a MRF with mixed waste and recycling materials, e-waste must be kept separate and is an item all its own. E-waste collection is not very profitable and is collected simply to comply with our collection contracts involving municipal residential services.

Our palletized e-waste material is loaded from our warehouse into our vendor's semi trailer and that material is then taken directly to the vendor's location, "Electronic Recyclers Incorporated" which is located in Fresno CA.

Mr. Garcia, because this material is collected and shipped in such small quantities and it has no smell or foul odor's and it is kept indoors in our warehouse, I didn't really equate it with our normal waste collection materials and didn't think much about it affecting our C.U.P. I apologize for not requesting an amendment to our C.U.P. sooner and unfortunately it took a City inspection to bring this to my attention and for that I am sorry and apologize.

If I could, I would like to humbly request at this time that we be allowed to modify our C.U.P. to allow us to continue to accept and ship this material from our facility here on Lakeland Road. I appreciate your and the Planning Department's careful consideration and understanding to this unique material and recycling effort by CR&R.

CR&R INCORPORATED
12739 LAKELAND ROAD
SANTA FE SPRINGS, CA 90670
562.944.4716
562.944.8516 Fax

CRRWASTESERVICES.COM

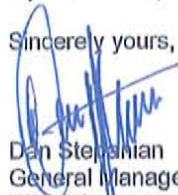
recycled paper

Conditional Use Permit Amendment Request Letter (cont.)

I will look forward to the privilege of having the City of Santa Fe Springs Planning Department renew and accept our request to amend our C.U.P. for both the current compliant operations & e-waste recycling here at our Lakeland facility in the near future.

If you have any questions or concerns, please don't hesitate to contact me at anytime.

Sincerely yours,



Dan Stepanian
General Manager
CR&R Incorporated
Los Angeles Solid Waste Division

Office: 562.944.4716 x1501

Cell: 714.717.6623

Email: dans@crrmail.com



PUBLIC HEARING

Conditional Use Permit Case No. 750 and Environmental Documents

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on property located at 13711 Freeway Drive (APN: 8069-015-055), in the M-2-FOZ, Heavy Manufacturing - Freeway Overlay Zone. (Bulletin Displays, LLC).

Zone Variance Case No. 76

A request for a reduction of the 5-acre minimum size requirement as set forth in Section 155.384 (H)(7) of the zoning regulations for property's with a digital billboard and specifically for property located at 13711 Freeway Drive (APN: 8069-015-055), in the M-2-FOZ, Heavy Manufacturing - Freeway Overlay Zone. (Bulletin Displays, LLC).

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Open the Public Hearing and receive any comments from the public regarding Conditional Use Permit Case No. 750 and Zone Variance Case No. 76, and thereafter close the Public Hearing.
2. 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.
3. Find that the applicant's request meets the criteria set forth in §155.716 of the Zoning Regulations, for the granting of a Conditional Use Permit.
4. Find that the applicant's request meets the criteria set forth in Sections 155.675 of the City Zoning Regulations for the granting of a Zone Variance.
5. Approve and adopt the proposed Mitigated Negative Declaration which, based on the findings of the Initial Study, indicates that there is no substantial evidence that the proposed project will have a significant adverse effect on the environment.
6. Approve Conditional Use Permit Case No. 750 and Zone Variance Case No. 76, subject to the conditions of approval as contained within the Staff Report.

BACKGROUND

The subject property is located on the northeast corner of Freeway Drive and Spring Avenue at 13711 Freeway Drive (APN: 8069-015-055). The property measures 216,775 sq. ft. (approximately 4.98-acres) and is located within the M-2 FOZ (Heavy Manufacturing – Freeway Overlay Zone) zone. The property is currently developed with an approximately 82,000 sq. ft. building that is occupied by a steel warehouse and shipping company (Martinez Trucking and Logistics). The applicant, Bulletin Displays, LLC, is proposing to sublease a small portion of the front parking area to construct a new digital billboard.

Bulletin Displays, LLC (on behalf of the owner Gilbert-Blank LLC), is proposing to construct and operate a double-face digital billboard sign on the subject property. The billboard will be 50-foot tall and provide with a 14' x 48' full-color LED display area on both sides. Because the billboard is electronic, all advertising will be placed on the billboard via satellite/internet service. Advertising is sold to local, regional and national clients on a monthly basis. The applicant has noted that any unsold advertising space may be utilized by the City of Santa Fe Springs on a space available basis. According to the applicant, the digital sign is intended to operate on a twenty four (24) hour basis.

The project involves the following entitlements:

Conditional Use Permit Case No. 750

A request to allow the construction and operation of a new 50-foot tall digital billboard with display area of 14'x48' on the subject property.

Zone Variance Case No. 76

A request for a reduction of the 5-acre minimum size requirement as set forth in Section 155.384 (H)(7) of the City's Zoning Regulations for property's with a digital billboard.

REQUEST

Pursuant to Section 155.384 (A) of the City's Zoning Regulations, billboards are allowed for properties in the FOZ only after a valid Conditional Use Permit (CUP) has first been obtained, and subject to approval of a Development Agreement. The applicant, Bulletin Displays, LLC, is, therefore, requesting approval of the subject Conditional Use Permit (CUP 750) to allow the construction and operation of a new digital billboard on the subject property.

It should be noted that staff simultaneously worked with the applicant to finalize the required Development Agreement. Although not a part of this report, staff is concurrently bringing the Development Agreement to the Planning Commission for review and recommendation to the City Council.

The subject request, however, also requires approval of a Zone Variance (ZV 76) since the property is only 4.98-acres and the minimum size of any property on which a billboard can be located is 5-acres. The variance request, if approved, would allow a digital billboard to be constructed on a property of 4.98-acres instead of 5-acres as required. Therefore, concurrently with the CUP request, the applicant is also requesting approval of the subject Zone Variance.

CUP 750 – DIGITAL BILLBOARD:

Site Plan - The proposed sign will be located along the southwest corner of the site and will be setback 50' from the property line along Freeway Drive and 67' from the property line along Spring Avenue. The provided setbacks are measure from the centerline at the base of the proposed sign. No portion of the billboard extends over any property lines. As proposed, the sign will be approximately 1,460 feet from the existing freestanding center sign at the Carmenita Truck Center site (13443 Freeway Drive) and approximately 1,000 feet from the previously approved digital billboard at the Freeway Springs LLC project site (13833 Freeway Drive).

Elevations - The proposed billboard will be contemporary in design. The proposed billboard will be approximately 50' tall (including the column and display). The billboard will be double-sided, meaning it will have a display area on both sides of the sign. Each display area will measure 14' x 48'. Unlike other typical billboards, staff believes the proposed design, which was modeled after the city logo, is both original and attractive.

ZV 76 – LOT SIZE REQUIREMENT:

Pursuant to Section 155.384 (H)(7) of the City's zoning regulations, a property shall be a minimum of 5-acres in size before it may be considered for a digital billboard. As stated previously, the subject property measures 4.98-acres, approximately .02-acres short of the 5-acre minimum. However, it should be noted that as part of the I-5 Freeway expansion, Caltrans acquired a portion of the property's frontage along Freeway Drive (see Caltrans Taking Map attached). Prior to the acquisition from Caltrans, the site contained a gross area of 220,259 square feet, or 5.06-acres of land. Nevertheless, since the site is now less than 5-acres, a Zone Variance is required for a reduction of the 5-acres minimum of size requirement applied to properties with a digital billboard.

COMMISSION'S CONSIDERATIONS

Criteria for granting a Conditional Use Permit

The Commission should note that in accordance with Section 155.716 of the City's Zoning Regulations, 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 to the required findings for a Conditional Use Permit set forth in Section 155.716 of the City's Zoning regulations, 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:

- 3) The billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.

Staff believes that the applicant's request meets the criteria required by Section 155.716 of the City's Zoning Regulations for the granting of a Conditional Use Permit as well as the additional findings related to billboard projects.

The reasons for the findings are as follows:

1. **That the proposed digital billboard will not be detrimental to persons or property in the immediate vicinity, nor will not adversely affect the city in general for the following reasons:**

As proposed, aside from the Zone Variance to allow a digital billboard to be located on a property less than 5-acres, the proposed project would comply with the City's Zoning Regulations as well as Ordinance No. 1036 which control the placement and manner in which the billboard material is presented to the public. The subject billboard, therefore, is not anticipated to be a detriment to persons or property in the immediate vicinity nor will it adversely affect the city in general.

2. **That the proposed digital billboard has been designed to preserve the general appearance and welfare of the community for the following reasons:**

The proposed billboard will be contemporary in design. The proposed billboard is shown at approximately 50' tall (including the column and display) with a display area measuring 14' in height and 48' in width. The billboard will be double-sided, meaning it will have a display area on both sides of the sign.

Consistent with the digital billboard's contemporary design, staff has conditioned that the proposed billboard shall not have any walkways or platforms or any type of appendages and/or attachments. Unlike other typical billboards, staff believes the proposed design, which was modeled after the city logo, is both original and attractive. Thus staff finds that the proposed billboard will preserve the general appearance and welfare of the general area and overall community.

3. The billboard will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway:

To ensure that the subject billboard does not become a distraction to local commuters and/or adjacent property owners, staff has placed several conditions (#9, #17, #18, and #19) in the CUP to help control the materials advertised, the transitions, and also the lighting levels. Staff, therefore, finds the subject sign will not be constituted as a hazards to the safe and efficient operation of vehicles upon nearby streets and/or the adjacent Santa Ana (I-5) Freeway.

Criteria for granting a Zone Variance

The Commission should note that in accordance with Section 155.675 of the City's Zoning Regulations, 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.
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.
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.
4. That the granting of such variance will not adversely affect the master plan of the City.

Staff believes that the applicant's request meets the criteria required by Section 155.675 of the City's Zoning Regulations for the granting of a Zone Variance.

The reasons for the findings are as follows:

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.**

In reviewing the project request, staff identified the following unique circumstances associated with the applicant's request:

- a) As evident from the recent site survey (*see provided attachment*), prior to the acquisition by Caltrans, the subject property was 220,259 sq. ft. (5.06-acres); thus, it would have met the 5-acre minimum requirement.

- b) The reduction to the overall area of the site, below the 5-acre threshold, was not a direct result from any request made by the property owner; rather, it was caused by an action (from Caltrans) that was beyond the property owner's control.

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.

As mentioned previously, the reduction in the overall size of the property is the result of an acquisition by Caltrans. Prior to the acquisition, the subject property would have met the 5-acre minimum. Without the Zone Variance, the applicant would be effectively denied the right to have a digital billboard on the subject site.

It should also be noted that a Zone Variance (ZV 78) was recently granted to allow the construction of a digital billboard on another property (on the south side of the I-5 freeway) where the site was below the 5-acre threshold. It should be noted that the circumstances of both cases are not identical. The project on the south side of the Freeway was a replacement/upgrade to an existing sign.

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.

As previously noted, staff has placed several conditions within the subject CUP to reinforce or otherwise help control the materials advertised (condition #8), the transitions (condition #17), and also the lighting levels of the subject billboard (conditions #18 and #19) to ensure that it does not become a distraction to local commuters and/or adjacent property owners. Further, unlike other typical billboards, staff believes the proposed design, which was modeled after the city logo, is both original and attractive. The subject billboard therefore, is not anticipated to be a detriment to the public welfare or injurious to the property or improvements of others in the vicinity.

4. That the granting of such variance will not adversely affect the master plan of the City.

Ordinance No. 1036 which, effectively amended Section 155.384 of the Zoning Regulations was adopted by the City Council in November of 2012. Allowing billboards along the Freeway Overlay Zone is, therefore, an activity that the City had envisioned and supported.

Unlike other typical billboards, staff believes the proposed design, which was modeled after the city logo, is both original and attractive. Thus, staff believes the proposed billboard will preserve the general appearance and welfare of the general area and overall community. Although, a Zone Variance is required for the subject billboard, staff finds the unique circumstances related to the subject request do warrant the consideration for approving such request without the fear of setting an unduly precedence.

STAFF REMARKS

Based on the findings set forth in the staff report, Staff finds that the applicant's request meets the criteria required by Section 155.716 and 155.675 of the City's Zoning Regulations for the granting of a Conditional Use Permit and Zone Variance, respectively.

STREETS AND HIGHWAYS

The subject site has frontage on both Spring Avenue and Freeway Drive. Both are considered local industrial streets within the Circulation Element of the City's General Plan.

ZONING AND LAND USE

The subject property is zoned M-2-FOZ, Heavy Manufacturing-Freeway Overlay Zone with a General Plan Land Use designation of Industrial. The zoning, General Plan and land use of the surrounding properties are as follows (see Table 1 below):

Table 1 – Current Zoning, General Plan and Land Use

Surrounding Zoning, General Plan Designation, Land Use			
Direction	Zoning District	General Plan	Land Use (Address/Business Name)
North	M-2-FOZ, Heavy Manufacturing, Zone	Industrial	<u>Book Binder/Printer/Distributor</u> (15310 Spring Ave/Ross Bindery, Inc)
South	M-2-FOZ, Heavy Manufacturing – Freeway Overlay Zone	Industrial	<u>Aerospace Products Manufacturer</u> (13700 Firestone Blvd/ Le Fiell Manufacturing Co)
East	M-2-FOZ, Heavy Manufacturing – Freeway Overlay Zone	Industrial	<u>Currently Vacant</u> (13767 Freeway Dr/ <i>previously</i> Refrigerator Manufacture, Inc.)
West	M-2-FOZ, Heavy Manufacturing – Freeway Overlay Zone	Industrial	<u>Corporate Office</u> (13635 Freeway Dr/Tapatio Markets)

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 and 65091 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 Conditional Use Permit and Zone Variance was sent by first class mail 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 on December 3, 2015. The legal notice was also posted in Santa Fe Springs City Hall, the City Library and the City's Town Center on December 3, 2015, and published in a newspaper of general circulation (Whittier Daily News) on December 3, 2015, as required by the State Zoning and Development Laws and by the City's Zoning Regulations.

As of date of this report, staff has not received any comments and/or inquiries regarding the proposal.

ENVIRONMENTAL DOCUMENTS

Upon review of the proposed project, staff determined that additional environmental analysis is required to meet the requirements of the California Environmental Quality Act (CEQA). The applicant has retained Marc Blodgett of Blodgett and Associates to prepare the necessary CEQA documents.

An Initial Study was prepared to determine the project's impact on the environment and necessary supporting environmental documents (Environmental Impact Report, Mitigated Negative Declaration or Negative Declaration). Based on the Initial Study, the proposed project will not result in any significant adverse immitigable impacts; consequently, a draft Mitigated Negative Declaration (MND) was prepared. The reasons to support this finding of the draft MND are contained in the Initial Study which is provided as an attachment to this report.

Additionally, pursuant to Section 15072 of the CEQA Guidelines, a Notice of Intent (NOI) to adopt the draft MND for the proposed project (digital billboard) was posted with the LA County Clerk's office and also at Santa Fe Springs City Hall, the City Library and the City's Town Center on June 22, 2015. The 20-day public comment period for the draft MND began June 23, 2015 and ended July 23, 2015.

As of the date of this report, the City has not received any comments and/or inquiries relating to the draft MND

AUTHORITY OF PLANNING COMMISSION:

Conditional Use Permit

The Planning Commission has the authority, subject to the procedures set forth in this subchapter, to grant a Conditional Use Permit whenever it finds that the granting of said permit is consistent with the requirements, intent and purpose of this chapter. The Commission may grant a Conditional Use Permit subject to such conditions as the Commission finds are warranted by the circumstances involved.

This may include the dedication and development of streets adjoining the property and other improvements. All such conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall 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 forth in this chapter, to grant variances from any provision of this chapter relating 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.

CONDITIONS OF APPROVAL:

ENGINEERING / PUBLIC WORKS DEPARTMENT:

(Contact: Robert Garcia 562.868-0511 x7545)

1. That a grading plan shall be submitted showing elevations and drainage pattern of the site. The improvements shall not impede, obstruct or pond water onsite. The grading plan shall be submitted for drainage approval to the City Engineer. The owner shall pay drainage review fees in conjunction with this submittal.

POLICE SERVICES DEPARTMENT:

(Contact: Luis Collazo 562.868-0511 x3319)

2. That the applicant, Bulletin Displays, LLC shall provide an emergency phone number and the name of a contact person to the Department of Police Services. The name, telephone number, fax number and e-mail address of that person shall be provided to the Director of Police Services no later than 60 days from the date of approval by the Planning Commission. Emergency information shall allow emergency service to reach the owner/developer or their representative any time, 24 hours a day.
3. That the support post of the billboards shall be treated with a graffiti-proof paint finish and the billboards shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions or visual blight. Paint utilized in covering graffiti shall be a color that matches, as closely possible, the color of the existing and/or adjacent surfaces.

4. That the applicant shall not plant trees, shrubs or other type of foliage, or install any structures or appendages that would allow individuals to scale the billboards.

Code Enforcement

5. That the applicant, Bulletin Displays, LLC shall not encroach, reduce or do away with the approved number of parking spaces.

WASTE MANAGEMENT:**(Contact: Teresa Cavallo 562.868.0511 x7309)**

6. That the applicant, Bulletin Displays, LLC shall comply with Section 50.51 of the Municipal Code which prohibits any business or residents from contracting any solid waste disposal company that does not hold a current permit from the City.
7. That all projects over \$50,000 are subject to the requirements of Ordinance No. 914 to reuse or recycle 75% of the project waste. Contact the Recycling Coordinator, Teresa Cavallo at (562) 868-0511 x7309.

PLANNING AND DEVELOPMENT DEPARTMENT:**(Contact: Cuong Nguyen 562.868-0511 x7359)**

8. That this approval allows the applicant, Bulletin Displays, LLC, to establish, operate and maintain a new digital billboard on property located at 13711 Freeway Drive (APN: 8069-015-055).
9. That the subject billboard shall be in conformance with Ordinance No. 1036, an ordinance of the City of Santa Fe Springs relating to the standards for the installation of billboards on certain properties in the City.
10. That approval of Conditional Use Permits No. 750 shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations.
11. That all required permits regarding Highway Oriented Signs shall be obtained from the California Department of Transportation (Caltrans).
12. That Conditional Use Permits No. 750 shall not become effective, unless the City Council and Bulletin Displays, LLC enter into a Development Agreement regarding the operation of the subject billboard.

13. That approval of the subject Conditional Use Permit (CUP 750) is still contingent upon approval of a Zone Variance (ZV 76) for the reduction to the minimum 5-acre size required for of properties to qualify to obtain a billboard.
14. That the proposed digital billboard shall not have any walkways or platforms on either face side of the billboard or any type of appendages or attachments. Walkways and platforms are allowed between the sign faces. The only exception shall be for a camera to monitor the face of the billboard.
15. That the applicant, Bulletin Displays, LLC agrees to hire a qualified land surveyor to prepare an accurately scaled map showing the subject digital billboard will meet the required minimum 1,000 feet distance from another billboard located on the same side of the Freeway (existing or previously approved). Said map shall be provided concurrently or prior to submittal for plan check.
16. That prior to issuance of a building permit for the subject billboard, the Applicant, Bulletin Displays, LLC shall provide the Planning Department with the following:
 - a. The telephone number of a maintenance service to be available twenty-four (24) hours a day, to be contacted in the event that a billboard becomes dilapidated or damaged.
 - b. Show a redacted lease demonstrating a right to install the billboard on the subject property.
 - c. A list of locations of all billboards in the City owned or managed by the entity that will own or manage the subject billboard. This information also shall be provided on an accurately scaled map. The intent of this requirement is to facilitate analysis of the proposed billboard's compliance with the spacing and location requirements.
17. That the message transition for the subject digital billboard shall be instantaneous or 1-2 seconds, if fading.
18. That lighting levels on the subject digital billboard shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America (OAAA).
19. That brightness of the subject digital billboard shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness shall not exceed 7500 nits.

20. That within one week after the sign is activated, a qualified lighting consultant/electrical engineer shall measure the sign intensity at the sign face and ensure compliance with Condition 18 above regarding the standard of 0.3 foot candles above ambient light from a distance of 250 feet. Written verification of compliance shall be provided to the Planning Department within one week following sign activation. All cost shall be the responsibility of the Applicant, Bulletin Displays, LLC.
21. That the applicant shall comply with the City's "Heritage Artwork in Public Places Program" in conformance with City Ordinance No. 909, if applicable.
22. That the applicant, Bulletin Displays, LLC shall be responsible for reviewing and/or providing copies of the required conditions of approval to his/her architect, engineer, contractor, etc. Additionally, the conditions of approval contained herein, shall be made part of the construction drawings. *Construction drawings shall not be accepted for Plan Check without the conditions of approval incorporated into the construction drawings.*
23. That the proposed digital billboard shall otherwise be substantially in accordance with the plans submitted by the applicant and on file with the case.
24. That the applicant, Bulletin Displays, LLC shall require and verify that all contractors and sub-contractors have successfully obtained a Business License with the City of Santa Fe Springs prior to beginning any work associated with the subject project. A late fee and penalty will be assessed to any contractor or sub-contractor that fails to obtain a Business License and a Building Permit final or Certificate of Occupancy will not be issued until all fees and penalties are paid in full. Please contact Cecilia Pasos, Business License Clerk, at (562) 868-0511, extension 7527 for additional information and application or one can be downloaded at www.santafesprings.org.
25. That the project shall comply with all other requirements of the City's Zoning Ordinance, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable County, State and Federal regulations and codes.
26. That Conditional Use Permit Case No. 750 shall be subject to a compliance review in one (1) year, on or before December 14, 2016 to ensure the subject digital billboard use has been continuously maintained in strict compliance with the conditions of approval as stated within the staff report.
27. That the applicant, Bulletin Displays, LLC, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or

employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the subject CUP and/or ZV, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the applicant of such claim, action or proceeding, and shall cooperate fully in the defense thereof.

28. It is hereby declared to be the intent that if any provision of this Permit is violated, or if any law, statute or ordinance is violated, the Permit shall be void and the privileges granted hereunder shall lapse. Prior to voiding the permit, the City shall contact Bulletin Displays, LLC with certified mail return receipt requested and list the specific facts indicating a violation and its applicable code provisions and allow Bulletin Displays, LLC to remedy the violation within seven (7) working days from receipt of the notice or a reasonable amount of time if a remedy cannot be reasonably done in seven (7) days.
29. If any term or provision of this CUP shall be determined invalid, void, or unenforceable, the remaining conditions shall not be affected and such remaining conditions are not rendered impractical to enforce or to otherwise deprive Bulletin Displays, LLC or the city of the benefits of this CUP.



Wayne M. Morrell
Director of Planning

Attachments:

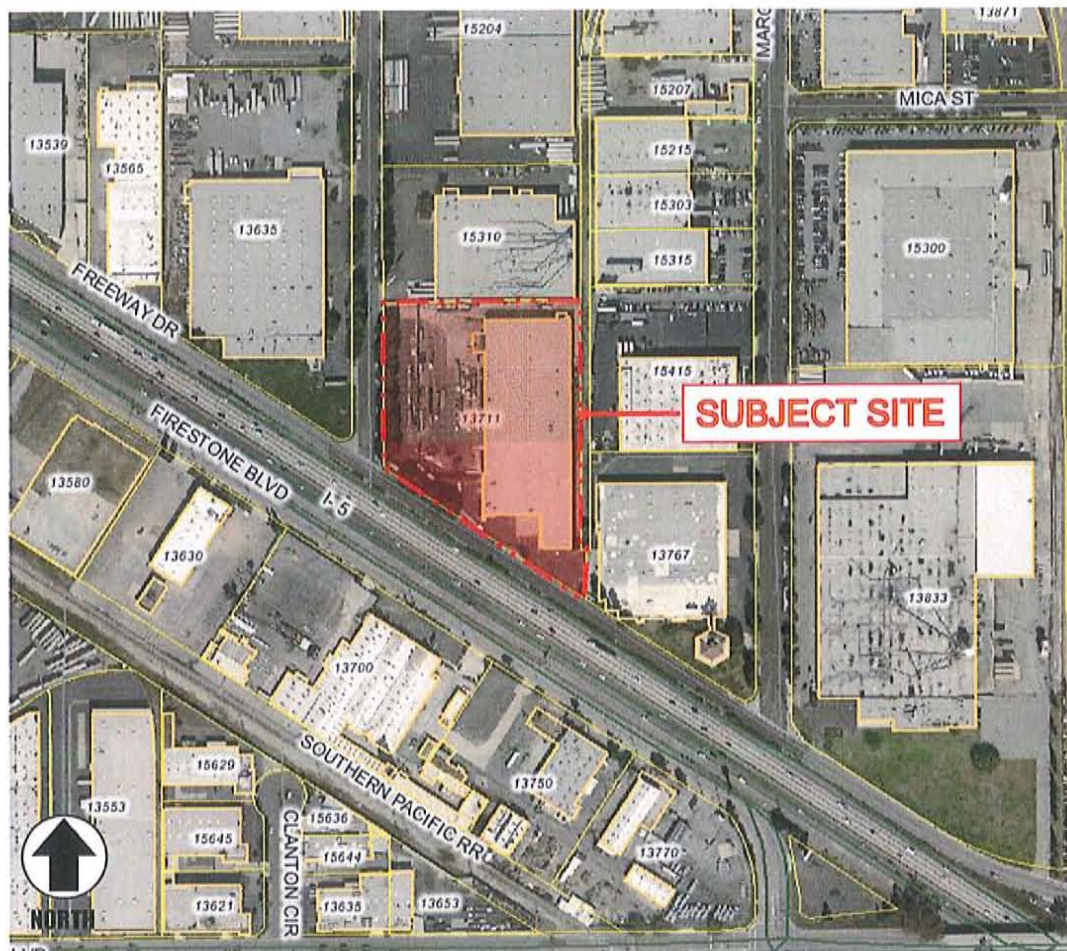
1. Aerial Photograph
2. Full Site Plan
3. Partial (Enlarged) Site Plan
4. Proposed Sign Elevation
5. Recent Site Survey
6. Conditional Use Permit Application
7. Zone Variance Application
8. Draft Mitigated Negative Declaration

C:\Cuong\Cases\Aug.15-Aug.16\CUP 750 & ZV76 - Bulletin Displays LLC (Sign)\CUP750&ZV76_PCStaffReport.doc

Aerial Photograph



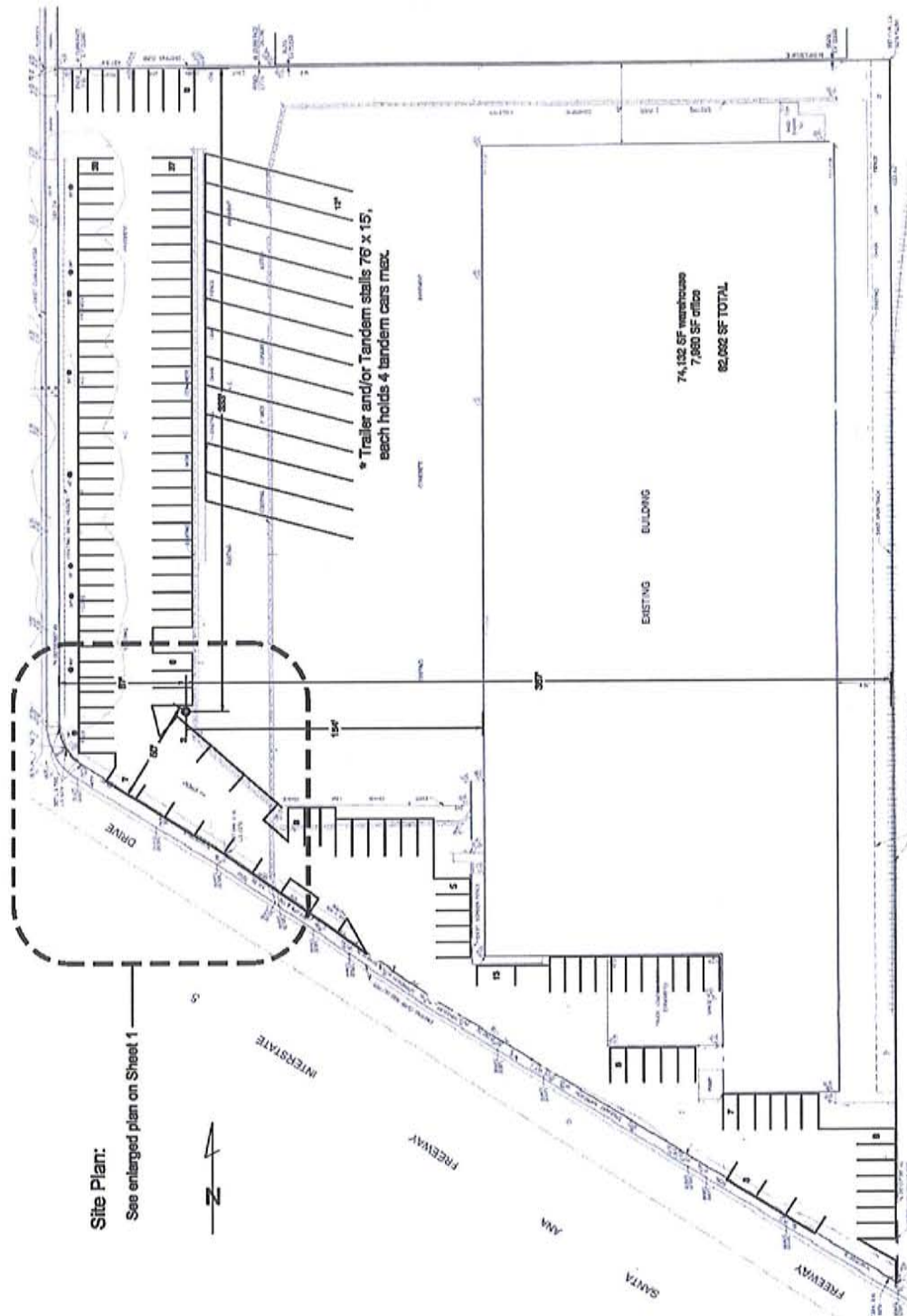
CITY OF SANTA FE SPRINGS



AERIAL PHOTOGRAPH – 13711 Freeway Drive

**CONDITIONAL USE PERMIT No. 750 &
ZONE VARIANCE CASE No. 76
APPLICANT: Bulletin Displays, LLC**

Full Site Plan

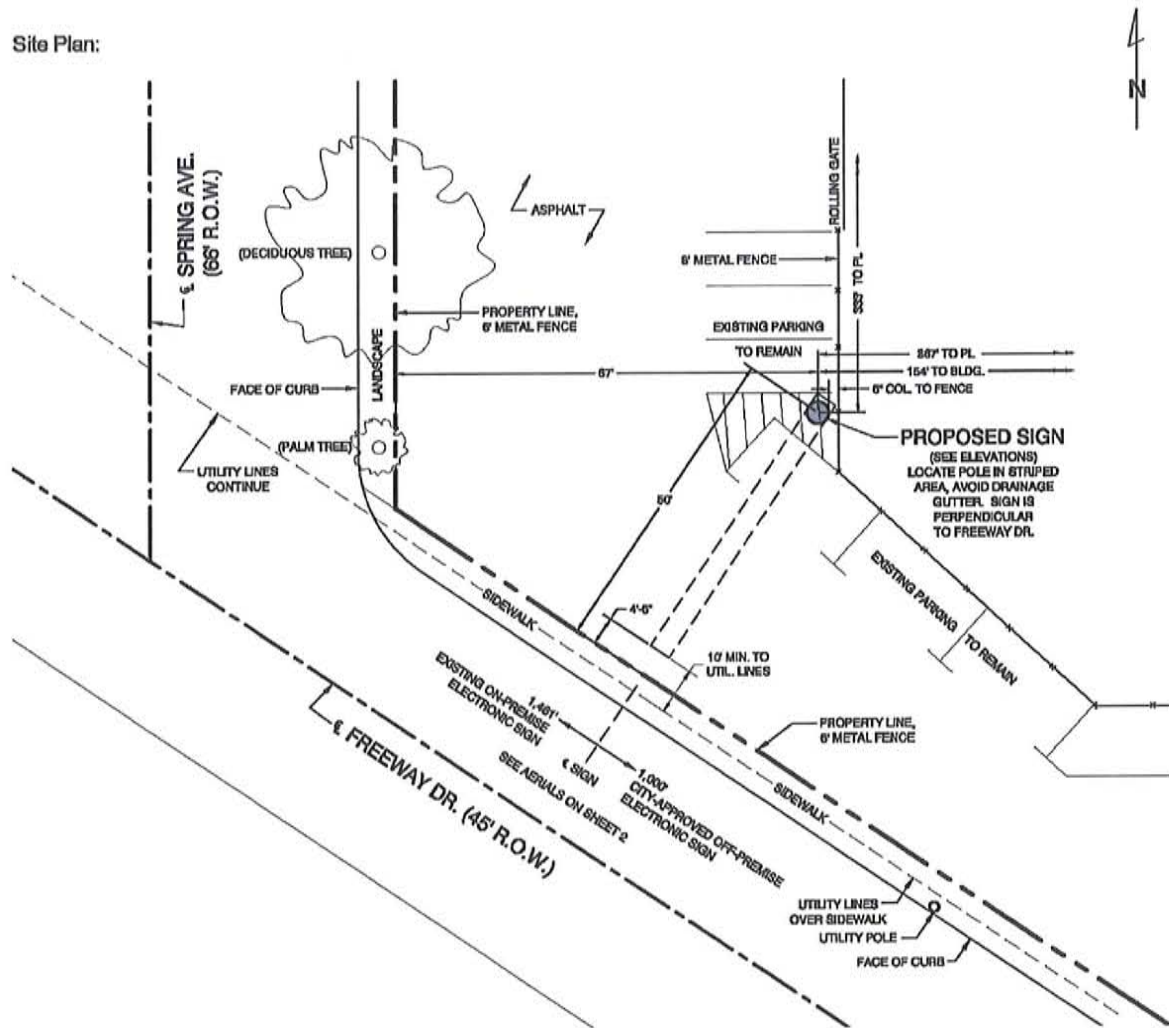


Site Plan:

See enlarged plan on Sheet 1

Partial (Enlarged) Site Plan

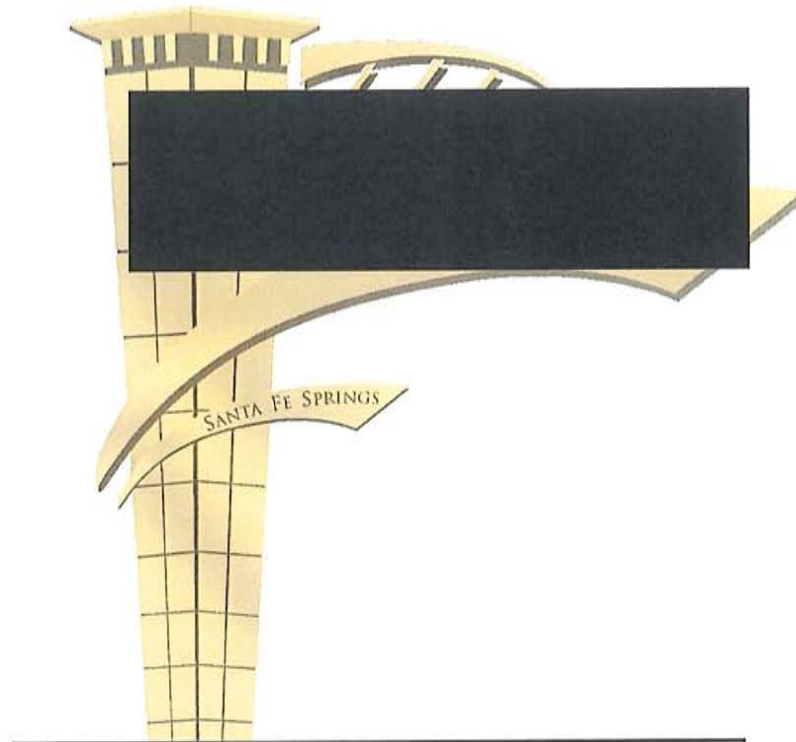
Site Plan:



Proposed Sign Elevation



City of Santa Fe Springs Message Center
Santa Ana (5) Freeway
(actual city approved concept may differ)

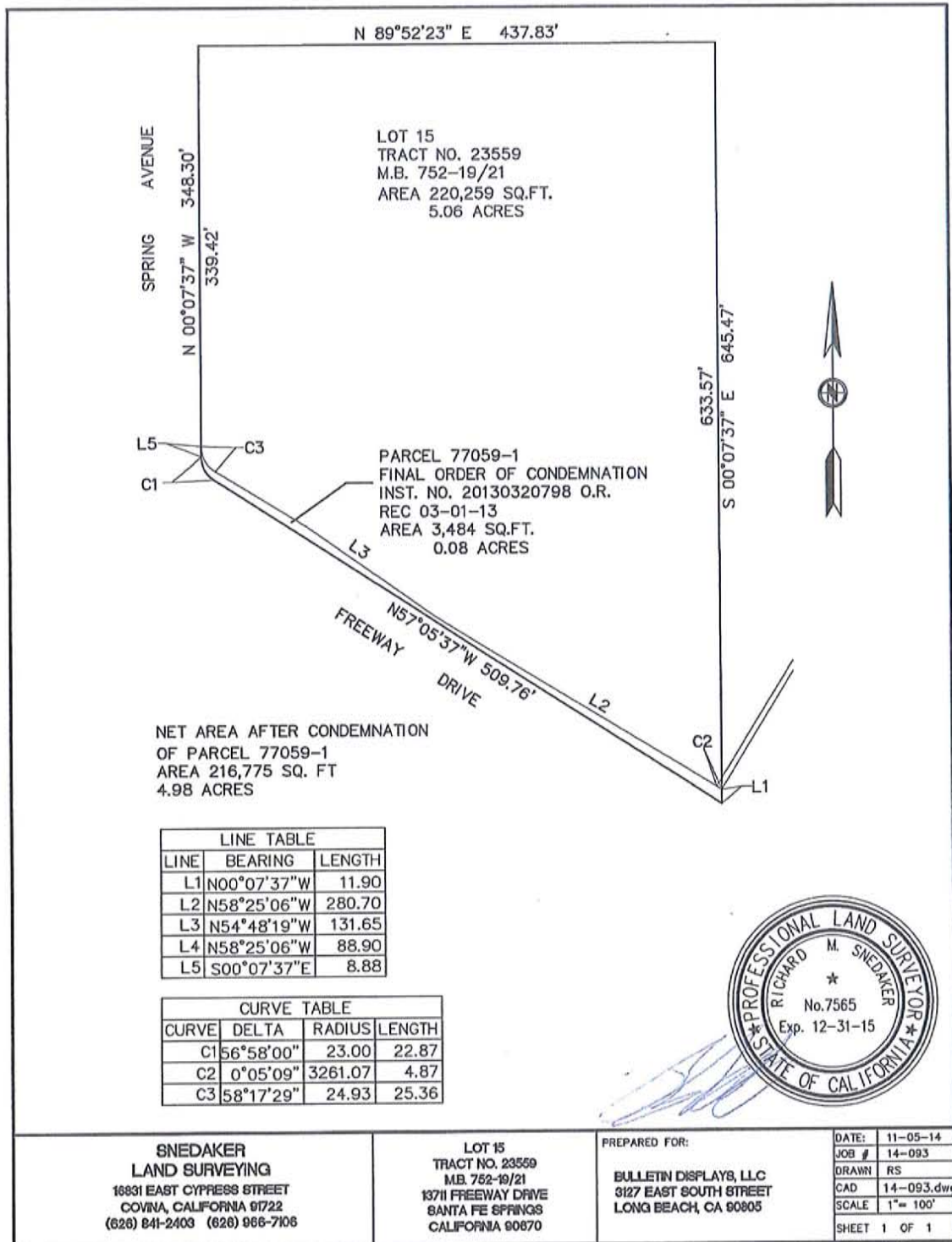


BULLETIN DISPLAYS, LLC
"CREATIVE OUTDOOR ADVERTISING"
3127 E. South St., Ste. B
Long Beach, CA 90805
(310) BULLETIN (255-5384)
(562) 470-6680 * Fax (562) 470-6686
BulletinDisplays.com

Display
14'x48' - full color LED (19 mm)
Overall Height - Per City code.

This print and design concept is the property of Bulletin Displays, LLC. Copyrighted 2015 by Bulletin Displays, LLC. This is the unpublished drawing created by Mark A. Kudler for Bulletin Displays, LLC. Any other use of this reproduction is prohibited without the written authorization from Bulletin Displays, LLC.

Recent Site Survey



Conditional Use Permit Application



City of Santa Fe Springs

Application for

CONDITIONAL USE PERMIT (CUP)

RECEIVED

DEC 12 2013

Planning Dept.

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): 13711 Freeway Dr., City of Santa Fe Springs, CA
 APN: 8069-015-055

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) see attached document

Record of the property: Gilbert-Blank LLCName: Martin Blank Jr.Phone: 310-736-1617Mailing Address: 2730 Wilshire Blvd

Date of Purchase: _____

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: Andy Goodman/Bulletin DisplaysPhone No: 562-470-6680Mailing Address: 3127 E. South St., Long Beach, CA 90805Fax No: 562-470-6686E-mail: andy.g@bulletindisplays.com

Describe any easements, covenants or deed restrictions controlling the use of the property: n/a

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): _____

The property owner is requesting a conditional use permit for the construction of a double sided Off premise digital sign measuring 50' tall and 14' x 48' sign area.

NOTE

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

Conditional Use Permit Application (Cont.)

CUP Application
Page 2 of 3

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.
 1. Placement of the billboards was based on the following criteria
 1. Identify an optimal location within the property to maximize visibility along the I-5 Freeway
 2. Utilize architectural elements of the billboards to enhance the site and building aesthetics
 3. Incorporate industry standards to maximize interest from advertising and marketing agencies.
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.
 1. No residential properties are located near or adjacent to the property
 2. Amber alerts and other emergency warnings will appear when needed to improve public safety
 3. New landscaping will be placed at the base to obscure street level visibility of the post structure
 4. The post structure will be painted to match surrounding background colors
 5. Workers will access sign via bucket truck
 6. Screening materials will obscure visibility of the rear structural supports and will be painted to match the skyline colors.
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?
 1. No residential properties are located near or adjacent to the property
 2. LED lights would be angled downward and louvers placed above the LED panels will minimize light pollution.
 3. Light sensors will dim nighttime light emissions to levels lower than ambient light in the surrounding area.
 4. The billboards do not emit or create noise, dust or odors.
 5. Advertising content will exclude inappropriate content (i.e., tobacco, gentlemen's clubs, marijuana dispensaries).
4. Explain why the proposed use will not in the future become a hindrance to quality development or redevelopment of adjoining properties.
 1. Amber alerts, natural disaster alerts and other emergency warnings will appear as needed for public safety
 2. Incorporation of certain design elements will allow the billboard to become an architectural aspect on the property
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.
 1. Signs will be +/- 50' a/s and base poles situated in landscaped areas to avoid line-sight obstructions for vehicular traffic
 2. Pole bases will be located in areas that do not conflict with the public right-of-way or adjacent streets
 3. All maintenance work will be conducted within private property and not interfere with traffic circulation
 4. State regulations prohibit signs from resembling or creating confusion with traffic control device
6. If the operator of the requested conditional use will be someone other than the property owner, state name and address of the operator. Bulletin Displays LLC, Mr. Andy Goodman, 3127 E South St, Suite B, Long Beach, CA 90805

Conditional Use Permit Application (Cont.)CUP Application
Page 3 of 3**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): Martin, Blank, Jr., Gilbert-Blank, LLC
 Mailing Address: 2730 Wilshire Blvd, Santa Monica, CA
 Phone No: 310-736-1617
 Fax No: _____ E-mail: _____
 Signature: _____

Name (please print): _____
 Mailing Address: _____
 Phone No: _____
 Fax No: _____ E-mail: _____
 Signature: _____

CERTIFICATION

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss.

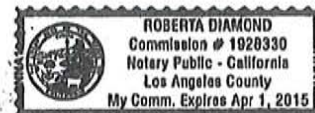
SHELDON E. KATZER for
GILBERT-BLANK, LLC, being duly sworn, depose and say that I am the
 petitioner in this application for a Conditional Use Permit, and I hereby certify under penalty of
 law that the foregoing statements and all statements, maps, plans, drawings and other data
 made a part of this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

Signed by: Sheldon E. Katzer, Property Mgr.
 (If signed by other than the Record Owner, written
 authorization must be attached to this application)

On December 9, 2013 before me, SHELDON E. KATZER
 Personally appeared _____
 personally known to me (or 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.

WITNESS my hand and official seal

Roberta Diamond
 Notary Public

**FOR DEPARTMENT USE ONLY**

CASE <u>CUP 750</u>	NO:
DATE <u>12/12/2013</u>	FILED:
FILING \$ <u>2,253.00</u>	FEE:
RECEIPT	NO:
APPLICATION COMPLETE? _____	

12-12-13 1016178 CHECK 6299.00

Zone Variance Application



RECEIVED

DEC 12 2013

Planning Dept.

city of Santa Fe Springs

11710 Telegraph Road • CA • 90670-3679 • (562) 868-0511 • Fax (562) 868-7112 • www.santafesprings.org

APPLICATION FOR 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): 13711 Freeway Drive, Santa Fe Springs 90670

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): attached

Record Owner of the Property:

Name: Gilbert Blank LLCPhone: 310 336-1617Mailing Address: 2730 Wilshire Blvd, Santa Monica, CA 90403

Date of purchase: _____

Representative authorized by the Record Owner to file this application:

Name: Andy Goodman/Bulletin Displays Phone: 562-470-6680Mailing Address: 3127 E. South Street, Suite B, Long Beach, CA 90805

Describe any easements, covenants or deed restrictions controlling the use of the property: there is a railroad easement on the property that is no longer in use.

The Variance is requested for the following use (Describe in detail the nature of the proposed use, the building and other improvements proposed.): the variance is requested for building an off-premise sign on a property that is less than a five acre parcel.

NOTE

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

Revised 4/03

Zone Variance Application (Cont.)

ANSWERS TO THE FOLLOWING QUESTIONS MUST BE CLEAR AND COMPLETE. EXPLAIN IN DETAIL HOW YOUR REQUEST CONFORMS TO THE FOLLOWING REQUIREMENTS. THE ANSWERS SHOULD JUSTIFY YOUR REQUEST FOR A VARIANCE.

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.

This property has been negatively impacted by the taking of 3,488 square feet by Cal Trans for the widening of the Santa Ana Freeway. Prior to the taking the property was 220,271 square feet equaling 5.0567 acres. No other FOZ qualifying property in the adjacent area has been effected in this way and this conditions limits the property from being considered a +5 acre parcel. The exceptional and extraordinary circumstances affecting this property was that this property was over 5 acres prior to the Caltrans taking for the freeway widening. Furthermore, there are no other properties that were greater than 5 acres just prior to the Caltrans taking and after the Caltrans taking they are 99.53% of 5 acres or less than one percent short of 5 acres (i.e., 0.47%).

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.)

All properties located within the Santa Ana Freeway FOZ that are 5 acres or more and meet all other requirements of the FOZ have the right to build an off-premise sign. Because of the Cal Trans taking on the property, this property is less than 1% the correct size of 5 acres. Other properties that are 5 acres (that is 0.47% larger) are allowed to have off-premise advertising and but for, the Caltrans taking, this property would be greater than 5 acres and allowed off-premise advertising.

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.

People, properties and the general public will benefit from the free public service advertising provided to the city on a space available basis. They will also benefit from the amber alerts, FBI's most wanted, and the natural disaster announcements. Because this is a Freeway Overlay Zone (FOZ) and allows off-premise signs in this area and since there are no other properties that are within 1% of 5 acres, the granting of the variance will not be injurious to the property or improvements of others in the vicinity. No lay person driving by can see that this property is 0.47% less than 5 acres.

4. Will the Variance requested adversely affect the General Plan of the City of Santa Fe Springs?

No. The granting of this variance will not adversely affect the master plan since the master plan allows for the FOZ area which allows for off-premise signs in this area. This request meets all the findings of the request for a variance. The special circumstance created by the Cal Trans taking prevents the site from complying with

Zone Variance Application (Cont.)

the FOZ development standards. The taking by Cal Trans has created a physical circumstance that has reduced the lot size and created the hardship of not being able to maximize the total use of the property. The taking of the property by Cal Trans was not initiated by any person having interest in the property. The structural expansion of the Santa Ana Freeway severely impedes and creates the hardship of not being able to maximize the use of the property and diminishes the business operations of the proposed billboard.

Zone Variance Application (Cont.)

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

Name (please) print: GILBERT-BLANK, LLC
 Mailing Address: 2730 WILSHIRE BLVD. #301 SANTA MONICA, CALIF 90403
 Phone: 310-449-4500
 Signature: [Signature]
 Name (please) print: SHELDON E. KATZER
 Mailing Address: SAME AS ABOVE
 Phone: _____
 Signature: _____

CERTIFICATION

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES) ss.

SHELDON E. KATZER for

I, GILBERT-BLANK, LLC being duly sworn, depose and say that I am
 the petitioner in this application for a Variance, and I hereby certify under penalty of law that the
 foregoing statements and all statements, maps, plans, drawings and other data attached to this
 application are in all respects true and correct to the best of my knowledge and belief.

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

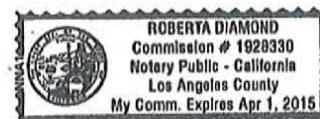
Subscribed and sworn to me this 3rd
 day of December, 2013
ROBERTA DIAMOND
 Notary Public

Or

City Clerk
 City of Santa Fe Springs

FOR DEPARTMENT USE
 ONLY CASE NO: _____

CASE NO:	<u>ZV 76</u>
DATE FILED:	<u>12/10/2013</u>
FILING Fee:	<u>\$2,253.00</u>
RECEIPT #:	_____
APPLICATION COMPLETE?	_____



12-12-13 101.6178 CHECK 6299.00

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY

**FREEWAY DRIVE DIGITAL SIGN
INSTALLATION
13711 FREEWAY DRIVE
SANTA FE SPRINGS, CALIFORNIA**



LEAD AGENCY:

**CITY OF SANTA FE SPRINGS
PLANNING AND DEVELOPMENT DEPARTMENT
11710 TELEGRAPH ROAD
SANTA FE SPRINGS, CALIFORNIA 90670**

JUNE 22, 2015

SFSP 018

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Freeway Drive Digital Sign Installation.

PROJECT ADDRESS: 13711 Freeway Drive.

CITY AND COUNTY: Santa Fe Springs, Los Angeles County.

PROJECT: The proposed project involves the installation of a double-face, digital sign on a 4.98-acre project site in the City of Santa Fe Springs. The trapezoid-shaped project site is bounded by Spring Avenue on the west, Freeway Drive on the south and commercial/industrial uses to the north and east. The project site is located immediately north of the I-5 Freeway. The proposed digital sign will have a sign-face dimension of 48 feet in width by 14 feet in height by 4 feet in depth. The total height distance between the ground surface and the top of the sign face will be 50 feet. The proposed digital sign will be installed on a column 36 feet in height. The placement of this column (partial versus full flag) will be dependent upon the location of ground utility connections which is currently unknown. The installation site of the proposed digital sign will be located on the east side of the project site, with the sign placed perpendicular to Freeway Drive. The project Applicant is Bulletin Displays, LLC, 3127 E. South Street, Long Beach, California, 90805. The Assessor's Parcel Number (APN) is 8069-015-055.

FINDINGS: The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts. For this reason, the City of Santa Fe Springs determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to degrade the quality of the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the City.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

The environmental analysis is provided in the attached Initial Study prepared for the proposed project. The project is also described in greater detail in the attached Initial Study.

Signature
City of Santa Fe Springs Planning and Development Department

Date

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SECTION 1 - INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

This Initial Study evaluates the environmental impacts associated with the installation of a double-face, digital sign on a 4.98-acre project site in the City of Santa Fe Springs. The trapezoid-shaped project site is bounded by Spring Avenue on the west, Freeway Drive on the south and commercial/industrial uses to the north and east. The project site is located immediately north of the I-5 Freeway. The proposed digital sign will have a sign-face dimension of 48 feet in width by 14 feet in height by 4 feet in depth. The total height distance between the ground surface and the top of the sign face will be 50 feet. The proposed digital sign will be installed on a column 36 feet in height. The placement of this column (partial versus full flag) will be dependent upon the location of ground utility connections which is currently unknown. The installation site of the proposed digital sign will be located on the east side of the project site, with the sign placed perpendicular to Freeway Drive. The Assessor's Parcel Number (APN) is 8069-015-055.¹

The proposed Digital Sign Installation is considered to be a project under the California Environmental Quality Act (CEQA) and, as a result, the project is subject to the City's environmental review process.² The City of Santa Fe Springs is the designated *Lead Agency* for the proposed project and will be responsible for the project's environmental review.³ The project Applicant is Bulletin Displays, LLC, 3127 E. South Street, Long Beach, California, 90805.

As part of the proposed project's environmental review, the City of Santa Fe Springs has authorized the preparation of this Initial Study.⁴ The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of Santa Fe Springs with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;

¹ Bulletin Displays. *City of Santa Fe Springs Conditional Use Permit Application*. December 3, 2013. A static sign is a type of sign that contains a non-moving message and/or image. The traditional outdoor signs are of this type. Digital signs employ electronic screens where the message or displays change. Newer signs of this type may also display moving images similar to that of a large screen television. A digital sign is identified as a "message center" in the statute, which is an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds. (Business and Professions Code, Section 5216.4).

² California, State of. *Title 14. California Code of Regulations. Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act*. as Amended 1998 (CEQA Guidelines). §15060 (b).

³ California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions*. as Amended 2001. §21067.

⁴ Ibid. (CEQA Guidelines) §15050.

- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation, fully represent the independent judgment and position of the City of Santa Fe Springs, in its capacity as the Lead Agency. The City determined, as part of this Initial Study's preparation, that a Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. The key Responsible Agency for this project is the California Department of Transportation (Caltrans).⁵ This Initial Study and the *Notice of Intent to Adopt a Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 20-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.⁶

1.2 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 - Introduction*, provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 - Project Description*, provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 - Environmental Analysis*, includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 - Conclusion*, includes the finding the head Agency may make with respect to this environmental review.
- *Section 5 - References*, identifies the sources used in the preparation of this Initial Study.

1.3 INITIAL STUDY CHECKLIST

The environmental analysis provided in Section 3 of this Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts on the environment. For this reason, the City of Santa Fe Springs determined that a Negative Declaration is the appropriate CEQA document for the proposed project. The findings of this Initial Study are summarized in Table 1-1 provided below and on the following pages.

⁵ California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

⁶ Ibid. *Chapter 2.6, Section 2109(b).* 2000.

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
Section 3.1 Aesthetic Impacts. <i>Would the project:</i>				
a) Have a substantial adverse affect on a scenic vista?			X	
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				X
c) Create a new source of substantial light or glare that would adversely affect day- or night-time views in the area?			X	
Section 3.2 Agriculture and Forestry Resources Impacts. <i>Would the project:</i>				
a) 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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				X
c) Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104[g])?				X
d) Would the project result in the loss of forest land or the conversion of forest land to a non-forest use?				X
e) Involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use?				X
Section 3.3 Air Quality Impacts. <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?				X
Section 3.4 Biological Resources Impacts. <i>Would the project have a substantial adverse effect:</i>				
a) 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?				X
b) 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?				X
c) On Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) In interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				X
e) In conflicting with any local policies or ordinances, protecting biological resources, such as a tree preservation policy or ordinance?				X
f) By conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				X
Section 3.5 Cultural Resources Impacts. <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?				X
c) Directly or indirectly destroy a unique paleontological resource, site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
Section 3.6 Geology Impacts. <i>Would the project result in or expose people to potential impacts involving:</i>				
a) The exposure of people or structures to potential substantial 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), ground-shaking, liquefaction, or landslides?				X
b) Substantial soil erosion or the loss of topsoil?				X
c) Location on a geologic unit or a 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?				X
d) Location on expansive soil, as defined in California Building Code (2013), creating substantial risks to life or property?				X
e) Soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
Section 3.7 Greenhouse Gas Emissions Impacts. <i>Would the project:</i>				
a) Result in the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Increase the potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses?			X	
Section 3.8 Hazards and Hazardous Materials Impacts. <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
d) Be located on a site, which is included on a list of hazardous material 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?				X
e) Be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X
Section 3.9 Hydrology and Water Quality Impacts. <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on- or off-site?				X
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of flooding because of dam or levee failure?				X
j) Result in inundation by seiche, tsunami, or mudflow?				X
Section 3.10 Land Use and Planning Impacts. Would the project:				
a) Physically divide an established community, or otherwise result in an incompatible land use?				X
b) Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation or natural community conservation plan?				X
Section 3.11 Mineral Resources Impacts. 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?				X
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?				X
Section 3.12 Noise Impacts. Would the project result in:				
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of people to, or generation of, excessive ground-borne noise levels?				X
c) Substantial permanent increase in ambient noise levels in the project vicinity above noise levels existing without the project?				X
d) Substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project?			X	

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
e) For a project located with 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?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
Section 3.13 Population and Housing Impacts. <i>Would the project:</i>				
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
Section 3.14 Public Services Impacts. <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas:</i>				
a) Fire protection services?				X
b) Police protection services?				X
c) School services?				X
d) Other governmental services?				X
Section 3.15 Recreation Impacts. <i>Would the project:</i>				
a) 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?				X
b) Affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X
Section 3.16 Transportation Impacts. <i>Would the project:</i>				
a) Cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system?				X

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
b) Exceed, either individually or cumulatively, a level of service standard established by the County Congestion Management Agency for designated roads or highways?				X
c) A change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
Section 3.17 Utilities Impacts. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with Federal, State, and local statutes and regulations related to solid waste?				X
h) Result in a need for new systems, or substantial alterations in power or natural gas facilities?				X

**Table 1-1
Summary (Initial Study Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
i) Result in a need for new systems, or substantial alterations in communication systems?				X
Section 3.18 Mandatory Findings of Significance. <i>The approval and subsequent implementation of the proposed project:</i>				
a) Will not have the potential to degrade the quality of the environment, with the implementation of the recommended standard conditions and mitigation measures included herein.				X
b) Will not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, with the implementation of the recommended standard conditions and mitigation measures referenced herein.				X
c) Will not have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the recommended standard conditions and mitigation measures contained herein.				X
d) Will not have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the recommended standard conditions and mitigation measures contained herein.				X
e) The Initial Study indicated there is no evidence that the proposed project will have an adverse effect on wildlife resources or the habitat upon which any wildlife depends.				



SECTION 2 - PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed project site is located within the corporate boundaries of the City of Santa Fe Springs. The City is located approximately 16.4 miles southeast of downtown Los Angeles and 13.6 miles northwest of downtown Santa Ana. Santa Fe Springs is bounded on the north by Whittier and an unincorporated County area (West Whittier), on the east by Whittier, La Mirada, and an unincorporated County area (East Whittier), on the south by Cerritos and Norwalk, and on the west by Pico Rivera and Downey. Major physiographic features located in the vicinity of the City include the San Gabriel River (located approximately 4.2 miles to the west of the site) and the Puente Hills (located approximately 6.8 miles to the north of the site). Regional access to Santa Fe Springs is possible from two area freeways: the Santa Ana Freeway (I-5) and the San Gabriel River Freeway (I-605). The I-5 Freeway traverses the City in an east-west orientation while the I-605 Freeway extends along the City's westerly side in a north-south orientation.⁷ Other freeways that serve the area include the SR-91 Freeway and I-105 Freeway. The location of Santa Fe Springs in a regional context is shown in Exhibit 2-1. A Citywide map is provided in Exhibit 2-2.

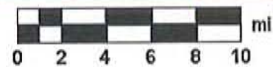
The project site is located in the southernmost portion of the City within an industrial district that extends along both sides of the I-5 corridor in the cities of Santa Fe Springs and La Mirada. The project site, a trapezoid-shaped property, is bounded on the south by the I-5 Freeway, on the west by Spring Avenue, and on the north and east sides by industrial uses. The project site's address is 13711 Freeway Drive, Santa Fe Springs, California. The proposed new digital sign will be located on the east side of the project site.⁸ A vicinity map is provided in Exhibit 2-3.

2.2 ENVIRONMENTAL SETTING

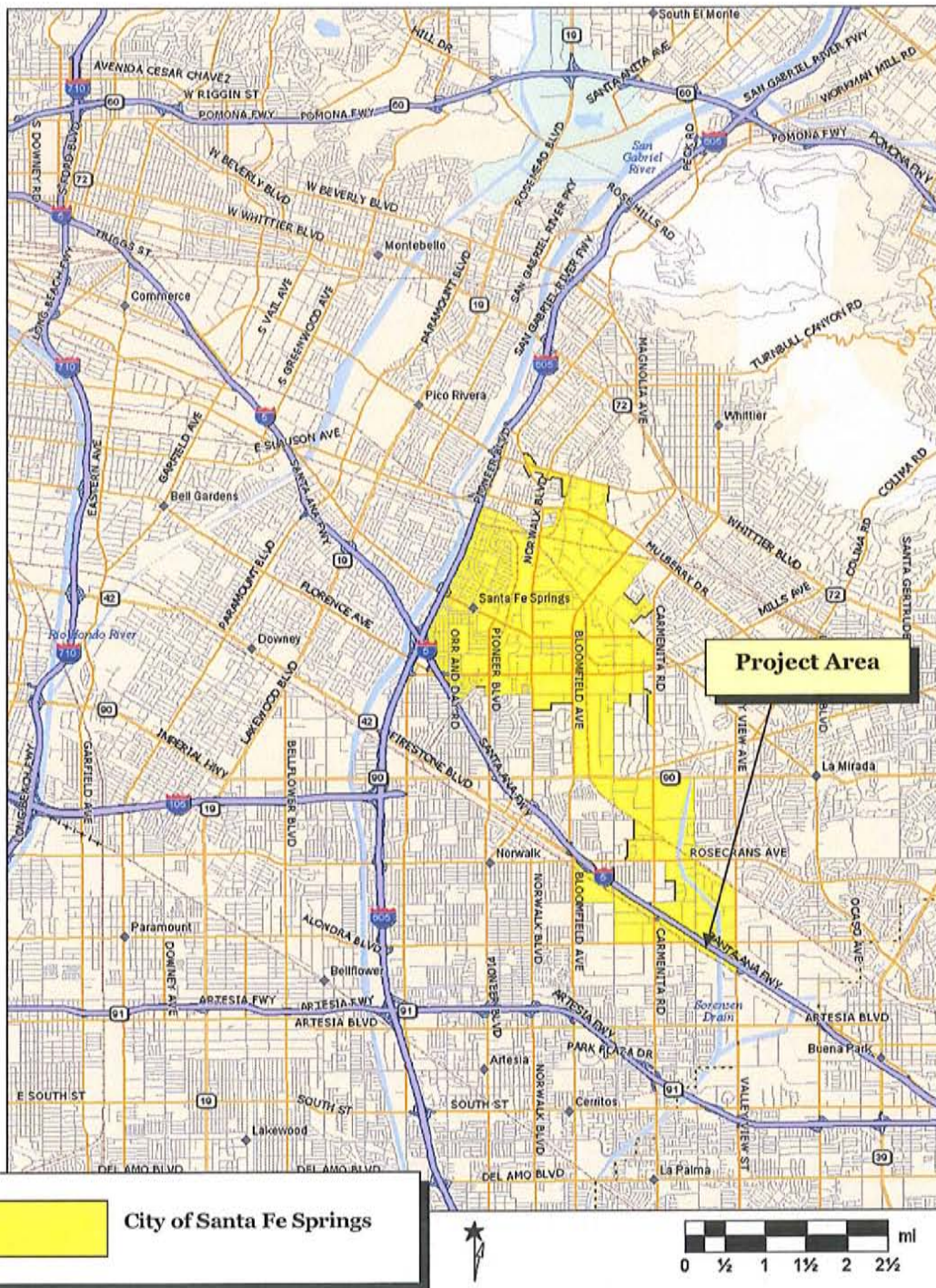
The proposed project site is located within the southernmost portion of the City within an industrial district that extends along both sides of the I-5 corridor. The project site is located within an area zoned Heavy Freeway Overlay Zone (M2-FOZ) immediately north of the I-5 freeway. The nearest residential development is located approximately 2,500 feet south and 3,600 feet northwest of the project site. Schools that are in closest proximity to the proposed project site include Carmenita Middle School and Gonsalves Elementary School located approximately 4,000 feet to the southwest and 4,800 feet to the south of the site, respectively. Ramona Park and Neff Park are located approximately 4,000 feet northwest and 5,000 feet northeast of the project site, respectively. Joe A. Gonsalves Park is located 3,630 feet south of the proposed project site. The Santa Fe Springs Swap Meet is located 1,670 feet east of the project site. An aerial photograph of the proposed installation site is provided in Exhibit 2-4 and photographs of the project site are provided in Exhibit 2-5.

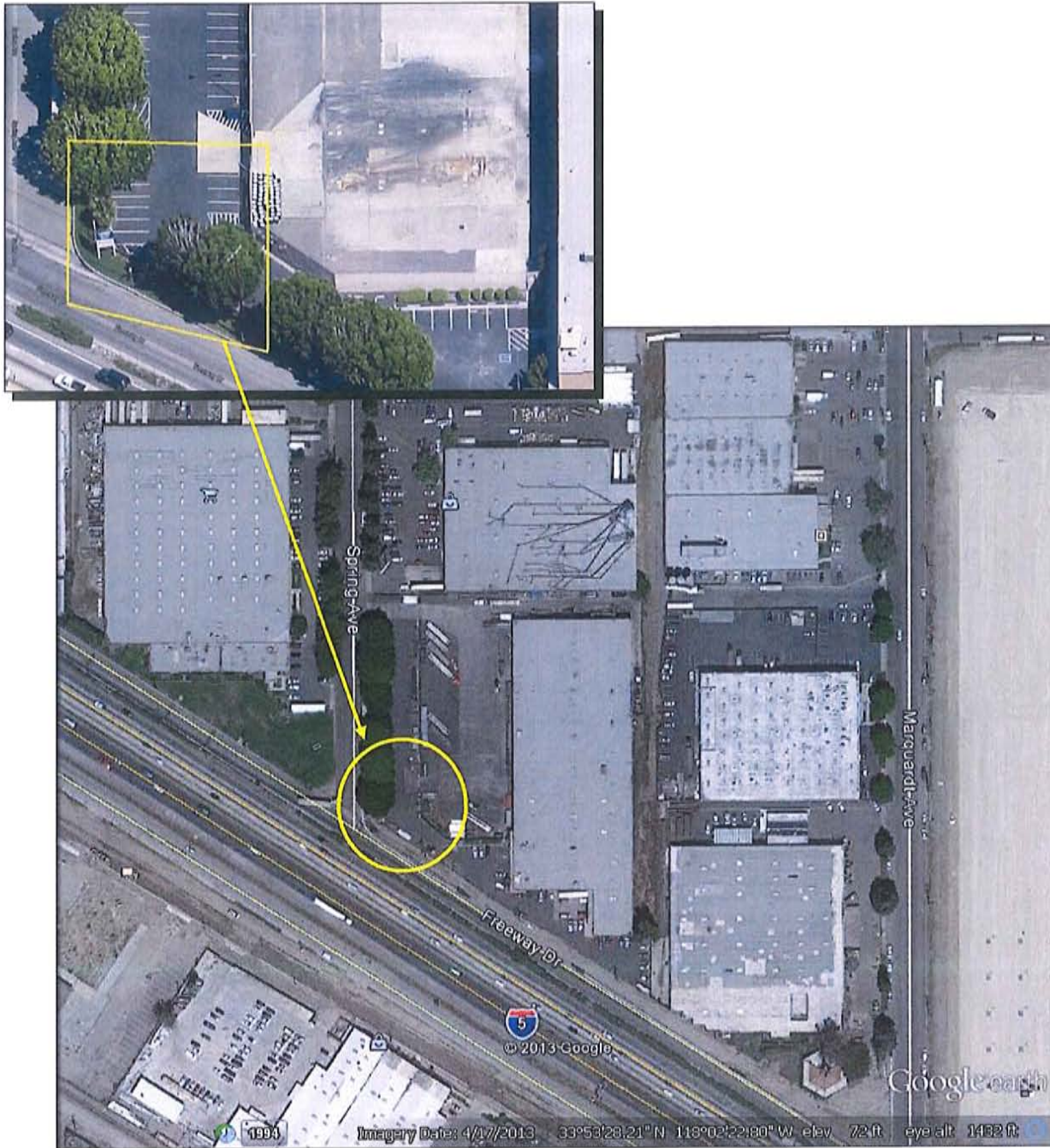
⁷ United States Geological Survey. *The National Map [Terra Server USA]. Santa Fe Springs, California.* July 1, 1998.

⁸ Bulletin Displays. *City of Santa Fe Springs Conditional Use Permit Application.* December 3, 2013.



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Aerial view of the proposed sign installation site within the project site.

EXHIBIT 2-4
AERIAL PHOTOGRAPH
SOURCE: GOOGLE EARTH, 2013



Easterly view of the project site.



Northerly view of the project site.

EXHIBIT 2-5
PHOTOGRAPHS OF THE PROJECT SITE
SOURCE: BLODGETT/BAYLOSIS ASSOCIATES 2013

2.3 PROJECT DESCRIPTION

The proposed project involves the installation of a double-face, digital sign on a 4.98-acre project site in the City of Santa Fe Springs. The trapezoid-shaped project site is bounded by Spring Avenue on the west, Freeway Drive on the south and commercial/industrial uses to the north and east. The proposed digital sign will have a sign-face dimension of 48 feet in width by 14 feet in height by 4 feet in depth. The total height distance between the ground surface and the top of the sign face will be 50 feet. The proposed digital sign will be installed on a column 36 feet in height. The placement of this column (partial versus full flag) will be dependent upon the location of ground utility connections which is currently unknown. The installation site of the proposed digital sign will be located on the east side of the project site, with the sign placed perpendicular to Freeway Drive. A conditional use permit (CUP) and a Zone Variance (ZV) will be required. The ZV is required because the proposed installation site is less than 5-acres in area. The proposed site plan is shown in Exhibit 2-6 while the elevations of the proposed digital sign are shown in Exhibit 2-7.

2.3.1 PROJECT BACKGROUND: LOCAL DIGITAL SIGN REGULATIONS

The Santa Fe Springs City Council adopted Ordinance No. 1036 (An Ordinance of the City of Santa Fe Springs Relating to the Standards for the Installation of Signs on Certain Properties in the City). The following new Section 155.384 was added to the City's Zoning Ordinance (Title 15, Part 15, of the City Code) as a means to establish regulations and standards for signs within the Freeway Overlay Zone (FOZ):

- *Use Requirements.* Signs shall be allowed in the FOZ 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 sign, expansion or modification of a sign, or addition of additional face(s) to a sign. 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 sign.
- *Separate Applications.* Each individual proposal for construction of a new sign, or modification of a sign, shall be considered a separate application, and each application shall be separately and individually subject to the provisions in this Code relating to Conditional Use Permits, and the provisions and requirements of this Section. Multiple sites shall not be combined into one application.
- *Required Findings.* In addition to the required findings for a Conditional Use Permit (Section 155.716), the Planning Commission or City Council, as applicable, shall not approve a Conditional Use Permit for any sign project unless it can make a finding that the sign will not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
- *Locations Allowed.* Signs shall be allowed only on parcels included within the Freeway Overlay Zone (FOZ) zone district. The General Plan and Zoning designations for the site are illustrated in Exhibits 2-8 and 2-9, respectively.



SOURCE: RMG OUTDOOR, INC.

14' x 48' Billboard Elevations:

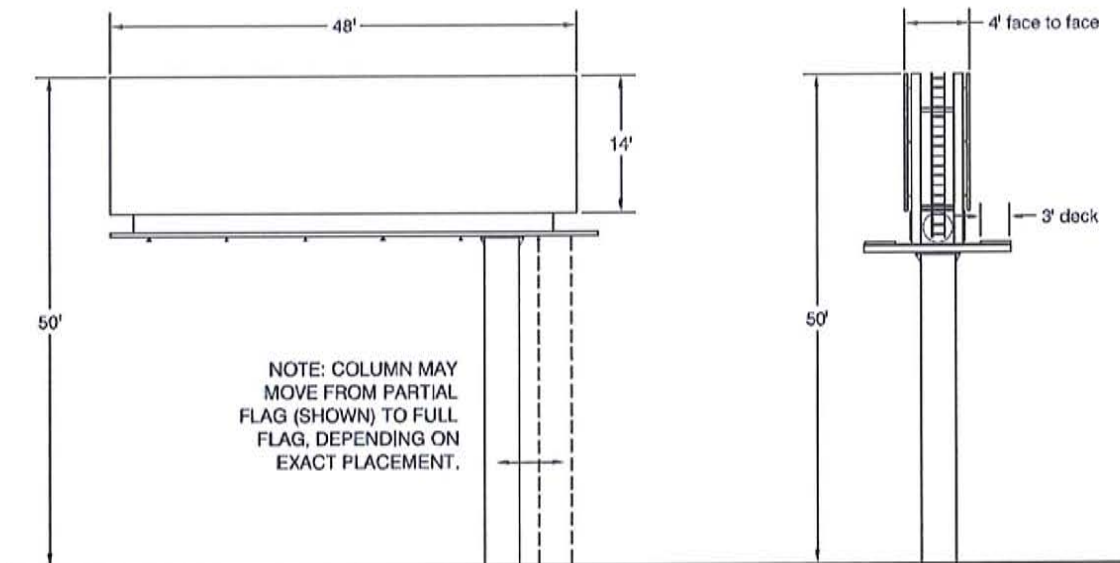


EXHIBIT 2-7
SIGN ELEVATIONS
SOURCE: RMG OUTDOOR, INC.

CITY OF SANTA FE SPRINGS
MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY • FREEWAY DRIVE DIGITAL SIGN INSTALLATION

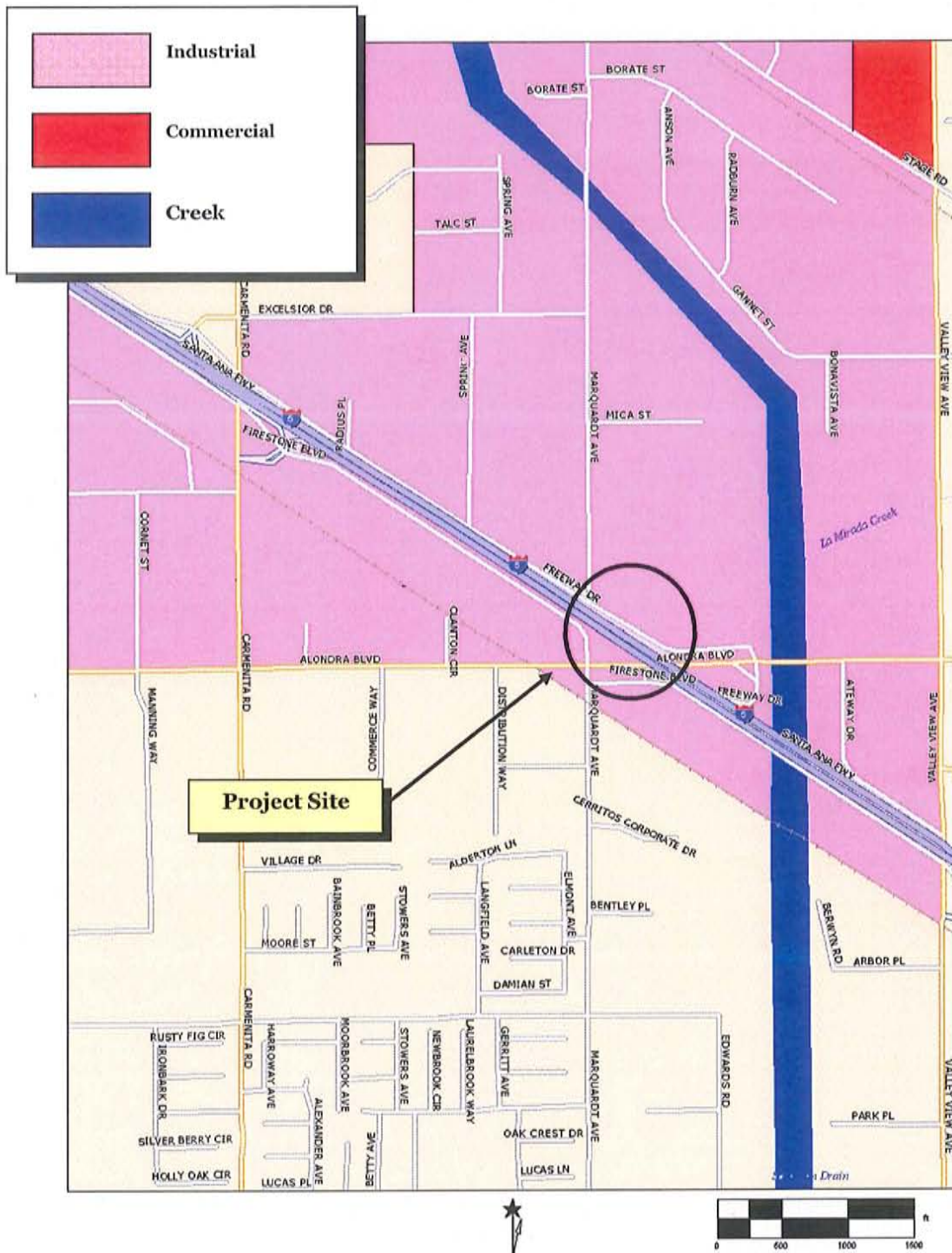


EXHIBIT 2-8
GENERAL PLAN DESIGNATIONS
SOURCE: CITY OF SANTA FE SPRINGS

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- *Locations Prohibited.* Signs are not permitted on any of the following locations:
 - On the roof of a building or projecting over the roof of a building, whether the building is in use or not.
 - On the wall of a building or otherwise attached or integrated to, or suspended from a building.
 - On or encroaching over the public right-of-way.
 - Within six hundred sixty feet (660') of a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway, including landscaped portions of freeway. Such restriction shall apply only to landscaping on the same side of a freeway as the sign.
 - Within any landscaped freeway area under the jurisdiction of the California Department of Transportation, unless there is a relocation agreement between the outdoor advertising structure owner and the California Department of Transportation.
 - Within 300 feet of an intersection of highways or of highway and railroad right-of-way, but a sign may be located at the point of intersection, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.
 - In no event shall any sign be permitted in any location which would result in a violation of any applicable Federal or State law.
- *Landscape Segment Relocation Credits.* No new sign shall be constructed or installed within the City through utilization of credits given by the California Department of Transportation or State for relocation of signs located in landscaped freeway segments, unless mandated by State law. This shall include credits for signs located either within the City or in other jurisdictions.
- *Types of Signs Prohibited.* The following types of prohibited signs are specified for clarity. However, this shall not limit the types of prohibited signs to those described below:
 - Any sign installed upon, mounted, attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter, or trailer whose primary purpose is conveyance, transportation, or support of the sign message surface shall be prohibited from any display or placement on public or private property or the public right-of-way in a manner making it visible from any other public or private property or the public right-of-way.
 - Any off-site advertisement meeting the definition of "supergraphic" as defined in Section 155.383 shall be prohibited.

- *General Requirements.* The following general requirements are applicable to signs within the FOZ:
 - The maximum area of signs shall be seven hundred square feet per sign area (e.g., 14 feet x 48 feet).
 - The maximum height of signs shall be fifty feet, measured from the finished grade at the base of the sign.
 - No property (defined as a single parcel or two or more contiguous parcels under common ownership) shall have more than two signs, either digital or static, but not both of the same type.
 - The minimum distance from another sign on the same property shall be five hundred feet as measured from the vertical centerline of each sign.
 - The minimum distance from another sign not on the same property but on the same side of the freeway shall be one thousand feet, as measured from the vertical centerline of each sign.
 - The minimum setback distance of the sign column support post shall be at least 25 feet from any property line and at least 25 feet from the building. Notwithstanding, no portion of a sign shall project over the width of any street, highway or other public right of way.
 - The minimum size of any property on which a sign can be located shall be five acres, unless a variance is granted to allow a sign on a smaller property. A Zone Variance will be required for the proposed digital sign.
 - No sign shall have more than two (2) faces. A face shall be considered the display surface upon which an advertising message is displayed. No V-shape signs shall be allowed. The two faces of two-sided signs shall be identical in size; the two sign faces shall be attached directly and be parallel to each other, and the top, bottom and sides of the two sign faces shall be in alignment, and no portion of either face shall project beyond the corresponding portion of the other face.
 - No sign shall have more than one (1) face (display surface) oriented in the same vertical plane.
 - No sign shall be maintained in the City unless the name of the person or company owning or maintaining it and the identifying number of the sign are plainly displayed thereon.
 - Signs projecting over a driveway or driving aisle shall have a minimum clearance of sixteen feet (16') between the lowest point of the sign and the driveway grade.

- Signs projecting over a pedestrian walkway shall have a minimum clearance of eight feet between the lowest point of the sign and the walkway grade.
- All other signs shall have a minimum clearance of eight feet (8') between the lowest point of the sign and ground level so as not to provide an attractive nuisance for graffiti and vandalism.
- All back or rear portions of single-faced or double-faced signs visible from a public right-of-way or other public or private property shall be screened. The screening shall cover all structural members of the sign, not including the pole supports.
- *Additional Requirements.* Prior to issuance of a building permit for any sign project subject to the requirements of this Chapter, the Applicant shall provide the following:
 - The telephone number of a maintenance service, to be available twenty-four (24) hours a day, to be contacted in the event that a sign becomes dilapidated or damaged.
 - Proof of lease demonstrating a right to install the sign on the subject property.
 - A list of locations of all signs in the City owned or managed by the entity that will own or manage the subject sign. This information also shall be provided on a map. The intent of this requirement is to facilitate analysis of the proposed sign's compliance with the spacing and location requirements.
- *Standards of Design.* The following design standards will be applicable to signs installed within the FOZ:
 - All new signs shall be designed to have a single (steel) cylindrical column support post.
 - All new sign structures shall be free of any bracing, angle iron, guy wires, cables, etc.
 - The installation of any new sign shall not require the removal of trees or other on-site landscaping or the reduction of any required on-site parking spaces.
 - The backs of all new sign structures shall be screened, encased, or otherwise suitably covered.
- *Design and operational restrictions.* The following design and operational restrictions will be applicable to signs installed within the FOZ:
 - Each digital sign shall be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface.
 - No digital sign shall display any statement or words of an obscene, indecent or immoral character.

- No digital sign shall display any advertising of: any drugs, including but not limited to marijuana; or tobacco products; or adult-type uses, including but not limited to nude or topless bars or nightclubs, or establishments that feature nude or topless dancing or mud wrestling, or businesses featuring the sales of adult novelty items, books, magazines, videos, DVD's or tapes.
- No digital sign shall display flashing, shimmering, glittering, intermittent or moving light or lights. Exceptions to this restriction include time, temperature and smog index units, provided the frequency of change does not exceed four (4) second intervals.
- No digital sign shall include any illumination or message change that is in motion or that change or expose a message for less than four seconds. Continuous motion, including full motion video, shall not be permitted.
- The utilities of each digital sign shall be underground.
- Each digital sign shall be tied into the National Emergency Network and provide emergency information, including child abduction alerts (i.e., "Amber Alerts").
- Each digital sign shall comply with all applicable Federal, State, and local laws and regulations, including but not limited to the Highway Beautification Act of 1965 (23 U.S.C. 131), the California Outdoor Advertising Act (Cal. Bus. & Prof. Code, 5200 et seq), and the California Vehicle Code.
- Each digital sign shall be provided with an ambient light sensor that automatically adjusts the brightness level of the electronic sign based on ambient light conditions. So on overcast or poor weather days, the sign would automatically adjust to the ambient light level.
- Each digital sign shall be designed to either freeze the display in one static position or to display a full black screen or to turn off in the event of a malfunction.
- No digital sign shall utilize technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device.
- Walls or screens at the base of the digital sign shall not create a hazard to public safety or provide an attractive nuisance.
- No digital sign shall emit audible sound, odor or particulate matter.
- No digital sign shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."

- No digital sign shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and/or roadways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code.

2.3.2 PROJECT BACKGROUND: FEDERAL AND STATE SIGN REGULATIONS

The Federal Highway Beautification Act of 1965 (23 U.S.C. 131) governs advertising signage located along the interstate highway system (the Santa Ana Freeway [I-5] is an Interstate Highway). The California Department of Transportation (Caltrans) is involved in the control of "off-premise" displays along Interstate Highways.⁹ The FHWA has entered into written agreements with Caltrans: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. These signs are subject to the following restrictions:

- *Display of name on structure.* No advertising structure may be maintained unless the name of the person owning or maintaining it, is plainly displayed thereon.
- *Wind resistance.* No advertising structure shall be placed unless it is built to withstand a wind pressure of 20 pounds per square foot of exposed surface.
- *Obscenity, indecency or immorality.* No person shall display or cause or permit to be displayed upon any advertising structure or sign, any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent or immoral character.
- *Improper displays.* No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:
 - If within the right-of-way of any highway.
 - If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
 - If within any stream or drainage channel or below the floodwater level of any stream or drainage channel where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.

⁹ California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et. seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.) Caltrans enforces the law and regulations.

- If not maintained in safe condition.
 - If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.
 - If visible from any highway which is a part of the interstate or primary systems, and which is placed upon trees, or painted or drawn upon rocks or other natural features.
 - If any illumination shall impair the vision of travelers on adjacent highways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in the Vehicle Code.
 - If visible from a State-regulated highway displaying any flashing, intermittent, or moving light or lights.
 - If, in order to enhance the display's visibility, the owner of the display or anyone acting on the owner's behalf removes, cuts, cuts down, injures, or destroys any tree, shrub, plant, or flower growing on property owned by the department that is visible from the highway without a permit.
- *Locations of displays.* No advertising display shall be placed outside of any business district as defined in the Vehicle Code or outside of any unincorporated city, town or village, or outside of any area that is subdivided into parcels of not more than 20,000 square feet each in area in any of the following locations or positions, or under any of the following conditions, or if the advertising display is of the following nature:
 - If within a distance of 300 feet from the point of intersection of highway or of highway and railroad right-of-way lines, except that this does not prevent the placing of advertising display on that side of an intercepted highway that is opposite the point of interception.
 - In case any permanent building, structure or other object prevents any traveler on any such highway from obtaining a clear view of approaching vehicles for a distance of 300 feet, then advertising displays may be placed on such buildings, structure or other object if such displays will not further obstruct the vision of those approaching the intersection.
 - If placed in such a manner as to prevent any traveler on any highway from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.

2.3.3 OVERVIEW OF PROPOSED PROJECT

The proposed digital sign will be installed within the project site immediately north of the I-5 Freeway frontage.¹⁰ The proposed digital sign will have a sign-face dimension of 48 feet in width by 14 feet in

¹⁰ Bulletin Displays. *City of Santa Fe Springs Conditional Use Permit Application*. December 3, 2013.

height by 4 feet in depth. The total height distance between the ground surface and the top of the sign face will be 50 feet. The proposed digital sign will be installed on a column 36 feet in height. The placement of this column (partial versus full flag) will be dependent upon the location of ground utility connections which is currently unknown. The installation site of the proposed digital sign will be located on the east side of the project site, with the sign placed perpendicular to Freeway Drive. The sign face will be visible from the north and southbound lanes of the adjacent Santa Ana freeway. The site plans for the proposed sign is provided in Exhibit 2-9 while elevations of the proposed sign is provided in Exhibit 2-10.

2.4 OBJECTIVES OF THE PROJECT & DISCRETIONARY ACTIONS

The objectives that the City of Santa Fe Springs seek to accomplish as part of the proposed project's implementation include the following:

- To ensure that the proposed project is in conformance with Ordinance No. 1036 (An Ordinance of the City of Santa Fe Springs Relating to the Standards for the Installation of Sign on Certain Properties in the City);
- To ensure that the proposed project is in conformance with the City of Santa Fe Springs General Plan and Zoning Ordinance; and,
- To effectively mitigate any potentially significant adverse environmental impacts associated with the proposed project's construction and subsequent operation.

A Discretionary Decision is an action taken by a government agency (for this project, the government agency is the City of Santa Fe Springs) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- The approval of a *Development Agreement* for the proposed digital sign installation;
- The approval of a *Conditional Use Permit* and a *Zone Variance* for the proposed digital sign installation; and,
- The approval of the Mitigated Negative Declaration.

Other permits required for the project will include, but may not be limited to, building permits and permits for new utility connections.



SECTION 3 - ENVIRONMENTAL ANALYSIS

This section of the Initial Study prepared for the proposed Freeway Drive Digital Sign Installation project analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);
Agricultural/Forestry Resources (Section 3.2);
Air Quality (Section 3.3);
Biological Resources (Section 3.4);
Cultural Resources (Section 3.5);
Geology & Soils (Section 3.6);
Greenhouse Gas Emissions; (Section 3.7);
Hazards & Hazardous Materials (Section 3.8);
Hydrology & Water Quality (Section 3.9);
Land Use & Planning (Section 3.10);

Mineral Resources (Section 3.11);
Noise (Section 3.12);
Population & Housing (Section 3.13);
Public Services (Section 3.14);
Recreation (Section 3.15);
Transportation (Section 3.16);
Utilities (Section 3.17); and,
Mandatory Findings of Significance (Section 3.18).

The environmental analysis included in this section reflects the Initial Study Checklist format used by the City of Santa Fe Springs in its environmental review process (refer to Section 1.3 herein). Under each issue area, an analysis of impacts is provided in the form of questions and answers. The analysis then provides a response to the individual questions. For the evaluation of potential impacts, questions are stated and an answer is provided according to the analysis undertaken as part of this Initial Study's preparation. To each question, there are four possible responses:

- *No Impact.* The proposed project *will not* have any measurable environmental impact on the environment.
- *Less than Significant Impact.* The proposed project *may have* the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of Santa Fe Springs or other responsible agencies consider to be significant.
- *Less than Significant Impact with Mitigation.* The proposed project *may have* the potential to generate impacts that will have a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of mitigation measures.
- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant.

This Initial Study will assist the City in making a determination as to whether there is a potential for significant adverse impacts on the environment associated with the implementation of the proposed project.

3.1 AESTHETIC IMPACTS

3.1.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse aesthetic impact if it results in any of the following:

- An adverse effect on a scenic vista;
- Substantial damage to scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway; or,
- A new source of substantial light and glare that would adversely affect day-time or night-time views in the area.

3.1.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Have a substantial adverse affect on a scenic vista? Less than Significant Impact.

The proposed project involves the installation of a double-face, digital sign on a 4.98-acre project site in the City of Santa Fe Springs. The dominant scenic views from the City include the views of the Puente Hills located to the north of the City and the San Gabriel Mountains located further north.¹¹ There are no designated or protected scenic vistas or resources present in the vicinity of the project area.¹² The City of Santa Fe Springs recently adopted an ordinance that is designed to establish regulations for the construction and operation of signs (both static and digital) within the Freeway Overlay Zone (FOZ).¹³ This Ordinance also includes the following standards related to design:

- All new signs shall be designed to have a single (steel) cylindrical column support post.
- All new sign structures shall be free of any bracing, angle iron, guy wires, cables, etc.
- The installation of any new sign shall not require the removal of trees or other on-site landscaping or the reduction of any required on-site parking spaces.
- The backs of all new sign structures shall be screened, encased, or otherwise suitably covered.

¹¹ United States Geological Survey. *The National Map [Terra Server USA]*. Santa Fe Springs, California. July 1, 1998.

¹² California Department of Transportation. *Official Designated Scenic Highways*. www.dot.ca.gov

¹³ City of Santa Fe Springs. *Ordinance No. 1036 (An Ordinance of the City of Santa Fe Springs Relating to the Standards for the Installation of Bill boards on Certain Properties in the City)*. 2013.

The proposed new digital sign will conform to the aforementioned requirements. In addition, the Ordinance also includes the following design and operational standards germane to aesthetics:¹⁴

- No digital sign shall display any statement or words of an obscene, indecent or immoral character.
- No digital sign shall display any advertising of: Any drugs, including, but not limited to, marijuana; tobacco products; or adult-type uses, including, but not limited to, nude or topless bars or nightclubs, or establishments that feature nude or topless dancing or mud wrestling, or businesses featuring the sales of adult novelty items, books, magazines, videos, DVD's or tapes.
- The utilities of the proposed new digital sign shall be underground.
- The proposed new digital sign shall comply with all applicable Federal, State, and local laws and regulations, including, but not limited to, the Highway Beautification Act of 1965 (23 U.S.C. 131), the California Outdoor Advertising Act (Cal. Bus. & Prof. Code, 5200 et seq), and the California Vehicle Code.
- The proposed new digital sign shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
- Walls or screens at the base of the digital sign shall not create a hazard to public safety or provide an attractive nuisance.

The proposed digital sign will conform to the above City requirements. As a result, the impacts will be less than significant.

B. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? No Impact.

The project site and the surrounding area are developed with no natural landforms or features remaining. The Santa Fe Springs General Plan does not include any designated scenic corridors.¹⁵ There are no State (California Department of Transportation, Caltrans) or County designated scenic highways in the vicinity of the project site. In addition, there are no locally designated scenic highways in the area. The proposed new sign will be visible from the Santa Ana Freeway corridor and Freeway Drive. The project area's local relief is generally level and ranges from approximately 60 feet above mean sea level (AMSL) to approximately 70 feet AMSL. This generally level topography is largely due to the area's location over alluvial fan deposits resulting from the deposition of water-borne sediments from the nearby San Gabriel River and Coyote Creek. There are no historically significant buildings within the site that could be affected by future development. As a result, no significant adverse impacts on scenic resources will result from the proposed project's implementation.

¹⁴ City of Santa Fe Springs. Ordinance No. 1036 (An Ordinance of the City of Santa Fe Springs Relating to the Standards for the Installation of Bill boards on Certain Properties in the City). 2013.

¹⁵ City of Santa Fe Springs. Santa Fe Springs General Plan. Land Use Element. June 24, 1993.

C. Would the project create a new source of substantial light or glare that would adversely affect day- or night-time views in the area? Less than Significant Impact.

There are no light sensitive land uses located in the vicinity of the project site. The project site is located within an industrial district that extends along the north side of the I-5 Freeway corridor. The nearest residential neighborhood is located approximately 2,480 feet to the south (this neighborhood is not located within the corporate boundaries of the City of Santa Fe Springs). The proposed project will not impact this neighborhood or any other land uses that may be sensitive to light and glare. The primary area of concern is the potential for light and glare impacts affecting drivers traveling along the I-5 Freeway and Freeway Drive. To ensure that new lighting does not interfere with adjacent traffic, the proposed sign will be required to comply with the following regulations included in the City of Santa Fe Springs Sign Ordinance:¹⁶

- No digital sign shall display flashing, shimmering, glittering, intermittent or moving light or lights. Exceptions to this restriction include time, temperature and smog index units, provided the frequency of change does not exceed four (4) second intervals.
- No digital sign shall include any illumination or message change that is in motion or that change or expose a message for less than four seconds. Continuous motion, including full motion video, shall not be permitted.
- The proposed new digital sign shall be provided with an ambient light sensor that automatically adjusts the brightness level of the electronic sign based on ambient light conditions. So on overcast or poor weather days, the sign would automatically adjust to the ambient light level.
- The proposed new digital sign shall be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
- No digital sign shall utilize technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic positions system, or other device.
- No digital sign shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and/or roadways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code.

In addition, the proposed new digital sign is required to comply with all applicable Federal, State, and local laws and regulations, including, but not limited to, the Highway Beautification Act of 1965 (23 U.S.C. 131), the California Outdoor Advertising Act, and the California Vehicle Code. Conformance to the above regulations will reduce the potential light and glare impacts to levels that are less than significant.

¹⁶ City of Santa Fe Springs. Ordinance No. 1036 (An Ordinance of the City of Santa Fe Springs Relating to the Standards for the Standards for the Installation of Bill boards on Certain Properties in the City). 2013.

3.1.3 CUMULATIVE IMPACTS

The potential aesthetic impacts related to views, aesthetics, and light and glare is site specific. As a result, no cumulative aesthetic impacts are anticipated.

3.1.4 MITIGATION MEASURES

The analysis determined that no significant adverse impacts related to aesthetics and views are anticipated with adherence to existing regulations and requirements. As a result, no mitigation measures are required.

3.2 AGRICULTURE AND FORESTRY RESOURCES

3.2.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant impact on agriculture resources if it results in any of the following:

- The conversion of prime farmland, unique farmland or farmland of Statewide importance;
- A conflict with existing zoning for agricultural use or a Williamson Act Contract;
- A conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104[g]);
- The loss of forest land or the conversion of forest land to a non-forest use; or,
- Changes to the existing environment that due to their location or nature may result in the conversion of farmland to non-agricultural uses.

3.2.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? No Impact.

No agricultural activities are located within the proposed project site or within the adjacent parcels.¹⁷ In addition, the applicable Santa Fe Springs General Plan and Zoning designations do not provide for any agricultural land use designation within the area.¹⁸

¹⁷ Blodgett/Baylosis Associates. Site Survey. December 3, 2013.

The project area is underlain by the Hanford Soil Association (2%-5% slopes). This soil classification is considered to be a *prime farmland soil* only in the rural portions of the Antelope Valley. In the urbanized areas of Los Angeles County, this soil is not designated as a *prime farmland soil*, *unique farmland soil*, or a *soil of Statewide importance*. In addition, the project site is currently developed in manufacturing uses and will not involve the conversion of any agricultural land to urban uses. As a result, no impacts will result from the proposed project's implementation.¹⁹

B. Would the project conflict with existing zoning for agricultural use or a Williamson Act Contract? No Impact.

No agricultural activities are located within the affected area. The location of existing land uses and land cover are illustrated in an aerial photograph provided in Exhibit 3-4. The applicable General Plan and Zoning designations do not permit agricultural land uses within the project area or on the adjacent parcels. In addition, the project site is not subject to a Williamson Act Contract.²⁰ As a result, no impacts on existing Williamson Act Contracts will result from the proposed project's implementation.

C. Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code Section 4526), or zoned timberland production (as defined by Government Code § 51104[g])? No Impact.

The City of Santa Fe Springs and the project site are located in the midst of a larger urban area and no forest lands are located within the City or within this portion of Los Angeles County (refer to Exhibit 3-1). The City of Santa Fe Springs General Plan and the Santa Fe Springs Zoning Ordinance do not specifically provide for any forest land preservation.²¹ As a result, no impacts on forest land or timber resources will result from the proposed project's implementation.

D. Would the project result in the loss of forest land or the conversion of forest land to a non-forest use? No Impact.

No forest lands are found within the City of Santa Fe Springs nor does the applicable General Plan Land Use designations provide for any forest land protection. As a result, no significant adverse impacts are anticipated with the proposed project's implementation.

¹⁸ City of Santa Fe Springs. Santa Fe Springs Municipal Code, Chapter 155, Part 2. 2010. The major area of the City located within an agricultural zone district includes the A-1 (Light Agriculture) zone which is found along the San Gabriel River Channel.

¹⁹ California, State of. Department of Conservation. *Farmland Mapping and Monitoring Program*. July 13, 1995.

²⁰ State of California. *The California Land Conservation [Williamson] Act, 2010 Status Report*. November 2010.

²¹ City of Santa Fe Springs. *Santa Fe Springs General Plan* and the Santa Fe Springs Municipal Code, Chapter 155.

E. Would the project involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use? No Impact.

No agricultural activities or farmland uses are located in the City or within the project area. The proposed digital sign replacement and relocation will not involve the conversion of any existing farmland area to urban uses and, as a result, no significant adverse impacts are anticipated.

3.2.3 CUMULATIVE IMPACTS

The analysis determined that there are no agricultural or forestry resources in the project area and that the implementation of the proposed project would not result in any significant adverse impacts on these resources. As a result, no cumulative impacts on agricultural or farmland resources will occur.

3.2.4 MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no significant adverse impacts on these resources would occur as part of the proposed project's implementation and no mitigation is required.

3.3 AIR QUALITY

3.3.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project will normally be deemed to have a significant adverse environmental impact on air quality, if it results in any of the following:

- A conflict with or the obstruction of the implementation of the applicable air quality plan;
- A violation of an air quality standard or contribute substantially to an existing or projected air quality violation;
- A cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable Federal or State ambient air quality standard;
- The exposure of sensitive receptors to substantial pollutant concentrations; or,
- The creation of objectionable odors affecting a substantial number of people.

3.3.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project conflict with or obstruct the implementation of the applicable air quality plan?*
No Impact.

The project area is located within the South Coast Air Basin, which covers a 6,600 square-mile area within Orange County, the non-desert portions of Los Angeles County, Riverside County, and San Bernardino County.²² Measures to improve regional air quality are outlined in the SCAQMD's Air Quality Management Plan (AQMP).²³ The proposed project will not affect any regional population, housing, and employment projections prepared for the City by the Southern California Association of Governments (SCAG). Specific criteria for determining a project's conformity with the AQMP is defined in Chapter 12 of the Air Quality Management Plan (AQMP) and Section 12.3 of the SCAQMD's CEQA Air Quality Handbook. *Criteria 1* considers whether or not a project results in an increase in the frequency or severity of an existing air quality violation or contributes to the continuation of an existing air quality violation. *Criteria 2* considers whether or not a project will exceed the assumptions included in the AQMP or other regional growth projections relevant to the AQMP's implementation. The proposed project is consistent with the adopted City of Santa Fe Springs General Plan (Consistency Criteria 2) pursuant to the land use designation. No General Plan Amendment or Zone Change is required. The proposed project will not result in any criteria pollutant emissions (Criteria 2). As a result, the project would not be in conflict with, or result in the obstruction of, an applicable air quality plan and no adverse impacts are anticipated.

- B. *Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less than Significant Impact.*

The short-term construction emissions will be limited to those emissions generated during the installation of the proposed digital sign. The pylon supports, sign face, and the ancillary equipment are manufactured off-site and will be assembled at the installation site. In addition, the construction activities will be required to comply with SCAQMD rules and regulations. The proposed project will not result in any significant long-term operational emissions since no traffic resulting in mobile emissions will be generated by the proposed sign installation and the off-site stationary emissions associated with power consumption will be minimal. As a result, the potential operational impacts will be less than significant.

- C. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Less than Significant Impact.*

As indicated previously, the SCAB is non-attainment for ozone and particulates. The proposed project's implementation will result in minimal construction-related emissions (refer to the discussion provided in the previous section). Operational emissions will be limited to off-site stationary emissions associated with electrical power generation. The projected long-term emissions are below thresholds considered to

²² South Coast Air Quality Management District, *Final 2007 Air Quality Plan*, Adopted June 2012.

²³ Ibid.

represent a significant adverse impact. As a result, the potential cumulative air quality impacts are anticipated to be less than significant.

D. Would the project expose sensitive receptors to substantial pollutant concentrations? No Impact.

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate.²⁴ These population groups are generally more sensitive to poor air quality. Land uses located in the immediate vicinity of the project site are developed in manufacturing uses and these uses are not considered to be sensitive receptors. The proposed digital sign will not generate any vehicular traffic. The project will not result in a carbon monoxide “hot spot” that could lead to an exceedance of the State’s one-hour or eight-hour carbon monoxide standards. An intersection’s level of service would need to degrade to LOS F for the congestion to be great enough to result in the creation of a CO hotspot.²⁵ Since the proposed project will not result in any net increase in traffic generation, no change in the existing LOS for any area intersections will occur. As a result, no significant adverse impacts related to an impact on sensitive receptors are anticipated.

E. Would the project create objectionable odors affecting a substantial number of people? No Impact.

The SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding.²⁶ The proposed digital sign will not result in the generation of any odors. As a result, no significant adverse odor-related impacts are anticipated.

3.3.3 CUMULATIVE IMPACTS

The proposed project’s short-term construction emissions will be well below thresholds that are considered to represent a significant adverse impact. The operational emissions will not significantly change from the existing levels since the proposed project will not lead to the generation of any airborne emissions.

3.3.4 MITIGATION MEASURES

The proposed project’s construction and operational emissions are not considered to represent a significant adverse impact. As a result, no mitigation is required at this time.

²⁴ South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. 2004 (as amended).

²⁵ Ibid.

²⁶ Ibid.

3.4 BIOLOGICAL RESOURCES

3.4.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- 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 the U.S. Fish and Wildlife Service;
- A substantial adverse effect on any riparian habitat or other sensitive natural plant 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;
- A substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means;
- A substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites;
- A conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or,
- A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

3.4.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- 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? No Impact.*

The proposed Digital Sign Installation site and the surrounding area are fully developed. No native or natural habitats are located on-site or within the surrounding area. In addition, a review of the State of California's Natural Diversity Database indicates that no sensitive habitats or protected plant and animal species are located on the property or within the adjacent parcels.²⁷ As a result, no impacts on any candidate, sensitive, or special status species will result from proposed project's implementation.

²⁷ California Department of Fish and Game, *Natural Diversity Database*, 1998.

- 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? No Impact.*

There are no native or natural riparian plant habitats found within the project area or in the adjacent properties. No “blue line” streams are located within the project site though the La Canada/Verde Creek is located more than 2,000 feet to the east of the proposed installation site.²⁸ A topographical map of the project area is provided in Exhibit 3-5. The “creek” is now a concrete lined flood control channel that contains no riparian habitat. As a result, no significant adverse impacts on natural or riparian habitats will result from the proposed project’s implementation.

- C. Would the project have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? No Impact.*

The project area and the adjacent developed properties do not contain any natural wetland and/or riparian habitat. The project area is located in the midst of an urbanized setting. No natural “blue line” streams are located within or adjacent to the project site.²⁹ As a result, the proposed project will not impact any protected wetland area or designated blue-line stream.

- 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 life corridors, or impede the use of native wildlife nursery sites? No Impact.*

The proposed project involves the installation of a double-face, digital sign within the project site. The proposed digital sign will be located within disturbed areas.³⁰ No natural open space areas are located on-site or in the surrounding area that would potentially serve as an animal migration corridor. As a result, no significant adverse impacts are anticipated.

- E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? No Impact.*

No tree removal impacts are anticipated to result from the proposed project’s implementation. As a result, the proposed project is not in conflict with any local policies or ordinances protecting biological resources and no significant adverse impacts are anticipated.

²⁸ United States Geological Survey. *Santa Fe Springs 7½ Minute Quadrangle*. Release Date March 25, 1999.

²⁹ Ibid.

³⁰ Blodgett/Baylosis Associates. Site Survey. December 3, 2013.

F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan? No Impact.

The proposed project site is not located within an area governed by a habitat conservation or community conservation plan.³¹ As a result, no adverse impacts on local, regional or State habitat conservation plans will result from the proposed project's implementation.

3.4.3 CUMULATIVE IMPACTS

The impacts on biological resources are typically site specific. The proposed project will not involve any loss of protected habitat. Furthermore, the analysis determined that the proposed project will not result in any significant adverse impacts on protected plant and animal species. As a result, the proposed project's implementation would not result in an incremental loss or degradation of those protected habitats found in the Southern California region. As a result, no cumulative impacts on biological resources will be associated with the proposed project's implementation.

3.4.4 MITIGATION MEASURES

The analysis indicated that the proposed project would not result in any significant adverse impacts on biological resources. As a result, no mitigation measures are required.

3.5 CULTURAL RESOURCES

3.5.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project will normally have a significant adverse impact on cultural resources if it results in any of the following:

- A substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines;
- A substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines;
- The destruction of a unique paleontological resource, site or unique geologic feature; or,
- The disturbance of any human remains, including those interred outside of formal cemeteries.

³¹ United States Geological Survey. *Santa Fe Springs 7½ Minute Quadrangle*. Release Date March 25, 1999.

3.5.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines? No Impact.*

Historic structures and sites are generally defined by local, State, and Federal criteria. A site or structure may be historically significant if it is protected through a local general plan or historic preservation ordinance. In addition, a site or structure may be historically significant if it meets certain State or Federal criteria even if the locality does not recognize such significance. The State of California, through the State Historic Preservation Office (SHPO), also maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U. S. Department of the Interior has established specific guidelines and criteria that indicate the manner in which a site, structure, or district is to be identified as having historic significance through a determination of eligibility for listing on the National Register of Historic Places.³² The project site does not meet any of the aforementioned historical significant criteria. Two locations in the City are recorded on the National Register of Historic Places: the Clarke Estate and the Hawkins-Nimocks Estate (also known as the Patricio Ontiveros Adobe or Ontiveros Adobe). The Clarke Estate is located at 10211 Pioneer Boulevard and the Ontiveros Adobe is located at 12100 Telegraph Road.³³ The proposed digital sign will not affect any existing resources listed on the National Register or those identified as being eligible for listing on the National Register. As a result, no significant adverse impacts are associated with the proposed project's implementation.

- B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the State CEQA Guidelines? No Impact.*

Prior to European contact, the local Gabrielino Indians lived in more than 50 villages located throughout the Los Angeles Basin. Two village sites were located in the Los Nietos area: *Naxaaw'na* and *Sehat*. The sites of *Naxaaw'na* and *Sehat* are thought to be near the adobe home of Jose' Manuel Nietos that was located near the San Gabriel River.³⁴ No village sites are known or suspected to be present within the project site and no significant archaeological sites are likely to be discovered during excavation activities due to the previous disturbance and the limited degree of excavation that will be required to install the proposed sign and the electrical connections. As a result, no impacts on archaeological resources are anticipated from the proposed project.

- C. *Would the project directly or indirectly destroy a unique paleontological resource, site or unique geologic feature? No Impact.*

The potential for paleontological resources in the area is considered low due to the character of subsurface soils (recent alluvium) and the amount of disturbance associated with the previous development within

³² California State Parks, Office of Historic Preservation. www.parks.ca.gov. 2010.

³³ U. S. Department of the Interior, National Park Service. National Register of Historic Places. www.Nationalregisterofhistoricplaces.com

³⁴ McCawley, William. *The First Angelinos, The Gabrielino Indians of Los Angeles*. 1996.

the affected area.³⁵ The excavation for the new pylon sign supports and the electrical connections are not likely to encounter any resources. Because of the relatively shallow excavation, the nature of the alluvial soils, and the disturbed character of the soils, no significant impacts on paleontological resources are anticipated.

D. Would the project disturb any human remains, including those interred outside of formal cemeteries? No Impact.

The Olive Lawn Memorial Park is the nearest cemetery to the project site. This cemetery is located 1.9 miles northeast of the project site. The Little Lake Cemetery (operated by the Little Lake Cemetery District) and the Artesia Cemetery are both located approximately 3.5 miles northwest and southwest of the project site, respectively. No other cemeteries are located in closer proximity to the project area.³⁶ As a result, the proposed construction activities are not anticipated to impact any interred human remains.

3.5.3 CUMULATIVE IMPACTS

The potential environmental impacts related to cultural resources are site specific. Furthermore, the analysis herein also determined that the proposed project would not result in any impacts on cultural resources. As a result, no cumulative impacts will occur as part of the proposed project's implementation.

3.5.4 MITIGATION MEASURES

The analysis of potential cultural resources impacts indicated that no significant adverse impacts would result from the proposed project's implementation. As a result, no mitigation measures are required.

3.6 GEOLOGY

3.6.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in the following:

- The exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, ground-shaking, liquefaction, or landslides;
- Substantial soil erosion resulting in the loss of topsoil;
- The exposure of people or structures to potential substantial adverse effects, including location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project,

³⁵ McCawley, William. *The First Angelinos, The Gabrielino Indians of Los Angeles*. 1996.

³⁶ United States Geological Survey. *Santa Fe Springs 7½ Minute Quadrangle*. Release Date March 25, 1999.

and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;

- Locating a project on an expansive soil, as defined in the California Building Code, creating substantial risks to life or property; or,
- Locating a project in, or exposing people to, potential impacts including soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

3.6.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project expose people or structures to potential substantial 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), ground-shaking, liquefaction, or landslides? No Impact.*

The most probable major sources of a significant earthquake affecting the Santa Fe Springs area include the San Andreas Fault Zone located approximately 38 miles to the northeast, the Sierra Madre Fault Zone located approximately 25 miles to the north and northeast, the Newport-Inglewood Fault located approximately nine miles to the south and southwest, the Norwalk Fault located approximately two miles to the south, and the Whittier Fault located approximately two miles to the north and northeast. All of these fault zones have been recognized for some time as being active. No areas of the City are included within an Alquist-Priolo Special Studies Zone.³⁷ The City is underlain by the Santa Fe Springs Blind Thrust Fault which is a segment of the Puente Hills Blind Thrust Fault that was responsible for the Whittier Narrows Earthquake in 1987. According to the Seismic Zones Hazard Map prepared for the Santa Fe Springs 7½ Minute Quadrangle, the project area is located outside an area where there is an elevated risk for liquefaction. The proposed digital sign will continue to be exposed to potential ground-shaking in the event of an earthquake. For the project area, the degree of impact will not be significantly different from that anticipated for the surrounding areas. As a result, no significant adverse impacts are anticipated.

- B. *Would the project expose people or structures to potential substantial adverse effects, including substantial soil erosion or the loss of topsoil? No Impact.*

Limited excavation will be required for pylon footings and supports along with the utility connections. Given the developed character of the project area and the limited area of disturbance, no significant adverse impacts related to expansive soil erosion or loss of topsoil are anticipated.

³⁷ The California Geological Survey is authorized to implement the Seismic Hazards Mapping Act of 1990 (the "Act"). The Act directs the Department of Conservation (of which the California Geological Survey is a part of) to identify and map areas prone to earthquake hazards of liquefaction, earthquake-induced landslides and amplified ground-shaking.

- C. Would the project expose people or structures to potential substantial adverse effects, including location on a geologic unit or a 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? No Impact.*

As indicated previously, the proposed project site is located within an area that may be subject to potential liquefaction risk. The Hanford Soils Association that underlies the project site is suitable for development as is evident of the existing development found within and around the area. As a result, no impacts due to potential unstable soils are anticipated.

- D. Would the project result in, or expose people to, potential impacts including location on expansive soil, as defined in Uniform Building Code (2012), creating substantial risks to life or property? No Impact.*

The soils that underlie the proposed project site belong to the Hanford Soil Association. These soils do not represent a constraint to development according to the United States Department of Agriculture (USDA). Furthermore, the on-site soils do not exhibit any unique shrink-swell characteristics. As a result, no expansive soil impacts are anticipated.

- E. Would the project result in, or expose people to, potential impacts, including soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? No Impact.*

No septic tanks will be used in conjunction with the installation of the new digital sign. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

3.6.3 CUMULATIVE IMPACTS

The potential cumulative impacts related to earth and geology is typically site specific. Furthermore, the analysis herein determined that the proposed project would not result in significant adverse impacts related to landform modification, grading, or the destruction of a geologically significant landform or feature. As a result, no cumulative earth and geology impacts will occur.

3.6.4 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant adverse impacts related to earth and geology. As a result, no mitigation measures are required.

3.7 GREENHOUSE GAS EMISSIONS

3.7.1 THRESHOLDS OF SIGNIFICANCE

A project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; and,
- The potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses.

3.7.2 ENVIRONMENTAL ANALYSIS

A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Less than Significant Impact.

The State of California requires CEQA documents include an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler.³⁸ However, emissions from fossil fuel combustion by humans have elevated the concentrations of GHG in the atmosphere to above-natural levels. A number of states, including California, have established Statewide GHG emission targets. The passage of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, established the California target to achieve reductions in GHG to 1990 GHG emission levels by the year 2020.³⁹ The proposed project involves the installation of the proposed digital sign within the project site. As indicated previously, the existing and future emissions are essentially the same.⁴⁰ As a result, the impacts related to additional greenhouse gas emissions will be less than significant.

B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses? Less than Significant Impact.

The proposed project involves the installation of the proposed digital sign within the project site. As indicated previously, the construction and subsequent operation of the proposed sign will result in the generation of a limited amount of emissions that will be below the SCAQMD's thresholds. As a result, the impacts will be less than significant.

³⁸ California, State of. OPR Technical Advisory – CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review. June 19, 2008.

³⁹ Ibid.

⁴⁰ South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. 2004 (as amended).

3.7.3 CUMULATIVE IMPACTS

The analysis herein also determined that the proposed project would not result in any significant adverse impacts related to the emissions of greenhouse gasses. As a result, no significant adverse cumulative impacts will result from the proposed project's implementation.

3.7.4 MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.8 HAZARDS & HAZARDOUS MATERIALS

3.8.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on risk of upset and human health if it results in any of the following:

- The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials;
- The creation of 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;
- The generation of hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school;
- Locating the project on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 resulting in a significant hazard to the public or the environment;
- Locating the project within an area governed by an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport;
- Locating the project in the vicinity of a private airstrip that would result in a safety hazard for people residing or working in the project area;
- The impairment of the implementation of, or physical interference with, an adopted emergency response plan or emergency evacuation plan; or,

- The exposure of people or structures to a significant risk of loss, injury or death involving wild land fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands.

3.8.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Less than Significant Impact with Mitigation.*

The proposed project involves the installation of the proposed digital sign within the project site. Once operational, the new digital sign will not result in the generation of any waste products, including hazardous materials. As a result, no impacts related to the transport, use, or disposal of hazardous materials will occur as part of the proposed project's implementation. The proposed digital sign will be installed in this site that is occupied by Frigid Coil, a company involved in the manufacturing of air conditioning and industrial refrigeration equipment. The site is included on the Resource Conservation and Recovery Act (RCRA) listing (CAD983605650) and on the Hazardous Waste Tracking System database. In the event contaminated soils are encountered during the digital signs installation, the following mitigation measure will be applicable.

- During grading and excavation for the sign footings and utility connections, the contractor(s) must be familiar with the identification, handling, removal, and disposal of contaminated soils. Should contaminated soils be encountered during the sign's installation, all pertinent protocols must be followed in the proper handling and disposal of any contaminated soils.

The aforementioned mitigation measure will reduce the potential impacts to levels that are less than significant.

- B. Would the project create a significant hazard to the public or the environment, or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? No Impact.*

Methane associated with old landfills in the area is not identified as being a problem at the project location. Methane is a direct result of the decomposition of organic materials that were disposed of in the area landfills. Methane is an odorless combustible gas that may become explosive if concentrations are great enough in enclosed, unventilated spaces. The proposed project involves the installation of the proposed digital sign within the project site. The project site is located approximately ¾ miles south of the nearest methane zone.⁴¹ As a result, no impacts are anticipated.

⁴¹ Santa Fe Springs, City of. Methane Zones.

- 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? No impact.*

The nearest school to the project site is Carmenita Middle School located approximately 4,000 feet to the southwest. Gonsalves Elementary School is located approximately 4,800 feet to the south of the project site. The proposed project involves the installation of the proposed digital sign within the project site. The proposed project will not involve any change in the use or in the general intensity of development. As a result, no significant adverse impacts concerning a release of hazardous materials are anticipated.

- D. *Would the project be located on a site, which is included on a list of hazardous material 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? No Impact.*

Four Cortese sites are located in the City and include the following: Neville Chemical Company (12800 Imperial Highway), McKesson Chemical Company (9005 Sorenson Avenue), Waste Disposal, Inc. (12731 Los Nietos Road), and Angeles Chemical Company, Inc. (8915 Sorenson Avenue). The project site is not included on the Cortese sites listing nor will it affect any so-designated site.⁴² As a result, no impacts will occur with respect to locating the project on a site included on a hazardous list pursuant to the aforementioned government code.

- E. *Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area? No Impact.*

Fullerton Airport is located approximately 3.7 miles to the southeast of the project site. The Los Alamitos Airfield is located approximately 7.1 miles southwest of the project site. The El Monte Airport is located approximately 13.5 miles to the north of the site. The Long Beach Airport is located approximately 7.8 miles to the southwest. Finally, the Los Angeles International Airport (LAX) is located approximately 21.5 miles to the northwest.⁴³ The project's implementation will not present a safety hazard to aircraft and/or airport operations at a public use airport. As a result, no significant adverse impacts are anticipated.

- F. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? No Impact.*

The project site is not located within two miles of a private airstrip.⁴⁴ As a result, the proposed project will not present a safety hazard related to aircraft and/or airport operations at a private use airstrip.

⁴² California, State of, Department of Toxic Substances Control, *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*, 2009.

⁴³ United States Geological Survey. TerraServer USA. *The National Map – Santa Fe Springs, California*. July 1, 1979.

⁴⁴ Ibid.

G. Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? No Impact.

At no time will adjacent streets be completely closed to traffic during the installation of the proposed digital sign within the project site. The construction plan must identify specific provisions for the regulation of construction vehicle ingress and egress to the site during construction as a means to provide continued through-access. As a result, no significant adverse impacts are associated with the proposed project's implementation.

H. Would the project expose people or structures to a significant risk of loss, injury or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? No Impact.

The project area is urbanized and the majority of the parcels are developed. There are no areas of native vegetation found within the project site or in the surrounding properties that could provide a fuel source for a wildfire. As a result, there are no impacts associated with potential wildfires from off-site locations.

3.8.3 CUMULATIVE IMPACTS

The potential impacts related to hazardous materials are site specific. Furthermore, the analysis herein also determined that the implementation of the proposed project would not result in any significant adverse impacts related to hazards and/or hazardous materials. As a result, no significant adverse cumulative impacts related to hazards or hazardous materials will result from the proposed project's implementation.

3.8.4 MITIGATION MEASURES

The environmental analysis determined that the proposed digital sign would require the following mitigation measure:

Mitigation Measure No. 1 (Hazardous Materials). During grading and excavation for the sign footings and utility connections, the contractor(s) must be familiar with the identification, handling, removal, and disposal of contaminated soils. Should contaminated soils be encountered during the sign's installation, all pertinent protocols must be followed in the proper handling and disposal of any contaminated soils.

\3.9 HYDROLOGY & WATER QUALITY

3.9.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse environmental impact on water resources or water quality if it results in any of the following:

- A violation of any water quality standards or waste discharge requirements;
- A substantial depletion of groundwater supplies or interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- A substantial alteration of the existing drainage pattern of the site or area through the alteration of the course of a stream or river in a manner that would result in substantial erosion or siltation on- or off-site;
- A substantial alteration of the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on- or off-site;
- The creation or contribution of water runoff that would exceed the capacity of existing or planned storm water drainage systems or the generation of substantial additional sources of polluted runoff;
- The substantial degradation of water quality;
- The placement of housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map;
- The placement of structures within 100-year flood hazard areas that would impede or redirect flood flows;
- The exposure of people or structures to a significant risk of flooding as a result of dam or levee failure; or,
- The exposure of a project to inundation by seiche, tsunami or mudflow.

3.9.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project violate any water quality standards or waste discharge requirements? No Impact.*

No naturally occurring permanent surface water features exist within the vicinity of the proposed project site. In addition, the proposed digital sign will not involve any physical features or activities that would lead to the contamination of storm water runoff. As a result, no significant impacts will occur.

- B. *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of a pre-existing nearby well would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? No Impact.*

No water wells are located within the areas where the proposed digital sign will be relocated. The excavation required for utility connections and pylons that will support the signs will not be deep enough to interfere with any local aquifer. In addition, the installation of the proposed digital sign will not involve any water consumption and no net change in areawide water consumption will occur. As a result, no impacts are anticipated to result from the implementation of the proposed project.

- C. *Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? No Impact.*

The La Canada/Verde Creek is located approximately 2,000 feet to the east of the project site. No natural drainage or riparian areas remain within the project site due to the past development. As a result, no significant adverse impacts are anticipated.

- D. *Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in flooding on- or off-site? No Impact.*

There are no natural lakes or streams within or adjacent to the project site. No natural drainage or riparian areas remain within the project site due to past development. As the proposed project involves the installation of the proposed digital sign, it will not lead to any changes in the hydrologic characteristics of the site or that of any nearby drainage. As a result, no significant adverse impacts are anticipated.

- E. Would the project create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? No Impact.*

No significant change in the amount of surface runoff volumes within the project site is anticipated due to the nature and extent of the existing impervious surfaces. As a result, no significant adverse impacts are anticipated.

- F. Would the project otherwise substantially degrade water quality? No Impact.*

The installation of the proposed digital sign will not involve the use of any water nor will it generate any waste water. No changes in the groundwater characteristics will occur as part of the implementation of the proposed project. As a result, no significant adverse impacts are anticipated.

- G. Would the project place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? No Impact.*

The project site is not located within a designated flood hazard area as identified by the Federal Emergency Management Agency (FEMA).⁴⁵ Areas that may be subject to ponding are found in areas located to the north of the I-5 Freeway. In addition, the proposed digital sign will not involve any residential development that would involve the placement of housing within a flood-prone area. Therefore, no impacts related to flood flows are associated with the proposed project's implementation.

- H. Would the project place within a 100-year flood hazard area, structures that would impede or redirect flood flows? No Impact.*

As indicated previously, the project site is not located within a designated 100-year flood hazard area as defined by FEMA.⁴⁶ As a result, the proposed project will not involve the placement of any structures that would impede or redirect potential floodwater flows since the site is not located within a flood hazard area. Therefore, no flood-related impacts are anticipated with the proposed project's implementation.

- I. Would the project expose people or structures to a significant risk of flooding as a result of dam or levee failure? No Impact.*

The Santa Fe Springs General Plan and the City's Hazard Mitigation Plan indicates the greatest potential for dam failure and the attendant inundation comes from the Whittier Narrows Dam located approximately five miles northwest of the City. In the event of dam failure, the western portion of the City located to the west of Norwalk Boulevard would experience flooding approximately one hour after dam failure. The maximum flood depths could reach as high as five feet in depth, gradually declining to four feet at the southern end of the City's impacted area.⁴⁷ Since the project site is located outside the potential

⁴⁵ Federal Emergency Management Agency. *FEMA and ESRI Flood Insurance Rate Mapping*. 2010.

⁴⁶ Ibid.

⁴⁷ City of Santa Fe Springs. *Natural Hazards Mitigation Plan*. October 11, 2004.

inundation area of this reservoir, no significant adverse impacts are anticipated.

J. Would the project result in inundation by seiche, tsunami, or mudflow? No Impact.

The project site is located approximately 12.5 miles inland from the Pacific Ocean and would not be exposed to the effects of a tsunami. No volcanoes are located near the City that would present volcanic hazards. In addition, there are no surface water bodies in the immediate area of the project site that would result in a potential seiche hazard.⁴⁸ As a result, no significant adverse impacts related to seiche, tsunami, or mudflows will result from the implementation of the proposed project.

3.9.3 CUMULATIVE IMPACTS

The potential impacts related to hydrology and storm water runoff are typically site specific. Furthermore, the analysis determined that the implementation of the proposed project would not result in any significant adverse impacts. As a result, no cumulative impacts are anticipated.

3.9.4 MITIGATION MEASURES

As indicated previously, the site's hydrological characteristics will not substantially change due to the extent of the existing hardscape surfaces within the project site. As a result, no mitigation is required.

3.10 LAND USE

3.10.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant impact on land use and development if it results in any of the following:

- The disruption or division of the physical arrangement of an established community;
- A conflict with an applicable land use plan, policy or regulation of the agency with jurisdiction over the project; or,
- A conflict with any applicable conservation plan or natural community conservation plan.

3.10.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project physically divide or disrupt an established community or otherwise result in an incompatible land use? No Impact.

The proposed project involves the installation of a new digital sign within the project site. No residential neighborhoods are located adjacent to the proposed site. The project site is located within the

⁴⁸ United States Geological Survey. *Santa Fe Springs 7½ Minute Quadrangle*. Release Date March 25, 1999.

southernmost portion of the City within an industrial district that extends along both sides of the I-5 corridor through the City of Santa Fe Springs.⁴⁹ The project will not involve the permanent closure of any existing roadways or otherwise result in the division of an established residential neighborhood. As a result, no impacts will result from the proposed project's implementation with respect to the division of an established community.

B. Would the project conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Less than Significant Impact.

The City of Santa Fe Springs General Plan and Zoning Ordinance define the permitted land uses and the corresponding development standards within the City. The project site is currently designated as *Industrial* in the General Plan and is Zoned *M-2-FOZ (Heavy Manufacturing, Freeway Overlay Zone)*. These designations permit a wide range of industrial and commercial activities. The proposed use is permitted under the current General Plan and Zoning designations.⁵⁰ However, a CUP is required for digital signs and a zone variance is required because the parcel on which the sign will be located, is less than 5 acres in area.

The City of Santa Fe Springs recently adopted an ordinance that is designed to establish regulations for the construction and operation of signs (both static and digital) within the Freeway Overlay Zone (FOZ).⁵¹ Signs are allowed in the FOZ only after a valid Conditional Use Permit (CUP) has first been obtained and a Development Agreement has been approved. The CUP must be obtained and a Development Agreement entered into prior to the issuance of a building permit for any new sign, expansion or modification of a sign, or addition of additional face(s) to a sign. A Development Agreement must indicate the amount of money to be paid to the City as a result of the installation and operation of the sign. The City of Santa Fe Springs Sign Ordinance includes the following regulations governing the location and placement of signs:

- On the roof of a building or projecting over the roof of a building, whether the building is in use or not;
- On the wall of a building or otherwise attached or integrated to, or suspended from a building;
- On or encroaching over the public right-of-way;
- Within 660 feet of a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped

⁴⁹ Blodgett/Baylosis Associates. *Site Survey*. December 3, 2013.

⁵⁰ City of Santa Fe Springs. General Plan Land Use Map and Zoning Map. As amended. 2010.

⁵¹ City of Santa Fe Springs. *Ordinance No. 1036 (An Ordinance of the City of Santa Fe Springs Relating to the Standards for the Installation of Signs on Certain Properties in the City)*. 2013.

freeway, including landscaped portions of the freeway. Such restriction shall apply only to landscaping on the same side of a freeway as the sign;

- Within any landscaped freeway area under the jurisdiction of Caltrans, unless there is a relocation agreement between the outdoor advertising structure owner and the California Department of Transportation;
- Within 300 feet of an intersection of highways or of highway and railroad right-of-way, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway; and,
- In no event shall any sign be permitted in any location which would result in a violation of any applicable Federal or State law.

The proposed Digital Sign Installation project will conform to the aforementioned requirements governing the location and placement of signs. In addition to the aforementioned requirements, the following requirements are also applicable:

- *Prohibited Signs, Mobile Signs.* Any sign installed upon, mounted, attached, or applied to any vehicle, non-motorized vehicle, bicycle, scooter, or trailer whose primary purpose is conveyance, transportation, or support of the sign message surface shall be prohibited from any display or placement on public or private property or the public right-of-way in a manner making it visible from any other public or private property or the public right-of-way.
- *Prohibited Signs, Supergraphics.* Any off-site advertisement meeting the definition of "supergraphic" as defined in Section 155.383 shall be prohibited.
- *Maximum Area.* The maximum area of signs shall be seven hundred square feet per sign area.
- *Maximum Height.* The maximum height of signs shall be fifty feet, measured from the finished grade at the base of the sign.
- *Maximum Number of Signs.* No property (defined as a single parcel or two or more contiguous parcels under common ownership) shall have more than two signs, either digital or static, but not both of the same type.
- *Minimum Distance from another Sign on the Same Parcel.* The minimum distance from another sign on the same property shall be 500 feet as measured from the vertical centerline of each sign.
- *Minimum Distance from another Sign on the Same Side of the Freeway.* The minimum distance from another sign not on the same property but on the same side of the freeway shall be 1,000, as measured from the vertical centerline of each sign.

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- *Minimum Setback.* The minimum setback distance of the sign column support post shall be at least 25 feet from any property line and at least 25 feet from the building. No portion of a sign shall project over the width of any street, highway or other public right-of-way.
- *Minimum Size of Property.* The minimum size of any property on which a sign can be located shall be five acres, unless a variance is granted to allow a sign on a smaller property. The proposed project will require a Zone Variance since the installation site's area is less than 5 acres.
- *Maximum Number of Faces.* No sign shall have more than two (2) faces. A face shall be considered the display surface upon which an advertising message is displayed. (No V-shape signs shall be allowed).
- *Face Orientation.* No sign shall have more than one (1) face (display surface) oriented in the same vertical plane.
- *Name of Owner.* No sign shall be maintained in the City unless the name of the person or company owning or maintaining it and the identifying number of the sign are plainly displayed thereon.
- *Driveways.* Signs projecting over a driveway or driving aisle shall have a minimum clearance of 16 feet between the lowest point of the sign and the driveway grade.
- *Pedestrian Walkway.* Signs projecting over a pedestrian walkway shall have a minimum clearance of eight feet between the lowest point of the sign and the walkway grade.
- *Clearance.* All other signs shall have a minimum clearance of eight feet between the lowest point of the sign and ground level so as not to provide an attractive nuisance for graffiti and vandalism.
- *Screening.* All back or rear portions of single-faced or double-faced signs visible from a public right-of-way or other public or private property shall be screened. The screening shall cover all structural members of the sign, not including the pole supports.

The installation of the proposed sign within the project site, with exception to property size, will conform to all of the aforementioned requirements. As a result, the impacts will be less than significant.

C. Will the project conflict with any applicable habitat conservation plan or natural community conservation plan? No Impact.

The proposed sign will be installed within the boundaries of the existing project site. No natural or native habitats are found within the site or within the adjacent parcels. In addition, there are no areas within the immediate vicinity that are subject to habitat conservation plans.

3.10.3 CUMULATIVE IMPACTS

The potential cumulative impacts with respect to land use are site specific. Furthermore, the analysis determined that the proposed project will not result in any significant adverse impacts. As a result, no significant adverse cumulative land use impacts will occur as part of the proposed project's implementation.

3.10.4 MITIGATION MEASURES

The analysis determined that no significant adverse impacts on land use and planning would result from the implementation of the proposed project. As a result, no mitigation measures are required.

3.11 MINERAL RESOURCES

3.11.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on energy and mineral resources if it results in any of the following:

- The loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or
- 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.

3.11.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project 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.

There are no oil wells located in close proximity to the project site.⁵² Furthermore, the project area is not located within a Significant Mineral Aggregate Resource Area (SMARA), nor is it located in an area with active mineral extraction activities. As a result, no impacts on existing mineral resources will result from the proposed project's implementation.

B. Would the project 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? No Impact.

The resources and materials used in the sign installation project will not include any materials that are considered rare or unique. Thus, the proposed project will not result in any significant adverse effects on mineral resources in the region.

⁵² State of California Department of Conservation. *Regional Wildcat Map*. October 2010.

3.11.3 CUMULATIVE IMPACTS

The potential impacts on mineral resources are site specific. Furthermore, the analysis determined that the proposed project would not result in any impacts on mineral resources. As a result, no cumulative impacts will occur.

3.11.4 MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.12 NOISE

3.12.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant impact on the environment if it results in any of the following:

- The exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan, noise ordinance or applicable standards of other agencies;
- The exposure of people to, or the generation of, excessive ground-borne noise levels;
- A substantial permanent increase in ambient noise levels in the vicinity of the project above levels existing without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- Locating within an area governed by an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or private use airport, where the project would expose people to excessive noise levels; or,
- Locating within the vicinity of a private airstrip that would result in the exposure of people residing or working in the project area to excessive noise levels.

3.12.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in exposure of persons to, or the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? No Impact.*

Noise levels may be described using a number of methods designed to evaluate the “loudness” of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.⁵³ The ambient noise environment within the project area is dominated by traffic noise emanating from the nearby I-5 Freeway.

According to the City’s noise control requirements, the maximum permitted noise level within the M-2 Zone is 90 dBA. The proposed project’s implementation will result in short-term (construction-related) noise impacts during the removal of the existing sign and the installation of the new digital sign, though these noise impacts will be minimal due to the high ambient noise levels. In addition, there are no noise sensitive receptors located within the vicinity of the proposed project site.⁵⁴ Once constructed, the pylon sign will not result in any adverse noise impacts. As a result, no significant adverse impacts are anticipated.

B. Would the project result in exposure of people to, or the generation of, excessive ground-borne noise levels? No Impact.

The proposed project involves the installation of the proposed digital sign within the project site. No mobile (traffic-related) noise or stationary noise will result from the operation of the proposed pylon sign. As a result, the proposed project will not result in any significant adverse ground-borne noise impacts.

C. Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? No Impact.

The ambient noise environment within the project area is dominated by traffic noise emanating from the nearby I-5 Freeway. As indicated previously, the proposed project involves the installation of the proposed digital sign within the project site. No mobile (traffic-related) noise or stationary noise will result from the operation of the proposed sign. As a result, the proposed project will not result in any significant adverse impacts.

D. Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Less than Significant Impact.

The sign equipment is modular in nature and will be transported and assembled on-site. These construction noise impacts will be short-term and cease once the sign has been installed. Because of the limited duration of construction activities and the requirement that the construction activities adhere to the City’s noise control requirements, the potential impacts will be less than significant.

⁵³ Bugliarello, et. al., *The Impact of Noise Pollution*, Chapter 127, 1975.

⁵⁴ United States Geological Survey. TerraServer USA. *The National Map – Santa Fe Springs, California*. July 1, 1979.

- E. For a project located 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 expose people residing or working in the project area to excessive noise levels? No Impact.*

The project area is not located within two miles of an operational public airport. Fullerton Airport is located approximately 3.7 miles to the southeast of the project site. The Los Alamitos Airfield is located approximately 7.1 miles southwest of the project site. The El Monte Airport is located approximately 13.5 miles to the north of the site. The Long Beach Airport is located approximately 7.8 miles to the southwest. Finally, the Los Angeles International Airport (LAX) is located approximately 21.5 miles to the northwest.⁵⁵ The project's implementation will not present a safety hazard to aircraft and/or airport operations at a public use airport. As a result, no significant adverse impacts related to the exposure of persons to aircraft noise from a public use airport are anticipated.

- F. Within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? No Impact.*

As indicated previously, the project site is not located within two miles of a private airstrip. As a result, no noise impacts related to the exposure of persons to aircraft noise from a private airstrip will result from the proposed project.

3.12.3 CUMULATIVE IMPACTS

The analysis indicated that the proposed project would not result in any significant adverse cumulative noise impacts. As a result, no significant adverse cumulative noise impacts will occur with the implementation of the proposed project.

3.12.4 MITIGATION MEASURES

The analysis of potential noise impacts indicated that no significant adverse impacts would result from the proposed project's construction and operation. As a result, no mitigation measures are required.

3.13 POPULATION & HOUSING

3.13.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant impact on housing and population if it results in any of the following:

- A substantial growth in the population within an area, either directly or indirectly related to a project;
- The displacement of a substantial number of existing housing units, necessitating the construction of replacement housing; or,

⁵⁵ United States Geological Survey, TerraServer USA. *The National Map – Santa Fe Springs, California*. July 1, 1979.

- The displacement of substantial numbers of people, necessitating the construction of replacement housing.

3.13.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project induce substantial population growth in an area, either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? No Impact.*

The proposed project involves the installation of a digital sign. The proposed project will not result in any change in the population, housing, or employment projections developed for the City. As a result, no significant adverse impacts are anticipated.

- B. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? No Impact.*

The project site is currently zoned for manufacturing uses (M-2-FOZ)⁵⁶. No housing units will be displaced as a result of the proposed project. As a result, no significant adverse impacts related to housing displacement will result from the proposed project's implementation.

- C. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? No Impact.*

As indicated previously, the project site is currently zoned for manufacturing uses and no housing units will be affected by the proposed project. As a result, no displacement of residents will result. Thus, no significant adverse impacts related to population displacement will result from the proposed project's implementation.

3.13.3 CUMULATIVE IMPACTS

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's implementation. As a result, no significant adverse cumulative impacts related to population and housing will occur.

3.13.4 MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation.

⁵⁶ City of Santa Fe Springs. *Zoning Map – Color Version*. https://www.santafesprings.org/cityhall/planninganddevelopmentdept/planning/planning_handouts/default.asp

3.14 PUBLIC SERVICES

3.14.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause a significant environmental impact in order to maintain acceptable service ratios, response times or other performance objectives relative to fire protection services;
- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause a significant environmental impact in order to maintain acceptable service ratios, response times or other performance objectives relative to police protection services;
- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause a significant environmental impact in order to maintain acceptable service ratios, response times or other performance objectives relative to school services; or,
- A substantial adverse physical impact associated with the provision of new or physically altered governmental facilities, the construction of which would cause a significant environmental impact in order to maintain acceptable service ratios, response times or other performance objectives relative to other government services.

3.14.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives relative to fire protection services? No Impact.*

The City of Santa Fe Springs Fire Department operates from four stations: *Station No. 1* (11300 Greenstone Avenue), *Station No. 2* (8634 Dice Road), *Station No. 3* (15517 Carmenita Road), and *Station No. 4* (11736 Telegraph Road). The first response station to the project site is Station No. 3 which is located 1,500 feet southwest of the site. The digital sign will not involve any activities or facilities that would place any additional demands on fire department resources or services. As a result, no significant adverse impacts on the Fire Department will result from the proposed project's implementation.

- B. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives relative to police protection? No Impact.*

The City of Santa Fe Springs Department of Police Services (DPS) is responsible for the management of all law enforcement services within the City. The proposed project will not involve any activities or facilities that would place any additional demands on law enforcement services. The new sign must be secured to the satisfaction of the DPS. In addition, the sign will also be subject to the City's graffiti control requirements. As a result, no significant adverse impacts on law enforcement services will result from the proposed project's implementation.

- C. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, or other performance objectives relative to school services? No Impact.*

The proposed project will not involve any development and/or uses that could potentially affect school enrollments. As a result, no significant adverse impacts on schools will result from the proposed project's implementation.

- D. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives relative to other governmental services? No Impact.*

No new governmental services will be needed, and the proposed project is not expected to have any impact on existing governmental services. As a result, no significant adverse impacts are anticipated.

3.14.3 CUMULATIVE IMPACTS

The future development contemplated as part of the proposed project's implementation will not result in an incremental increase in the demand for public services. As a result, no cumulative impacts are anticipated.

3.14.4 MITIGATION MEASURES

The analysis of public service impacts indicated that no significant adverse impacts are anticipated and no mitigation is required with the implementation of the proposed project.

3.15 RECREATION IMPACTS

3.15.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in any of the following:

- 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; or,
- The construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

3.15.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

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? No Impact.

The City of Santa Fe Springs Parks and Recreation Services operate six public parks devoted to active recreation. No parks or related recreational facilities are located in the southern portion of the City in the vicinity of the project site. In addition, the proposed project would not result in any development that would potentially increase the demand for public park facilities and services. As a result, no significant adverse impacts are anticipated.

B. Would the project affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? No Impact.

The proposed project would not result in any development that would potentially increase the demand for recreational facilities and services. As a result, no significant adverse impacts are anticipated.

3.15.3 CUMULATIVE IMPACTS

The analysis determined that the proposed project would not result in any potential impact on recreational facilities and services. As a result, no cumulative impacts on recreational facilities would result from the proposed project's implementation.

3.15.4 MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.16 TRANSPORTATION & CIRCULATION

3.16.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project will normally have a significant adverse impact on traffic and circulation if it results in any of the following:

- A conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;
- A conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways;
- Results in a change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks;
- Substantially increases hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Results in inadequate emergency access; or,
- A conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

3.16.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? No Impact.*

The proposed project involves the installation of a new digital sign within the project site. Given the use, there will not be any change in the traffic distribution over that which presently exists. As a result, no change in the operating levels of service at the area intersections is anticipated to result as part of the proposed project's implementation.

- B. Would the project result in a conflict with an applicable congestions management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the County Congestion Management Agency for designated roads or highways? No Impact.*

The proposed project would not involve any alteration of any existing public street. The I-5 Freeway improvement project is being advanced by the California Department of Transportation (CALTRANS). This “realignment” will not impact the proposed project. As a result, no significant adverse impacts related to regional transportation plans are anticipated.

- C. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks? No Impact.*

The proposed project will not result in any changes in air traffic patterns. As a result, no significant adverse impacts will occur with the implementation of the proposed project.

- D. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? No Impact.*

The proposed project involves the installation of the proposed digital sign within the project site. The proposed project will not affect any existing or proposed roadway configuration. As a result, no impacts will occur with the implementation of the proposed project.

- E. Would the project result in inadequate emergency access? No Impact.*

The proposed project will not affect emergency access to any adjacent parcels. At no time will any local streets or parcels be closed to traffic. As a result, the proposed project’s implementation will not result in any significant adverse impacts.

- F. Would the project result in a conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? No Impact.*

No existing bus stops will be removed as part of the proposed project’s implementation. As a result, the proposed project’s implementation will not result in any significant adverse impacts.

3.16.3 CUMULATIVE IMPACTS

The future development contemplated as part of the proposed project’s implementation will not result in any increased traffic generation in the area. As a result, no cumulative impacts are anticipated.

3.16.4 MITIGATION MEASURES

The analysis of potential impacts related to traffic and circulation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.17 UTILITIES

3.17.1 THRESHOLDS OF SIGNIFICANCE

According to the City of Santa Fe Springs, acting as Lead Agency, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- An exceedance of the wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- The construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts;
- The construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- An overcapacity of the storm drain system causing area flooding;
- A determination by the wastewater treatment provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand;
- The project will be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs;
- Non-compliance with Federal, State, and local statutes and regulations relative to solid waste;
- A need for new systems, or substantial alterations in power or natural gas facilities; or,
- A need for new systems, or substantial alterations in communications systems.

3.17.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? No Impact.

The proposed project involves the installation of a new digital sign within the project site. The project will not involve any uses or activities that would result in the generation of any effluent. As a result, no sewage impacts are anticipated.

- B. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts? No Impact.*

The proposed project will not involve any uses or activities that would result in the generation of any effluent or the consumption of any water. As a result, no sewage and/or water treatment facilities will be required to accommodate the proposed project.

- C. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? No Impact.*

The projected storm water runoff is not anticipated to significantly increase due to the extent of development within the project site. As a result, no significant adverse impacts are anticipated.

- D. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? No Impact.*

The project will not involve any uses or activities that would result in the consumption of any water. As a result, the project water consumption demand is not likely to exceed current levels and no significant adverse impacts are anticipated.

- E. Would the project result in a determination by the provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? No Impact.*

The proposed project will not involve any uses or activities that would result in the generation of any effluent. As a result, no effluent treatment capacity and/or water supply commitments are required to accommodate the proposed project.

- F. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? No Impact.*

The proposed project will not involve any uses or activities that would result in the generation of any solid waste. Given the proposed use, there will not be significant change in the solid waste generation over that which presently exists. As a result, no significant adverse impacts are anticipated.

- G. Would the project comply with Federal, State, and local statutes and regulations related to solid waste? No Impact.*

The proposed digital sign will not interfere with any City and County ordinances with respect to waste reduction and recycling. As a result, no significant adverse impacts related to State and local statutes governing solid waste are anticipated.

H. Would the project result in a need for new systems, or substantial alterations in power or natural gas facilities? No Impact.

The Southern California Edison Company ("SCE") and Sempra Energy provide service upon demand, and early coordination with these utility companies will ensure adequate and timely service to the project. Both utilities currently serve the planning area. Thus, no significant adverse impacts on power and natural gas services will result from the implementation of the proposed project.

I. Would the project result in a need for new systems, or substantial alterations in communications systems? No Impact.

The existing telephone lines in the surrounding area will be unaffected by the proposed project. Thus, no significant adverse impacts on communication systems are anticipated.

3.17.3 CUMULATIVE IMPACTS

The potential impacts related to water line and sewer line capacities are site specific. Furthermore, the analysis herein also determined that the proposed project would not result in any significant adverse impacts on local utilities. The ability of the existing sewer and water lines to accommodate the projected demand from future related projects will require evaluation on a case-by-case basis. As a result, no cumulative impacts on utilities will occur.

3.17.4 MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.18 MANDATORY FINDINGS OF SIGNIFICANCE

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- The approval and subsequent implementation of the proposed project *will not* have the potential to degrade the quality of the environment.
- The approval and subsequent implementation of the proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The approval and subsequent implementation of the proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
- The approval and subsequent implementation of the proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

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- The Initial Study indicated there is no evidence that the proposed project will have an adverse effect on wildlife resources or the habitat upon which any wildlife depends.



SECTION 4 - CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have any significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to degrade the quality of the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Negative Declaration, which relates to the Mitigation Monitoring Program. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of Santa Fe Springs can make the following additional findings:

- A Mitigation Reporting and Monitoring Program will be required; and,
- An accountable enforcement agency or monitoring agency will be identified for the mitigation measures adopted as part of the decision-maker's final determination.



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SECTION 5 - REFERENCES

5.1 PREPARERS

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5.2 REFERENCES

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PUBLIC HEARING

Resolution No. 52-2015 – Recommending that the City Council adopt Ordinance No. 1068, clarifying and imposing an express ban on marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries and cooperatives and testing laboratories in the City.

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Open the Public Hearing and receive any comments from the public regarding proposed Ordinance No. 1068 and, thereafter, close the Public Hearing.
2. Find that the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), per Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the proposed Ordinance, in and of itself, would have a significant effect on the environment.
3. Recommend that the City Council adopt Ordinance No. 1068, clarifying and imposing an express ban on marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries and cooperatives and testing laboratories in the City.
4. Adopt Resolution No. 52-2015, which incorporates the Commission's findings and recommendation regarding this matter.

BACKGROUND

The voters of the State of California, in 1996, approved Proposition 215 (codified as Health and Safety Code Section 11362.5, et. seq. and entitled as "The Compassionate Use Act of 1996" or "CUA".) The intent of Proposition 215 was to provide legal protections to seriously ill persons, who at their doctor's recommendation may use marijuana for medical purposes, otherwise known as "qualified patients." The CUA also provides protections to the physicians and primary caregivers who assist these "qualified patients." The CUA enabled those who are in need of medical marijuana for medical purposes to obtain and use it under limited, specified circumstances. The CUA provides a criminal defense to the cultivation, possession and use of marijuana for medical purposes. The CUA does not address land use impacts that are caused by the cultivation of marijuana.

On January 1, 2004, the legislature enacted SB 420 (codified as Health and Safety Code Sections 11362.7 et. seq. and entitled as "The Medical Marijuana Program Act" or "MMPA".) The MMPA was adopted to clarify the scope of the CUA and to allow cities and counties to adopt and enforce rules and regulations consistent with the MMPA and the CUA. The MMPA requires the California Department of Public Health (CDPH) to create the Medical Marijuana Program ("MMP").

The State MMP is responsible for developing and maintaining an online registry and verification system for Medical Marijuana Identification Cards or "MMICs." MMICs are available to qualified patients and their primary caregivers. The intent of SB 420 is to help law enforcement and qualified patients by creating a form of identification for qualified patients that is official and uniform throughout the State. The online registry does allow law enforcement to verify that a MMIC is valid.

The CUA, however, is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the MMPA is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana, but not cultivation.

The implementation of CUA and MMPA does not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but has instead facilitated a predominant use of marijuana for recreational and not for medicinal purposes. The California Police Chiefs Association stated in a 2014 letter to State Senator Lon Correa: "Among the most troublesome issues with Proposition 215 includes the ability of virtually anyone to obtain a medical marijuana recommendation from a compliant doctor, unreliable quality control for consumers with respect to potency and the presence of carcinogenetic pesticides or other contaminants; as well as retail outlets that often become magnets for criminal activity." Such Association also stated earlier: "The vast majority of those using crude marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition."

On August 25, 2008, Edmond G. Brown, then the California Attorney General, issued the "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use" ("Guidelines"), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code 11362.81(d) authorizes the Attorney General to "develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under" the CUA. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the City, to allow, sanction or permit the cultivation of marijuana plants within its jurisdictional limits.

On October 10, 2015, Edmond G. Brown, now the Governor of California, signed into law the Medical Marijuana Regulation and Safety Act ("MMRSA"), enacted through a combination of regulations contained in AB 266, AB 243 and SB 643. The MMRSA in part: (a) creates a dual licensing structure requiring all commercial cannabis operations to have both a state and a local license before operating, (b) establishes health and safety standards with required mandatory testing and labeling of edible medical cannabis products, (c) regulates physicians recommending medical cannabis products, (d) expressly recognizes local government authority to regulate, license, levy taxes and fees and/or ban commercial and non-commercial cannabis operations, (e) phases out marijuana collectives and cooperatives, (f) prevents illegal water diversion and establishes pesticide controls, and (g) requires a local jurisdiction to affirmatively prohibit unwanted cannabis activities or land uses, including banning cannabis cultivation by having an ordinance in effect on or before March 1, 2016 or by making a determination that its zoning code is "permissive" and therefore "any use not enumerated in the code is presumptively prohibited" as stipulated by the court. [*City of Corona v. Naulis* (2008) 166 Cal. App 4th 418, 425 and cited in *County of Sonoma v. Superior Court* (2010) 190 Cal.App.4th 1312, FN.3]

Neither the CUA, nor the MMPA, nor MMRSA nor the California Constitution creates a right to cultivate marijuana or impose an affirmative duty or mandate upon local governments, such as the City, to allow, authorize or sanction those cultivating marijuana plants within its jurisdiction. Neither the CUA nor the MMPA, nor MMRSA nor the California Constitution preempts the City's exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the cultivation of marijuana.

Neither the CUA nor MMPA nor MMRSA abrogates the City's powers to regulate for public health, safety and welfare. Health and Safety Code 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the MMPA and MMRSA.

Pursuant to the City's police powers as authorized in Article 11, Section 7 of the California Constitution, and as implemented in the Santa Fe Springs Municipal Code, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. Additionally, per California Government Code Section 38771, the City also has the power through the City Council to declare actions, land uses and activities that constitute a public nuisance.

Pursuant to said police powers, Ordinance 1068 is proposed to regulate, through land use controls, marijuana related activities in a manner that protects the public health, safety and welfare of the Santa Fe Springs community, without violating the CUA or

MMPA, and to prevent adverse impacts that such activities and land uses may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess medical marijuana pursuant to State law.

Generally, the California cities that have permitted the cultivation of marijuana have found that this activity causes negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding properties that grow marijuana plants, noxious odors and an increase in the incidences of driving while under the influence of marijuana.

The commercial and non-commercial cultivation of marijuana, whether for medical purposes or otherwise, significantly impacts, or has the potential to significantly impact, the residents of the City. These potential impacts include improper and dangerous alterations and/or use of buildings and outdoor areas in which cultivation may occur with compromised electrical connections, fire safety problems, inadequate ventilation, structural modifications, over use of water, increased nuisance impacts on neighboring properties from noxious odors originating from the plants, increased occurrences of theft crimes and a general increase in the instances and intensity of crime within the City.

Marijuana is an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801, *et seq.* and is classified as a "Schedule I Drug", which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The City has no desire to interfere with or defy federal law.

The City has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, and in preserving the peace and quiet of its neighborhoods. The public health, safety and general welfare of the City and its residents, necessitates and requires the adoption of this zoning ordinance, prohibiting the cultivation and distribution of marijuana plants and other cannabis products, in order to:

- (a) Protect and safeguard against the detrimental secondary negative effects and adverse impacts of cultivating and distributing marijuana;
- (b) Preserve and safeguard the minors, children and students in the community from the deleterious impacts of marijuana cultivation and distribution
- (c) Preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources with continuing and expanding marijuana cultivation.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 and 65091 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 was posted in Santa Fe Springs City Hall, the City Library and Town Center on December 3, 2015, and published in a newspaper of general circulation (Whittier Daily News) on December 3, 2015, as required by the State Zoning and Development Laws and by the City's Zoning Regulations.

ENVIRONMENTAL DOCUMENT- Notice of Exemption

The proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the proposed Ordinance, in and of itself, would have a significant effect on the environment.

Summary:

Ordinance No. 1068 would clarify and impose an express ban on marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries and cooperatives and testing laboratories in the City. Through the City's police powers, as authorized by the California Constitution, the City has the power to regulate permissible land uses and to enact regulations for the preservation of public health, safety and welfare of its residents and community. California Government Code also gives the City the power through the City Council to declare actions, land uses and activities that constitute a public nuisance. A recent Court of Appeals decision upheld the legal position that Cities have the right to use their police powers to totally ban the cultivation of marijuana within their jurisdictional boundaries. To preserve this ability, however, cities must have an ordinance in place regulating or prohibiting marijuana cultivation by March 1, 2016, or lose the authority to regulate or ban cultivation within their limits.



Wayne M. Morrell
Director of Planning

Attachments:

1. Resolution No. 52-2015
2. Ordinance No. 1068 - Marijuana Cultivation

RESOLUTION NO. 52-2015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE 1068 CLARIFYING AND IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION/PROPAGATION, PRODUCT LABELING, STORING, PROCESSING, TRANSPORTING, DELIVERY, SALES/BARTERS, DISPENSARIES AND COOPERATIVES AND TESTING LABORATORIES IN THE CITY

WHEREAS, the City of Santa Fe Springs Planning Commission has determined that the prohibition of marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries, cooperatives and testing laboratories, are needed to protect the public health, safety and welfare; and

WHEREAS, the justification for the banning of marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries, cooperatives and testing laboratories, pursuant to the City's police power includes, but is not limited to: 1) The increased risk to public safety, based on the value of marijuana plants and the accompanying threat of break-ins, robbery and theft, and attendant violence and injury; 2) The potential for theft and use by school age children where medical marijuana is cultivated in a visible location, particularly where such locations are close to schools; 3) The potential detrimental impacts from improper and dangerous alterations and/or use of buildings and outdoor areas in which cultivation may occur with compromised electrical connections, fire safety problems, inadequate ventilation, structural modifications, and over use of water; 4) The potential for theft and use by school age children where medical marijuana is cultivated in a visible location, particularly where such location is close to schools; and 5) The increased occurrences of theft crimes and a general increase in the instances and intensity of crime within the City; and

WHEREAS, a notice of Public Hearing was given as required by law; and

WHEREAS, the Planning Commission conducted a Public Hearing on Ordinance 1068 on December 14, 2015, to make recommendations to the City Council on the prohibition of marijuana cultivation/propagation, product labeling, storing, processing, transporting, delivery, sales/barters, dispensaries, cooperatives and testing laboratories within the City; and

WHEREAS, a Notice of Exemption has been prepared pursuant to CEQA Guidelines section 15061(b) (3), which provides that CEQA applies only to projects that have the potential to cause a significant effect on the environment, and 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 and the draft Ordinance will have no effect on the environment; and

WHEREAS, the Planning Commission has duly considered all information presented to it, including written staff reports and any testimony provided at the Public Hearing; and

**THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1: Following said public hearing, noticed and conducted in compliance with all applicable law, and pursuant to all laws applicable to the responsibilities of the Planning Commission with respect to the subject matter hereof, the Planning Commission recommends that the City Council adopt Ordinance No. 1068, attached hereto as Exhibit A.

SECTION 2: Based on the oral and written evidence presented at such hearing, the Planning Commission hereby find and determine that adoption of such Ordinance is in the public convenience, interest and necessity.

PASSED, ADOPTED AND APPROVED this 14th day of December 2015 by the following roll call vote:

Chairperson

ATTEST:

Teresa Cavallo, Secretary

EXHIBIT A

ORDINANCE NO. 1068

AN ORDINANCE OF THE CITY OF SANTA FE SPRINGS ADDING CHAPTER 156 TO TITLE 15 (ZONING) OF THE SANTA FE SPRINGS CITY CODE CLARIFYING AND IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION/PROPAGATION, PRODUCT LABELING, STORING,, PROCESSING, TRANSPORTING, DELIVERY, SALES/BARTERS, DISPENSARIES AND COOPERATIVES AND TESTING LABORATORIES IN THE CITY

THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and declares:

A. That the commercial and non-commercial cultivation of marijuana, whether for medical purposes or otherwise, significantly impacts, or has the potential to significantly impact, the residents of the City of Santa Fe Springs (the "City"). These potential impacts include improper and dangerous alterations and/or use of buildings and outdoor areas in which cultivation may occur with compromised electrical connections, fire safety problems, inadequate ventilation, structural modifications, over use of water, increased nuisance impacts on neighboring properties from noxious odors originating from the plants, increased occurrences of theft crimes and a general increase in the instances and intensity of crime within the City.

B. That marijuana is an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801, *et seq.* and is classified as a "Schedule I Drug", which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The City has no desire to interfere with or defy federal law.

C. That the voters of the State of California, in 1996, approved Proposition 215 (codified as Health and Safety Code Section 11362.5, *et. seq.* and entitled as "The Compassionate Use Act of 1996" or "CUA".) The intent of Proposition 215 was to provide legal protections to seriously ill persons, who have their doctor's recommendation to use marijuana for medical purposes, otherwise known as "qualified patients." The CUA also provides protections to the physicians and primary caregivers who assist these "qualified patients." The CUA enabled those who are in need of medical marijuana for medical purposes to obtain and use it under limited, specified circumstances. The CUA provides a criminal defense to the cultivation, possession and use of marijuana for medical purposes. The CUA does not address land use impacts that are caused by the cultivation of marijuana. This ordinance addresses those impacts by banning cultivation and distribution of both commercial and non-commercial operations.

D. That on January 1, 2004, the legislature enacted SB 420 (codified as Health and Safety Code Sections 11362.7 *et. seq.* and entitled as "The Medical Marijuana Program Act" or "MMPA".) The MMPA was adopted to clarify the scope of the CUA and to allow cities and counties to adopt and enforce rules and regulations consistent with the MMPA and the CUA. The MMPA requires the California Department of Public Health (CDPH) to create the Medical Marijuana Program ("MMP").

The State MMP is responsible for developing and maintaining an online registry and verification system for Medical Marijuana Identification Cards or "MMICs." MMICs are available to qualified patients and their primary caregivers. The intent of SB 420 is to help law enforcement and qualified patients by creating a form of identification for qualified patients that is official and uniform throughout the State. The online registry does allow law enforcement to verify that a MMIC is valid.

E. That the CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the MMPA is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana, but not cultivation.

F. That the intent of this ordinance is to utilize the City's inherent police power to regulate through land use controls marijuana related activities in a manner that protects the public health, safety and welfare of the Santa Fe Springs community, without violating the CUA or MMPA, and to prevent adverse impacts that such activities and land uses may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess medical marijuana pursuant to state law.

G. That the implementation of CUA and MMPA does not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but has instead facilitated a predominant use of marijuana for recreational and not for medicinal purposes. The California Police Chiefs Association stated in a 2014 letter to State Senator Lon Correa: "Among the most troublesome issues with Proposition 215 includes the ability of virtually anyone to obtain a medical marijuana recommendation from a compliant doctor, unreliable quality control for consumers with respect to potency and the presence of carcinogenetic pesticides or other contaminants; as well as retail outlets that often become magnets for criminal activity." Such Association also stated earlier: "The vast majority of those using crude marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition."

H. That on August 25, 2008, Edmond G. Brown, then the California Attorney General, issued the "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use" ("Guidelines"), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code 11362.81(d) authorizes the Attorney General to "develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under" the CUA. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the City, to allow, sanction or permit the cultivation of marijuana plants within their jurisdictional limits.

I. That on October 10, 2015, Edmond G. Brown, the Governor of California signed into law the Medical Marijuana Regulation and Safety Act ("MMRSA"), enacted through a combination of regulations contained in AB 266, AB 243 and SB 643. The MMRSA in part: (a) creates a dual licensing structure requiring all commercial cannabis operations to have both a state and a local license before operating, (b) establishes health and safety standards with required mandatory testing and labeling of edible medical cannabis products, (c) regulates physicians recommending medical cannabis products,

(d) expressly recognizes local government authority to regulate, license, levy taxes and fees and/or ban commercial and non-commercial cannabis operations, (e) phases out marijuana collectives and cooperatives, (f) prevents illegal water diversion and establishes pesticide controls, and (g) requires a local jurisdiction to affirmatively prohibit unwanted cannabis activities or land uses, including banning cannabis cultivation by having an ordinance in effect on or before March 1, 2016 or by making a determination that its zoning code is "permissive" and therefore "any use not enumerated in the code is presumptively prohibited" as stipulated by the court. [*City of Corona v. Naulis* (2008) 166 Cal. App 4th 418, 425 and cited in *County of Sonoma v. Superior Court* (2010) 190 Cal.App.4th 1312, FN.3]

J. That neither the CUA, nor the MMPA, nor MMRSA nor the California Constitution creates a right to cultivate marijuana or impose an affirmative duty or mandate upon local governments, such as the City, to allow, authorize or sanction those cultivating marijuana plants within its jurisdiction.

K. That neither the CUA nor the MMPA, nor MMRSA nor the California Constitution preempts the City's exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the cultivation of marijuana.

L. That neither the CUA nor MMPA nor MMRSA abrogates the City's powers to regulate for public health, safety and welfare. Health and Safety Code 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the MMPA and MMRSA.

M. That pursuant to the City's police powers as authorized in Article 11, Section 7 of the California Constitution, and as implemented in the Santa Fe Springs Municipal Code, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to California Government Code Section 38771, the City also has the power through the City Council to declare actions, land uses and activities that constitute a public nuisance.

N. That California cities that have permitted the cultivation of marijuana have found that this activity causes negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding properties that grow marijuana plants, noxious odors and an increase in the incidences of driving while under the influence of marijuana.

O. That the City has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, and in preserving the peace and quiet of its neighborhoods. That the public health, safety and general welfare of the City and its residents necessitates and requires the adoption of this zoning ordinance, prohibiting the cultivation and distribution of marijuana plants and other cannabis products, in order to:

(a) Protect and safeguard against the detrimental secondary negative effects and adverse impacts of cultivating and distributing marijuana;

(b) Preserve and safeguard the minors, children and students in the community from the deleterious impacts of marijuana cultivation and distribution

(c) Preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources with continuing and expanding marijuana cultivation.

P. That the City Council further finds that due to potential negative secondary effects and adverse impacts of marijuana plant cultivation on surrounding properties, these activities will negatively impact the City.

Q. That State and Federal courts have recognized the aforementioned negative and harmful secondary effects.

R. That the City zoning regulations are consistent with the Santa Fe Springs General Plan in that the General Plan, its goals, objectives and policies do not permit or contemplate the establishment or exercise of marijuana cultivation activities either externally or internally within a structure on any property within the City.

S. That the City Council takes legislative notice of all of the studies, statements and legal decisions set forth above and including but not limited to the following:

1) *Browne v. County of Tehama* (213 Cal App. 4th 704). This California Court of Appeal found that the CUA does not confer the right to cultivate marijuana.

2) *City of Riverside v. Inland Empire Patients Wellness Center, Inc.* (56 Cal 4th 729) This decision upheld that "local authority to regulate land use for the public welfare is an inherent preexisting power recognized by the California Constitution" and that the CUA and MMPA do not expressly or impliedly restrict the authority of local jurisdictions to decide whether local land use controls can be used to regulate medical marijuana. (May 6, 2013 State Supreme Court)

3) *Moral v. City of Live Oak* (221 Cal. App.4th 975) This decision by the Court of Appeals (November 26, 2013) upheld the legal position that the CUA and MMPA do not preempt the City's ability to use its police powers to totally ban the cultivation of marijuana within its jurisdictional boundaries. The Supreme Court on March 26, 2014 refused to hear an appeal of this decision and denied a request to depublish the finding, letting it stand.

T. That justification for banning all cultivation of marijuana plants pursuant to the City's police powers includes but is not limited to: (1) an increased risk to public safety based on the value of the marijuana plants and the accompanying threat of robbery theft and the attendant violence and injury; (2) the noxious odors emanating from mature plants can interfere with the enjoyment and use of neighboring properties by their occupants; and (3) the potential for theft and use by school-age children when marijuana is cultivated in a visible area, especially when in proximity to residential areas, schools, parks and churches.

SECTION 2. The following new Chapter 156 is hereby added to Title 15 (ZONING) of the Santa Fe Springs City Code:

MARIJUANA RELATED ACTIVITIES

156.01 PURPOSE

It is the purpose and intent of this Chapter to utilize the City's inherent police power to regulate through land use controls, marijuana related activities in a manner that protects the public health, safety and welfare of the Santa Fe Springs community, without violating CUA and MMPA, and to prevent adverse impacts that such activities and land uses may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess medical marijuana pursuant to State law.

156.02 DEFINITIONS

In addition to any other definitions contained within the City's Municipal Code, the following words and phrases shall, for the purpose of this chapter, be defined as follows unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the City's Municipal Code, these definitions shall prevail.

"Distributor" means a person engaged in the purchasing of marijuana from a cultivator, or marijuana products from a manufacturer, for sale to a dispensary, cooperative or collective

"Marijuana" means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff, or any other ingestible or consumable product containing marijuana. "Marijuana" shall also include "medical marijuana" as that term is used in the "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use," issued by the Office of the Attorney General for the State of California (the "Guidelines"), as such Guidelines may be amended from time-to-time, or subject to the provisions of the California Compassion Use Act of 1996, or the California Medical Marijuana Program Act, as either may be amended from time-to-time.

"Marijuana cultivation" means the growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.

"Marijuana processing" means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale purposes, including but not limited to drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and/or concentrates.

(1)

"Marijuana delivery" means the transfer of marijuana or its byproducts to or from a dispensary, collective, cooperative, primary caregiver, qualified patient or testing laboratory. "Marijuana delivery" also includes the use by any aforesaid transferor or transferee of any technology platform that enables any such transfer.

"Marijuana dispensaries" means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective.

"Medical marijuana cooperative" or "collective" means any group that is cooperatively or collectively cultivating and/or distributing marijuana for medical purposes that is organized in the manner set forth in the Guidelines

"Marijuana testing laboratory" means a facility, entity, or site that offers or performs tests of marijuana or marijuana products that is both: (a) accredited by an accrediting body that is independent from all other persons involved in the medical marijuana industry in the

state; and (b) registered with the State Department of Public Health.

“Marijuana transporting” means the transfer of marijuana or marijuana products from one location to any other location.

“**Manufacturer**” means a person who conducts the production, preparation, propagation, or compounding of marijuana, or marijuana byproducts either directly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, or that packages or repackages marijuana or marijuana products or labels or relabels its container.

“**Transporter**” means a person who transports or delivers marijuana or marijuana byproducts.

156.03 Prohibited Activities.

Marijuana cultivation/propagation, marijuana processing, marijuana testing laboratory, marijuana product labeling, marijuana storing, marijuana transporting, marijuana delivery, marijuana dispensaries, marijuana sales/barters and marijuana cooperatives or collectives shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. Except in the circumstance of such preemption, if any, no use permit, variance, building permit, or any other entitlement, license, or permit, whether ministerial or discretionary, shall be approved or issued for any of the aforesaid prohibited activities anywhere in the City, and no person shall otherwise establish or conduct any such activity in the City. It shall be unlawful for any person or entity to establish, own, operate or manage, or participate as an employee, manufacturer, transporter, distributor, contractor, landlord, property owner, agent, or volunteer, in any of the aforesaid prohibited activities anywhere in the City for any reason including both commercial or non-commercial purposes.

156.04 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

156.05 Civil Penalties.

In addition to any other enforcement permitted in the City of Santa Fe Springs Municipal Code, the City Attorney and/or City Prosecutor may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney’s fees and costs to the prevailing party.

156.06 Applicability.

In the event that any activity which is prohibited by this Chapter shall be determined to have occurred legally prior to the effective date of this Chapter, no such activity shall have any nonconforming rights as may otherwise be provided by this Code. Nothing in this Chapter is intended, nor shall it be construed to burden any defense to criminal prosecution under the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as the State of California Health and Safety Code section 11362.5.

SECTION 3. Nothing in this ordinance shall be interpreted to mean that the City's permissive zoning scheme allows any other use not specifically listed therein.

SECTION 4. This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibit all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. To the extent the provisions of the Santa Fe Springs Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance, including the vote for and against and shall post a certified copy of this ordinance, within 15 days after its passage to be posted in at least three (3) public places within the City as established by ordinance, and, in compliance with Section 36933 of the Government Code.

SECTION 8. This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

PASSED and ADOPTED this _____ day of _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN

MAYOR

ATTEST:

City Clerk

ORDINANCE NO. 1068

AN ORDINANCE OF THE CITY OF SANTA FE SPRINGS ADDING CHAPTER 156 TO TITLE 15 (ZONING) OF THE SANTA FE SPRINGS CITY CODE CLARIFYING AND IMPOSING AN EXPRESS BAN ON MARIJUANA CULTIVATION/PROPAGATION, PRODUCT LABELING, STORING,, PROCESSING, TRANSPORTING, DELIVERY, SALES/BARTERS, DISPENSARIES AND COOPERATIVES AND TESTING LABORATORIES IN THE CITY

THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds and declares:

A. That the commercial and non-commercial cultivation of marijuana, whether for medical purposes or otherwise, significantly impacts, or has the potential to significantly impact, the residents of the City of Santa Fe Springs (the "City"). These potential impacts include improper and dangerous alterations and/or use of buildings and outdoor areas in which cultivation may occur with compromised electrical connections, fire safety problems, inadequate ventilation, structural modifications, over use of water, increased nuisance impacts on neighboring properties from noxious odors originating from the plants, increased occurrences of theft crimes and a general increase in the instances and intensity of crime within the City.

B. That marijuana is an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. 801, *et seq.* and is classified as a "Schedule I Drug", which is defined as a drug or other substance that has a high potential for abuse. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes. The City has no desire to interfere with or defy federal law.

C. That the voters of the State of California, in 1996, approved Proposition 215 (codified as Health and Safety Code Section 11362.5, *et. seq.* and entitled as "The Compassionate Use Act of 1996" or "CUA".) The intent of Proposition 215 was to provide legal protections to seriously ill persons, who have their doctor's recommendation to use marijuana for medical purposes, otherwise known as "qualified patients." The CUA also provides protections to the physicians and primary caregivers who assist these "qualified patients." The CUA enabled those who are in need of medical marijuana for medical purposes to obtain and use it under limited, specified circumstances. The CUA provides a criminal defense to the cultivation, possession and use of marijuana for medical purposes. The CUA does not address land use impacts that are caused by the cultivation of marijuana. This ordinance addresses those impacts by banning cultivation and distribution of both commercial and non-commercial operations.

D. That on January 1, 2004, the legislature enacted SB 420 (codified as Health and Safety Code Sections 11362.7 *et. seq.* and entitled as "The Medical Marijuana Program Act" or "MMPA".) The MMPA was adopted to clarify the scope of the CUA and to allow cities and counties to adopt and enforce rules and regulations consistent with the MMPA and the CUA. The MMPA requires the California Department of Public Health (CDPH) to create the Medical Marijuana Program ("MMP").

The State MMP is responsible for developing and maintaining an online registry and verification system for Medical Marijuana Identification Cards or "MMICs." MMICs are available to qualified patients and their primary caregivers. The intent of SB 420 is to help

law enforcement and qualified patients by creating a form of identification for qualified patients that is official and uniform throughout the State. The online registry does allow law enforcement to verify that a MMIC is valid.

E. That the CUA is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the MMPA is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana, but not cultivation.

F. That the intent of this ordinance is to utilize the City's inherent police power to regulate through land use controls marijuana related activities in a manner that protects the public health, safety and welfare of the Santa Fe Springs community, without violating the CUA or MMPA, and to prevent adverse impacts that such activities and land uses may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess medical marijuana pursuant to state law.

G. That the implementation of CUA and MMPA does not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but has instead facilitated a predominant use of marijuana for recreational and not for medicinal purposes. The California Police Chiefs Association stated in a 2014 letter to State Senator Lon Correa: "Among the most troublesome issues with Proposition 215 includes the ability of virtually anyone to obtain a medical marijuana recommendation from a compliant doctor, unreliable quality control for consumers with respect to potency and the presence of carcinogenetic pesticides or other contaminants; as well as retail outlets that often become magnets for criminal activity." Such Association also stated earlier: "The vast majority of those using crude marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition."

H. That on August 25, 2008, Edmond G. Brown, then the California Attorney General, issued the "Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use" ("Guidelines"), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code 11362.81(d) authorizes the Attorney General to "develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under" the CUA. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the City, to allow, sanction or permit the cultivation of marijuana plants within their jurisdictional limits.

I. That on October 10, 2015, Edmond G. Brown, the Governor of California signed into law the Medical Marijuana Regulation and Safety Act ("MMRSA"), enacted through a combination of regulations contained in AB 266, AB 243 and SB 643. The MMRSA in part: (a) creates a dual licensing structure requiring all commercial cannabis operations to have both a state and a local license before operating, (b) establishes health and safety standards with required mandatory testing and labeling of edible medical cannabis products, (c) regulates physicians recommending medical cannabis products, (d) expressly recognizes local government authority to regulate, license, levy taxes and fees and/or ban commercial and non-commercial cannabis operations, (e) phases out marijuana collectives and cooperatives, (f) prevents illegal water diversion and

establishes pesticide controls, and (g) requires a local jurisdiction to affirmatively prohibit unwanted cannabis activities or land uses, including banning cannabis cultivation by having an ordinance in effect on or before March 1, 2016 or by making a determination that its zoning code is "permissive" and therefore "any use not enumerated in the code is presumptively prohibited" as stipulated by the court. [*City of Corona v. Naulis* (2008) 166 Cal. App 4th 418, 425 and cited in *County of Sonoma v. Superior Court* (2010) 190 Cal.App.4th 1312, FN.3]

J. That neither the CUA, nor the MMPA, nor MMRSA nor the California Constitution creates a right to cultivate marijuana or impose an affirmative duty or mandate upon local governments, such as the City, to allow, authorize or sanction those cultivating marijuana plants within its jurisdiction.

K. That neither the CUA nor the MMPA, nor MMRSA nor the California Constitution preempts the City's exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the cultivation of marijuana.

L. That neither the CUA nor MMPA nor MMRSA abrogates the City's powers to regulate for public health, safety and welfare. Health and Safety Code 11362.5(b)(2) provides that the Act does not supersede any legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the MMPA and MMRSA.

M. That pursuant to the City's police powers as authorized in Article 11, Section 7 of the California Constitution, and as implemented in the Santa Fe Springs Municipal Code, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to California Government Code Section 38771, the City also has the power through the City Council to declare actions, land uses and activities that constitute a public nuisance.

N. That California cities that have permitted the cultivation of marijuana have found that this activity causes negative and harmful secondary effects, such as an increase in crime, including robberies, burglaries, and sales of illegal drugs in the areas immediately surrounding properties that grow marijuana plants, noxious odors and an increase in the incidences of driving while under the influence of marijuana.

O. That the City has a compelling interest in protecting the public health, safety and welfare of its residents and businesses, and in preserving the peace and quiet of its neighborhoods. That the public health, safety and general welfare of the City and its residents necessitates and requires the adoption of this zoning ordinance, prohibiting the cultivation and distribution of marijuana plants and other cannabis products, in order to:

(a) Protect and safeguard against the detrimental secondary negative effects and adverse impacts of cultivating and distributing marijuana;

(b) Preserve and safeguard the minors, children and students in the community from the deleterious impacts of marijuana cultivation and distribution

(c) Preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources with continuing and expanding marijuana cultivation.

P. That the City Council further finds that due to potential negative secondary effects and adverse impacts of marijuana plant cultivation on surrounding properties, these activities will negatively impact the City.

Q. That State and Federal courts have recognized the aforementioned negative and harmful secondary effects.

R. That the City zoning regulations are consistent with the Santa Fe Springs General Plan in that the General Plan, its goals, objectives and policies do not permit or contemplate the establishment or exercise of marijuana cultivation activities either externally or internally within a structure on any property within the City.

S. That the City Council takes legislative notice of all of the studies, statements and legal decisions set forth above and including but not limited to the following:

1) *Browne v. County of Tehama* (213 Cal App. 4th 704). This California Court of Appeal found that the CUA does not confer the right to cultivate marijuana.

2) *City of Riverside v. Inland Empire Patients Wellness Center, Inc.* (56 Cal 4th 729) This decision upheld that "local authority to regulate land use for the public welfare is an inherent preexisting power recognized by the California Constitution" and that the CUA and MMPA do not expressly or impliedly restrict the authority of local jurisdictions to decide whether local land use controls can be used to regulate medical marijuana. (May 6, 2013 State Supreme Court)

3) *Moral v. City of Live Oak* (221 Cal. App.4th 975) This decision by the Court of Appeals (November 26, 2013) upheld the legal position that the CUA and MMPA do not preempt the City's ability to use its police powers to totally ban the cultivation of marijuana within its jurisdictional boundaries. The Supreme Court on March 26, 2014 refused to hear an appeal of this decision and denied a request to depublish the finding, letting it stand.

T. That justification for banning all cultivation of marijuana plants pursuant to the City's police powers includes but is not limited to: (1) an increased risk to public safety based on the value of the marijuana plants and the accompanying threat of robbery theft and the attendant violence and injury; (2) the noxious odors emanating from mature plants can interfere with the enjoyment and use of neighboring properties by their occupants; and (3) the potential for theft and use by school-age children when marijuana is cultivated in a visible area, especially when in proximity to residential areas, schools, parks and churches.

SECTION 2. The following new Chapter 156 is hereby added to Title 15 (ZONING) of the Santa Fe Springs City Code:

MARIJUANA RELATED ACTIVITIES

156.01 PURPOSE

It is the purpose and intent of this Chapter to utilize the City's inherent police power to regulate through land use controls, marijuana related activities in a manner that protects the public health, safety and welfare of the Santa Fe Springs community, without violating CUA and MMPA, and to prevent adverse impacts that such activities and land uses may have on nearby properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess medical marijuana pursuant to State law.

156.02 DEFINITIONS

In addition to any other definitions contained within the City's Municipal Code, the following words and phrases shall, for the purpose of this chapter, be defined as follows

unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions be in conflict with any current provisions of the City's Municipal Code, these definitions shall prevail.

“Distributor” means a person engaged in the purchasing of marijuana from a cultivator, or marijuana products from a manufacturer, for sale to a dispensary, cooperative or collective

“Marijuana” means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff, or any other ingestible or consumable product containing marijuana. “Marijuana” shall also include “medical marijuana” as that term is used in the “Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use,” issued by the Office of the Attorney General for the State of California (the “Guidelines”), as such Guidelines may be amended from time-to-time, or subject to the provisions of the California Compassion Use Act of 1996, or the California Medical Marijuana Program Act, as either may be amended from time-to-time.

“Marijuana cultivation” means the growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.

“Marijuana processing” means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale purposes, including but not limited to drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and/or concentrates.

(1)

“Marijuana delivery” means the transfer of marijuana or its byproducts to or from a dispensary, collective, cooperative, primary caregiver, qualified patient or testing laboratory. “Marijuana delivery” also includes the use by any aforesaid transferor or transferee of any technology platform that enables any such transfer.

“Marijuana dispensaries” means any business, office, store, facility, location, retail storefront or wholesale component of any establishment, cooperative or collective that delivers, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective.

“Medical marijuana cooperative” or “collective” means any group that is cooperatively or collectively cultivating and/or distributing marijuana for medical purposes that is organized in the manner set forth in the Guidelines

“Marijuana testing laboratory” means a facility, entity, or site that offers or performs tests of marijuana or marijuana products that is both: (a) accredited by an accrediting body that is independent from all other persons involved in the medical marijuana industry in the state; and (b) registered with the State Department of Public Health.

“Marijuana transporting” means the transfer of marijuana or marijuana products from one location to any other location.

“Manufacturer” means a person who conducts the production, preparation, propagation, or compounding of marijuana, or marijuana byproducts either directly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis, or that packages or repackages marijuana or marijuana products or labels or relabels its container.

“Transporter” means a person who transports or delivers marijuana or marijuana byproducts.

156.03 Prohibited Activities.

Marijuana cultivation/propagation, marijuana processing, marijuana testing laboratory, marijuana product labeling, marijuana storing, marijuana transporting, marijuana delivery, marijuana dispensaries, marijuana sales/barters and marijuana cooperatives or collectives shall be prohibited activities in the City, except where the City is preempted by federal or state law from enacting a prohibition on any such activity. Except in the circumstance of such preemption, if any, no use permit, variance, building permit, or any other entitlement, license, or permit, whether ministerial or discretionary, shall be approved or issued for any of the aforesaid prohibited activities anywhere in the City, and no person shall otherwise establish or conduct any such activity in the City. It shall be unlawful for any person or entity to establish, own, operate or manage, or participate as an employee, manufacturer, transporter, distributor, contractor, landlord, property owner, agent, or volunteer, in any of the aforesaid prohibited activities anywhere in the City for any reason including both commercial or non-commercial purposes.

156.04 Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

156.05 Civil Penalties.

In addition to any other enforcement permitted in the City of Santa Fe Springs Municipal Code, the City Attorney and/or City Prosecutor may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney's fees and costs to the prevailing party.

156.06 Applicability.

In the event that any activity which is prohibited by this Chapter shall be determined to have occurred legally prior to the effective date of this Chapter, no such activity shall have any nonconforming rights as may otherwise be provided by this Code. Nothing in this Chapter is intended, nor shall it be construed to burden any defense to criminal prosecution under the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as the State of California Health and Safety Code section 11362.5.

SECTION 3. Nothing in this ordinance shall be interpreted to mean that the City's permissive zoning scheme allows any other use not specifically listed therein.

SECTION 4. This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15305, minor alterations in land use limitations in areas with an average slope of less than 20% that do not result in any changes in land use or density and Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The City's permissive zoning provisions already prohibit all uses that are being expressly prohibited by this ordinance. Therefore, this ordinance has no impact on the physical environment as it will not result in any changes.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. To the extent the provisions of the Santa Fe Springs Municipal Code as amended by this ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance, including the vote for and against and shall post a certified copy of this ordinance, within 15 days after its passage to be posted in at least three (3) public places within the City as established by ordinance, and, in compliance with Section 36933 of the Government Code.

SECTION 8. This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

PASSED and ADOPTED this _____ day of _____, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN

MAYOR

ATTEST:

City Clerk



PUBLIC HEARING

Resolution No. 53-2015 - Recommending that the City Council adopt Ordinance No. 1069, approving a Development Agreement by and between the City of Santa Fe Springs and Bulletin Displays, LLC, a California Limited Liability Company.

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Open the Public Hearing and receive any comments from the public regarding Ordinance No. 1069 and, thereafter, close the Public Hearing.
2. Find that the proposed Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), per section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the proposed Ordinance, in and of itself, would have a significant effect on the environment.
3. Recommend that the City Council adopt Ordinance No. 1069, and said recommendation shall be embodied in Resolution No. 53-2015.

BACKGROUND

At a duly noticed hearing, before the City Council, on November 8, 2012, Ordinance No. 1036 was introduced. The second reading of Ordinance No. 1036 occurred on November 20, 2012. It became effective thirty (30) days after its second reading.

Ordinance No. 1036 improved and updated the City's existing billboard regulations, which were badly outdated and failed to anticipate and regulate 21st-century trends, such as electronic billboards, supergraphics (building wraps), and mobile billboards. Key elements of the ordinance included:

- (1) Updating the definition of billboards to include electronic billboards.
- (2) Limiting electronic billboards to the FOZ.
- (3) Requiring a Conditional Use Permit (CUP) and Development Agreement for all new billboards and expansion of existing billboards.
- (4) Limiting the placement of billboards to properties with a minimum area of 5 acres.
- (5) Creating definitions and regulations for supergraphics and mobile billboards.
- (6) Creating a mechanism for the City to generate additional revenues, either as a one-time payment, or payment over time, or a combination of both.

- (7) Allowing space on new billboards to be utilized for City-related activities, or to bring awareness to City and/or charitable causes.
- (8) Establishing a minimum distance between billboards.
- (9) Limiting the contents of messages beyond sexually explicit materials, alcohol and tobacco advertising.

REQUEST

Pursuant to section 155.384(A), of Ordinance No. 1036, billboards are allowed only after a valid Conditional Use Permit has first been obtained and a Developer Agreement has been approved.

As a result, the Applicant (Bulletin Displays, LLC) is seeking approval of Conditional Use Permit (CUP 750) and Development Agreement (DA 01-2015).

Conditional Use Permit

The subject Conditional Use Permit (CUP 750) is a request to allow the construction and operation of a new digital billboard on the 4.98-acre property at 13711 Freeway Drive. The proposed sign will be approximately 50' tall (including the column and display). The billboard will be double-sided, meaning it will have a display area on both sides of the sign. Each display area will measure 14' x 48'. Unlike other typical billboards, the proposed design, which was modeled after the city logo, is very unique and attractive.

The subject request, however, also requires approval of a Zone Variance (ZV 76) since the property is only 4.98-acres and the minimum size of any property on which a billboard can be located is 5-acres. The variance request, if approved, would allow a digital billboard to be constructed on a property of 4.98-acres instead of 5-acres as required. Therefore, concurrently with the CUP request, the applicant is also requesting approval of Zone Variance Case No. 76.

Development Agreement

A city's exercise of its power to enter into a development agreement is a legislative act; therefore, development agreements must be approved by ordinance. Under California Government Code Sections 65864 et seq. ("Development Agreement Law") cities can 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.

Resolution No. 53-2015 is a recommendation, by the Planning Commission to the City Council, to adopt an ordinance (Ordinance No. 1069), approving a Development Agreement (DA No. 01-2015) by and between the City of Santa Fe Springs and Bulletin Displays, LLC. Ordinance No. 1069, if approved by the City Council, would effectuate the Development Agreement. Said Development Agreement would set forth the rules and regulations under which the proposed billboard would be allowed.

The main points of the Development Agreement (see attachment) are as follows:

1. The Developer pays an annual development fee to the City to mitigate potential impacts of the Development on the City and surrounding community.
2. The Developer is prohibited from utilizing any of the displays on the New Digital Billboard or the New Static 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.
3. The City Council has the right to review the Agreement annually, or may, at its sole and absolute discretion, order a special review for compliance with the 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.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 and 65091 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 was sent by first class mail 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 on December 3, 2015, posted in Santa Fe Springs City Hall, the City Library and Town Center on December 3, 2015, published in a newspaper of general circulation (Whittier Daily News) on December 3, 2015, as required by the State Zoning and Development Laws and by the City's Zoning Regulations.

As of date of this report, staff has not received any comments and/or inquiries regarding the proposal.

ENVIRONMENTAL DOCUMENT

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA), per 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the proposed Ordinance, in and of itself, would have a significant effect on the environment. The Conditional Use Permit (CUP 750), which is the pre-requisite for the installation of the subject billboard, is where the project is reviewed for CEQA compliance. The Development Agreement is viewed more as a condition of the CUP approval required by Ordinance No. 1036 (City's billboard regulations).



Wayne M. Morrell
Director of Planning

Attachments:

1. Resolution No. 53-2015
2. Ordinance No. 1069
3. Development Agreement No. 01-2015

RESOLUTION NO. 53-2015

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SANTA FE SPRINGS
RECOMMENDING THAT THE CITY COUNCIL OF THE
CITY OF SANTA FE SPRINGS ADOPT AN ORDINANCE
APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF SANTA FE SPRINGS AND BULLETIN DISPLAYS, LLC.**

THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS HEREBY
RESOLVES AS FOLLOWS:

SECTION 1: Following a public hearing noticed and conducted in compliance with all applicable law, and pursuant to all laws applicable to the responsibilities of the Planning Commission with respect to the subject matter hereof, the Planning Commission recommends that the City Council adopt the Ordinance attached hereto as Exhibit "A".

SECTION 2: Based on the oral and written evidence presented at such hearing, the Planning Commission hereby finds and determines that the adoption of such Ordinance is in the public convenience, interest and necessity.

SECTION 3: The adoption of such Ordinance would be in compliance with the City's General Plan.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Resolution. The Planning Commission hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5: The Commission Secretary shall certify to the adoption of this Resolution.

PASSED AND ADOPTED THIS 14TH DAY OF DECEMBER, 2015.

ATTEST:

CHAIRPERSON

SECRETARY

Exhibit A

ORDINANCE NO. 1069

**AN ORDINANCE OF THE CITY OF SANTA FE SPRINGS
ADOPTING A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF SANTA FE SPRINGS AND BULLETIN DISPLAYS, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY**

THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. The City Council hereby approves and adopts that certain Development Agreement by and between the City of Santa Fe Springs and Bulletin Displays, LLC, a California Limited Liability Company, a copy of which is attached hereto as Exhibit "A", which exhibit is incorporated by reference herein, as an Ordinance of the City.

Section 2. The City Council hereby finds and determines that the subject Development Agreement is consistent with the City's General Plan.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 4. The Deputy City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted in at least three (3) public places in the City, such posting to be completed no later than fifteen (15) days after passage hereof.

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF JANUARY, 2016.

AYES:
NOES:
ABSENT:

MAYOR

ATTEST:

DEPUTY CITY CLERK

ORDINANCE NO. 1069

**AN ORDINANCE OF THE CITY OF SANTA FE SPRINGS
ADOPTING A DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF SANTA FE SPRINGS AND BULLETIN DISPLAYS, LLC,
A CALIFORNIA LIMITED LIABILITY COMPANY**

THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. The City Council hereby approves and adopts that certain Development Agreement by and between the City of Santa Fe Springs and Bulletin Displays, LLC, a California Limited Liability Company, a copy of which is attached hereto as Exhibit "A", which exhibit is incorporated by reference herein, as an Ordinance of the City.

Section 2. The City Council hereby finds and determines that the subject Development Agreement is consistent with the City's General Plan.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 4. The Deputy City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted in at least three (3) public places in the City, such posting to be completed no later than fifteen (15) days after passage hereof.

PASSED, APPROVED AND ADOPTED THIS 28th DAY OF JANUARY, 2016.

AYES:
NOES:
ABSENT:

ATTEST:

MAYOR

DEPUTY CITY CLERK

DEVELOPMENT AGREEMENT NO. 01-2015

This Development Agreement (hereinafter "Agreement") is entered into this _____ day of _____, 2015 (hereinafter the "Effective Date"), by and between the City of Santa Fe Springs (hereinafter "City"), and Bulletin Displays, LLC, a California limited liability company (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 eastern side of the north bound lanes of the 5 Freeway, at the Southeast corner of Spring Avenue and Freeway Drive in the City of Santa Fe Springs, Assessor Parcel Number Numbers 8069-015-055, as more specifically described in **Exhibit "A"** and depicted at **Exhibit "C"**, attached hereto and incorporated herein (the "Site"), upon which it seeks to install a new lawfully permitted double-sided 14 x 48 foot digital display which is oriented toward the 5 Freeway, as depicted in **Exhibit "C"** (the "New Digital Billboard").

C. Gilbert-Blank, LLC, a California limited liability company (referred to as "Owner") has consented to Developer's application for this Agreement, and Developer, as the lessee of the Site, as such term is defined below, has a legal and/or equitable interest in the Site and thus qualifies 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 annual Mitigation Fee of \$68,500.00 or Alternative 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 _____, the Planning Commission of the City, at a duly noticed hearing, granted "Development Plan Approval" for the "development" of the Site, in compliance with, and satisfying the requirements of, the California Environmental Quality Act ("CEQA"), on the basis that a Mitigated Negative Declaration and Initial Study, which was also approved at the Planning Commission meeting, concluded that although the proposed project could have a effect on the environment, there will not be a significant effect with the incorporation of

mitigation measures pertaining to hazardous materials, aesthetics and views Such CEQA determination considered the impacts of the digital billboard which is the subject of this Agreement.

G. On _____, at a duly noticed public hearing, the Planning Commission adopted Resolution No. _____, recommending approval of this Agreement to the City Council.

H. On _____, 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 _____, the City Council held the second reading on, and adopted Ordinance No. _____, thereby approving this Agreement.

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

1.1.3 "City Council" means the City Council of the City.

1.1.4 "Developer" means Bulletin Displays, LLC, California limited liability company, duly existing and operating, and its successors and assigns, doing business at 3127 E. South St, Long Beach, CA 90805.

1.1.5 "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.

1.1.6 "Development Approvals" means the approved Development, based on the recommended approval by the Planning Commission on _____, pursuant to Resolution No. _____, and approval of the City Council by Ordinance No. _____ on _____, as further described at Section 3.3 herein.

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

1.1.8 "Final Permits" shall have the meaning set forth at Section 2.6.

1.1.9 Gross Revenue - 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 is 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.

1.1.10 "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.

1.1.11 "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.

1.1.12 "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.

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

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

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

1.1.16 "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.

1.1.17 "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.

1.1.18 "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" (Billboard Elevation) and Exhibit "C1" (Site Plan of Site) 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 5.1. 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 5.1.

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: (i) twenty (20) years from approval of this Development Agreement and a Conditional Use Permit (CUP) with an additional one (1) ten year option upon mutual consent of Developer and City (ii) the expiration or earlier termination of the Lease, or (iii) 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 5.1 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 8.1 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. Upon six (6) months after the issuance of the final inspection permits for the particular Site, the Developer shall pay the City a processing fee ("Processing Fee") in the amount of Fifty-Thousand (\$50,000.00) dollars for that particular Site and Developer shall pay the City a second Fifty-Thousand (\$50,000.00) dollars upon twelve (12) months after the issuance of said final inspection permits for that particular Site . 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 Alternative Fee. The Alternative Fee shall be an amount equal to nine (9%) percent of the gross advertising revenue as gross revenue is defined in Section 1.1.9 above.

2.6 Development Fee & Alternative Fee.

2.6.1 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 Development Fee for the Site shall equal the following amounts during the Term: Sixty Thousand Dollars (\$68,500) per annum for the New Digital Billboard.

2.6.2 Alternative Fee: For any calendar year of the Term the Alternative Fee, as defined Section 2.5 above, is an amount equal to nine percent (9%) of the gross advertising 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 advertising revenue during any year of the Term total \$770,000 for the New Digital Billboard, then for that year Developer shall pay to the City for the

New Digital Billboard the Alternative Fee of \$69,300 assuming no applicable deductions from Section 1.1.9 above (i.e., 9% of \$770,000 is \$69,300 in lieu of the Development Fee of \$68,500).

2.6.3 Revenue Report & Payment of Alternative Fee or Development Fee:

Within ninety (90) days following the end of each calendar year of the Term hereof, and ending within ninety (90) days after the termination of the Term, Developer shall furnish to the City a statement in writing ("Revenue Report"), certified by Developer to be correct, showing the total gross advertising revenues 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 Fee is higher than the Development Fee at the time of calculating the Revenue Report, the Developer shall include along with the Revenue Report a payment corresponding to the Alternative Fee. If during any particular year of the Term the Alternative Fee is less than the Development Fee at the time of calculating the Revenue Report, the Developer shall include along with the Revenue Report a payment corresponding to the Development Fee.

2.6.4 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 Long Beach 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 advertising 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 advertising 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 advertising revenue reported by Developer for the period or periods of said report, the cost of such audit shall be paid by the City.

2.7 Community Benefits. Developer shall also provide the following Community benefits during the entire Term of this Agreement.

2.7.1 City's Use of the Billboard. Developer shall provide five (5) weeks' worth of display time per year per for the Site for public service announcements by the City on either side of the Billboard, subject to availability of space. The City can chose to utilize any of the five weeks' worth of display time on any of Developer's other freeway digital displays within 10 miles of the City boundary. With respect to any of the New Digital Billboards, 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: 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.

2.7.2 Discount Advertising. Developer shall offer a ten percent (10%) 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.

2.8 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.

3. DEVELOPMENT AND IMPLEMENTATION OF THE DEVELOPMENT.

3.1 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 3.2 below.

3.2 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.

3.3 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, a Conditional Use Permit 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 has approved a Mitigated Negative Declaration for the project, thus complying with, and satisfying the 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's Commission (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's Commission, 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.

3.4 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 4.4, 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 8.10 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 8.10. 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.

3.5 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.

3.6 Reservation of Authority.

3.6.1 *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.

3.6.2 *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.

3.6.3 *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.

3.7 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 4.1. 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.

3.8 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:

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

3.8.2 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.

3.8.3 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.

3.9 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:

3.9.1 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;

3.9.2 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;

3.9.3 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;

3.9.4 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.

3.10 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.

4. REVIEW FOR COMPLIANCE.

4.1 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 of the commencement of the Term, 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"**, Section 6 herein, (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".

4.2 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.

4.3 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 4.2 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 4.2 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.

4.4 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 5; 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 8.10.

4.5 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 4.5, the Developer is presumed to be in compliance with this Agreement or any obligation that is the subject of the Developer's request.

5. DEFAULT AND REMEDIES.

5.1 Termination of Agreement.

5.1.1 *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 4.4. In the event of a termination by the City under this Section 5.1.1, 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.

5.1.2 *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 4.4. 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 5.1.2, 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.

5.1.3 *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.

6. INSURANCE, INDEMNIFICATION AND WAIVERS.

6.1 Insurance.

6.1.1 *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 6.2. 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.

(c) *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.

6.1.2 *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. 7.

(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.

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 4.4, may view such failure or refusal to be a default hereunder.

6.2 Indemnification.

6.2.1 *General.* To the extent of its liability coverage required under Section 6.1.1(a) above, 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.

6.2.2 *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.

6.2.3 *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.

6.2.4 *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 6.2.2 above.

6.2.5 *Period of Indemnification.* The obligations for indemnity under this Section 6.2 shall begin upon the Effective Date and shall survive termination of this Agreement.

6.3 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.

7. 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:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

8. MISCELLANEOUS PROVISIONS.

8.1 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.

8.2 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.

8.3 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.

8.4 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.

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

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

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

8.8 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.

8.9 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.

8.10 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.

8.11 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.

8.12 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.

8.13 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.

8.14 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.

8.15 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.

8.16 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.

8.17 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.

8.18 Amendments in Writing/Cooperation. This Agreement may be amended only by written consent of both parties specifically approving the amendment 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.

8.19 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.

8.20 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: Bulletin Displays, LLC
 LAND LEASE NOTICE
 3127 E. South St
 Suite B
 Long Beach, CA 90805
 Attn: Mark Kudler

8.21 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.

8.22 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.

8.23 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.

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:

Bulletin Displays, LLC
a California limited liability company

By: _____
Mark Kudler, President

[end of signatures]

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On _____, 2015, before me, _____, a
Notary Public, 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 California that the
foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public

[SEAL]

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On _____, 2015, before me, _____, a
Notary Public, 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 California that the
foregoing paragraph is true and correct.

Witness my hand and official seal.

Notary Public

[SEAL]

EXHIBIT "A"

LEGAL DESCRIPTION OF SITE 1

LOT 15 OF TRACT No. 23559, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 752 PAGES 19 TO 21 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM THAT PORTION OF SAID LOT 15, INCLUDED WITHIN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 11 WEST, IN THE RANCHO LOS COYOTES, IN THE CITY OF SANTA FE SPRINGS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN UPON A MAP RECORDED IN THE BOOK 41819 PAGE 141, ET SEQ. OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AN UNDIVIDED 4 PER CENT OF ALL OIL AND GAS NOW OR AT ANY TIME HEREAFTER LYING IN OR UNDER SAID LAND, AS CONVEYED TO E. B. NEWTON, BY DEED RECORDED SEPTEMBER 27, 1938 IN BOOK 15959 PAGE 360, OFFICIAL RECORDS OF SAID COUNTY.

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) 50' tall, "bulletin" size 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 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 (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 4.4 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 Building Official.

(b) The Billboard shall be located in the portion of the Site shown on Exhibit "C1", 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 and Elevations at Exhibit "C1" and Exhibit C 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 Elevations within Exhibit "C".

(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. 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 C1
SITE PLAN OF SITE

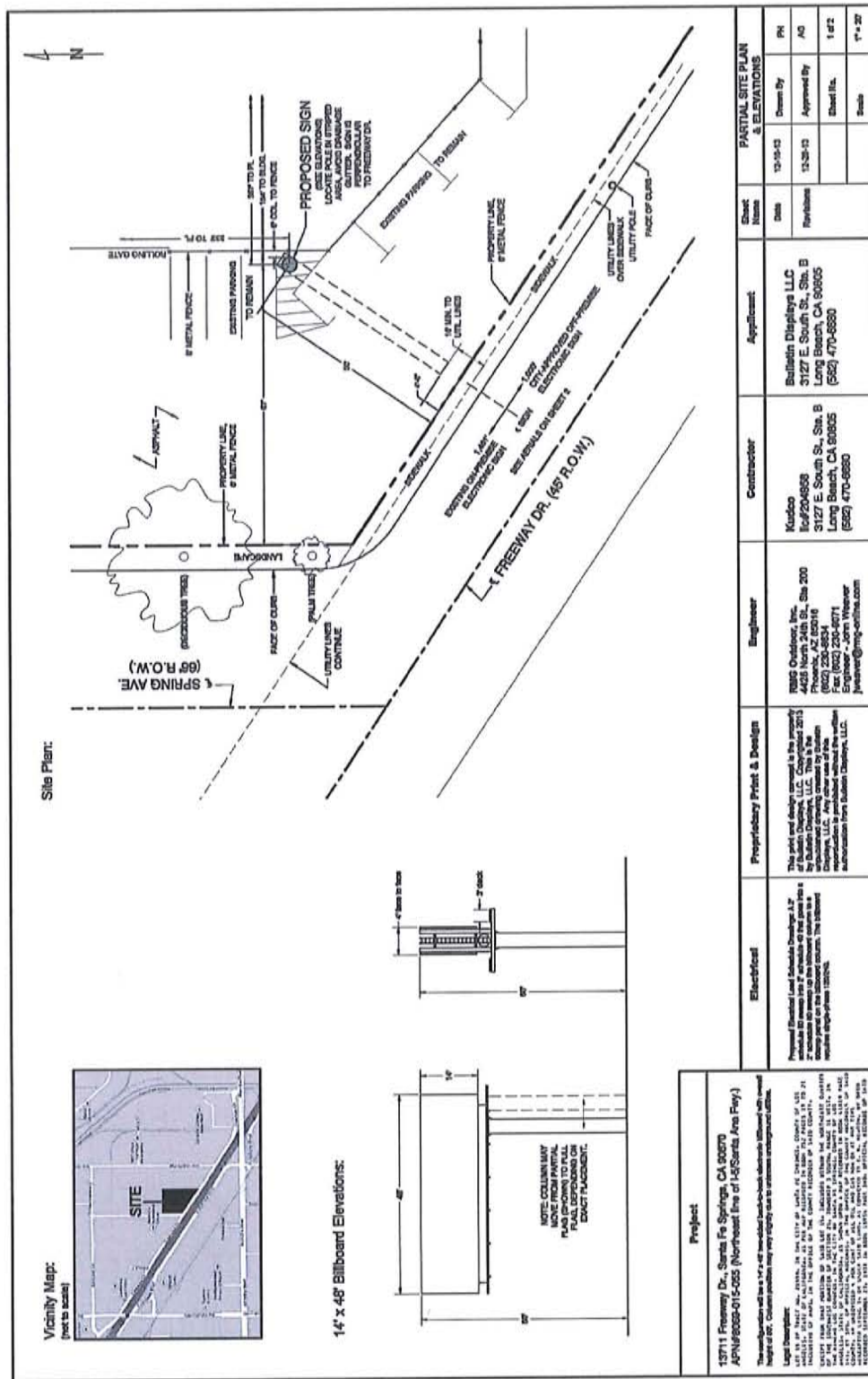
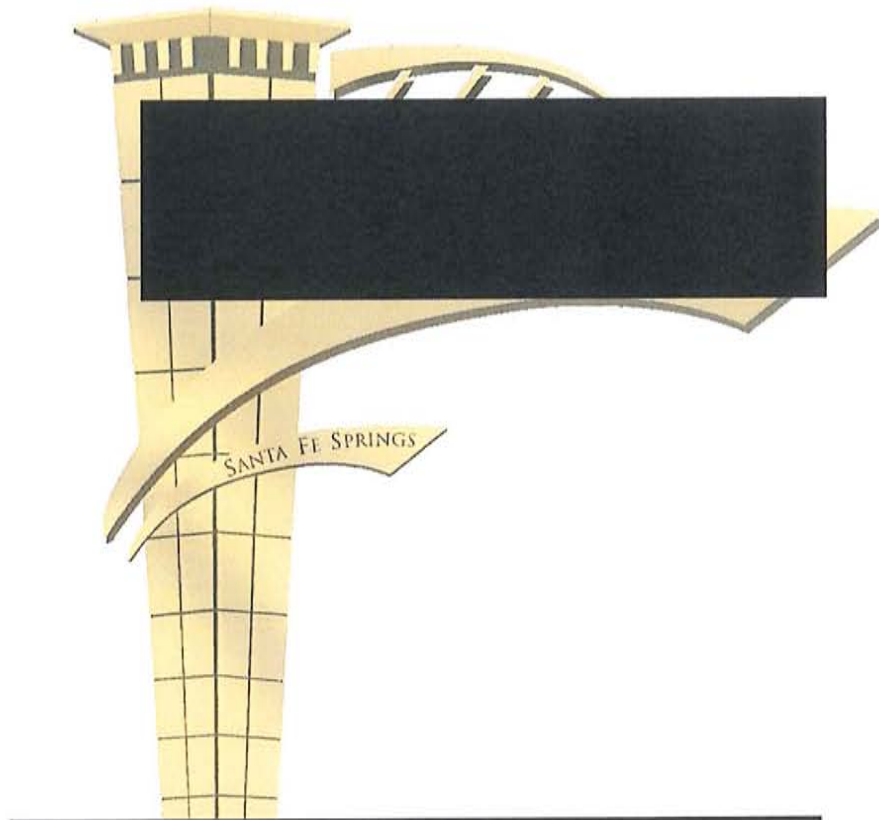


EXHIBIT C

BILLBOARD ELEVATION



City of Santa Fe Springs Message Center
Santa Ana (5) Freeway
(actual city approved concept may differ)



BULLETIN DISPLAYS, LLC

"CREATIVE OUTDOOR ADVERTISING"

3127 E. South St., Ste. B
Long Beach, CA 90805
(310) BULLETIN (285-5394)
(562) 470-6880 * Fax (562) 470-6886
BulletinDisplays.com

Display
14'x48' - full color LED (19 mm)
Overall Height - Per City code.

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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	December 14, 2016 PC Meeting	Recitals
2. City's City Council holds hearings to approve Agreement and first and second reading of Ordinance	January 14, 2016 (1 st Reading); January 28, 2016 (2 nd 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 February 28, 2016	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	3.4
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.	_____
6. Developer to provide copy of Caltrans approval to City	Prior to commencing any inspections and work on the Development.	3.3, 3.4
7. Developer to submit proof of insurance to City.	Prior to commencing any inspections and work on the Development	6.1.2

ITEM OF PERFORMANCE	TIME FOR PERFORMANCE	REFERENCE
8. Developer pays City first installment of Development Fee if Developer receives Final Permits	Within 1 year of Developer receiving Final Permits	2.6
9. Developer pays City second installment and subsequent annual installments of the Development Fee if Developer receives Final Permits.	Beginning within 2 years of Developer receiving Final Permits, and continuing throughout the Term. Each payment occurring at the end of each year of the Term.	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	2.7

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 3.5 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.



City of Santa Fe Springs

Planning Commission Meeting

December 14, 2015

CONSENT ITEM

Conditional Use Permit Case No. 731-1

A request for a compliance review for the continued operation of a meat processing facility, within an 11,000 sq. ft. building, located at 13044 Park Street (APN:8011-014-031), approximately ± 469 lineal feet east of the centerline of Shoemaker Avenue in the M-2, Heavy Manufacturing Zone. (Quentin Meats, Inc.)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the continued operation and maintenance of meat processing facility, if conducted in strict compliance with the conditions of approval, 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 city in general.
2. Require that Conditional Use Permit Case No. 731-1, be subject to a compliance review in three (3) years from the date the last compliance review was required, on or before September 9, 2017, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.

BACKGROUND

The subject 22,476 sq. ft. property (APN: 8011-014-031) is located at 13044 Park Street, at the end of the cul-de-sac. It is developed with an 11,000 sq. ft. concrete tilt-up building constructed in 1978. The Hyun Mi Lim Corporation purchased the building in 2011 for the purposes of relocating their meat processing facility (Quentin Meats, Inc.) from the city of Pico Rivera to Santa Fe Springs.

Quentin Meats, Inc. was founded in 1949 by Kit Young. It was a neighborhood meat market known for delivering fresh quality meats. In the early 1980's a group of Japanese investors, Nikkoku America, Inc., purchased Quentin Meats and turned it into a USDA meat processing plant. Its operations consisted of deboning chicken legs and grinding beef for ground beef patties. Quentin Meats had a reputation of selling high quality ground beef patties by using only the freshest ingredients without compromising the food safety standard requirements.

In the year 2000, Quentin Meats was acquired by the Hyun Mi Lim Corporation. They turned the company into a multi-million dollar business and annually process up to 10 million pounds of meat. The company has been under the

same management since. Its sales have increased 4-5 times since its inception in 2000. In fiscal year 2011, its reported sales were over \$17 million, which allowed it to expand its product lines. The company produces fresh ground beef, ground beef patties, beef navels for pastrami, beef trimmings for further processing, Korean-style sliced short ribs, sliced rib eye steaks and wholesaling of various boxed beef, poultry, and pork products.

In accordance with Section 155.243(D) of the Zoning Regulations, meat or fish products packaging, canning or processing are allowed in the M-2 Zone only after a valid conditional use permit. As a result, Quentin Meats applied for a conditional use permit and was allowed to proceed with their improvements to the building and begin operations while the CUP was being processed.

Code Section:	Conditional Uses
155.243 (D)	<u>Section 155.243</u> Notwithstanding the list of uses set forth in Section 155.243, the following are the uses permitted in the M-2 Zone only after a valid conditional use permit has first been issued: (D) Animal, food or beverage processing of the following kinds: meat or fish products packaging, canning, or processing.

On September 9, 2013, Quentin Meats Inc., was initially granted Planning Commission approval to establish, operate, and maintain a meat processing facility on the subject property. This is the first compliance review since the original CUP approval.

STAFF CONSIDERATIONS

As standard practice for all CUP compliance reviews, an inspection of the subject property was performed by City staff to ensure continued compliance with the conditions of approval prior to bringing the matter back to the Planning Commission.

An initial inspection of the property, conducted on September 18, 2014, revealed that the business was operating in violation of several CUP conditions. During the inspection, staff explained the violations to the applicant and requested that the violations be corrected immediately. Specifically, the applicant was directed to comply with the following:

- Remove the metal storage bin located adjacent to the existing trash enclosure.
- Maintain rear yard area free and clear to ensure on-site parking is continually available and accessible for employees.
- Obtain a permit for the installation of existing foam wall sign.

A follow-up inspection conducted on January 12, 2015 revealed that the violations had not been corrected. Staff, therefore, referred the matter to Code Enforcement. The City's Code Enforcement officer continued working with the applicant to obtain full compliance. Staff was notified by Code Enforcement, on November 2, 2015, that full compliance has now been obtained and that the matter may be presented to the Commission for consideration.

With the business now in full compliance with the existing conditions of approval, staff finds that if the meat processing facility continues to operate in strict compliance with the required conditions of approval, the use will continue to be compatible with the surrounding developments and will not pose a nuisance risk to the public or environment. Staff is, therefore, recommending that CUP 731 be subject to a compliance review in three (3) years from the date the last compliance review was required, September 9, 2014, to ensure the use is still operating in compliance with the conditions of approval as contained in this staff report.

CONDITIONS OF APPROVAL

NOTE: Changes to existing conditions are provided as a strike-through or bold.

DEPARTMENT OF FIRE - RESCUE (FIRE PREVENTION DIVISION)

(Contact: Michael Crook 562.868-0511 x3701)

1. That interior gates or fences are not permitted across required Fire Department access roadways unless otherwise granted prior approval by the City Fire Department. **(Ongoing)**
2. That if one-site fire hydrants are required by the Fire Department, a minimum flow must be provided at 2,500 gpm with 1,500 gpm flowing from the most remote hydrant. In addition, on-site hydrants must have current testing, inspection and maintenance per California Title 19 and NFPA 25. **(Ongoing)**
3. The standard aisle width for onsite emergency vehicle maneuvering shall be 26 feet with a minimum clear height of 13 feet 6 inches. Internal driveways shall have a turning radius of not less than 52 feet. The final location and design of this 26 feet shall be subject to the approval of the City's Fire Chief as established by the Uniform Fire Code. A request to provide emergency vehicle aisle width less than 26 feet shall be considered upon the installation/provision of mitigation improvements approved by the City's Fire Chief. **(Ongoing)**

4. That Knox boxes are required on all new construction. All entry gates shall also be equipped with Knox boxes or Knox key switches for power-activated gates. **(Ongoing)**
5. That signs and markings required by the Fire Department shall be maintained along the required Fire Department access roadways. **(Ongoing)**

DEPARTMENT OF FIRE-RESCUE – ENVIRONMENTAL DIVISION:
(Contact: Tom Hall 562.906-3815)

6. Permits and approvals. That the owner/developer shall, at its own expense, secure or cause to be secured any and all permits or other approvals which may be required by the City and any other governmental agency having jurisdiction as to the environmental condition of the Property. Permits shall be secured prior to beginning work related to the permitted activity. **(Ongoing)**
7. That the owner/developer shall comply with all Federal, State and local requirements and regulations included, but not limited to, the Santa Fe Springs City Municipal Code, California Fire Code, Certified Unified Program Agency (CUPA) programs, the Air Quality Management District's Rules and Regulations and all other applicable codes and regulations. **(Ongoing)**
8. ~~That the owner/operator shall submit plumbing plans to the Fire Department Environmental Protection Division (EPD) and, if necessary, obtain an Industrial Wastewater Discharge Permit Application for generating, storing, treating or discharging any industrial wastewater to the sanitary sewer.~~ **(Completed)**

POLICE SERVICES DEPARTMENT:
(Contact: Luis Collazo at 562.409-1850 x3329)

9. That the applicant shall provide an emergency phone number and a contact person to the Department of Police Services and the Fire Department. The name, telephone number, fax number and e-mail address of that person shall be provided to the Director of Police Services and the Fire Chief no later than 60 days from the date of approval by the Planning Commission. Emergency information shall allow emergency service to reach the applicant or their representative any time, 24 hours a day. **(Ongoing)**

10. That in order to facilitate the removal of unauthorized vehicles parked on the property, the applicant shall post, in plain view and at each entry to the property, a sign not less than 17" wide by 22" long. The sign shall prohibit the public parking of unauthorized vehicles and indicate that unauthorized vehicles will be removed at the owner's expense and also contain the California Vehicle Code that permits this action. The sign shall also contain the telephone number of the local law enforcement agency (Police Services Center (562) 409-1850). The lettering within the sign shall not be less than one inch in height. The applicant shall contact the Police Services Center for an inspection no later than 30 days after the project has been completed and prior to the occupancy permit being issued. **(Ongoing)**
11. That the existing building, including any lighting, fences, walls, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions or visual blight. Paint utilized in covering graffiti shall be a color that matches, as closely possible, the color of the existing and/or adjacent surfaces. **(Ongoing)**

WASTE MANAGEMENT:**(Contact: Teresa Cavallo 562.868.0511 x7309)**

12. That the applicant shall comply with Section 50.51 of the Municipal Code which prohibits any business or residents from contracting any solid waste disposal company that does not hold a current permit from the City. **(Ongoing)**

PLANNING AND DEVELOPMENT DEPARTMENT:**(Contact: Wayne M. Morrell 562.868-0511 x7362)**

13. That the Department of Planning and Development shall first review and approve all sign proposals for the non-profit trade school use. The sign proposal (plan) shall include a site plan, building elevation on which the sign will be located, size, style and color of the proposed sign. All drawings shall be properly dimensioned and drawn to scale on 24" x 36" maximum-size paper. All signs shall be installed in accordance with the sign standards of the Zoning Ordinance, **and the City's Sign Guidelines, and the Telegraph Road Corridor Design Guidelines. (Revised - Ongoing)**

14. That all activities shall occur inside the building(s). No portion of the required off-street parking and driveway areas shall be used for outdoor storage of any type or for special-event activities, unless prior written approval is obtained from the Director of Planning, Director of Police Services and the Fire Marshall. **(Ongoing)**
15. That all vehicles associated with the businesses on the subject property shall be parked on the subject site at all times. Off-site parking is not permitted and would result in the restriction or revocation of privileges granted under this Permit. In addition, any vehicles associated with the property shall not obstruct or impede any traffic. **(Ongoing)**
16. That the meat processing use shall comply with Section 155.420 of the City's Zoning Ordinance regarding the generation of objectionable odors. If there is a violation of this aforementioned Section, the property owner/applicant shall take whatever measures necessary to eliminate the objectionable odors from the operation in a timely manner. **(Ongoing)**
17. That the owner shall not allow commercial vehicles, trucks and/or truck tractors to queue on Park Street, use street(s) as a staging area, or to back up onto the street from the subject property. **(Ongoing)**
18. That all other requirements of the City's Zoning Ordinance, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable County, State and Federal regulations and codes shall be complied with. **(Ongoing)**
19. This approval allows the applicant, Quentin Meats, Inc. to establish, operate and maintain an 11,000 sq. ft. meat processing facility. **(Ongoing)**
20. That Conditional Use Permit Case No. 731 shall be **subject to a compliance review in one (1) year (September 9, 2014) three (3) years from the date the last compliance review was required, on or before September 9, 2017** to ensure the use is still operating in strict compliance with the conditions of approval as contained within this staff report. Approximately three (3) months before September 9, 2014, **September 9, 2017** the applicant/owner shall request, in writing, an extension of the privileges granted herein, provided that the use has been continuously maintained in strict compliance with these conditions of approval. **(Revised - Ongoing)**
21. That the applicant, Quentin Meats, Inc., agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and

employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the subject **Concerning CUP Case No. 731** ~~or DPA~~, **when action is brought within the time period provided for in the City's Zoning Ordinance, Section 155.865** ~~or any actions or operations conducted pursuant thereto~~. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/~~developer~~**applicant** of such claim, action or proceeding, and shall cooperate fully in the defense thereof. **(Revised - Ongoing)**

22. That if there is evidence that these conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director of Planning may refer the Conditional Use Permit (CUP) back to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the CUP. **(Ongoing)**
23. That it is hereby declare to be the intent that if any provision of this Approval is violated or held to be invalid, or if any law, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse. **(Ongoing)**



Wayne M. Morrell
Director of Planning

Attachments:

1. Aerial Photograph
2. Reconsideration Request Letter

Aerial Photograph



CITY OF SANTA FE SPRINGS



NORTH

PROJECT: Conditional Use Permit Case No. 731

REQUEST: To establish, operate and maintain a meat processing facility.

APPLICANT: Quentin Meats, Inc.

Request for Compliance Review

QUENTIN MEATS, INC

13044 Park Street, Santa Fe Springs, Ca 90670

Tel 562) 946-7604 *** Fax 562) 944-1407***Email: Quentinmeat@hotmail.com

July 16, 2014

City of SFS, Department of Planning and Development

11710 Telegraph Rd.

Santa Fe Springs, Ca 90670

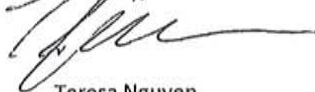
Re: Conditional Use Permit (CUP) Case No. 731

Mr. Nguyen:

This letter is to request the review for compliance of the subject permit.

Currently, the activities of Quentin Meats, Inc. still involve receiving, processing, and shipping of meat and poultry products. There have been no changes or alterations of the use since the last review of the subject permit.

Sincerely,



Teresa Nguyen

President, Quentin Meats, Inc.