

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD ON PROPERTY ZONED G-C, GENERAL COMMERCIAL, LOCATED AT 303 NORTH PLACENTIA AVENUE

PRJ2020-00006 – ZON-2020-0068

APPLICANT: GENERAL OUTDOOR ADVERTISING  
PROPERTY OWNER: 4 THE DOGS, LLC

RECITALS

WHEREAS the City received an application for a Conditional Use Permit for the property at 303 North Placentia Avenue, more specifically described as Orange County Assessor's Parcel No. 338-041-07.

WHEREAS the Planning Commission of the City of Fullerton held, in compliance with the noticing requirements of Fullerton Municipal Code (FMC) Chapter 15.76, held a duly noticed public hearing for ZON-2020-0068.

WHEREAS FMC Section 15.49.120.C permits freeway-oriented electronic billboard subject to a review and approval of a Conditional Use Permit.

WHEREAS FMC Section 15.49.120.C.1 requires a Planning Commission recommendation to City Council for this Conditional Use Permit.

WHEREAS, the Planning Commission recommended approval to City Council by adoption of Planning Commission Resolution No. PC-2021-15.

WHEREAS FMC Section 15.70.040.D establishes the criteria to consider in evaluating a Conditional Use Permit request and authorizes City Council to approve a project when it can make applicable findings.

RESOLUTION

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON HEREBY RESOLVES AS FOLLOWS:

1. In all respects as set forth in the Recitals of the Resolution.
2. The City Council, pursuant to Fullerton Municipal Code Section 15.70.040.D, finds as follows:
  - a. Finding: That the proposed use is conditionally permitted in the zone and complies with all applicable zoning standards.

Fact: FMC Section 15.49.120.F permits a freeway-oriented electronic billboard in the G-C, General Commercial zone subject to review and approval of a Development

Agreement and a Conditional Use Permit pursuant to FMC Chapter 15.70. The project complies with the Physical / Site Requirements identified in FMC Section 15.49.120.F and Operational Requirements identified in FMC Section 15.49.120.G established for the conditional use.

Finding: That the proposed use is consistent with the goals and policies of the General Plan of the City or any specific plan applicable to the area of the proposed use.

Fact: The project supports the following Fullerton Plan policies and goals:

**Policy 11.12:** Public Private Partnerships – Supports projects that facilitate partnerships with property owners and developers to achieve revitalization results that contribute to clean, safe and attractive neighborhood and districts.

**Policy 2.3:** Distinctive Landmarks – Supports project to preserve existing landmarks and encourage the creation of new landmarks that reinforce Fullerton's identity and image.

**Goal 9:** Long-term fiscal strength and stability that has a foundation in local economic assets and adapts to dynamic market conditions.

Fact: The property is located in Fullerton Plan Focus Area J: Education which is envisioned as a dynamic neighborhood in which the colleges and universities form the hub. The applicant has designed the proposed project to provide prominent City identity and color recognition of the surrounding university further complimenting the surrounding area and neighborhood context.

Fact: The proposed project includes a Development Agreement which provides for an annual monetary public benefit as a result of the installation and operation of the billboard.

Fact: The proposed project provides the public benefit to promote City messages of community interest and information and public safety messages to further reach and promote to the larger community and proactively address public safety concerns.

- b. Finding: That the proposed use as conditioned will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity.

Fact: The proposed project design meets both the physical and operational requirements pursuant to FMC Section 15.49.120. Further, the project must meet all life safety requirements contained in the California Building Code. The project will need review and approval from Caltrans which also considers the health, safety and general welfare of those traveling along state roadways and freeways.

- c. Finding: The project or use demonstrates compliance with the Design Criteria specified in Section 15.47.060 of Chapter 15.47.

Fact: The billboard will feature a modern design, with blue, white and orange accents, City identity featured at the top of the sign and the City's logo located on the support

structure. The overall size and height are consistent and similar in size to the existing billboards in the surrounding area. The design architecturally integrates all design bracing, wires and other supporting elements and screens within the sign structure and are not visible from public right-of-way.

3. In accordance with California Environmental Quality Act (CEQA) Guidelines, City Council finds that the proposed project is exempt from further review per the following:

Section 15303 Class 3 – New Construction or Conversion of Small Structures

Finding: This project consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

Fact: The proposed project is new construction of a freeway-oriented electronic billboard that would occupy 80 square feet of site area within an existing parking lot and provide two electronic displays that are 14 feet by 48 feet and will be 66 feet, 6 inches in overall height. The site is previously developed and located in an urbanized area. The proposed project is well within the magnitude of construction considered by this exemption.

Pursuant to CEQA Guidelines Section 15300.2, a Class 3 exemption also includes the following considerations:

Finding: Location. The project does not impact an environmental resource of hazard or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state or local agencies.

Fact: The California Department of Conservation Farmland Mapping and Monitoring Program classified the site as “Urban and Built-Up Land”. There is no Prime Farmland, Unique Farmland or Farmland of Statewide Importance, forest land or timberland on or near the site nor is the site subject to a Williamson Act contract. The site is not located in an area known to be underlain by regionally-important mineral resources. The site does not provide habitat for wildlife movement and is not near areas of the City that contain significant plant and animal populations (i.e., East Coyote Hills or West Coyote Hills). Furthermore, the project does not propose the removal of any trees.

As with all of Southern California, the site lies in a seismically active region. However, the site does not lie within an Alquist-Priolo Earthquake Fault Zone nor are faults identified within the site. The site is not located in a Liquefaction Zone or Landslide Zone.

The site is located in an area designated as a 500-year flood zone. The project would add an 80 square-foot sign support structure with all other improvements elevated 50 feet above the existing parking lot. This improvement is minimal and would neither redirect flood flows nor release pollutants in the event of a flood.

The project will not impact an environmental resource or hazard of critical concern, therefore a categorical exemption may be utilized.

Finding: Cumulative Impact. The project is not a successive project of the same type in the same place over time is significant.

Fact: FMC Section 15.49.120.F provides physical requirements in order to limit and reduce any potential for cumulative impacts. Specifically, FMC Section 15.49.120.F.1 limits the type of zones freeway-oriented billboards may be located and FMC Section 15.49.120.F.3 limits the minimum distance between two freeway-oriented electronic billboards on the same of side of the freeway to 1,000 feet. There are currently no billboards along the same side as the proposed billboard within 1,000 feet of the subject site and this can be the only such project on the project site or within 1,000 feet thereof on the same side of the freeway. Thus, it would not have a cumulative impact and a categorical exemption may be utilized.

Finding: Significant Effect. There is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Fact: The project site is located within the G-C, General Commercial zone and the proposed freeway-oriented billboard is located within an existing parking lot and meets the required development standards of FMC Section 15.49.120. The site is previously developed and located in an urbanized area. The site has no unusual circumstances that will have a reasonable possibility that the activity will have significant effect on the environment. Therefore, a categorical exemption may be utilized.

Finding: Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to trees, historic buildings, rock outcroppings or similar resources within a highway officially designated as a state scenic highway.

Fact: Based on review of The Fullerton Plan and the California Department of Transportation (Caltrans) Scenic Highways Program, the only Officially Designated State Scenic Highway in Orange County is the segment of SR-91 from SR-55 to east of the city limits of the City of Anaheim. The subject site is not located near a scenic corridor as identified within The Fullerton Plan (General Plan). Thus, it would not affect scenic resources along an officially designated, eligible Scenic Highway or a scenic corridor and a categorical exemption may therefore be utilized.

Finding: Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Government Code Section 65962.5.

Fact: This site is not included on lists of hazardous waste facilities identified by Government Code Section 65962.5. Specifically, it is not identified on the Department of Toxic Substances Control EnviroStor data management system for tracking cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known contamination or sites where there be reasons to investigate further. A categorical exemption may therefore be utilized.

Finding: Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical

resource.

Fact: The project site was developed as a commercial office building and parking lot in 1972. The project site is within an urban area and is surrounded by the freeway, streets, commercial and office uses and a concrete-lined drainage channel. The project site or the existing buildings on the site are not included in the Local Register of Historical the Fullerton Plan. Also, there are no historical resources or districts adjacent to the project site. Thus, the project will not cause a substantial adverse change in the significance of a historical recourse and a categorical exemption may therefore be utilized.

#### Section 15332 Class 32 – In-Fill Development

Finding: The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

Fact: The site is zoned G-C (General Commercial) with a general plan land use designation of Commercial. The project proposes to retain these existing classifications and construct and operate a freeway-oriented electronic billboard, a use requiring a DA and CUP. The proposed project complies with the corresponding specific provisions and requirements established by 15.49.120.F and G.

Finding: The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

Fact: The project site is 0.39 acres in size. It is an infill site in a generally urbanized area consisting of a mix of commercial and office uses.

Finding: The site has no value as habitat for endangered, rare or threatened species.

Fact: The project site was developed as a commercial office building and parking lot in 1972. The project site is within an urban area and is surrounded by the freeway, streets, commercial and office uses and a concrete-lined drainage channel. The site is completely constructed on or paved.

Fact: Although no wildlife species were observed on the project site, there is potential for common animal species typically found in urban areas to be present, such as small mammals, birds, small reptiles and insects. There are no natural or sensitive biological resources present on the project site and the proposed project would not impact any candidate, sensitive or special status plant or animal species.

Finding: Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality.

Fact: Operation of the proposed freeway-oriented electronic billboard would generate only minimal vehicle trips, mainly attributable to construction vehicles and operational maintenance vehicles. However, these vehicle trips will be nominal, temporary and sporadic and do not meet the threshold to review under the City's Transportation Assessment Policies and Procedures (TAPP). During construction activity, the City

would require the applicant to prepare and implement a temporary traffic control plan, as warranted and required by City standards.

Fact: The proposed freeway-oriented electronic billboard would be oriented and visible primarily from SR-57 but also visible from surrounding public streets. The proposed project would not create a hazard as the constructed billboard must adhere to all Caltrans regulations for placement, reflection and visibility. FMC 15.49.120 and State law also establish lighting and glare requirements and minimum 1000-foot spacing distance between billboards. Further, the project requires submittal to Caltrans for review and approval. With adherence to existing Federal, State and local regulations regarding billboard signs and no hazard impacts are anticipated.

Fact: The project site is located in an urbanized area along the California State Route 57 (SR-57). The existing ambient noise level in the area are primarily generated by traffic noise from SR-57. The proposed billboard will not include any noise generating components. Long-term operations of the freeway-oriented electronic billboard would not result in exposure of noise levels that exceed the standards of the Municipal Code nor would the long-term operations of the proposed project exceed ambient noise level conditions. Further, the project must meet the City's Noise Ordinance for the City of Fullerton for any short-term construction-related noise.

Fact: The proposed project is new construction of a freeway-oriented electronic billboard that would occupy 80 square feet of site area within an existing parking lot and provide two electronic displays that are 14 feet by 48 feet and will be 66 feet, 6 inches in overall height. The project includes the demolition of an existing light pole and limited construction on site for the sign structure and foundation. The sign components are fabricated at facilities off-site. Thus, construction impacts to air quality are minimal in scope and duration. Additionally, the nature, the proposed project would not have any direct operational impacts that would affect air quality, including from trips made to the site for operational vehicles. It is assumed the proposed project would use a nominal amount of electricity for illumination purposes for the LED lighting.

Fact: Operation of the freeway-oriented electronic billboard would not involve the use of water to operate. The site is completely built over or paved and construction of the billboard will not substantially alter the existing drainage pattern of the site nor contribute to an increase in surface runoff.

Finding: All required utilities and public services can adequately serve the site.

Fact: The site is served with existing electric and all telecommunication systems. All proposed utilities that provide direct service to the subject property will be placed underground, where possible.

THEREFORE, City Council does hereby approve said Conditional Use Permit subject to the following conditions of approval:

1. Approval of Conditional Use Permit ZON-2020-0068 is contingent on the approval of Development Agreement LRP-2020-0015. Should Development Agreement LRP-2020-0015 not be approved, Conditional Use Permit ZON-2020-0068 shall be similarly denied.

2. The property shall be in substantial conformance with the plans, descriptions and statements provided by the applicant, excepting any modifications made by City Council. This includes, but is not limited to, the submitted plans and agreements (Attachment 1). Upon significant changes to the plans, descriptions and statements provided by the applicant, as determined by the Director of Community and Economic Development, staff shall initiate a review of the CUP at a noticed public hearing before the Planning Commission and City Council.
3. At all times, the freeway-oriented electronic billboard shall be operated consistent with all terms of a valid and current development agreement. If the initial development agreement approved as PRJ2020-00006 – LRP-2020-0015 has expired, and the parties have not entered into a new or extended development agreement, then the applicant shall operate consistent with the initial development agreement.
4. Upon submittal of construction plans, the plans shall be updated to plainly display the billboard identification number on the elevations.
5. All exposed portions of billboards, including backs, sides, structural support members and support poles, shall be screened from public view. Upon submittal of construction plans, the plans shall be updated provide screening for any exposed areas along the west elevation.
6. Prior to issuance of a building permit, provide documentation for approvals provided by Caltrans and the Orange County Flood Control District. Applicant shall be responsible for all coordination and approvals with Caltrans and the Orange County Flood Control District.
7. The applicant shall agree to indemnify, hold harmless and defend the City of Fullerton, its officers, agents and employees from any and all liability or claims, including without limitation any actions taken pursuant to the California Environmental Quality Act (CEQA) with respect thereto, that may be brought against the City arising out of this approval, or arising out of the operation of the business, save and except that caused by the City's active negligence. Said indemnity obligation shall include payment of any costs related to staff, consultant and reasonable attorney's fees, expert witness fees and court costs.
8. Construction plans shall be submitted to the Community and Economic Development Department for review and issuance of any future building permit(s).
9. Applicants shall include the following items in their formal building plan check submittal:
  - a. Soils Report pursuant to California Building Code Section 1803.2.
  - b. Structural plans, details and calculations to show proposed billboard sign has been designed and constructed to withstand seismic loads and wind pressures as provided for in Chapter 16 of the California Building Code.

Public Works Conditions of Approval

10. The applicant shall provide a soils report for review and approval of the Public Works Department prior to issuance of a building permit. If a spread footing is planned, please verify the depth and width of the footing excavation. Grading operations for footing may require the development of an erosion and sediment control plan.

11. All work in the public right of way shall be constructed in accordance with the Standard Plans and Standard Specifications for Public Works Construction, latest edition. This includes supplements thereto and City of Fullerton Standard Drawings.
12. Before undertaking any grading or construction work of any type within the public right of way, the owner must first obtain the applicable permits from the Public Works Department.
13. During site improvement, all overweight or oversize deliveries to the project site will require a transportation permit from the Public Works Department.
14. The project shall utilize the City's benchmarks. A list of the City's benchmarks is available on the City of Fullerton website.
15. The developer shall provide and maintain all necessary flag persons, barricades, delineators, signs, flashers and any other safety equipment as set forth in the latest publication of the State of California, Manual of Traffic Control or as required by the Public Works Department permit requirements to ensure safe passage of pedestrian and vehicular traffic.
16. Street trenches required for the installation of utility connections shall comply with City of Fullerton Standard No. 312.
17. Any controlling survey monumentation (property lines, tract lines, street centerline, etc.) which are at risk of being destroyed or disturbed during the course of this project must be preserved in accordance with Section 8771(b) of the California Business and Professions Code (Professional Land Surveyors Act). Pre-construction field ties, along with the preparation and filing of the required Corner Records or Record of Survey with the County of Orange, shall be accomplished by, or under the direction of, a licensed surveyor or civil engineer authorized to practice land surveying. Copies of said records shall be furnished to the City Engineer for review and approval prior to issuance of any onsite or offsite construction permits. Any monuments disturbed or destroyed by this project must be reset and post-construction Corner Records or Record of Survey filed with the County of Orange. A copy of the recorded documents shall be submitted to the City Engineer for review and approval prior to issuance of any permits within the public right of way.
18. All of the public improvements, studies, designs, plans, calculations and other requirements shall be installed, provided and supplied by the developer in accordance with City and State codes, policies and requirements at no cost to the City. All work shall comply with City standards and specifications and with the City of Fullerton Municipal Codes.
19. Existing public and private easements shall be shown on the plans and shall not be affected by the proposed development. Any modification to an existing public and/or private easement shall be coordinated and approved by applicable easement owners.
20. All facilities crossing lot lines shall be located in private easements.
21. According to FMC Section 16.05.060, all proposed utilities that provide direct service to the subject property, including electric and all telecommunication systems, shall be installed

underground. All existing facilities providing direct service to the development shall be undergrounded.

22. Site grading shall adhere to the approved grading plan (if applicable) and shall be completed prior to issuance of building permits. Any deviations from the approved grading plan will require a submittal of grading plan revision for the City Engineer's review and approval.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JULY 6, 2021.

---

Bruce Whitaker  
Mayor

ATTEST:

---

Lucinda Williams, MMC  
City Clerk

---

Date

Attachment:

Attachment 1: Plans