



Agenda Report

Fullerton City Council

MEETING DATE: OCTOBER 19, 2021

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: STEVE DANLEY, ACTING CITY MANAGER

PREPARED BY: GREGORY PFOST, INTERIM DIRECTOR OF COMMUNITY
AND ECONOMIC DEVELOPMENT
HEATHER ALLEN, PLANNING MANAGER
MARIBETH TINIO, SENIOR PLANNER

SUBJECT: FREEWAY-ORIENTED ELECTRONIC BILLBOARD
LOCATED AT 1210 BURTON STREET CONDITIONAL USE
PERMIT AND DEVELOPMENT AGREEMENT

SUMMARY

The Planning Commission recommends City Council approval of this project, including a Conditional Use Permit and Development Agreement, for a freeway-oriented electronic billboard facing the 91 Freeway, located at 1210 Burton Street.

RECOMMENDATION

1. Adopt Resolution No. 2021-XX.

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 LOCATED AT 1210 BURTON STREET ON PROPERTY ZONED C-M, COMMERCIAL INDUSTRIAL

2. Introduce Ordinance XXXX for first reading by title only and waive further reading of the ordinance.

ORDINANCE NO. XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR A FREEWAY-ORIENTED ELECTRONIC BILLBOARD TO PROVIDE THE PROJECT APPLICANT AND THE CITY OF FULLERTON CERTAIN ASSURANCES WITH RESPECT TO PROJECT APPROVALS AND OBLIGATIONS

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Fiscal and Organizational Stability.

FISCAL IMPACT

The applicant pays all City costs associated with the application review, processing, plan check, permitting and inspections. Additionally, the applicant has agreed to provide an annual public benefit fee equal to the greater of \$75,000 or twelve percent of the gross receipts generated, less agency commissions, each calendar year (DA Number 3.1, Annual Public Benefit Fee).

DISCUSSION

City Council adopted Ordinance No. 3287 on August 18, 2020, which allowed for consideration of freeway-oriented electronic billboards along State Route 57 (SR-57) and State Route 91 (SR-91) freeways. This ordinance adopted definitions, review procedure, approval process and applicable development standards. This is the second application received under this ordinance.

AGE Advertising has secured a lease with the property owner at 1210 Burton Street for development of a freeway-oriented electronic billboard within a remnant property currently utilized for landscaping (turf and palm trees), lighting and monument signage for the adjacent property (Hotel Fullerton at 1500 Raymond Street). The property is located directly north of SR-91 and east of Raymond Avenue. The applicant would locate the proposed billboard within the landscaped area, with the base screened by tubular steel (or similar) and creeping vines. The screened area is approximately 144 square feet. The project would not remove any existing trees.

The applicant has designed the billboard in both height and appearance compatible with the surrounding area and neighborhood context. The applicant proposes to streamline the design and utilize the same modern framed design as the recently approved billboard at 303 North Placentia Avenue, adjacent to SR-57. The sign will feature blue and white accents, "City of Fullerton" identified at the top of the sign and the City's logo located on the support structure (Attachment 5, Development Agreement and Plans). Staff supports consistent use of this design to reduce visual clutter and retain a high-quality design for freeway-oriented electronic billboards within the City.

The proposed display face will be 14-feet by 48-feet in size¹, double-faced in a V-shape configuration and visible from both east- and west-bound traffic along SR-91. Traveling westbound, the freeway grade begins to increase approaching the subject site. The visible portion of the proposed billboard from the freeway is 55 feet (36 feet to the bottom of the sign) with an overall height of 75 feet. The requested height is based on the distance of the subject property from the main freeway roadbed, which is approximately 200 feet and the difference of the 20-foot grade of the freeway to the street grade

¹ This is the same size display face as the recently approved billboard at 303 North Placentia Avenue.

(Raymond Avenue / Burton Street). The sign visibility is consistent with surrounding freeway-oriented signs and billboards within Fullerton and along the 91 and 57 Freeways considering topography and distance to the freeway. The project architecturally integrates all bracing, wires and other supporting elements and screens within the sign structure.

Conditional Use Permit

Fullerton Municipal Code (FMC) Section 15.49 permits freeway-oriented electronic billboards subject to FMC requirements and with the review and approval of a Conditional Use Permit and a Development Agreement. FMC Sections 15.49.120.F and G specify the development standards which include both Physical / Site Requirements and Operational Requirements. As proposed, the project meets all the physical / site requirements as demonstrated in the following table:

	Physical/Site Requirements	Proposed	Meets or Exceeds Standards
<i>Zoning</i>	Permitted in the G-C, C-M, M-P and M-G zones	C-M	Yes
<i>Minimum Distances between billboards</i>	1,000 feet on same side of freeway	1,010 feet away from the existing electronic sign at 1301 East Burton Street (electronic on-site advertising)	Yes
<i>Freeway Adjacency</i>	Must be within 200 feet of SR-57 or SR-91 right-of-way	Approximately 49 feet of SR-91 Fwy off-ramp	Yes
<i>Display Face Orientation</i>	No more than 2 display faces, 1 per vertical plane, in back-to-back or V-shape configuration	2 display faces in V-shape configuration	Yes
<i>Static Display Face</i>	Minimum of 1 electronic display face; 2 nd face may be static	2 electronic display faces	Yes
<i>Name of Owner</i>	Must be included on billboard along with billboard ID number	Name included along bottom of display; condition of approval for ID number	Yes
<i>Screening</i>	All bracing, wires and supporting elements must have screening	All elements designed for screening	Yes
<i>Setbacks</i>	Support structure shall not be placed within right-of-way or roadway as shown by City or Caltrans	Billboard support structure is located on private property	Yes
<i>Utilities</i>	All utilities shall be underground to the extent feasible	All conduit is routed underground to an above-ground meter pedestal located within the screen fenced area	Yes

The billboard will have operational requirements (lighting and messaging) consistent with FMC 15.49.120.G requirements and further memorialized within the Development Agreement. Some of these standards include:

- installation of a light sensing device that will adjust the brightness as ambient light conditions change
- messages will contain static messages only and not have movement
- the display will freeze the display, display a full black screen or turn-off in the event of a malfunction.

The billboard must also comply with State law regarding any additional limitations of light or glare and other standards under the Outdoor Advertising Act.

Development Agreement

FMC Section 15.49 permits freeway-oriented electronic billboards subject to the requirements contained in the FMC with the review and approval of a Conditional Use Permit and a Development Agreement. As required by FMC Section 15.149.120.C.2 the Development Agreement includes the following:

- a. Architectural features and design elements related to the billboard and/or support structure.

The billboard design is compatible in both height and appearance with the surrounding area and neighborhood context. The billboard will feature a framed modern design, with blue and white accents, backlit City identity prominently featured at the top of the sign and the City's logo.

- b. Applicant will compensate the City as a result of the installation and operation of the billboard.

The applicant has agreed to provide a \$75,000 public benefit fee each calendar year or twelve percent of the gross receipts generated, less agency commissions, by the Freeway-oriented Electronic Billboard (DA Number 3.1, Annual Public Benefit Fee).²

- c. Access by the City to a portion of the total available display time to allow the City to present messages of community interest and information and public safety.

The applicant has agreed to provide up to one eight-second Public Service Message per minute on the digital display on a continuous basis (DA Number 3.2, Other Public Benefit).

- d. Quality and maintenance standards.

The applicant will maintain the sign structures and repair and improve the sign in accordance with the standards of the outdoor-advertising industry and FMC Section 15.49.120.F.10. The applicant will remove any occurrences of graffiti on the sign structures within 48 hours of notification. The Development Agreement "Implementation" (DA Number 5) provides additional standards.

² This is the same compensation as the recently approved billboard at 303 North Placentia Avenue.

- e. Any other applicable provisions which City Council requires related to the installation, operation, advertising content and maintenance of a freeway-oriented electronic billboard.

The applicant has agreed to provide area within the structure to provide conduit through the sign structure for any potential future CCTV capabilities, if needed, by Public Safety (DA Number 5.2).

Planning Commission

The Planning Commission held a public hearing on September 15, 2021, and unanimously recommended City Council approval of the project (see Minutes, Attachment 4). The Planning Commission added a condition of approval which limited the maximum overall height of the billboard, as measured from the grade to the top of the border frame, to 75 feet. The applicant agreed and revised plans accordingly.

Environmental Review

Public Resources Code Section 21084 requires the CEQA Guidelines to include a list of classes of projects determined not to have a significant effect on the environment and shall be exempt from CEQA provisions. In response to that mandate, the Secretary for Resources has identified classes of discretionary projects in CEQA Guidelines Sections 15300 to 15333 which do not have a significant effect on the environment and declared categorically exempt from the requirement for the preparation of environmental documents. These categorical exemptions are referred to as Class 1 through Class 33. In accordance with CEQA Guidelines Section 15303 and Section 15332, the project qualifies for a Class 3 New Construction or Conversion of Small Structures and Class 32 Infill Development Project Exemptions. Staff has included the findings and facts the draft resolution supporting these exemptions.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Draft Resolution No. 2021-XX – Conditional Use Permit
- Attachment 3 – Draft Ordinance No. XXXX – Development Agreement
- Attachment 4 – Planning Commission Minutes dated September 15, 2021
- Attachment 5 – Draft Development Agreement and Plans