



Planning Commission Agenda Report
June 10, 2020

TO: Planning Commission

FROM: Jessica Serrano, Planning Manager

BY: Beth Chow, AICP, Senior Planner

SUBJECT: **STREET VACATION NO. 88**
GENERAL PLAN AMENDMENT NO. 182
ZONE CHANGE NO. 361
SIGN USE PERMIT NO. 315
DEVELOPMENT AGREEMENT
NEGATIVE DECLARATION

APPLICANT: Evergreen Media, LLC

SITE: Portion of Firestone Boulevard (previously used as street right-of-way), located adjacent to the Firestone Boulevard cul-de-sac south of Rosecrans Avenue.

REQUEST: A request to allow the construction of an off-premise, digital billboard sign on a city-owned property including:

1. Vacate a portion of Firestone Boulevard right-of-way;
2. Designate the project site as General Commercial in the City's General Plan;
3. Designate the project site as General Commercial ("C-3") zone in the City's Zoning Map;
4. Construction of an approximately 80-foot tall, off-premise digital sign containing two (2) screens; and
5. Approve a development agreement between the City and the Applicant to allow the construction and operation of a digital billboard on a city-owned property.

AUTHORITY

Streets and Highways Code Section 8300 et. seq. sets forth the procedures for vacating public streets and highways.

Administrative Policy – Administrative Order No. 11-41, *City Clerk Department Procedure Street Vacations* (SV) states that the Planning Commission must evaluate SV requests and must make a recommendation to the City Council.

Section 65354 of the California Government Code (CGC) states that the Planning Commission shall make a written recommendation on the adoption of a general plan or general plan amendment (GPA).

Section 65358(a) of the CGC authorizes the City to amend all or part of an adopted general plan if it deems to be in the public interest.

Section 65867.5 of the CGC states that a development agreement shall not be approved unless the legislative body finds that the provisions of the agreement are consistent with the general plan and any applicable specific plan.

Section of 17.02.290 the Norwalk Municipal Code (“NMC”) authorizes the review and approval of a Zone Change (“ZC”) by the Planning Commission.

Section 17.02.290.B.3 of the NMC allows a ZC to be initiated by application to the Planning Commission; and

Section 17.02.290.C of the NMC requires the Planning Commission to hold a public hearing upon the initiation of a ZC; and

Section 17.02.290.D of the NMC requires that the Planning Commission provide the City Council with a written recommendation including the findings constituting the basis for the recommendation; and

Section 17.02.250.A of the NMC authorizes the Planning Commission to grant a Sign Use Permit (SUP), provided that such sign(s) will: 1) not adversely affect public health safety or welfare; 2) comply with the purpose and intent of the Norwalk Sign Ordinance; and, 3) comply with both the Norwalk General Plan and the criteria established by the Norwalk City Council and Planning Commission;

Section 17.02.250.B.2 of the NMC requires the review and approval of a SUP by the Planning Commission for billboards;

Section 17.02.250.B.3 of the NMC requires the review and approval of a SUP by the Planning Commission for all such signs that do not comply with Sections 17.03.110 through 17.03.140 inclusive regarding height, size, number, type and location;

Section 17.03.140.G of the NMC lists “billboard” as a permitted sign in the C-3 zone, subject to the issuance of a SUP; and

Section 17.06.100.B of the NMC lists “billboard” as a permitted use in C-3 zone, subject to the issuance of a SUP.

INTRODUCTION/BACKGROUND:

The Planning Commission held a public hearing for this project on November 13, 2019. At that meeting, the Planning Commission opened the public hearing and heard public testimony regarding this project. At Staff’s request, the Planning Commission voted 5-0 to continue the public hearing to November 20, 2019 in order to allow staff additional time to address public comments received on this project. The item was brought back on November 20, 2019, however, the Planning Commission tabled the item unanimously, based on Staff’s request to continue working with stakeholders to finalize easement details.

In 2012, prior to the commencement of I-5 Freeway widening construction by the California Department of Transportation (“Caltrans”), Firestone Boulevard spanned across the entire length of the City, at a diagonal line. A segment of Firestone Boulevard and adjacent properties were utilized to expand the I-5 Freeway and the street now ends at a cul-de-sac, south of Rosecrans Avenue, which serves all adjacent property owners and their tenants. The Norwalk Village shopping center, located north of the project site, previously contained a billboard that was removed in 2013 during the I-5 Freeway widening construction.

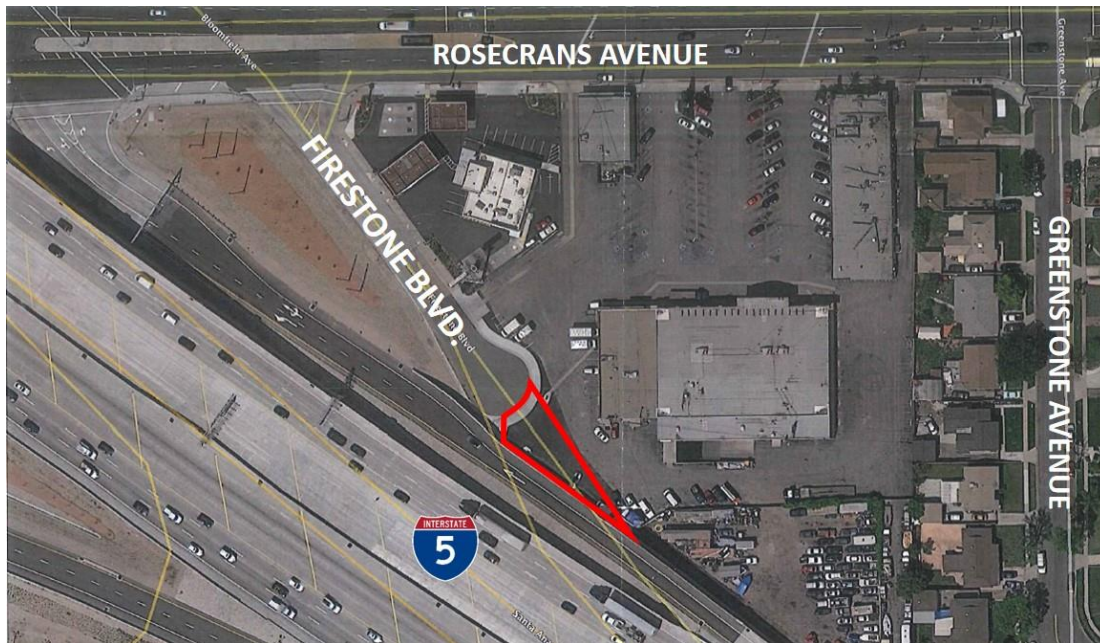


Figure 1: Location Map

Caltrans took possession of the project site for I-5 Freeway widening construction, however, the Firestone Boulevard right-of-way was reverted to the City, who is the owner in fee, since it was not utilized for freeway widening activities. The area does not have a General Plan Land Use designation, nor is it zoned.

PROJECT DESCRIPTION

The City received a proposal to construct a digital billboard at the project site. The following lists the applications included in this project, for which the Planning Commission is the recommending body for such matters:

Application	Request
SV No. 88	Vacate a portion of former Firestone Boulevard right-of-way for other City purposes.
GPA No. 182	Designate the project site as General Commercial in the City's General Plan.
ZC No. 361	Designate the project site as C-3 zone on the City's Zoning Map.
SUP No. 315	Allow the construction of an 80-foot tall, off-premise digital billboard sign containing two (2) screens.
Development Agreement	Approve a development agreement between the City and the Applicant to establish an easement and allow the construction on a City owned property.

At this time, the revised proposed plans incorporate project stakeholder comments and concerns about easement rights. Modifications to the plans have been determined by Staff to be minor in nature, but is being brought forward to the Planning Commission for review and recommendation to the City Council.

Street Vacation:

On October 15, 2019, the City Council adopted Resolution No. 19-58 to initiate proceedings to vacate the former Firestone Boulevard right-of-way. By vacating this portion of Firestone Boulevard, the property will be retained by the City without the street designation and can be used for other projects or uses at the City's discretion.

SV No. 88 is a request to vacate a portion of former Firestone Boulevard right-of-way for other City purposes, including the construction of a billboard on the site. Since California Government Code Section 65402 states that, "no street shall be vacated unless the Planning Commission reports to the City Council as to the conformity with the General Plan", this item has been submitted for a determination by the Planning Commission.

The portion of former Firestone Boulevard right-of-way to be vacated is illustrated in Figure 2 below:

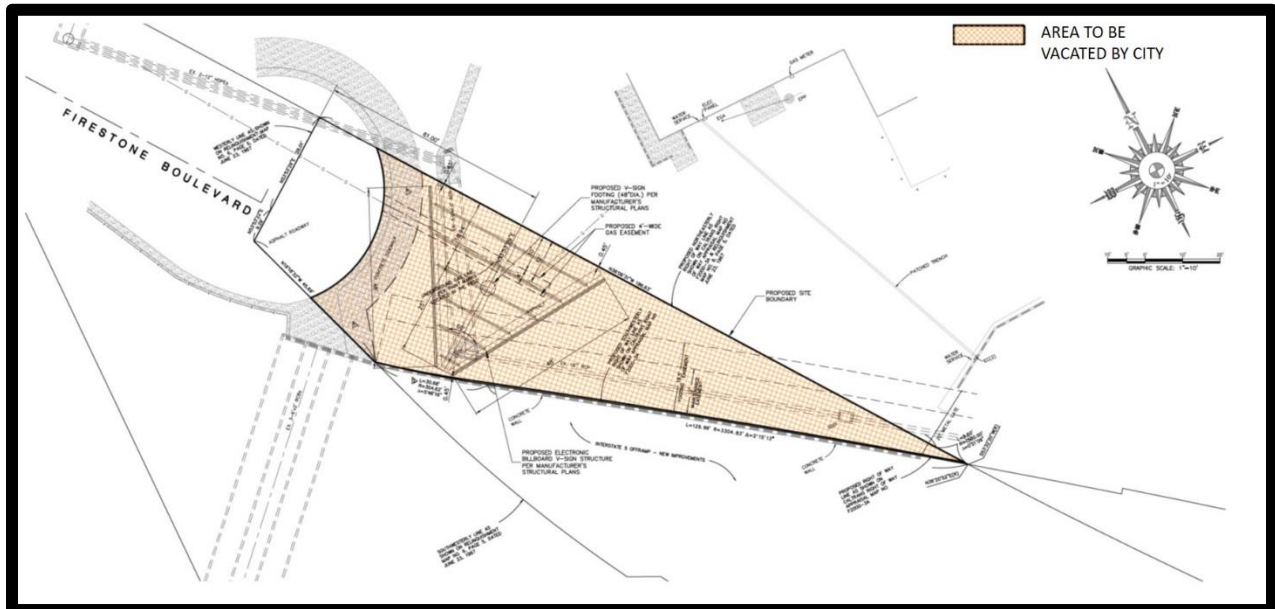


Figure 2: Proposed Street Vacation

As shown, the irregularly shaped parcel is approximately 4,700 square feet and is located between the I-5 Freeway and the Norwalk Village shopping center. The project site has not been utilized for street right of way purposes since late 2012 when Caltrans obtained possession. As part of the I-5 widening construction, the project site was paved and a cul-de-sac, terminating with driveway apron, was constructed where Firestone Boulevard ends, south of Rosecrans Avenue. The former Firestone Boulevard right-of-way will no longer be used for street purposes except a portion of the project site, which extends into the Firestone Boulevard cul-de-sac. Although the street vacation request includes this portion, it will remain as part of the City's street infrastructure system.

The City's General Plan, Circulation Element designates Rosecrans Avenue as a major highway and Firestone Boulevard as a secondary highway. In evaluating the impacts of this street vacation on the City's circulation patterns, no impacts are anticipated since the majority of the former Firestone Boulevard right-of-way is located beyond the limits of the cul-de-sac and the portion that does extend into the cul-de-sac will continue to be used as right-of-way. Since the proposed project would not disrupt the vehicular or non-motorized circulation system, it is consistent with the adopted General Plan, Circulation Element, including Goal 1: "An adequate transportation/circulation system that supports regional and local land uses at adopted level of service (LOS) standards and complies with requirements of the County Transportation Management Program (CMP)" (City of Norwalk, General Plan, Circulation Element, page 5B.35). As a result, the proposed street vacation will not have negative impacts on the City's circulation patterns and will

continue to promote “safe, efficient movement of traffic within the City” (City of Norwalk, General Plan, Circulation Element, page 5B.5).

General Plan Amendment:

The City’s General Plan, Land Use Element provides land use designations and a description of the types of development that are allowed in each land use designation. A General Plan Land Use Map, which indicates the land uses of all properties within the City, was adopted in conjunction with the General Plan. State Law requires that any local decision affecting land uses and development must conform to a city’s general plan. As a result, a General Plan consistency finding is included in resolutions for any discretionary approval regarding land uses and development that comes before the Planning Commission and City Council.

Currently, the project site does not have a General Plan Land Use designation because it is a street right-of-way. General Plan Amendment No. 182 will designate the project site as General Commercial in the City’s General Plan, as shown in the following map:

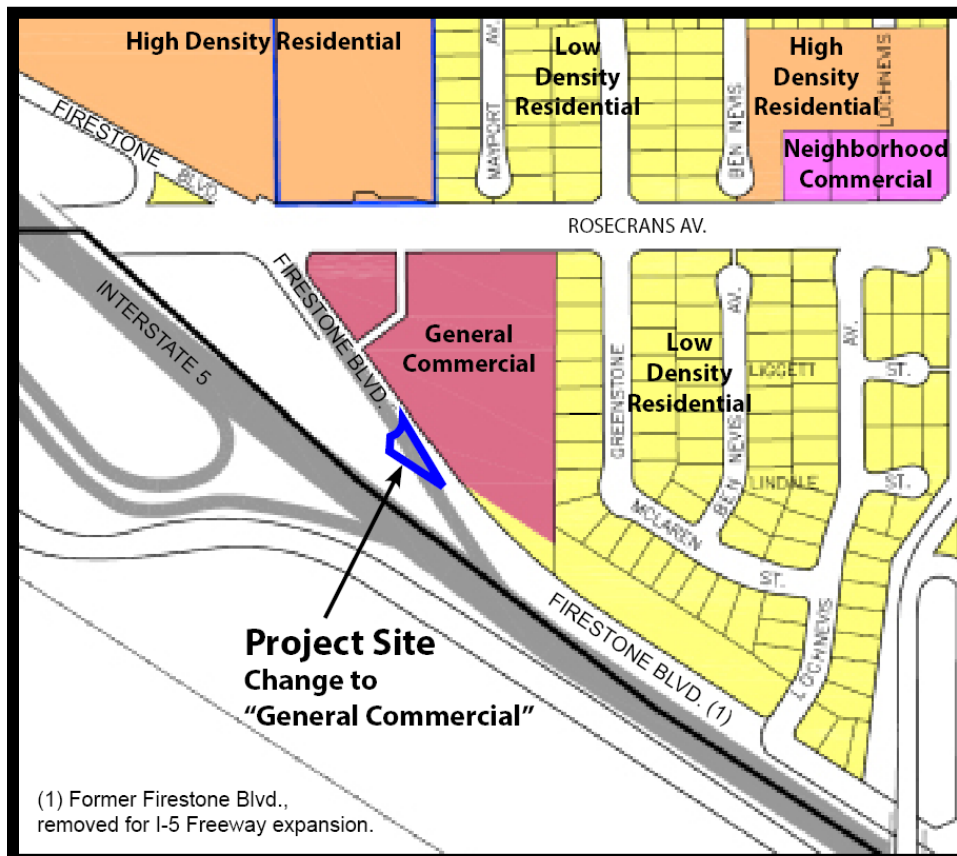


Figure 3: Proposed General Plan Amendment

Applying the General Commercial land use designation to the project site will enable the City to utilize the property for other City purposes, including for the construction of a digital billboard. Furthermore, the proposed General Commercial Land Use designation is consistent with the adjacent property to the north, which has a General Commercial Land Use designation.

Zone Change:

The project site does not have a zoning designation due to its current designation as a street right-of-way. Zone Change No. 361 will designate the project site as C-3 (General Commercial) zone on the City's Zoning Map, as shown in the map below:

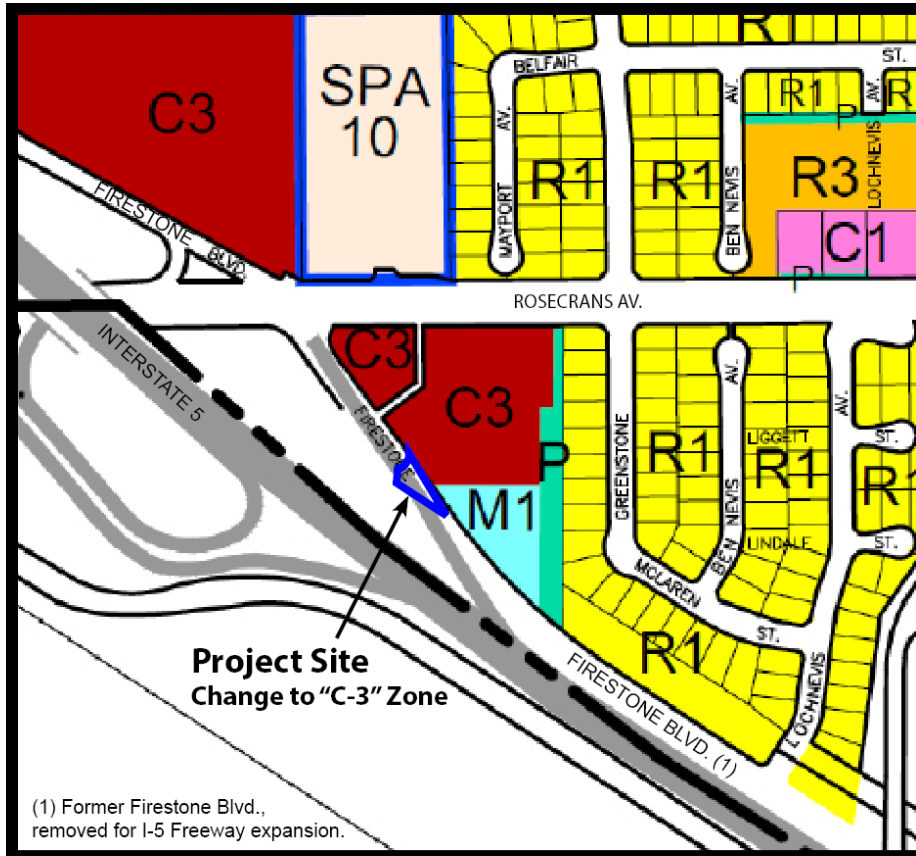


Figure 4: Proposed Zone Change

This zone change is consistent with the adjacent property to the north, which contains C-3, M-1 (Light Manufacturing), and P (Parking) zoning designations and the proposed General Plan Land Use amendment to designate the project site as General Commercial. Furthermore, Sections 17.03.140.G and 17.06.100.B of the NMC lists "billboard" as a permitted use in C-3 zone, subject to the issuance of a SUP. Therefore, the C-3 zone is appropriate given the adjacent land uses, which will allow the construction of a billboard on the project site.

Sign Use Permit:

SUP No. 315 is a request to install a new digital billboard at the project site. Per NMC Section 17.01.060 *Definitions*, “Billboard” means a sign and sign structure designed to accommodate sales messages, which may be changed from time to time, and which are primarily located along major transportation routes for display to the traveling public. Billboards are normally located “off site,” generally owned by an outdoor advertising company, usually standardized in size (“poster panels” being 12’3” x 24’6” = 300 sq. ft. and “painted bulletins” 14’x 48’= 672 sq. ft.), and include the terms outdoor advertising signs, displays, and structures.

Below is the proposed digital billboard will be located within the project site within the area to of the street vacation:

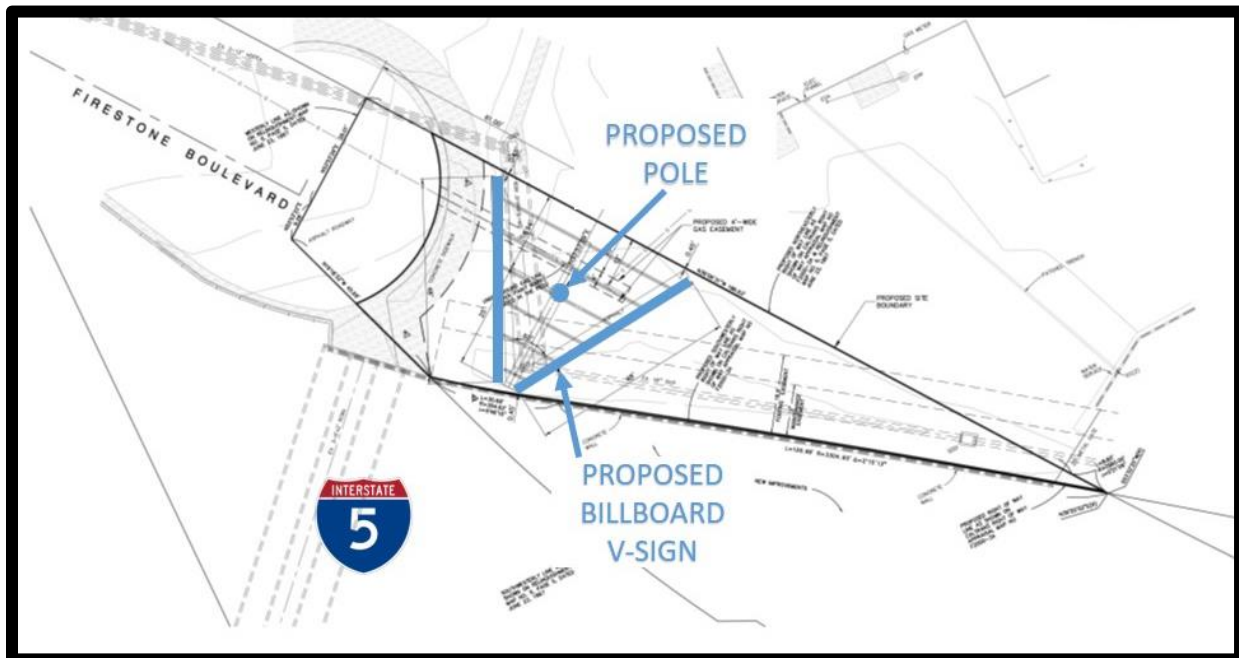


Figure 5: Project Location

The V-shaped billboard will be perpendicular to the I-5 Freeway and its sign panels will face the freeway at angles to capture both northbound and southbound traffic. The proposed billboard will be located less than 1-foot from the north and south property lines and approximately 15-feet from the west property line, which extends into the cul-de-sac. The placement of the billboard may project over the cul-de-sac, but the sign will be entirely within the project site. The proposed location is approximately 300-feet northwest from the previously existing billboard located at the Norwalk Village shopping center. Additionally, the sign will be located over 350 feet away from the nearest residential use. Sign Design: The proposed design for the digital billboard sign will contain the following components:

- Single pole with an aluminum pole cover;
- V-shaped, digital billboard design containing two (2) LED sign panels, which will serve as message boards;
- Each sign panel will be approximately 672 square feet (14-feet by 48-feet); total sign area, including both sign panels, will be approximately 1,344 square feet;
- A silver trim, approximately 2-feet by 48-feet, will be added below the sign panels, and
- The sign height will be approximately 80-feet and the distance between the ground level and the bottom of the sign is approximately 64-feet.

The proposed LED sign panels will contain changeable images and messages. The aluminum pole cover and sign panel trim adds decorative design features to enhance the sign aesthetics (see Figure 6).

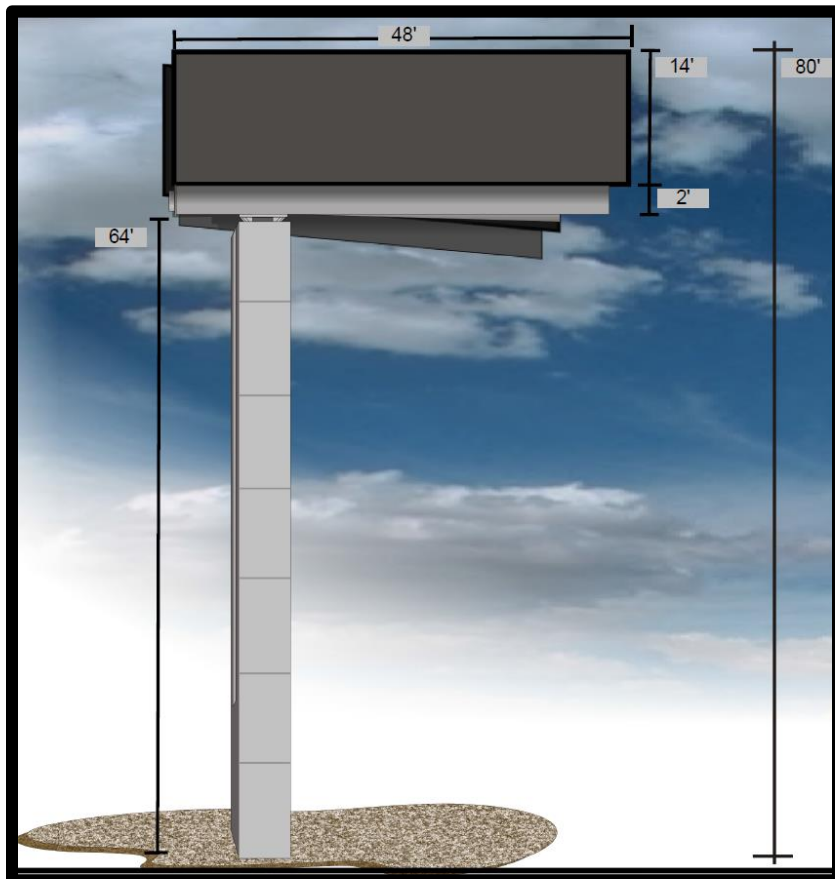


Figure 6: Sign Elevations

Sign Research: For comparison purposes, the following table compares the proposed digital billboard with a recently approved digital billboard that is under construction and

located at the McKenna Motors site (“McKenna billboard”), located at 10840 Firestone Boulevard:

	Number of Sign Panels	Sign Area	Sign Height	Proximity to Freeway
Proposed Billboard	2	672 sq. ft./sign panel; 1,344 sq. ft. total	80’	0’
McKenna Billboard*	2	1,200 sq. ft./sign panel; 2,400 sq. ft. total	85’	100’

* Approved by the Planning Commission via SUP No. 290 on April 10, 2019.

In comparing the proposed billboard to the McKenna billboard, the proposed billboard will be shorter and smaller in height and sign area, respectively. This is partially because the proposed billboard immediately abuts the I-5 Freeway, while the McKenna billboard is approximately 100-feet away from the I-605 Freeway.

Outdoor Advertising Act and Regulations: Caltrans implements and enforces the Outdoor Advertising Act and Regulations. As part of their jurisdiction, they regulate off-premise displays (i.e. billboards) which advertise off-premise products and businesses. The proposed digital billboard sign is subject to Caltrans regulations and permit requirements since the sign will advertise off-premise products and services.

The Outdoor Advertising Act and Regulations require that a minimum of 1,000 feet be maintained between digital billboards and that the proposed billboard location conform with the correct Caltrans zoning designation of “non-landscaped”, which allows digital billboards in areas adjacent to a freeway which do not have Caltrans landscape areas. The proposed sign will be located next to the I-5 Freeway sound wall, which does not contain Caltrans landscape areas and therefore meets the Caltrans zoning designation of non-landscaped.

The Outdoor Advertising Act and Regulations contain standards to mitigate impacts of off-premise displays. Staff has included several conditions of approval, some of which are contained in the Outdoor Advertising Act and Regulations, to mitigate any potential impacts that the sign may have in relation to traffic, safety, light intensity, and manner in which messages are displayed, among others.

Development Agreement:

Although the proposed billboard will be allowed at the project site, subject to the approval of the applications under consideration, a development agreement is necessary to require specific development standards for the billboard to result in a well-designed and sited project that will benefit the community, including revenues to support municipal services. Pursuant to CGC Sections 65864-65869.5, Article 2-5, *Development Agreements*, the City may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property. With the proposed Development Agreement, an easement will be created to enable the applicant to construct a billboard at the project site and access the site for regular maintenance and repairs.

Pursuant to CGC Section 65867.5, the Planning Commission shall make a finding of general plan conformance for the Development Agreement. Pending the approval of the applications submitted for this project, the project site will have the appropriate zoning and General Plan Land Use designations to allow a billboard on the project site. Furthermore, the Development Agreement will include additional stipulations, which will limit any impacts, implement the goals, policies, and objectives of the General Plan, enhance the City's economic base, and promote a positive image of the City.

ENVIRONMENTAL ASSESSMENT

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines of the City of Norwalk, this project will not have a significant effect on the environment and a Negative Declaration has been prepared for the proposed project. Final action regarding the Negative Declaration will be taken by the City Council. The public comment period on the Negative Declaration began on October 25, 2019 and ended on November 14, 2019. Staff determined that the revised proposal constituted minor changes to the project due to easement rights, and updated exhibits as necessary. Since the modification did not present a substantial revision as stipulated in CEQA Guidelines, the document was not re-circulated.

SUMMARY

The proposed digital billboard will be an upgrade from the previous billboard that was located nearby and reflects current industry changes and standards promoting signage in an electronic format. Moreover, the proposed billboard will help redevelop an area where there is limited development potential due to its right-of-way status.

RECOMMENDATION:

Staff recommends that the Planning Commission:

- adopt Resolution No. 20-16 recommending City Council approval of SV No. 88;
- adopt Resolution No. 20-17 recommending City Council approval of GPA No. 182 and adoption of the Negative Declaration;
- adopt Resolution No. 20-18 recommending City Council approval of ZC No. 361;
- adopt Resolution No. 20-19 to approve SUP No. 315, subject to the Conditions of Approval contained in Exhibit "A"; and
- adopt Resolution No. 20-20 recommending City Council approval of a Development Agreement.

ATTACHMENTS:

- A. Resolution No. 20-16 (SV No. 88)
- B. Resolution No. 20-17 (GPA No. 182)
- C. Resolution No. 20-18 (ZC No. 361)
- D. Resolution No. 20-19 (SUP No. 315)
- E. Resolution No. 20-20 (Development Agreement)
- F. Revised Draft Negative Declaration and Initial Study