

**CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES**

July 21, 2020

Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers
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1. CALL MEETING TO ORDER

6:32 P.M. by Chair Lomeli

2. ROLL CALL

Commissioners Present: Chair Lomeli, Vice-Chair Briseno, Commissioner Aliksonian, Commissioner Mooradian, and Commissioner Ramirez

Absent: None

Also present:

Director of Planning and Community Development – Joseph Palombi

Planning Commission Legal Counsel – Gloria Ramirez

Staff - Maria Roman and Josephine Pham

3. PLEDGE OF ALLEGIANCE

Commissioner Briseno

4. PLANNING COMMISSION SECRETARY –CORRECTION TO AGENDA

None

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS

Speakers wishing to address the Planning Commission were encouraged to call in and/or email per the Governor's Executive Order No. N- 29-20, those interested in making public comments, were allowed to call on Tuesday, July 21, 2020 between 9:00 a.m. – 3:00 p.m. at (323) 887-1200, ext. 493. Staff completed public comment cards in the order received. The public will be called during the Planning Commission meeting that begins at 6:30 p.m. the exact call back time is not predictable due to the nature of the Planning Commission agenda. As a result, you must be available until the end of the meeting to receive a live call from Staff during the meeting. In addition, the City has created an email address pcpubliccomment@cityofmontebello.com where the public can submit public comments from 4:30 p.m. – 5:30 p.m. on Tuesday, July 21, 2020. These questions will be read out loud and submitted for the record. The email address for Planning Commission meetings can be

located on the City's webpage under
<https://www.cityofmontebello.com/planning-commission-meeting.html>.

6. APPROVAL OF MINUTES:

A. June 16, 2020 – Approved

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST

None

8. PUBLIC HEARINGS

A. Development Agreement and Zone Variance
(Case No.PC-2020-0012-ZV-DA)

Becker Boards seeks to enter into a Development Agreement (DA 01-20) with the City of Montebello to replace an existing two-sided static billboard with an enhanced two-sided digital billboard located at 7653 Telegraph Road (AIN 6354-027-016). In addition, this request includes a Zone Variance (ZV 01-20) to allow the enhanced digital billboard to be located within 1,000 feet of an existing off-site digital billboard on the same side of the I-5 freeway, slightly deviating from the General Standards and Conditions per Montebello Municipal Code (MMC) Section 17.62.105(E)(3).

Director Palombi – The item before you item 8A is a proposed replacement and enhancement of an existing dual faced static billboard. It's located on the property at 7653 Telegraph.

Josephine Pham - Good evening, Commissioner Chair Lomeli and members of the Planning Commission. Tonight, I will be presenting the project submittal for Case No. PC-2020-0012-ZV-DA for the applicant, Becker Boards Small, LLC to replace an existing billboard at 7653 Telegraph Road. This project includes a Zone Variance proposal and Development Agreement which will go to City Council upon approval. The subject site is approximately 20,000 square feet, or 2.3-acres, within the Industrial, M-2 (Heavy Manufacturing) zone. The property is currently developed with commercial warehouses and 2 storage buildings.

The existing static billboard is located in the southwest corner of the property. The property is generally located at the southern-most corner of Montebello, just northeast of the I-5 freeway. The property is bordered to the north, east, and west by industrial properties zoned M-2 (Heavy Manufacturing) and the City of Commerce is southwest of the property across the I-5 freeway. The immediate surrounding uses are heavy manufacturing as well which is compatible with the Industrial designated

land use and will not have an adverse impact on adjacent or abutting properties.

As previously mentioned, the Applicant is proposing to replace an existing double-faced static billboard with an enhanced double-faced digital static billboard with a sign face totaling 672 square feet located at 7653 Telegraph Road. The definition of “double-faced static billboard” is unique to the site and shall be limited to a minimum message display of 2 minutes and 1 second. This terminology difference is vital as a digital “message center” is classified by the CalTrans as your typical advertising billboard holding messages from 8 seconds to 2 minutes. The City will be able to use the digital display to advertise City messages, such as special events or business promotions, as described in the draft Development Agreement. The transition time will be also be longer, which will also minimize flashes to neighboring properties. With that being said, Montebello Municipal Code Section 17.62.105 (E) (3) states that a digital display shall not be erected within 1,000 square feet of any other digital display. The Applicant is requesting a Zone Variance that shall allow the Double-Faced Static Billboard to be within 500 feet instead, which shall be further discussed in a moment.

For now, here is a little background information regarding the proposal and neighboring digital display. In July of 1970, the north facing, single-faced static billboard, shown in the top photo, was approved by the City measuring at 14 feet by 48 feet. Almost 40 years later in October of 2011, the City approved the installation of the south facing, non-illuminated billboard, shown in the bottom image, at 2.5 feet by 8 feet. If you look closely at the image, you can clearly see the exposed skeleton due to the off-set display sizes. I would also like to note an existing digital billboard, which can be clearly seen in the bottom image where the yellow arrow is pointing. That picture shows the billboard on 7601 Telegraph, which is the billboard the variance is for. As we continue, the existing digital billboard on 7601 Telegraph shall be continuously be denoted in yellow and the proposed project shall be bright blue. On April of 2018, the City Council adopted Resolution No. 03-18 approving the Negative Declaration and Development Agreement # 01-18 between Becker Boards Small, LLC and the City of Montebello to upgrade the existing, outdated static billboard located at 7601 Telegraph Road. And in October of 2018, the new dual-faced digital billboard on 7601 Telegraph Road was constructed.

On February 18th of this year, the Applicant requested to enter a Development Agreement with the City and submitted the Zone Variance Application. According to Google Maps, the total distance from the two erected billboards is approximately 530 feet. The billboard is located southeast of the property shown in bright blue. The proposed Project shall mirror the neighboring off-site digital billboard depicted on the left at 7101

Telegraph, approximately 3,500 feet away. The proposed project shall feature a slightly larger non-illuminated City of Montebello logo mounted on either side of the pole mount structure. The digital display panels shall be pinched together at a triangular, or "V", shape. Each digital display panel shall be 14 feet high by 48 feet wide for a total display area of 672 square feet. The maximum height of the digital billboard shall not exceed the existing 75 feet including all extensions and may be subject to a shorter height should it be determined that the billboard requires better visibility.

Per MMC Section 17.62.105(C), construction of a new off-premises digital display sign within any digital display sign corridor shall be allowed only with the approval of a Development Agreement approved by the City Council. In this process, the Statute requires Planning Commission and the City Council to each hold a public hearing on the proposal prior to approving a Development Agreement. The Development Agreement cannot be approved unless all findings of the Project conform with the General Plan and any applicable specific plan. The Development Agreement shall contain appropriate standards and public benefits to be negotiated between the Sign Owner and the City and impose compliance with all other imposed standards.

Since our Planning Commission must make a decision on Zone Variance Findings, I will quickly walk through the 5 finding requirements per Montebello Municipal Code in order for the Commission to make an informed decision regarding the Variance. The first finding is regarding "special or unusual circumstances" that this project may have that does not generally apply to other properties in the same zone. If you recall the existing images on slide 5, the existing structure is unsightly and in ill-repair with a 672 sq. ft. face on one side and a 288 sq. ft. face on the other, exposing the structural skeleton. The variance shall allow an appealing upgrade to an already existing structure that the City's urban landscape will benefit from. The second finding asks if there are unnecessary hardships that could deprive the property of its privileges.

The justification includes the need for a profitable modern sign that fronts the I-5 Freeway. The I-5 freeway is a major highway that stretches from Mexico, all the way past San Francisco, and up into Vancouver, Canada, attracting many commuters along the way. This billboard is right at the entrance of Montebello from Downey and Commerce and is a much needed upgrade will introduce travelers the city boundaries going North Bound. The third Finding asks why the variance for this right is necessary in comparison to other properties' rights in the same vicinity and zoning.

The variance is necessary since the site is required to maintain an off-site advertising display. The use shall remain the same but the structure will be removed and replaced to a modern design that is designed to last for years. Finding No. 4 requires that the variance will not cause any adverse

effects on the public welfare or surrounding properties. The project will not do so as the billboard is existing. To mitigate concerns regarding light pollution to the neighboring residential areas in the City of Commerce, the applicant shall utilize automatic dimming technology to display brighter in the daytime hours and darker during the night time hours. Attachment C of the Planning Commission Packet for this project provides the Initial Study drafted by Wood Environmental which goes further in depth with mitigation measures. And, finally, the 5th Finding requires findings for consistency with the general purpose and intent of the code and not affect the General Plan. The project's compliance to the General Plan shall be negotiated and bounded through the Development Agreement. The agreement shall refer to the Montebello Municipal Code Section 17.62.105 for development standards for off-site digital displays, ensuring consistency with the intent of the code and not affect the General Plan.

This Project is considered as a "project" per CEQA definition and in consideration to the Project's potential impacts to the environment, the Applicant was asked to the an Initial Study. The initial study found that the project shall have less than significant effects on the environment, so a Negative Declaration has been prepared. The proposed Negative Declaration was filed and posted in the beginning of June for a 20-day circulation for public review and comments. Additionally, the document was posted on the Montebello website. Public comment period concluded on July 6th. We also published the Public Hearing Notice on the Whittier Daily News on June 17th and mailed out notices to all owners and occupants within a 300-foot radius on the 25th. To this date, there have not been any comments received to myself or the City.

The City also routed the plans to different departments. The only comments came from Building & Safety which require the structure to be constructed with non-combustible material and a Soil Report to be submitted. With all findings, Staff is recommending approval of PC-2020-0012-ZV-DA, approving the Zone Variance proposal and recommending the City Council to continue with the Development Agreement process. Staff is ready to answer any questions as well as our Applicants, Danielle Haymen and Joseph White, who are on the line with us today.

Chair Lomeli - Do any of the commissioners have any questions for the applicant?

Commissioner Mooradian – I have a couple of questions for staff. Do we have a billboard ordinance in Montebello and if so when was it last approved?

Director Palombi – We don't have a billboard ordinance but the municipal code does distinguish what is considered to be off premises signs or advertising signs versus on site or on premises signs where you would advertise

something that is sold or produced on the premises. In this particular case this would be an off premises sign.

Chair Mooradian- Then the following question is, in the presentation there was a reference made to the conformity of the General Plan. Our General Plan is still in the midst of being finalized and this municipal ordinance that we are applying, how do we make sure that it's going to be current and acceptable by the General Plan that we adopt?

Director Palombi – The findings that are included in the application before you today are based on the existing General Plan and not the General Plan Update.

Commissioner Mooradian - This is more of a comment, but in the documents the developer is going to be allowed to renovate this existing sign and make it more modernized. I noticed that there is the City logo in the display that will prominently show. However, the advertising might not be something that the City wants to be partnering with even if they are following the restrictions that are written in the Resolution or Development Agreement. It is sort of telling the people that are viewing this display that this is the City of Montebello sign and here is our advertising. We are promoting that by allowing it on there.

Director Palombi –There is a similar sign with the logo that is about 3,500 feet away and it is on the same corridor. I will defer to the applicant to provide more information.

Commissioner Mooradian - It is sort of like advertising charter schools. There is nothing wrong with advertising a charter school but if you put the City logo it's an assumption that the City is promoting charter schools, unintentionally it might have that affect.

Danielle Haymen (Applicant) – In the Development Agreement there is a clause for ads that you prefer not to allow us to display and most of the times these advertisements are for Toyota and stuff like that. I completely understand where you feel that the City of Montebello is advertising that.

Commissioner Mooradian – That is a consideration. The other thing is that because we don't have a billboard ordinance, my understanding is, that there is no fee to use this sign and all that the applicant is doing is rehabbing the sign to make it more modern and then they get to use it for the term that is established in the Development Agreement. Since there is no fee, has the City considered doing revenue sharing with the developer?

Director Palombi – There is a fee structure that is included in the Development Agreement before you today. It is 10 percent annual revenue that the City would get from the conversion of the static billboard to digital.

Commissioner Mooradian - How many years is this agreement for and what's the renewal?

Director Palombi- It would be a 20 year term and it would be subject to renegotiation and renewal.

Commissioner Mooradian - Is that standard, a 20 year term?

Legal Counsel Ramirez- Yes, it can range and I have seen it from 5, 10, to 20 years. It depends on the relationship and its rapport it has built with the company. Joseph, can you tell me how long the existing Development Agreement has been in place.

Director Palombi – For this billboard there is not an existing Development Agreement.

Legal Counsel Ramirez- So yes, it can range from 5, 10, to 20 years.

Director Palombi - So today the City is making no money off of this billboard and this would only take effect if this upholds.

Commissioner Mooradian – So for this 20 year term, this will be the same 10 percent for the 20 year term and there are no increases and it's a locked fixed in rate of 10 percent.

Director Palombi - That is correct and in addition to that there is a provision where the developer should provide the City with the ability to provide emergency messaging.

Commissioner Mooradian - How are we monitoring the displays as far as the City is concerned? Do we randomly check it, who is responsible for making sure that they are not advertising something that is prohibited per the Development Agreement?

Director Palombi – That would be up to our staff to monitor that and then if we receive any calls from the public we would address the concerns through the ability that's provided in our Development Agreement.

Commissioner Mooradian - So each time they change the advertising they don't have to get a pre-approval from City staff?

Director Palombi - That is correct, Becker Boards would negotiate with the entities that would want to advertise and it would be between the parties.

Chair Mooradian – This question is for the applicant, how many of these signs that you are proposing in Montebello do you currently have and in what cities?

Danielle Haymen (Applicant) – We have several in California. This is the second one in the City of Montebello and we also have a billboard on Hollywood and Highland in Los Angeles and several all over Hollywood and Los Angeles. We are working on a billboard in Santa Fe Springs which will be our first one in Santa Fe Springs. We have a digital billboard in the City of Commerce, City of Inglewood and we are working on an additional digital billboard in the City of Fountain Valley. We are branching out to Southern California and our office is based in Arizona where we have most of our billboards built. We also have two billboards in Miami, Florida and applications for additional ones and in New York as well. We are definitely interested in growing in Southern California.

Chair Mooradian – What is the cost related to running a digital billboard? Is it solar, is it electric?

Danielle Haymen (Applicant) – The developer is the person who takes care of the cost of building the billboard, maintaining the billboard and maintains the operations of the billboard. The City does not incur that cost. In order to build a billboard like this its anywhere between three to five hundred thousand dollars, given the situation with Covid-19 the costs could vary as we have not gotten a direct quote from the contractor at this point but it is anywhere between those numbers.

Commissioner Briseno – I know that on page 43 certain uses are prohibited like no promotion of tobacco or cannabis and gentlemen’s clubs. How are we guaranteeing that we won’t have anything risqué related to safe sex public health announcement graphic images?

Director Palombi – We would have the ability to bring this back to the commission if needed for review if there were any issues.

Danielle Haymen (Applicant) – Becker Boards can propose to add submissions to the City to review but we have not partaken in advertisement such as those. People who advertise on boards such as this one being proposed are larger companies and the causes that you speak those companies can’t compete against these larger companies that are being advertised on digital billboards like this. I can’t imagine that it would ever be an issue for something like that to be displayed on our billboard because we also have our own reputation to uphold and especially with the cities in Southern California. But again, this is something that we can propose and run by Joseph and his team in the City.

Legal Counsel Ramirez – There is also a prevision in the Development Agreement that would allow the City to demand immediate removal of any content that’s not approved. For example, if a staff member or someone from the public

submits a complaint, all the City needs to do is notify the developer and per the terms of the agreement, the advertisement needs to be removed immediately. We do have some type of enforcement per the Development Agreement.

Commissioner Ramirez – It says that the logo on this sign is going to be at least 6 feet tall. Is the logo on the other digital sign the same size or is this logo going to be bigger?

Danielle Haymen (Applicant) – The logo here is supposed to be bigger.

Josephine Pham (Associate Planner) – On 7101 Telegraph Rd. it is larger than what is on the other billboard. From the freeway it is hard to depict what it is, you can assume that it is the logo. We did ask them to make it as large as possible so that if anyone was to look over they could see it. The billboard is a little closer to the freeway compared to the other one.

Commissioner Ramirez – Is the reason they are deviating from the code of less than 1,000 feet away? Is to prohibit a concentrated amount of light pollution? Is that why that code is there?

Director Palombi – The reason for the distance requirement is due to the way signs are sold which are based on flips. For example, you can have one flip every 8 seconds and then it becomes a true digital sign. The way CalTrans looks at it, if you hold your static message for 2 minutes it becomes a message board. The concern is not so much the light but the flashing of the messaging which is more intrusive than the actual lighting itself.

Commissioner Ramirez - Does staff have statistics on accidents that happen because of this billboard distraction because it could be distracting for motorists to want to read one sign and they are driving then get distracted by the other sign.

Danielle Haymen (Applicant) – That is why we are going to hold the ad so that it doesn't change.

Director Palombi – This sign will be held for a minimum of 2 minutes so they wouldn't be able to change the ad for at least 2 minutes, so you won't have the constant flip.

Commissioner Ramirez – I read in the Development Agreement that the City will be allowed to display their messages free of charge but it says on a space available basis. So if this billboard gets advertisement revenue for two three months in a row how is space going to be made available to City or

is there a minimum allotted space per month that the City can advertise? It seems a little ambiguous when it says on a space available basis.

Josephine Pham (Associate Planner) – Under 2.8.2 there is a penalty fee that states if the developer of the owner of the digital billboard does not display the City advertisement the owner of the billboard has to pay the City five hundred dollars per day for a maximum of 10 days on an annual basis.

Commissioner Ramirez – The agreement doesn't state the minimum advertising slot. If someone were to read the language they can say they don't have space available because they sold all their space that month.

Josephine Pham (Associate Planner) - It does go on to say if the developer fails to display the City advertisement or failure to comply will deem a material breach and can result in cancellation or termination of the agreement.

Danielle Haymen (Applicant) – That is something that we have been working with in other cities where we provide advertising for the City. We would basically wait for the City to provide us their advertising request and fill it in with a slot that we have open. Advertising is usually sold in a month to month basis and the largest amount is 3 months. When the City would want to advertise, because we can hold an ad for 2 minutes and include the City ad for the next 2 minutes. There will be more volume for the City of Montebello to have their advertisement.

Legal Counsel Ramirez - I think we can work into the language where it says space available and make the wording clearer. Maybe not so much by space available but as requested by the City basis so it's clearer. So when the City does make a request the developer does have an obligation per the other sections of the development agreement to accommodate the City.

Commissioner Ramirez – How often do you advertise for the other Cities? Is it once a month, once a week? What is a typical timeframe that they advertise for other cities?

Danielle Haymen (Applicant) - We have our other billboards advertising for the Cities about once a month.

Commissioner Ramirez - I didn't find anything about graffiti removal for the posts. Is there a requirement, what are the requirements?

Danielle Haymen (Applicant) – We have a team that we work with and they remove our graffiti weekly from boards all over Southern California. We work with them in Los Angeles and they are removing graffiti weekly even graffiti that is near our ads and not directly on our ads. We make it an obligation

to keep our signs and poles and even the surroundings graffiti free. So we always have a team ready on hand and to take care of that. It's important for our advertisers to see our boards clean.

Commissioner Ramirez – So you are switching from a sign that has two posts to a sign that has one big fat post. When you remove the old sign I want to make sure that there's no void in the landscape and that landscape gets infilled with plants and wherever you do put that post that you update the landscape accordingly. I did not see that in the Development Agreement.

Josephine Pham (Associate Planner) – Typically for Planning, when we look at the plans for plan check, we make sure that they address that. If necessary, we can ask the property owner to provide a landscape plan, especially since it is in a manufacturing zone. We would want to make sure that it looks clean, and it doesn't look like there's a hole on the floor. It will definitely be addressed.

Commissioner Ramirez – Are there any incentives that you give to non-profit groups them to advertise or partnerships with them?

Danielle Haymen (Applicant) – We don't have any partnerships that I'm aware of with nonprofits. Part of us providing ads to the City of Montebello that's including organizations within Montebello, they get a discounted rate to advertise their advertisements on our boards.

MOTION: Commissioner Mooradian motions to approve the Development Agreement and Zone Variance for Case No. PC-2020-0012-ZV-DA with the recommendations discussed regarding landscape, graffiti removal and messaging.

SECOND: Commissioner Briseno

ACTION: 5-0-0-0

9. CONSENT ITEM (S)

None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

A. Planning Commission Handbook

Director Palombi – I want to give you a quick update and let you know that our City Attorney has completed the final version of the Planning Commission Handbook. The handbook will be distributed next week to all commissioners and will be done via e-mail. The handbook is intended to provide a general

overview regarding the duties and responsibilities associated with serving on the Planning Commission.

11. ORAL COMMUNICATIONS –CONTINUED

None

12. PLANNING COMMISSION ORALS

Chair Lomeli
Vice-Chair Briseno
Commissioner Aliksanian
Commissioner Mooradian
Commissioner Ramirez

13. ADJOURNMENT

The meeting adjourned at 7:32 p.m.



Joseph Palombi, Planning Commission Secretary