

Draft Minutes

Planning Commission
City of Orange

December 3, 2018
Monday 7:00 p.m.

PRESENT: Commissioners Glasgow, Gladson, Willits, Simpson, Correa
STAFF

PRESENT: Mr. Sheatz, Senior Assistant City Attorney
Anna Pehoushek, Assistant Community Development Director
Ashley Brodtkin, Associate Planner
Will Kolbow, Administrative Services Director
Simonne Fannin, Recording Secretary

REGULAR SESSION

1.1 **CALL TO ORDER:** Chair Glasgow called the meeting to order at 7:00 p.m.

1.2 **FLAG SALUTE:** Commissioner Willits led the flag salute.

1.3 **ROLL CALL:** All Commissioners were present

1.4 **PUBLIC PARTICIPATION:** None

1.5 **CONTINUED OR WITHDRAWN ITEMS:** None

1.6 **PLANNING MANAGER REPORTS:** None

2. CONSENT CALENDAR:

2.1 **APPROVAL OF MINUTES FROM THE REGULARLY SCHEDULED MEETING OF OCTOBER 15, 2018.**

2.2 **Condition of approval of Administrative Adjustment No. 0253-17, requiring a Parking Management Plan for Buildings A and B, in association with Mitigated Negative Declaration No. 1855-17, Tentative Tract Map No. 0045-17, Major Site Plan Review No. 0906-17, and Design Review No. 4914-17, for a new 727 unit development (653 apartments and 74 townhomes) at 702-1078 West Town and Country Road.**

Motion was made to approve the consent calendar items as submitted:

MOTION: Commissioner Gladson
SECOND: Commissioner Correa
AYES: Commissioners Glasgow, Gladson, Willits, Simpson and Correa
NOES: None
ABSENT: None
ABSTAIN: None

MOTION CARRIED.

3. NEW HEARING:

- 3.1 Staff proposes to repeal and delete Chapter 5.62, Signs and Billboards, in its entirety, and to amend Title 17, Chapter 17.36 Sign Regulations to add a new Section 17.36.180 that would provide guidance for the conversion of an existing static billboard display to a digital display, subject to the removal of other existing billboard faces on major arterial streets in the City or within the view shed of the**

RECOMMENED ACTION:

Adopt Planning Commission Resolution No. 32-18 entitled:

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CITY COUNCIL ADOPTION OF MITIGATED NEGATIVE DECLARATION NO. 1860-18 WITH AN ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM, AND AN ORDINANCE REPEALING AND DELETING CHAPTER 5.62 OF THE ORANGE MUNICIPAL CODE AND AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE BY ADDING SECTION 17.36.180 REGULATING THE CONVERSION OF EXISTING BILLBOARDS ALONG FREEWAY CORRIDORS TO ELECTRONIC BILLBOARDS

MITIGATED NEGATIVE DECLARATION: Mitigated Negative Declaration No. 1860-18 was prepared to evaluate the physical environmental impacts of the project, in conformance with the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15070 and in conformance with the Local CEQA Guidelines (Exhibit A). The Mitigated Negative Declaration finds that the project would have less than significant impacts to the environment, with the implementation of standard conditions and mitigation measures.

Ashley Brodtkin, Associate Planner, provided an overview of the revised Sign and Billboard regulations consistent with the staff report.

Commissioner Gladson asked staff to provide a brief history of the billboards in Orange, how the light source would be measured if there is a complaint and how would Code Enforcement resolve any issues.

Ms. Brodtkin stated some of the billboards were in the incorporated areas of the City during the 1970's and as the areas were incorporated, the billboards remained. There was an ordinance and 1995 settlement agreement.

Mr. Sheatz, Senior Assistant City Attorney, explained that pre-1995 the City moved to amend the zoning ordinance to prohibit billboards; however the billboard company sued the City. The existing billboards were grandfathered into a settlement agreement in 1995 when the litigation was resolved. The settlement agreement allows them to update billboards including technology; however the face

of the billboard cannot be expanded. They were not allowed to change or expand anything unless there was a subsequent change to the City's Zoning Code which is what the City is doing today.

A brief section of the contractual agreement regulated content; it would not allow any advertising for tobacco products or alcoholic beverages except beer, wine and any beverage with an alcohol content under 40 proof.

Chair Glasgow, Commissioners Gladson, Correa, Willits disclosed for the record that they met with the applicant and staff. Commissioner Simpson stated he only met with staff; however, he did have conversations with the applicant and a couple of members of the community.

Commissioner Gladson asked how the enforcement would be handled.

Ms. Brodtkin stated it would be handled like any other Code Enforcement issue and there would be a 24-hour hotline to call with concerns.

Commissioner Simpson asked the City Attorney what process would be used to control inappropriate content.

Mr. Sheatz responded that when they receive complaints, the City calls the billboard company who reviews the advertising that was sold for that location. Typically, it takes them approximately a week to take down any static displays; LEDs can be remotely changed immediately. In the past, he has also given the billboard company phone number to area residents and has gotten immediate results.

Commissioner Simpson asked what happens to the LED lighting at night.

Ms. Brodtkin stated the LED stays constant due to automatic sensors that measure the ambient lighting; they will get brighter during the day and dimmer at night.

Commissioner Correa asked who the contractual agreement is with and how it carries over to another company if they are bought out and how often are the billboards inspected.

Mr. Sheatz explained the original agreement was with the City and National Advertising Company. If billboards are sold to somebody else, all the rights and obligations go with it. If there is a dispute, it could be litigated.

Commissioner Willits asked when the billboard on Katella was erected and if any lighting modifications been made to the billboard since then.

Ms. Brodtkin responded that the billboard was built in the 1990's and assumes that the lighting has been updated since then.

Chair Glasgow opened the public hearing.

Robin Auorback, 2543 E. Coolidge Avenue, stated that she has lived on that street since 1992 and was there when it transitioned to a illuminated board. She asked the Commission to visit the billboard at night because she feels the statements are inaccurate; the sign is very bright. She is also concerned

about content such as alcohol, tobacco, adult entertainment and marijuana. She also stated that the residents in her neighborhood were not properly noticed.

Shelly Archer, 2602 E. Coolidge Avenue, spoke in opposition and stated the light representation is not accurate and doesn't take into account what is really taking place there. She has a significant concern about a decrease in property values due to the brightness of the sign.

Ray Burke, has lived at 2328 E. Hoover Avenue since 1988 and spoke in opposition of the billboard for the same reasons as the prior speakers and does not support changing the sign regulations.

Chair Glasgow closed the public comment portion of the meeting.

Commissioner Correa asked staff to explain why the residents were not properly noticed.

Ms. Brodtkin responded that the notifications were based off of the notification of a 2017 City Council meeting; 461 residents and other interested parties were notified, it was posted on the City website, in City libraries and at City Hall, as well as other organizations and interested agencies. The notices were mailed out to residents who live beyond the required 300ft. radius.

Will Kolbow, City of Orange Administrative Services Director, explained staff had to use their best guess to determine the mailings because the 300 foot radius went up against the freeway, so they went block by block and did their due diligence as best as they could.

Chair Glasgow stated the billboard face is being reduced by 12ft and inquired if the sign could be reduced 12ft (in height) and go from 95ft to 83ft keeping the bottom of the billboard the same height which would reduce some of the lighting.

Ms. Brodtkin explained the relocation agreement allows them to keep the initial height of the billboard.

Mr. Sheatz stated they could ask the billboard company about a reduction in height size.

Chair Glasgow asked if there is a way to control the content, especially on the signs close to residential neighborhoods.

Mr. Sheatz stated the billboard company has a manual that determines appropriateness based on its location and that anyone can contact the billboard company regarding its content. The company does respond and they have entertained changes when people have found inappropriate advertising.

Commissioner Willits asked staff how they determined the brightness since there are no similar billboards in the area and how they determined that it would not be as bright as the existing board.

Ms. Brodtkin responded that the billboard company provided a photometric analysis for the Katella location and provided a location in Garden Grove with a billboard that has the same size and light output. The environmental analysis found that if the light was increased, it would be less than significant and would have a very similar light output, if not less, to what is existing.

Commissioner Simpson stated he drove around the neighborhood at night and found it to be big and

bright. He also drove past the Garden Grove sign on Newhope Street and found the light output to be similar or slightly less.

Ms. Brodtkin stated she also visited both sites and feels that the sign is very prominent and bright from Coolidge Avenue. There is reflection of light from the ambient light and headlights that bounce off causing it to shine brightly.

Commissioner Simpson asked if there would be a way to regulate marijuana content.

Mr. Sheatz stated cannabis businesses are illegal in Orange so there would not be any advertising for establishments located inside the City, however, there could be advertisements for establishments outside of the City.

Commissioner Gladson asked staff, who would be reviewing the individual Minor Site Plan requests and if there would be any benefit in allowing the Design Review Committee to look at the aesthetic aspects and photo metrics.

Ms. Brodtkin stated the companies are required to submit a Minor Site Plan Review consisting of plans, operational information and a site-specific lighting study which would be reviewed by Planning staff and approved by the Community Development Director. The company would also be required to obtain appropriate building permits.

Ms. Pehoushek stated the plans are also reviewed by other departments in the City such as the SMART (Streamlined Multi-Disciplinary Accelerated Review Team) Committee comprised of members from the Planning and Building Divisions, Public Works, Traffic Engineering, Police and Fire Departments and the Community Services Landscape Coordinator. She stated for the record, the Minor Site Plan Review process does not involve any kind of public notification.

Commissioner Willits stated he's had real estate relationships in that area and the question of the light from the sign has never come up, not even along Sacramento Street. The freeway noise tends to be discussed and hurting the property values; not the light from the sign. He feels the smaller sign should be helpful.

Commissioner Simpson asked if the City Attorney had any information about the experience that the City of Placentia has had with the installation of their new billboards.

Mr. Sheatz explained City of Orange City Manager, Rick Otto, contacted Placentia's City Manager and asked him if they had received any complaints about the four brand-new billboards that were installed along the 57 freeway. One of the boards is less than 200 feet from the residential property; to date they have not received any complaints from any of the residents or anyone else.

Mr. Correa asked if the City's billboard requirements are more strict than the state of California's standards.

Mr. Sheatz read the vehicle code section that regulates billboards and explained how the City came to their revised standards and how they took an extra step to accommodate the community.

Commissioner Correa said that he feels the City has gone the extra mile to try to make sure that it

doesn't impact the community. He stated that there is a reduction in the billboard size, it is an existing billboard on the freeway corridor not a new one, it could possibly serve a public service benefit and the LEDs are more condensed with less glare than the current lights. Commission Correa said that he supports the recommendation.

Commissioner Willits hopes it would be a win for the residents and does not think that there is justification to not support the request. The LED technology is more productive in controlling light.

Commissioner Gladson supports the ordinance. The City would prefer to not have billboards but it is not logical or effective. The goal of the ordinance removes (3) boards that are not located near the freeway and it cleans up the process to remove more of them Citywide. It is also asking the owners to look at a size reduction. The freeway corridor is a logical place for a billboard. She would like staff to consider a Design Review Process that would provide a public hearing notification to the resident to allow them to voice their opinions.

Commissioner Simpson stated the Commission read all the letters from the public. Overall he sees this as a benefit because there would be increased flexibility to control the LED lighting, the downsizing seems appropriate and he feels the City is getting the best deal possible and therefore he supports the ordinance.

Chair Glasgow knows the track very well and feels the diminished light output would be a benefit; light pollution from an LED is much less than a static light and over time the residents on Coolidge Street won't realize the sign is there because of the diminished light. He supports the ordinance because it would clean up the City by removing some of the billboards.

A motion was made to adopt a Resolution of the Planning Commission recommending City Council adoption of Mitigated Negative Declaration No. 1860-18 with an associated Mitigation Monitoring and Reporting Program, and an Ordinance repealing and deleting Chapter 5.62 of the Orange Municipal Code and amending Title 17 of the Orange Municipal Code by adding Section 17.36.180 regulating the conversion of existing billboards along freeway corridors to electronic billboards.

Chair Glasgow added he would like to recommend that staff limit content because it is close to the neighborhood.

Mr. Sheatz responded that they can talk to the billboard company and express their concerns about the content. They can also provide contact information to the neighbors to report any offensive or inappropriate content.

Commissioner Correa amended the motion to add the wording by the City Attorney.

- MOTION:** Commissioner Correa
- SECOND:** Commissioner Willits
- AYES:** Commissioners Glasgow, Gladson Simpson, Willits and Correa
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None

Commissioner Gladson suggested that the Design Review Committee review billboards in order to allow a public process for the neighbors to be notified.

Chair Glasgow stated billboards would have aluminum frames and therefore really isn't anything for the Design Review Committee to look at.

Mr. Sheatz stated there is a section in the Relocation Agreement that requires notices to be mailed to all residential properties owners located within 500 feet of the proposed electronic billboard installation 14 days prior to City Council consideration.

Commissioner Gladson responded that this addresses her concerns and is satisfied if it does not go to the Design Review Committee.

A motion was made to adjourn at 8:22 p.m. The next regular meeting is scheduled on Monday, December 17, 2018, at 7:00 p.m.

- MOTION:** Commissioner Willits
- SECOND:** Commissioner Gladson
- AYES:** Commissioners Glasgow, Gladson, Simpson, Willits and Correa
- NOES:** None
- ABSENT:** None

MOTION CARRIED.