



STAFF REPORT

TO: PLANNING COMMISSION

**PREPARED BY: Corey Simon, Senior Planner
Michael Chandler, Senior Management Analyst**

APPROVED BY: Terry Blount, AICP, Planning Manager

GENERAL INFORMATION

APPLICANT: CBS Outdoor, Collin Smith

OWNER: Waters, Kenneth & Paulette Trust

LOCATION: 37 Bridgehead Road; APN: 378-010-024-8

PROPOSAL: Construction of a 48' high, two-sided, 14' x 48' light emitting diode (LED) digital display billboard at 37 Bridgehead Road (replacing a static billboard of similar size to be removed from 35 Bridgehead Road), requiring: a) Municipal Code Text Amendments, allowing the possible relocation of existing nonconforming Non-Accessory Signs (billboards), subject to the City Council's approval of a Relocation Agreement; and b) approval of a Use Permit, which also would allow an exception to the H-I Districts' 30' height limit.

GENERAL PLAN: Industrial

ZONING: H-I (Heavy Industrial District)

ENVIRONMENTAL REVIEW: The attached Initial Study evaluating this project's environmental impact was prepared and circulated as required by the California Environmental Quality Act (CEQA). The Initial Study found the project would not have a significant impact, with the proposed mitigation measures, and a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared. The 20-day comment period began on Wednesday, August 3, 2011 and ends on Tuesday, August 23, 2011.

RECOMMENDATION

Adopt Resolution that: a) recommends that the City Council approve the Initial Study and Mitigated Negative Declaration, Municipal Code Text Amendments and Relocation Agreement and b) approving Permit #11PLN-0034, subject to the attached conditions of approval.

PROJECT INTRODUCTION

The City has had a longstanding arrangement with CBS Outdoor, Inc. and its predecessors that allows the City to advertise a community message on the north facing side of the static (non-digital) billboard located at 35 Bridgehead Road in Martinez on the west side of Interstate 680. This benefit to the City was negotiated as a condition of the billboard's operation, and included with the Use Permit approved by the Martinez Planning Commission on January 25, 1979. The current arrangement allows the City to change out the community message on a quarterly basis. In practice, however, the City has only modified its advertisement every 18-24 months or longer.

City staff began coordinating with Main Street Martinez in July 2010 on options for changing out the existing community message, which had been posted on the billboard for over two years. Staff contacted CBS representatives to discuss the parameters for the City's use of the billboard, and subsequently, on July 21, 2010, the Regional Real Estate Manager for CBS met with City staff. At that meeting, CBS provided specific details on the current advertising options for the City as well as a number of options for the City to consider regarding its rights to the billboard. These options included the following:

1. City move off the static billboard in exchange for advertising on several smaller "poster" billboards throughout the Bay Area;
2. City move off the static billboard and into a rotation with other static billboards throughout the Bay Area;
3. City move off the static billboard in exchange for compensation; or
4. City permit relocation of billboard through the removal of the existing billboard and the construction of a new LED digital billboard at a new site along I-680 in exchange for compensation and rights to advertise (as one of 6-8 advertisements) on the north-facing side.

The City scheduled a follow-up meeting with CBS on August 18, 2010, that included the Executive Director of Main Street Martinez and Chief Executive Officer of the Martinez Chamber of Commerce. At the meeting, CBS provided an overview of the various options to the parties. Once informed of the various options, the respective boards of Main Street Martinez and the Martinez Chamber of Commerce expressed overwhelming support for the LED option, which would allow significantly greater opportunities for promotion of their City-sponsored events.

The City coordinated with CBS and Main Street Martinez on changing out the static

display, which was finalized in December 2010. The City continued informal discussions with CBS representatives for the next several months and on May 11, 2011, received a formal request from CBS to initiate the billboard relocation project, provided as Attachment 4. Relocation of the existing billboard is a key component of this project, primarily because the existing site is on a Union Pacific Railroad Easement, which places numerous restrictions on CBS and essentially results in a month-to-month arrangement due to federal guidelines. Moving the sign to private property enables CBS to secure the kind of long-term leasehold necessary to complete this project.

The project, if approved, would provide a number of significant benefits to the City. As conditions of the Relocation Agreement (a draft of which is included as Attachment 5), the City would receive a quarterly revenue share equaling 11% of net receipts (estimated to be \$120,000 to \$160,000 per year); have the ability to change the community message up to 24 times per year (as opposed to 4 times per year on the static display); and have the capacity to provide the public with various time-sensitive “emergency alert” messages, including Amber Alert information, public safety notifications (including those from the City’s Police Department), and other emergency/disaster notifications.

DISCUSSION and ANALYSIS

TOPIC ONE – ZONING CODE AMENDMENTS TO ALLOW FOR RELOCATION OF EXISTING NONCONFORMING BILLBOARD

In 1985, the City Council amended Title 16 (Signs) of the Martinez Municipal Code (MMC), deleting provisions which had allowed for the construction of new non-accessory signs (also referred to in the MMC as “off-site signs,” “outdoor advertizing structures” and “billboards”). Billboards were only allowed in the City’s Industrial Zoning Districts, and required Use Permit approval. Prior to 1985, at least two billboards were approved along I-680, near the Marina Vista exit. But since that time, these billboards have been nonconforming uses. As typical for all such nonconforming structures (which are structures that were legally established at a time when they were permitted) those existing billboards may legally remain. But unlike most other nonconforming structures, which cannot be replaced and retain their legal nonconforming status in a new location, State law provides a mechanism in which billboards may be relocated and retain their nonconforming status.

Pursuant to State law, a City may enter into a Relocation Agreement with an outdoor advertising company to permit the replacement of a static billboard, often allowing a new changeable copy LED billboard (that can accommodate the City’s civic announcements, as well as commercial advertising). The addition of the following Subsection C into the MMC (Section 16.68.080; NONCONFORMING SIGNS - Off-Site Signs) prescribes standards for when the City could consider such a Relocation Agreement:

C. Off-site signs existing pursuant to the provisions of (B) above on or after the removal date set forth in subsection (A) above, may be approved by the City to be relocated

in accordance with the provisions of this subsection. An application to relocate an existing sign may only be approved if all of the following criteria are met:

- 1. Signs may only be relocated to be within the Heavy Industrial (HI) district;*
- 2. There must be a minimum distance of two (2) miles between electronic non-accessory signs and 1,000 feet between non-electronic, non-accessory signs;*
- 3. The relocated sign may not significantly impact any biological resources;*
- 5. The applicant for a relocated sign must provide a geotechnical study and incorporate the recommended measures; and*
- 6. All relocated signs shall be subject to a relocation agreement.*

To further clarify that a new billboard would only be possible with the approval of a Relocation Agreement, staff also recommends that Subsection C of MMC Section 22.18.060; INDUSTRIAL DISTRICTS – Conditional Uses be amended to read:

C. Outdoor advertising structures; *in accordance with Section 16.68.080.C.*

It should be recalled that since the provision for billboards was deleted from the Sign Regulations (Title 16), this particular provision in the Industrial Zoning District Regulations (Tile 22) has been moot. As per the proposed amendment, the only circumstance in which the findings for a Use Permit could be made would be pursuant to a Relocation Agreement.

The full text of the proposal, showing the new regulations within the context of existing regulations (with new text in highlighted format) is provided as Attachment 1. The text of the proposal, as a draft enacting ordinance for City Council action, is provided as Attachment 2.

TOPIC TWO – VISUAL IMPACTS and ENVIRONMENTAL EVALUATION

The Initial Study (provided as Attachment 3) evaluated the aesthetic impacts of the proposed replacement billboard. As a contextual setting, the subject industrial frontage at I-680 is not identified in the General Plan as a scenic roadway, nor were any other scenic vistas identified. Existing industrial uses dominate the visual field. As illustrated by the simulations provided in the Initial Study, the new billboard will have the same 14' X 48' sign face as the existing billboard, and thus will not significantly alter the visual setting from what exists. It should be noted that the new billboard will be located 550' north of the existing billboard, to be visually clear of the recently constructed Waters Moving and Storage Building and improve visibility. The replacement billboard will also be slightly taller than the existing when measured from column pipes' foundation grade – 40 feet as opposed to 48 feet – but it will generally appear to be at the same height when viewed from I-680. Also, the level of the LED's panel's luminescence will automatically adjust with the ambient light, as not to contribute additional light and glare.

TOPIC THREE – HEIGHT EXCEPTION AND USE PERMIT APPROVAL

The proposed billboard use is consistent with the proposed Zoning Text Amendments, allowing for Billboard Relocation agreements. The proposed 48' high structure (requiring use permit approval to allow an exception to the I-District's 30' maximum height limit) is: a) necessary for the structure's function as a billboard, b) similar to the height of the billboard to be removed and replaced and c) comparable to the height of nearby industrial structures, including but not limited to the Shell Refinery complex, and is thus visually compatible with the surrounding uses and structures.

TOPIC FOUR – DRAFT RELOCATION AGREEMENT TO BE CONSIDERED BY CITY COUNCIL

A copy of the latest Draft Relocation Agreement, which is still being finalized by the parties, is provided as Attachment 5 (exhibits pending). Should the Commission wish to, it may provide comments for City Council consideration.

ATTACHMENTS

Site Vicinity Map

1. Text of existing and proposed regulations, in strikeout/highlighted format.
 2. Draft enacting ordinance for City Council action.
 3. Initial Study
 4. CBS Outdoor Letter of May 11, 2011
 5. Relocation Agreement (DRAFT)
 6. I-680 Northbound Depiction of LED Billboard
 7. I-680 Southbound Depiction of LED Billboard
- Resolution PC 11-08 [DRAFT]
Conditions of approval [DRAFT]

EXHIBITS

"Billboard Relocation Agreement" Booklet, received August 19, 2011

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SITE CONTEXT MAP

USE PERMIT FOR
CBS OUTDOOR – BILLBOARD RELOCATION

37 BRIDGEHEAD ROAD

PLANNING APPLICATION # 11PLN-0034

