

RESOLUTION NO. PC 11-08 [DRAFT]

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MARTINEZ,
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A MITIGATED
NEGATIVE DECLARATION AND ZONING TEXT AMENDMENTS, AND APPROVAL OF A
USE PERMIT, TO ALLOW, SUBJECT TO THE CITY'S COUNCIL'S APPROVAL OF A
RELOCATION AGREEMENT, THE REPLACEMENT OF A NONCONFORMING 40' HIGH
STATIC BILLBOARD AT 35 BRIDGEHEAD ROAD WITH A NEW 48' HIGH LED DISPLAY
BILLBOARD AT 37 BRIDGEHEAD ROAD, (APN: 376-010-011)
11PLN-0034**

WHEREAS, the City of Martinez has received a request to allow for the relocation of a nonconforming static billboard and 35 Bridgehead Road with a new LED display billboard, at 37 Bridgehead Road; and

WHEREAS, the City's Sign regulations (Title 16) currently prohibit the construction of new Billboards; and

WHEREAS, State law allows for relocation of nonconforming billboards, with the City's approval of a Relocation Agreement; and

WHEREAS, the proposed text amendments to Title 16 (Signs) and Title 22 (Zoning) would make the City's Municipal Code consistent with State requirements for local agencies to allow for Relocation Agreements, which can permit the replacement of nonconforming billboards; and

WHEREAS, the relocated billboard's 48' maximum height requires use permit approval to exceed the normally maximum permit height of 30' in the H-I (Heavy Industrial) Zoning District; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) the City has conducted an Initial Study (Exhibit A), to address the project's potential impacts on the environment; and

WHEREAS, on the basis of said Initial Study, a Mitigated Negative Declaration has been prepared that states the proposal will not have a significant effect on the environment; and

WHEREAS, the Planning Commission of the City of Martinez held a duly noticed public hearing on August 23, 2011, and listened to testimony from the public; and .

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Martinez finds as follows:

1. That the above recitals are found to be true and constitute part of the findings upon

which this resolution is based.

2. That the Planning Commission hereby finds that on the basis of the whole record before it, including the Initial Study and any comments received, that there is no substantial evidence that the proposed project will have a significant effect on the environment, and that the proposed Mitigated Negative Declaration reflects the City's independent analysis and judgment. Furthermore, the Mitigated Negative Declaration and proposed mitigation measures for said project are found to be complete and in compliance with CEQA and applicable CEQA guidelines and is hereby recommended to the City Council for approval.
3. That the Planning Commission hereby finds that the proposed ordinance amending Title 16 (Signs) and Title 22 (Zoning) of the Martinez Municipal Code as set forth in Exhibit B, attached hereto and incorporated herein by this reference, is necessary for the City's Municipal Code to be consistent with State requirements for Relocation Agreements and is consistent with the Martinez General Plan.
4. In order to approve the Use Permit application, the Commission must make the following findings, which it hereby does:
 - (a) **The proposed location of the conditional use is in accord with the objectives of this title, and the purposes of the district in which the site is located.** The proposed location of the relocated billboard is in an industrial zoning district and on property that has already been developed as a storage facility where commercial and industrial imagery already dominates. The proposed LED billboard is similar in form, function, height and visibility as the static billboard it replaces.
 - (b) **The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** The location of the billboard is far from any residential district. The billboard will operate in compliance with applicable regulations from the California Outdoor Advertising Act (Business and Professions Code) to mitigate what could be otherwise hazardous distractions to motorists. Such restrictions include, but are not limited to the rate in which electronic messages can change and prohibitions against messages in motion. Thus the billboard will not be detrimental to public health, safety and welfare.
 - (c) **The proposed conditional use will comply with each of the applicable provisions of this title.** The conditional use complies with all other provisions of this title, with the exception of the H-I District's maximum 30 foot height limit, for which this use permit is sought. The proposed 48' foot tank will appear as a similar height, when viewed from Highway 680, as the 40' height for the old static billboard to be removed. The billboard structure, at the proposed height, is necessary for the structure's function as a billboard and visually compatible with the surrounding uses and structures, such as those at the nearby Shell Refinery.

NOW, BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council the Adoption of the proposed Mitigated Negative Declaration and the approval of the requested ordinance the Martinez Municipal Code: and to Approve Use Permit # 11PLN-0034, subject to City Council's approval of the requested Code Amendments and the attached conditions of, incorporated herein by this reference

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I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the Planning Commission of the City of Martinez at a regular meeting of said Commission held on the 23rd day of August, 2011:

AYES:

NOES:

ABSENT:

ABSTAINED:

BY: _____
Rachel Ford
Planning Commission Chair

Corey M. Simon
Senior Planner