



AGENDA

REGULAR MEETING OF THE BELL PLANNING COMMISSION

Wednesday, October 4, 2023 at 7:00 p.m.

Location: Bell Community Center, 6250 Pine Avenue, Bell CA 90201

MEETING WILL BE HELD IN-PERSON AT THE BELL COMMUNITY CENTER

PUBLIC COMMENT: If you wish to make a comment on items listed on the agenda and non-agenda items, you may attend the meeting in-person at Bell Community Center. Please complete a Request to Speak Card available in the location and wait until the chair calls you to approach the podium. Please clearly state your name and address and proceed to make your comments.

You may also submit input electronically through a temporary public comment email established for City of Bell City Council meetings at cityclerk@cityofbell.org. Your written comment must be submitted by 4pm on Wednesday, October 4, 2023. Any emails received after the time indicated will not be included in the record. Written Comments will be subject to the three minute time limitation (approximately 350 words).

The meeting will be recorded and live streamed on the City's website at <http://www.cityofbell.org/?NavID=101>

1. Call to Order:

2. Roll Call of the Planning Commission:

Commissioner Rodrigo Rodarte
Commissioner Ali Sleiman
Commissioner Jessica Vallejo
Vice-Chair Rihan Bedier
Chair Luis Mesa

3. Pledge of Allegiance

4. Communications from the Public:

This is the time for members of the public to address the Planning Commission on matters that are listed on the agenda and non-agenda items that are under the subject matter jurisdiction of the Planning Commission. (Each speaker is limited to 3 minutes)

5. Presentation(s):

- a. Pritchard Field Presentation

6. Public Hearing(s):

- a. Zone Text Amendment (ZTA 2023-04) – Consideration of an Ordinance of the City of Bell, California, amending Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of Title 17 (Zoning) of the Bell Municipal Code (BMC), relating to digital billboards.

Recommendation: *Staff recommends that the Bell Planning Commission read by title only, waive further reading and adopt Resolution No. 2023-06 PC (Attachment A), recommending the following actions to the City Council:*

1. Determine that the proposed text amendments are exempt from further review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated there under (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”), because it consists of only minor text revisions and clarifications to existing zoning regulations and procedures related thereto, and will not have the effect of substantially changing regulatory standards or findings required therefore in accordance with CEQA, the proposed text amendment is exempt from CEQA pursuant to Section 15061(b)(3) because the activity is governed by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. In this case, the proposed text amendment will not have a significant effect on the environment, and
2. Approval of Zone Text Amendment No. 2023-04 to adopt an Ordinance (Exhibit “A” within Attachment A), amending Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of Title 17 (Zoning) of the Bell Municipal Code (BMC), relating to digital billboards.

7. Regular Session:

- a. Approval of the minutes for the Planning Commission Meetings of September 26, 2023.

Recommendation: *It is recommended that the Planning Commission approve the minutes for the September 26, 2023 meeting.*

- b. Annual Reorganization – Election of Chair and Vice-Chair.

Recommendation: *It is recommended that the Planning Commission elect a Chair and Vice-Chair.*

8. Planning Commissioner Announcements; Request for Future Agenda Items; Conference/Meeting Reports:

9. Community Development Director’s Comments:

10. City Attorney Comments:

11. Adjournment: Next Regular Planning Commission Meeting is scheduled for Wednesday, November 1, 2023 at 7pm.

ADA Compliance Statement

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Community Development Department at (323) 588-6211, Ext. 2615, at least 48 hours prior to the scheduled meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting.

I, Angela Bustamante, Planning Commission Secretary, certify that a true, accurate copy of the foregoing agenda was posted on September 29, 2023 at least seventy two (72) hours prior to the meeting as required by law.

Angela Bustamante

Angela Bustamante, Planning Commission Secretary

City of Bell Planning Commission Agenda Report

DATE: October 4, 2023

TO: Honorable Chair and Planning Commission Members

FROM: Manuel Acosta, Director of Community Development

PREPARED
BY: Rodrigo Pelayo, Associate Planner

SUBJECT: Zone Text Amendment (ZTA 2023-04) – Consideration of an Ordinance of the City of Bell, California, amending Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of Title 17 (Zoning) of the Bell Municipal Code (BMC), relating to digital billboards.

RECOMMENDATION:

Staff recommends that the Bell Planning Commission adopt Resolution No. 2023-06 PC (Attachment A), recommending the following actions to the City Council:

1. Determine that the proposed text amendments are exempt from further review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated there under (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”), because it consists of only minor text revisions and clarifications to existing zoning regulations and procedures related thereto, and will not have the effect of substantially changing regulatory standards or findings required therefore in accordance with CEQA, the proposed text amendment is exempt from CEQA pursuant to Section 15061(b)(3) because the activity is governed by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. In this case, the proposed text amendment will not have a significant effect on the environment, and
2. Approval of Zone Text Amendment No. 2023-04 to adopt an Ordinance (Exhibit “A” within Attachment A), amending Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of Title 17 (Zoning) of the Bell Municipal Code (BMC), relating to digital billboards.

BACKGROUND:

Digital billboards have the capacity to display digital images that are changed by a computer every few seconds. Digital billboards are commonly used for commercial advertising; however, they can also be used for public service purposes. Billboard companies are increasingly constructing digital billboards due to the increased number of advertisers that can be accommodated concurrently on a single digital billboard. Digital billboards offer the potential for a source of revenue and other public benefits to cities when construction and operation of billboards are permitted on privately and publicly owned property. Cities are allowed to enter into agreements with billboard owners for financial compensation provided by billboard owners to cities in return for the right to construct a billboard on public or private property. Additionally, agreements may include terms for the voluntary removal by billboard owners of non-digital billboards at other locations in exchange for the right to construct a digital billboard within a designated suitable location typically positioned on highly visible, heavy traffic locations such as

adjacent to a freeway.

On January 25, 2023, the City Council adopted Ordinance No. 1278 to define and establish regulations, including criteria under which digital billboards may be allowed. Subsequently, the City engaged with multiple billboard operators within the City in efforts to eliminate blighted billboards. Through negotiations, some billboard operators are willing to voluntarily convert existing printed (static) billboards into digital billboards on properties that do not meet the current Zoning Code provisions pertaining to billboards. Specifically, a number of existing billboard structures are within the Commercial Manufacturing (CM), Heavy Commercial (C3), and General Commercial and Residential (C-3R) zoning districts, which the Zoning Code does not contain provisions. However, the voluntary replacement of billboards is in the interest of the City for the general welfare of the public since it presents opportunities to beautify old billboard structures and to generate revenue that would be invested into the community.

The BMC must be amended to establish regulations, including criteria under which new digital billboards and conversions may be allowed within the C3, CM, and C3R zoning districts. Zone Text Amendment No. 2023-04 is proposed to amend Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of Title 17 (Zoning) of the BMC to refine regulations for digital billboards.

ANALYSIS:

The purpose of the proposed Zoning Text Amendment No. 2023-04 is to permit the limited use of digital billboards in appropriate locations within the City in a controlled manner, and to allow the City to receive public benefits from the billboard owners in return. Zone Text Amendment No. 2023-04 proposes additional regulations pertaining to the allowable locations, quantity, size, design and operation of digital billboards specifically within the C3, CM, and C3R zoning districts subject to reasonable controls.

Zone Text Amendment No. 2023-04 would clarify the definition of “billboards”, refine the regulations governing design and operation of digital billboards, the application review requirements, and City approval process for digital billboards as summarized in the Code sections below:

17.08.524 Outdoor advertising structure or billboard.

“Outdoor advertising structure” or **“billboard”** means a sign or other advertising structure, **which may be printed (static) or digital, and** is designed and primarily used to solicit public support or direct public attention to the sale, lease, hire or use of any objects, products, services or functions, which are not produced, sold or otherwise available on the premises where such sign or structure is located. (Ord. 1270 § 3, 2021)

17.84.064 Digital Billboards.

- A. Purpose. The purpose of this section is to allow and regulate digital billboards. Billboards are typically positioned on highly visible, heavy-traffic locations such as expressways and major roadways. Nothing in this section is intended to amend any other provision of this chapter, which apply to identification signs and signs that relate to the business, goods, activities, or services being provided on the premises where the sign is located.
- B. Billboards prohibited. **Outdoor advertising structures** (~~B~~billboards) shall not be permitted in the City except as provided herein.

C. Nonconforming billboards; removal without compensation.

1. Any existing billboard that was constructed in conformance with all regulations and permit requirements at the time of its erection, and that is maintained in accordance to all applicable building standards, shall constitute a legal nonconforming use.
2. Any existing billboard that was constructed without valid permits or in violations of building standards at the time of its erection, or an existing billboard that constitutes a threat to the public health and safety, may be required to be removed without compensation.

D. General Requirements.

1. The requirements of this section shall apply to the expansion or modification of an existing digital billboard, including the construction of additional face(s), and/or to the digital conversion of an existing static billboard to a digital billboard. No digital billboard may be expanded, modified, or newly constructed other than pursuant to an agreement, ~~as follows~~ **subject to the provisions of this section.**
2. Digital billboards shall be permitted: **(a)** within the "M" (Manufacturing) zoning district located adjacent to the California Interstate 710 Freeway **or (b) in connection with the conversion an existing printed (static) billboard located on a commercial or other industrial zoned property (C3, C3R, M, or CM) anywhere in the city, provided however that the conversion of an existing printed billboard located on a commercial or other industrial zoned property shall only be permitted where the billboard owner or operator voluntarily removes sufficient printed sign inventory from elsewhere within the City, and** only pursuant to an agreement negotiated and executed between the billboard operator~~—~~**or** owner and the city ("Agreement") consistent with this section and Business & Professions Code Section 5412. The Agreement shall include specific public benefits to be provided to the city. Nothing contained in this section shall require the city to negotiate and/or approve an Agreement on terms that are not beneficial to the city. **In order to convert existing signage as contemplated in Subsection 2(b), the billboard owner or operator must remove, at minimum, two times the amount of signage area (square feet) as that of the proposed digital sign (i.e., a two-to-one removal-to-conversion ratio) and said voluntarily removal must be explained set forth in the corresponding Agreement. Digital billboards erected pursuant to Subsection 2(a) or Subsection 2(b) above must comply with all requirements set forth in this Section.**
3. A billboard or digital billboard in existence on the effective date of the ordinance enacting this provision pursuant to any prior agreement (including any amendments or extensions thereof) may be relocated and rebuilt as a digital billboard subject to the provisions of this section.
4. All digital billboards shall comply with this section and all applicable requirements of Section 5400 et seq. of the California Business & Professions Code and Title 4, Section 2240 et seq. of the California Code of Regulations. Pursuant to Section 5412 of the Business & Professions Code, the Agreement may include provisions related to the relocation or removal of billboards in areas inside or outside the boundaries of the city.

5. No new digital billboard shall be approved, and no existing billboard shall be relocated, converted, or modified without the applicant first providing proof of legal or equitable interest in the site proposed for new construction, relocation, or modification, including, but not limited to, a fee interest, lease, easement, or other entitlement, demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner.
6. No digital billboard shall be approved for construction, modification, or expansion, and no digital billboard may be maintained unless the applicant provides evidence that a designated maintenance service is available by telephone and able to respond to a repair call "24/7" in the event a digital billboard becomes damaged or is malfunctioning.
7. Applicants shall obtain all applicable federal and/or state permits for installation.
8. The owner and/or operator of the digital billboard shall comply with all applicable federal, state, or local laws when constructing, operating, improving, maintaining, repairing, and removing the digital billboard, including the Highway Beautification Act of 1965 (23 U.S.C. Section 131), the Outdoor Advertising Act (Business and Professions Code, Section 5200 et seq.), the regulations promulgated to implement the Outdoor Advertising Act (4 Cal. Code Regulations. Section 2242(c) et seq.).

E. Development Standards.

1. To the extent not covered herein, digital billboards shall comply with Caltrans requirements for height, size, operation, distance from other billboards, highways, or residential uses, and any other requirements. In the event of inconsistency between this section and Caltrans requirements, the more restrictive standards shall control. All distances shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.
2. All utilities for a digital billboard shall be underground.
3. No digital billboard shall have more than one digital display surface oriented in the same vertical plane, for a maximum of two display surfaces.
4. Sign area. The maximum total sign area for any digital billboard: **(a) when located within a "M" (Manufacturing) zone, shall not exceed twelve hundred** ~~shall be (1,200)~~ square feet per sign face, and each sign face shall not exceed **twenty-five (25)** feet in height and **sixty (60)** feet in length; **or (b) when converting an existing printed billboard located within a commercial or other industrial zoned property (C3, C3R, or CM), shall not exceed the total sign area of the existing printed billboard.** For purposes of this section, sign area shall mean and include any frame or material forming an integral part of the display but excluding support structures.
5. **Sign Height.** The maximum height of any digital billboard including non-digital sign faces: **(a) when located within an "M" (Manufacturing) zone shall be 70 not exceed seventy-five (75)** feet as measured from the finished grade of the freeway travel lane closest to the sign to the uppermost point of the sign; **or (b) when located within a commercial or other industrial zoned property (C3, C3R, or**

CM), shall not exceed forty (40) feet, as measured from the finished grade of the travel lane closest to the sign to the uppermost point of the sign, except as may be approved for good cause as demonstrated by the applicant and determined in the sole discretion of the City.

6. Digital billboards projecting over a driveway or driving aisle shall have a minimum clearance of ~~30~~ **twenty-five (25)** feet between the lowest point of any part of the billboard and the finished driveway grade. No part of any digital billboard shall encroach onto an adjacent private or public property.
7. Digital billboards projecting over a pedestrian walkway shall have a minimum clearance of 30 **twenty-five (25)** feet between the lowest point of the structure and the walkway grade.
8. Digital billboards not projecting over a drive areas or a pedestrian walkway shall have a minimum clearance of ~~30~~ **twenty-five (25)** feet between the lowest point of the structure and the finished grade level.
9. Digital billboard structures shall be free of any visible bracing, angle iron, guy wires, cable, and/or similar supporting elements. All exposed portions of a digital billboard, including backs, sides, structural support members, and support poles, shall be screened to the satisfaction of the director of community development.
10. Digital billboards, **with the exception of conversion of an existing printed (static) billboard,** shall be placed at least ~~250~~ **fifty (50)** feet from any residential zone or residentially used property (including mixed use), ~~unless it is determined by the zoning code administrator that based on the photometric study required under Section (F)(1)(h) of this section that there is no significant additional light intrusion than if the digital billboards were placed at least 250 feet away.~~ **Existing billboards may be closer than 50 feet and this distance requirement shall only apply to new billboards.** The measurement shall be from the closest edge of the billboard to the closest edge of the residential zone or closest property line on which a residential use is located.
11. Digital billboards shall plainly display and **be** visible from no less than **one hundred (100)** feet, the name of the person or company owning or maintaining the digital billboard and the digital billboard identification number.

F. Operational Requirements.

1. No digital billboard shall display any obscene language or images, as the term is defined in Section 311 of the California Penal Code, including any amendments or successor statutes thereto.
2. Each digital billboard shall be connected to the National Emergency Network (or any successor network thereto) and provide emergency information, including child abduction alerts (i.e., "Amber Alerts") or other missing persons or emergency alerts as may be issued by local, state, or federal authorities, in accordance with local and regional first responder protocols.
3. Digital billboard operating requirements:

- a. Each message shall not move and shall not include animation, flashing lights, or the varying of light intensity.
- b. Each message shall not be displayed for less than the minimum amount of time provided by Caltrans' regulations.
- c. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter, at a pre-set distance as set forth under this section. Brightness levels from display to display shall not vary by more than 0.3 foot candles.
- d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following:

Face Size	Distance to point of measurement
12' X 25'	150'
10'6" X 36'	200'
14' X 48'	250'
20' X 60'	350'

- e. Each digital billboard shall have a light sensing device that will automatically adjust the brightness as ambient light conditions change.
- 4. Each digital billboard shall be designed and operated with systems and monitoring in place to either turn the display off or show-full black screen in the event of a malfunction.
 - 5. Walls or screens at the base of the digital billboard or other support structures shall not create a hazard to public safety or become an attractive nuisance and shall be continually maintained in good condition and free from graffiti, weeds¹ or other blight conditions.
 - 6. Digital billboards shall not simulate or imitate any directional, warning, danger, or information sign, or any other display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning or direction to traffic, for example using such words or phrases as "stop" or "slow down."
 - 7. Digital billboards shall not display any red or blinking or intermittent lighting that may be mistaken for warning or danger signals nor shall the billboards' illumination impair the vision of travelers on the adjacent freeway and roadways.
 - 8. Digital billboards shall be operated and maintained in compliance with Business and Professions Code Section 5403.
- G. The requirements set forth under subsections B, C, and D, above, shall be in addition to any other conditions and requirements contained in the Agreement. If any condition or requirement imposed in an Agreement conflict with the general requirements set forth in subsections B, C, and D, the general requirements of subsections B, C, and D shall control. For purposes of this subsection, conditions or requirements contained in an Agreement that are more restrictive than those contained in the general requirements of

subsections B, C, and D shall not be deemed in conflict, and shall control.

H. Application Requirements and Review Procedures.

1. Application requirements. To the extent not covered in this section, the application, review, and appeal provisions of Chapter 17.96 (Variances and Conditional Use Permits) shall apply to this section **for billboards within the "M" Manufacturing zone except for billboards in connection with the conversion of existing printed billboards located within a commercial or other industrial zoned property (C3, C3R, or CM).** Any person wishing to erect a new digital billboard, relocate an existing nonconforming or conforming billboard or modify and convert an existing ~~billboard~~ into a digital billboard shall submit a request in writing for approval of an Agreement as described under subsection B of this section that includes the following:
 - a. The name, address, phone number, and other contact information of the person proposing the Agreement.
 - b. The location of the proposed digital billboard **and printed signs to be removed, if applicable, under Section (D)(2)(b), above.**
 - c. Information that establishes that the person proposing the Agreement has legal or equitable interest in the proposed new ~~or~~, relocated, **or converted** billboard, and proof of legal or equitable interest in the proposed site including, but not limited to, a fee interest, lease, license, easement, or other entitlement demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner if not readily ascertainable from the foregoing documents.
 - d. Conceptual design drawings of the digital billboard that includes technical specifications to determine the digital billboard's compliance with this section.
 - e. A description of the proposed compensation or public benefit to be provided to the city.
 - f. Photos of all existing signage, and architectural renderings and elevations of the proposed digital billboard and a scaled site plan and elevations showing the locations of all existing structures and improvements on the property, and the proposed digital billboard and related structures and improvements.
 - g. Photo simulations of the before and after physical site appearance from views as specified by the director of community development.
 - h. A photometric study ~~prepared by a certified lighting engineer demonstrating the proposed digital billboard's compliance with the operational requirements of this note.~~ **for a billboard in connection with the conversion of an existing printed billboard with lighting shall demonstrate that the brightness levels for the converted billboard are less than the existing lighting levels for the printed billboard.**
 - i. The applicant shall pay a filing fee as set by resolution of the city council, or as stated in the Agreement. This fee shall be in addition to any other required fees for permits relative to the development of the property and shall be for the purpose of defraying the costs associated with city's review of the application.
 - j. The applicant shall. pay the cost of any environmental studies and reports necessary for the completion of the environmental review of the proposal

- pursuant to the California Environmental Quality Act.
- k. Such other documents, materials, or information deemed reasonably necessary by the director of community development.

2. Review Procedures.

- a. An Agreement shall be reviewed by the planning commission at a duly noticed public hearing, pursuant to the procedures set forth in Section 17.96.110 of the BMC. The planning commission shall review the Agreement and make a recommendation to city council whether the proposed digital billboard meets the required findings set forth in subsection (c) below.
- b. The city council shall conduct a duly noticed public hearing following the planning commission recommendation to consider approval of the Agreement. The hearing before the city council shall be noticed in accordance with Section 17.96.110 of the BMC, and may be continued from time to time. In order to approve a digital billboard Agreement, the city council shall make all of the findings contained in subsection (F)(2)(c) below. Agreements shall be approved by ordinance.
- c. Findings for approval of an Agreement. The city council shall approve the Agreement if it finds the following:
 1. The proposed Agreement is consistent with the goals, objectives, purposes and provisions of the General Plan, the Municipal Code, and any applicable specific plans;
 2. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;
 3. The proposed digital billboard would not create a traffic or safety problem, including problems associated with on-site access circulation or visibility;
 4. The proposed digital billboard would not interfere with on-site parking or landscaping required by city ordinance or permit;
 5. The proposed digital billboard would not otherwise result in a threat to the general health, safety, and welfare of city residents; and
 6. The proposed digital billboard, in addition to its aesthetic treatment, provides substantial public benefits that would not otherwise accrue to the public in the absence of its installation.

17.96.030 Conditional use permits required when.

58. Outdoor advertising structures **or billboards** subject to the following:

- a. Outdoor advertising structures **or billboards** shall only be allowed **as set forth in Section 17.84.064, Digital Billboards.** ~~on lots classified in zones C and M;~~
and
- b. ~~That all outdoor advertising structures comply with the following regulations:~~
 - i. ~~The maximum height of any outdoor advertising structure shall not exceed forty (40) feet measured from the finished grade of the lot, and~~

- ~~ii. The maximum size of the sign face area of any outdoor advertising structure shall not exceed six hundred (600) square feet, and~~
- ~~iii. No flashing or rotating lights shall be located on any part of an outdoor advertising structure, and~~
- ~~iv. All such outdoor advertising structures shall be maintained in a clean condition and in good repair.~~

ENVIRONMENTAL ANALYSIS:

The Planning Commission's act of recommending adoption of the Zoning Text Amendment is not subject to CEQA review because it is not an "approval" of the Zoning Text Amendment, as defined in CEQA Guidelines Section 15352, but is rather a recommendation of approval, and therefore does not commit the City to any definite course of action regarding the Zoning Text Amendment.

Furthermore, the proposed text amendments are exempt from further review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated there under (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"), because it consists of only minor text revisions and clarifications to existing zoning regulations and procedures related thereto, and will not have the effect of substantially changing regulatory standards or findings required therefore in accordance with CEQA, the proposed text amendment is exempt from CEQA pursuant to Section 15061(b)(3) because the activity is governed by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. In this case, the proposed text amendment will not significantly affect the environment.

FISCAL AND RESOURCE IMPACT TO THE CITY:

There is no fiscal impact associated with the adoption of the ordinance; however, any future billboard Agreements between the City and the developer will generate revenue for the City.

CONCLUSION:

Staff recommends that the Bell Planning Commission adopt Resolution No. 2023-06PC recommending City Council approval of Zone Text Amendment No. 2023-04 to adopt an Ordinance, amending Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of Title 17 (Zoning) of the Bell Municipal Code (BMC), relating to digital billboards.

ATTACHMENTS:

- A. Resolution No 2023-06PC & Draft Ordinance

RESOLUTION NO. 2023-06PC

A RESOLUTION OF THE CITY OF BELL PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT (ZTA) NO. 2023-04 TO ADOPT AN ORDINANCE AMENDING CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.84.064 (DIGITAL BILLBOARDS), AND CHAPTER 17.96.030 (CONDITIONAL USE PERMITS REQUIRED WHEN) OF TITLE 17 (ZONING) OF THE BELL MUNICIPAL CODE (BMC), RELATING TO DIGITAL BILLBOARDS

WHEREAS, the City recognizes that billboards constitute speech protected by the First Amendment of the United States Constitution and by Art. 1, Sec. 2, of the Constitution of the State of California and that its regulation of signs must be consistent with these protections; and

WHEREAS, an excessive amount of billboards, both in terms of number and size, as well as improper shape or design, can be distracting to motorists, and this condition adversely effects the public safety by creating a potential traffic hazard; and

WHEREAS, the City has a substantial interest in regulating signage in the manner set forth in this ordinance. The regulations modified and adopted hereby further the City's substantial interests in traffic safety and aesthetics, in particular *World Wide Rush, LLC v. City of Los Angeles*, 606 F.3d 676 (9th Cir. 2010); *Foti v. City of Menlo Park*, 146 F.3d 629 (9th Cir. 1998); and

WHEREAS, the City can balance its interests in aesthetics and traffic safety with the interests of businesses and consumers by limiting the time, place, and manner of placement of billboards; and

WHEREAS, digital billboards are recognized as a legitimate form of commercial advertising in the city; however, the size, number, location, and illumination of digital billboards can have a significant influence on the city's visual character and quality of life and can, without appropriate controls, create, or contribute to visual blight conditions; and

WHEREAS, the proposed Ordinance amendment will allow the conversion of existing static (printed) billboards to digital billboards when a billboard owner or operator voluntarily removes sufficient printed sign inventory from elsewhere within the City; and

WHEREAS, the proposed Ordinance amendment will allow for the new construction, conversion, and use of digital billboards in a controlled and planned manner within the limits of the Manufacturing (M), Commercial Manufacturing (CM), Heavy Commercial (C3), and the General Commercial and Residential (C-3R) zoning districts subject to reasonable controls; and

WHEREAS, at the Planning Commission regular meeting of October 4, 2023, the Planning Commission held a public hearing to receive testimony and other evidence regarding the proposed ZTA No. 2023-04, including without limitation, information provided to the Planning Commission by City staff.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BELL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein.

SECTION 2. Based on substantial evidence, both written and oral, from the public hearing, the Planning Commission makes the following findings:

- A. The proposed Zone Text Amendment to adopt an Ordinance (attached hereto as Exhibit A) is consistent with the goals and policies of the City's General Plan and is consistent with those provisions of the Zoning Code that will not be amended. Such General Plan goals and policies include, but are not limited to the following:

Land Use and Sustainability Element Policy 1. The City of Bell shall promote development and land uses that are consistent with the General Plan that will address the current and future need of all of the residential and business sectors. The City shall ensure that future land uses will be in compliance with current zoning codes. The City's Zoning Code and map shall also be updated to ensure conformity with the General Plan.

Land Use and Sustainability Element Policy 5. The City of Bell shall encourage a high level of quality in construction and site design features. The City shall create and implement specific design guidelines to promote higher quality in construction.

Land Use and Sustainability Element Policy 19. The City of Bell shall actively solicit and facilitate development that will benefit the City in terms of quality design, employment, and revenue. As part of this process, the City shall oversee the preparation of a feasibility analysis and/or study.

Land Use and Sustainability Element Policy 26. The City of Bell shall continue to promote and support revitalization of the commercial districts in the City. The City shall continue to enhance the "Central City Area," promote the creation of smaller commercial neighborhood centers at key intersections, and discourage further strip commercial development. The City shall also strive to minimize or eliminate conflicts while at the same time marketing the City as an optimal location for new business opportunities as well as business retention.

- B. The proposed Zone Text Amendment is consistent with State law.
- B. The proposed Ordinance serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.
- D. CEQA Findings. The Planning Commission's act of recommending adoption of the Zone Text Amendment is not subject to CEQA review because it is not an "approval" of the Zone Text Amendment, as defined in CEQA Guidelines Section 15352, but is rather a recommendation of approval, and therefore does not

commit the City to any definite course of action regarding the Zoning Text Amendment.

SECTION 3. On the basis of these findings, the Planning Commission hereby recommends City Council approval of ZTA No. 2023-04 to adopt an Ordinance, amending Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when) of title 17 (Zoning), relating to digital billboards.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Bell, California, this 4th day of October, 2023.

Luis Mesa, Chair

APPROVED AS TO FORM:

Christy Marie Lopez, Deputy City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, Secretary to the Planning Commission of the City of Bell, hereby attest to and certify that the foregoing ordinance is the original ordinance adopted by the Bell Planning Commission at its regular meeting held on the 1st day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela Bustamante,
Planning Commission Secretary

EXHIBIT “A”

ORDINANCE NO. xxxxxxxxxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL, AMENDING CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.84.064 (DIGITAL BILLBOARDS), AND CHAPTER 17.96.030 (CONDITIONAL USE PERMITS REQUIRED WHEN) OF TITLE 17 (ZONING) OF THE BELL MUNICIPAL CODE (BMC), RELATING TO DIGITAL BILLBOARDS

WHEREAS, the City of Bell, pursuant to its police power, has the authority to take appropriate action to address concerns regarding traffic safety and aesthetics, as they relate to signs. *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, the City Council of the City of Bell recognizes that billboards constitute speech protected by the First Amendment of the United States Constitution, and by Art. 1, Sec. 2, of the Constitution of the State of California, and that its regulation of signs must be consistent with these protections.

WHEREAS, the City Council makes the following findings.

1. An excessive amount of billboards, both in terms of number and size, as well as improper shape or design, can be distracting to motorists and this condition adversely effects the public safety by creating a potential traffic hazard.
2. Excessive and poorly designed billboards are confusing and reduce the effectiveness of all signs.
3. Billboards provide important information to the public for a variety of purposes.

WHEREAS, the City has a substantial interest in regulating signage in the manner set forth in this ordinance and the regulations modified and adopted hereby further the City's substantial interests in traffic safety and aesthetics, in particular. *World Wide Rush, LLC v. City of Los Angeles*, 606 F.3d 676 (9th Cir. 2010); *Foti v. City of Menlo Park*, 146 F.3d 629 (9th Cir. 1998).

WHEREAS, the City Council finds that the City can balance its interests in aesthetics and traffic safety with the interests of businesses and consumers by limiting the time, place, and manner of placement of billboards.

WHEREAS, the City Council finds that digital billboards are recognized as a legitimate form of commercial advertising in the city; however, the size, number, location, and illumination of digital billboards can have significant influence on the city's visual character and quality of life and can, without appropriate controls, create, or contribute to visual blight conditions.

WHEREAS, the City Council finds that adoption of this ordinance will allow the conversion of existing static (printed) billboards to digital billboards when a billboard owner or operator voluntarily removes sufficient printed sign inventory from elsewhere within the City.

WHEREAS, the City Council finds that adoption of this ordinance will allow for the new construction and use of digital billboards in a controlled and planned manner within the limits of the Manufacturing (M), Commercial Manufacturing (CM), Heavy Commercial (C3), and the General Commercial and Residential (C-3R) zoning districts subject to reasonable controls.

WHEREAS, at the Planning Commission regular meeting of October 4, 2023, the Planning Commission held a public hearing to receive testimony and other evidence regarding the proposed ZTA No. 2023-04, including without limitation, information provided to the Planning Commission by City staff.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and incorporated herein by this reference.

SECTION 2. The City Council does hereby revise Title 17, Chapter 17.08 (Definitions), Chapter 17.84.064 (Digital billboards), and Chapter 17.96.030 (Conditional use permits required when), of the Bell Municipal Code by deleting the stricken language and adding the bold language as shown below:

17.08.524 Outdoor advertising structure **or billboard**.

“Outdoor advertising structure” **or “billboard”** means a sign or other advertising structure, **which may be printed (static) or digital, and** is designed and primarily used to solicit public support or direct public attention to the sale, lease, hire or use of any objects, products, services or functions, which are not produced, sold or otherwise available on the premises where such sign or structure is located. (Ord. 1270 § 3, 2021)

17.84.064 Digital Billboards.

A. Purpose. The purpose of this section is to allow and regulate digital billboards. Billboards are typically positioned on highly visible, heavy traffic locations such as expressways and major roadways. Nothing in this section is intended to amend any other provision of this chapter, which apply to identification signs and signs that relate to the business, goods, activities, or services being provided on the premises where the sign is located.

B. Billboards prohibited. **Outdoor advertising structures** (~~B~~billboards) shall not be permitted in the City except as provided herein.

C. Nonconforming billboards; removal without compensation.

1. Any existing billboard that was constructed in conformance with all regulations and permit requirements at the time of its erection, and that is maintained in accordance to all applicable building standards, shall constitute a legal nonconforming use.

2. Any existing billboard that was constructed without valid permits or in violations of building standards at the time of its erection, or an existing billboard that constitutes a threat to the public health and safety, may be required to be removed without compensation.

D. General Requirements.

1. The requirements of this section shall apply to the expansion or modification of an existing digital billboard, including the construction of additional face(s), and/or to the digital conversion of an existing static billboard to a digital billboard. No digital billboard may be expanded, modified, or newly constructed other than pursuant to an agreement, as follows **subject to the provisions of this section.**

2. Digital billboards shall be permitted: **(a) within the "M" (Manufacturing) zoning district located adjacent to the California Interstate 710 Freeway or (b) in connection with the conversion an existing printed (static) billboard located on a commercial or other industrial zoned property (C3, C3R, M, or CM) anywhere in the city, provided however that the conversion of an existing printed billboard located on a commercial or other industrial zoned property shall only be permitted where the billboard owner or operator voluntarily removes sufficient printed sign inventory from elsewhere within the City, and** only pursuant to an agreement negotiated and executed between the billboard operator~~—~~or owner and the city ("Agreement") consistent with this section and Business & Professions Code Section 5412. The Agreement shall include specific public benefits to be provided to the city. Nothing contained in this section shall require the city to negotiate and/or approve an Agreement on terms that are not beneficial to the city. **In order to convert existing signage as contemplated in Subsection 2(b), the billboard owner or operator must remove, at minimum, two times the amount of signage area (square feet) as that of the proposed digital sign (i.e., a two-to-one removal-to-conversion ratio) and said voluntarily removal must be explained set forth in the corresponding Agreement. Digital billboards erected pursuant to Subsection 2(a) or Subsection 2(b) above must comply with all requirements set forth in this Section.**

3. A billboard or digital billboard in existence on the effective date of the ordinance enacting this provision pursuant to any prior agreement (including any amendments or extensions thereof) may be relocated and rebuilt as a digital billboard subject to the provisions of this section.

4. All digital billboards shall comply with this section and all applicable requirements of Section 5400 et seq. of the California Business & Professions Code and Title 4, Section 2240 et seq. of the California Code of Regulations. Pursuant to Section 5412 of the Business & Professions Code, the Agreement may include provisions related to the relocation or removal of billboards in areas inside or outside the boundaries of the city.

5. No new digital billboard shall be approved, and no existing billboard shall be relocated, converted, or modified without the applicant first providing proof of legal or equitable interest in the site proposed for new

construction, relocation, or modification, including, but not limited to, a fee interest, lease, easement, or other entitlement, demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner.

6. No digital billboard shall be approved for construction, modification, or expansion, and no digital billboard may be maintained unless the applicant provides evidence that a designated maintenance service is available by telephone and able to respond to a repair call "24/7" in the event a digital billboard becomes damaged or is malfunctioning.

7. Applicants shall obtain all applicable federal and/or state permits for installation.

8. The owner and/or operator of the digital billboard shall comply with all applicable federal, state, or local laws when constructing, operating, improving, maintaining, repairing, and removing the digital billboard, including the Highway Beautification Act of 1965 (23 U.S.C. Section 131), the Outdoor Advertising Act (Business and Professions Code, Section 5200 et seq.), the regulations promulgated to implement the Outdoor Advertising Act (4 Cal. Code Regulations. Section 2242(c) et seq.).

E. Development Standards.

1. To the extent not covered herein, digital billboards shall comply with Caltrans requirements for height, size, operation, distance from other billboards, highways, or residential uses, and any other requirements. In the event of inconsistency between this section and Caltrans requirements, the more restrictive standards shall control. All distances shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

2. All utilities for a digital billboard shall be underground.

3. No digital billboard shall have more than one digital display surface oriented in the same vertical plane, for a maximum of two display surfaces.

4. Sign area. The maximum total sign area for any digital billboard: **(a) when located within a "M" (Manufacturing) zone, shall not exceed twelve hundred (1,200) square feet per sign face, and each sign face shall not exceed twenty-five (25) feet in height and sixty (60) feet in length; or (b) when converting an existing printed billboard located within a commercial or other industrial zoned property (C3, C3R, or CM), shall not exceed the total sign area of the existing printed billboard.** For purposes of this section, sign area shall mean and include any frame or material forming an integral part of the display but excluding support structures.

5. **Sign Height.** The maximum height of any digital billboard including non-digital sign faces: **(a) when located within an "M" (Manufacturing) zone shall not exceed seventy-five (75) feet as measured from the**

finished grade of the freeway travel lane closest to the sign to the uppermost point of the sign; or **(b) when located within a commercial or other industrial zoned property (C3, C3R, or CM), shall not exceed forty (40) feet, as measured from the finished grade of the travel lane closest to the sign to the uppermost point of the sign**, except as may be approved for good cause as demonstrated by the applicant and determined in the sole discretion of the City.

6. Digital billboards projecting over a driveway or driving aisle shall have a minimum clearance of ~~30~~ **twenty-five (25)** feet between the lowest point of any part of billboard and the finished driveway grade. No part of any digital billboard shall encroach onto an adjacent private or public property.

7. Digital billboards projecting over a pedestrian walkway shall have a minimum clearance of ~~30~~ **twenty-five (25)** feet between the lowest point of the structure and the walkway grade.

8. Digital billboards not projecting over ~~a~~ drive areas or a pedestrian walkway shall have a minimum clearance of ~~30~~ **twenty-five (25)** feet between the lowest point of the structure and the finished grade level.

9. Digital billboard structures shall be free of any visible bracing, angle iron, guy wires, cable, and/or similar supporting elements. All exposed portions of a digital billboard, including backs, sides, structural support members and support poles, shall be screened to the satisfaction of the director of community development.

10. Digital billboards, **with the exception of conversion of an existing printed (static) billboard**, shall be placed at least ~~250~~ **fifty (50)** feet from any residential zone or residentially used property (including mixed use); ~~unless it is determined by the zoning code administrator that based on the photometric study required under Section (F)(1)(h) of this section that there is no significant additional light intrusion than if the digital billboards were placed at least 250 feet away.~~ **Existing billboards may be closer than 50 feet and this distance requirement shall only apply to new billboards.** The measurement shall be from the closest edge of the billboard to the closest edge of the residential zone or closest property line on which a residential use is located.

11. Digital billboards shall plainly display and ~~be~~ **be** visible from no less than **one hundred (100)** feet, the name of the person or company owning or maintaining the digital billboard and the digital billboard identification number.

F. Operational Requirements.

1. No digital billboard shall display any obscene language or images, as the term is defined in Section 311 of the California Penal Code, including any amendments or successor statutes thereto.

2. Each digital billboard shall be connected to the National Emergency

Network (or any successor network thereto) and provide emergency information, including child abduction alerts (i.e., "Amber Alerts") or other missing persons or emergency alerts as may be issued by local, state, or federal authorities, in accordance with local and regional first responder protocols.

3. Digital billboard operating requirements:

- a. Each message shall not move and shall not include animation, flashing lights, or the varying of light intensity.
- b. Each message shall not be displayed for less than the minimum amount of time provided by Caltrans' regulations.
- c. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter, at a pre-set distance as set forth under this section. Brightness levels from display to display shall not vary by more than 0.3 foot candles.
- d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following:

Face Size	Distance to point of measurement
12' X 25'	150'
10'6" X 36'	200'
14' X 48'	250'
20' X 60'	350'

- e. Each digital billboard shall have a light sensing device that will automatically adjust the brightness as ambient light conditions change.

4. Each digital billboard shall be designed and operated with systems and monitoring in place to either turn the display off or show-full black screen in the event of a malfunction.

5. Walls or screens at the base of the digital billboard or other support structures shall not create a hazard to public safety or become an attractive nuisance and shall be continually maintained in good condition and free from graffiti, weeds¹ or other blight conditions.

6. Digital billboards shall not simulate or imitate any directional, warning, danger, or information sign, or any other display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning or direction to traffic, for example using such words or phrases as "stop" or "slow down."

7. Digital billboards shall not display any red or blinking or intermittent

lighting that may be mistaken for warning or danger signals nor shall the billboards' illumination impair the vision of travelers on the adjacent freeway and roadways.

8. Digital billboards shall be operated and maintained in compliance with Business and Professions Code Section 5403.

G. The requirements set forth under subsections B, C, and D, above, shall be in addition to any other conditions and requirements contained in the Agreement. If any condition or requirement imposed in an Agreement conflict with the general requirements set forth in subsections B, C, and D, the general requirements of subsections B, C, and D shall control. For purposes of this subsection, conditions or requirements contained in an Agreement that are more restrictive than those contained in the general requirements of subsections B, C, and D shall not be deemed in conflict, and shall control.

H. Application Requirements and Review Procedures.

1. Application requirements. To the extent not covered in this section, the application, review, and appeal provisions of Chapter 17.96 (Variances and Conditional Use Permits) shall apply to this section **for billboards within the "M" Manufacturing zone except for billboards in connection with the conversion of existing printed billboards located within a commercial or other industrial zoned property (C3, C3R, or CM)**. Any person wishing to erect a new digital billboard, relocate an existing nonconforming or conforming billboard or modify and convert an existing billboard into a digital billboard shall submit a request in writing for approval of an Agreement as described under subsection B of this section that includes the following:

- a. The name, address, phone number, and other contact information of the person proposing the Agreement.
- b. The location of the proposed digital billboard **and printed signs to be removed, if applicable, under Section (D)(2)(b), above**.
- c. Information that establishes that the person proposing the Agreement has legal or equitable interest in the proposed new or, relocated, **or converted** billboard, and proof of legal or equitable interest in the proposed site including, but not limited to, a fee interest, lease, license, easement, or other entitlement demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner if not readily ascertainable from the foregoing documents.
- d. Conceptual design drawings of the digital billboard that includes technical specifications to determine the digital billboard's compliance with this section.
- e. A description of the proposed compensation or public benefit to

be provided to the city.

- f. Photos of all existing signage, and architectural renderings and elevations of the proposed digital billboard and a scaled site plan and elevations showing the locations of all existing structures and improvements on the property, and the proposed digital billboard and related structures and improvements.
- g. Photo simulations of the before and after physical site appearance from views as specified by the director of community development.
- h. A photometric study ~~prepared by a certified lighting engineer demonstrating the proposed digital billboard's compliance with the operational requirements of this note.~~ **for a billboard in connection with the conversion of an existing printed billboard with lighting shall demonstrate that the brightness levels for the converted billboard are less than the existing lighting levels for the printed billboard.**
- i. The applicant shall pay a filing fee as set by resolution of the city council, or as stated in the Agreement. This fee shall be in addition to any other required fees for permits relative to the development of the property and shall be for the purpose of defraying the costs associated with city's review of the application.
- j. The applicant shall pay the cost of any environmental studies and reports necessary for the completion of the environmental review of the proposal pursuant to the California Environmental Quality Act.
- k. Such other documents, materials, or information deemed reasonably necessary by the director of community development.

2. Review Procedures.

- a. An Agreement shall be reviewed by the planning commission at a duly noticed public hearing, pursuant to the procedures set forth in Section 17.96.110 of the BMC. The planning commission shall review the Agreement and make a recommendation to city council whether the proposed digital billboard meets the required findings set forth in subsection (c) below.
- b. The city council shall conduct a duly noticed public hearing following the planning commission recommendation to consider approval of the Agreement. The hearing before the city council shall be noticed in accordance with Section 17.96.110 of the BMC, and may be continued from time to time. In order to approve a digital billboard Agreement, the city council shall make all of the findings contained in subsection (F)(2)(c) below. Agreements shall be approved by ordinance.

c. Findings for approval of an Agreement. The city council shall approve the Agreement if it finds the following:

1. The proposed Agreement is consistent with the goals, objectives, purposes and provisions of the General Plan, the Municipal Code, and any applicable specific plans;
2. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;
3. The proposed digital billboard would not create a traffic or safety problem, including problems associated with on-site access circulation or visibility;
4. The proposed digital billboard would not interfere with on-site parking or landscaping required by city ordinance or permit;
5. The proposed digital billboard would not otherwise result in a threat to the general health, safety, and welfare of city residents; and
6. The proposed digital billboard, in addition to its aesthetic treatment, provides substantial public benefits that would not otherwise accrue to the public in the absence of its installation.

17.96.030 Conditional use permits required when.

58. Outdoor advertising structures **or billboards** subject to the following:

a. Outdoor advertising structures **or billboards** shall only be allowed **as set forth in Section 17.84.064, Digital Billboards.** ~~on lots classified in zones C and M; and~~

~~b. That all outdoor advertising structures comply with the following regulations:~~

~~i. The maximum height of any outdoor advertising structure shall not exceed forty (40) feet measured from the finished grade of the lot, and~~

~~ii. The maximum size of the sign face area of any outdoor advertising structure shall not exceed six hundred (600) square feet, and~~

~~iii. No flashing or rotating lights shall be located on any part of an outdoor advertising structure, and~~

~~iv. All such outdoor advertising structures shall be maintained in a clean condition and in good repair.~~

SECTION 3. This ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) because it consists only of minor revisions and clarifications to an existing zoning code and will not have the effect of deleting or substantially changing any regulatory standards or findings. The proposed Ordinance is

an action that does not have the potential to cause significant effects on the environment, but rather will provide guidance regarding permitted signage in the City. Entitlements will require review and CEQA analysis will be performed for specific projects.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the passage and adoption of this ordinance, and shall make a minute of the passage and adoption thereof in the records of and the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code section 36937. The City Clerk shall cause a summary of this ordinance to be published in accordance with Government Code section 36933 in a newspaper of general circulation which is hereby designated for that purpose.

SECTION 6. Effective Date. This Ordinance shall go into effect on the 31st day after its passage. PASSED, APPROVED AND ADOPTED this _____ day of _____, 2023.

Fidencio Gallardo, Mayor

APPROVED AS TO FORM:

David Aleshire, City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk of the City of Bell, hereby attest to and certify that the foregoing ordinance is the original ordinance adopted by the Bell City Council at its regular meeting held on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela Bustamante, City Clerk

MINUTES FOR SPECIAL MEETING OF THE BELL PLANNING COMMISSION

Tuesday, September 26, 2023, at 7:00 p.m.

Location: Bell Community Center, 6250 Pine Avenue, Bell CA 90201

MEETING WILL BE HELD IN-PERSON AT THE BELL COMMUNITY CENTER

PUBLIC COMMENT: If you wish to make a comment on items listed on the agenda and non-agenda items, you may attend the meeting in-person at Bell Community Center. Please complete a Request to Speak Card available in the location and wait until the chair calls you to approach the podium. Please clearly state your name and address and proceed to make your comments.

You may also submit input electronically through a temporary public comment email established for City of Bell City Council meetings at cityclerk@cityofbell.org. Your written comment must be submitted by 4pm on Wednesday, September 26, 2023. Any emails received after the time indicated will not be included in the record. Written Comments will be subject to the three minute time limitation (approximately 350 words).

The meeting will be recorded and live streamed on the City's website at <http://www.cityofbell.org/?NavID=101>

1. Chair Mesa called the meeting to order at 7:11 p.m.

2. Roll Call of the Planning Commission:

Commissioner Rodrigo Rodarte
Commissioner Ali Sleiman
Commissioner Jessica Vallejo
Vice-Chair Rihan Bedier
Chair Luis Mesa

ALL MEMBERS PRESENT: Commissioners Rodarte, Sleiman, Vallejo, Vice-Chair Bedier and Chair Mesa

Staff Present: Community Development Director Manuel Acosta, Assistant City Attorney Christy Lopez, Associate Planner Rodrigo Pelayo and Planning Commission Secretary Angela Bustamante.

3. Pledge of Allegiance was led by Vice-Chair Bedier.

4. Communications from the Public:

None

5. Presentation(s):

None

6. Public Hearing(s):

- a. General Plan Amendment, Zone Change, Tentative Parcel Map, Site Plan Review, Conditional Use Permit, & Density Bonus (GPA 2022-02, ZC 2022-01, TPM No. 83748, SPR 2022-15, and CUP 2022-04).

Recommendation: Based on the evidence presented and recognizes the importance of

considering both the potential benefits and challenges it presents. After thorough evaluation, Staff recommends that the Planning Commission consider the following options:

- 1) Adopt a Resolution recommending City Council **approval** of the proposed project which include adoption of a Mitigated Negative Declaration and approval of the applications for:
 - General Plan Land Use Map amendment to change the planned (1.75-acre) parcel land use designation from “Industrial” to “Commercial”;
 - Zone Change to re-zone the planned (1.75-acre) parcel from a Commercial Manufacturing (“CM”) zoning designation to a General Commercial (“C-3R”) zoning designation, which allows for residential uses subject to approval of a Conditional Use Permit ;
 - Site Plan Review to allow the new construction of the proposed 58-unit residential development project;
 - Conditional Use Permit to allow a residential use project within the C-3R zone;
 - Tentative Parcel Map for the subdivision of an approximately 23.72-acre parcel into two (2) resulting parcels that would each measure approximately 1.75 acres and 21.97 acres;
 - Density Bonus to allow an approximately 12% increase in density and two concessions.
- 2) Or Adopt a Resolution recommending City Council **denial** of the proposed project and its associated Mitigated Negative Declaration.

Community Development Director Manuel Acosta introduced the item.

Associate Planner Rodrigo Pelayo provided a PowerPoint Presentation.

A discussion ensued amongst the Commissioners and staff.

Chair Mesa opened the public hearing and asked if anyone would like to comment on the item.

Public Speakers Opposed

PI Bell Mezzanine (email)
CEMEX Construction Materials Pacific (email)
Erick Vega

Public Speakers in Favor

Dr. Vince Beresford
Patrick Duran
Ronald Duran
Anthony Barnes
Stephanie DeHerrera
Steve Lytle
Alicia Reyes

Public Speakers Neutral

None.

City Attorney Christy Lopez stated that the applicant requested the item be continued until November 1st, 2023.

Commissioner Sleiman requested that staff provide a report with information regarding security issues at this location from the last ten years till present at the next meeting.

Commissioner Bedier made a motion to keep the public hearing open and continue the item to November 1st, 2023. Motion was seconded by Commissioner Sleiman which carried with the following roll call vote:

Roll Call: 5-0-0-0

AYES: Commissioners Rodarte, Sleiman, Vallejo, Vice-Chair Bedier and Chair Mesa.

NOES:

ABSTAIN: None

ABSENT: None

Motion Passed.

The Public Hearing was left open and will continue until November 1st, 2023.

7. Regular Session:

None

8. Planning Commissioner Announcements; Request for Future Agenda Items; Conference/Meeting Reports:

None

9. Community Development Director's Comments:

Community Development Director Manuel Acosta invited the commissioners to the October 4th Economic Development Planning Meeting at 5:00 p.m.

10. City Attorney Comments:

None

11. Adjournment: *A Regular Planning Commission Meeting is scheduled for Tuesday, October, 2023 at 7pm.*

There being no further business before the Planning Commission, Chair Mesa adjourned the meeting at 8:32 p.m.

I, Angela Bustamante, Bell Planning Commission Secretary, certify that the foregoing minutes were approved by the Planning Commission of the City of Bell at a regular meeting held on October 4, 2023.

Angela Bustamante,
Planning Commission Secretary

Luis Mesa, Chair