

RESOLUTION NO. 2025-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2024-15 AS CONDITIONED TO ALLOW FOR CONVERSION OF TWO EXISTING FREEWAY-ORIENTED ON-PREMISE DIGITAL SIGNS, INTO OFF-PREMISE ADVERTISING DIGITAL SIGNS (DIGITAL BILLBOARDS), AND TO ALLOW THE DIGITAL BILLBOARDS TO EXCEED THE MAXIMUM HEIGHT OF 60 FEET, FOR THE MAINPLACE MALL LOCATED AT 2800 N. MAIN STREET (APN:002-221-53)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines, and declares as follows:

- A. George Manyak with GM Outdoor Inc. ("Applicant") on behalf of Centennial ("Property Owner"), is requesting approval of Conditional Use Permit ("CUP") No. 2024-15, to allow for the conversion of two existing freeway oriented, on-premise digital signs to off-premise advertising digital signs (digital billboards), and to allow the digital billboards to exceed the maximum height of 60 feet, at MainPlace Mall located at 2800 N. Main Street ("Project").
- B. The existing signs were approved on May 11, 2015 pursuant to Planning Commission approval of Regional Planned Sign Program (RSPG) No. 2014-01. The existing signs exceed the current 60-foot height limit prescribed by Santa Ana Municipal Code (SAMC) Section 41-1131.
- C. Section 41-1131 (Development Standards) of the SAMC, outlines the digital billboard development standards and establishes that the maximum height of digital billboards is 60 feet. However, this section goes on to state that the maximum height development standard may be modified through Planning Commission approval of a CUP.
- D. The proposed digital billboards comply with all other required standards specified by Article XII (Off-Premises Commercial Advertising Signs) of Chapter 41 (Zoning) of the SAMC and will comply with the standards of the California Department of Transportation ("Caltrans") for the construction and operation of a freeway-oriented digital billboard.
- E. Section 41-1110 (Permit Type and Review Authority) of the Santa Ana

Municipal Code ("SAMC") requires approval of a CUP by the Planning Commission for the conversion of existing freeway-oriented on-premise digital signs into off-premise advertising digital signs (digital billboards).

- F. On March 10, 2025, the Planning Commission held a duly-noticed public hearing on CUP No. 2024-15.
- G. The Planning Commission of the City of Santa Ana determines that the following findings, which must be established in order to grant a CUP pursuant to Section 41-1112 of the SAMC, have been established for CUP No. 2024-15 to allow for the conversion of two existing freeway oriented on-premise digital signs to off-premise advertising digital signs (digital billboards).

- 1. The proposed digital billboard shall not constitute a hazard to the safe and efficient operation of vehicles upon a freeway.

The conversion and operation of existing freeway-oriented digital signs into digital billboards providing off-premise advertising would not constitute a hazard to the safe and efficient operation of vehicles upon the I-5 and SR-22 Freeway, as the signage has been designed to comply with the design and lighting standards set forth by Article XII of the SAMC, which will ensure that the billboard lighting does not interfere with adjacent traffic. Such standards include, but are not limited to, establishing a maximum 0.3 foot-candles over ambient light levels and prohibiting images that present the appearance of motion, flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. In addition, the digital billboards would comply with all applicable laws and regulations concerning brightness, including, without limitation, Section 21466.5 of the California Vehicle Code.

- 2. Adequate space exists between the proposed digital billboard and any existing billboards in the vicinity, thus avoiding or minimizing any negative aesthetic impacts to surrounding land uses.

There is adequate space between the proposed digital billboards and any existing billboards in the vicinity. The City and Caltrans regulations require that billboards not be placed within 1,000 feet of each other on the same side of the freeway. As designed, the proposed digital billboards conform to these spacing requirements. The subject property is located along the I-5 and SR-22, where the closest existing billboard is located approximately 4,442 feet (0.84-miles) away. Moreover, the digital billboards are approximately 1,200 feet from each other. With sufficient spacing, and considering the signage is existing, the digital billboards are not anticipated to create

negative aesthetic impacts to surrounding land uses.

3. The size and design of the digital billboard will not be out of context with its visual environment.

The proposed signage is situated within a prominent commercial site developed as part of the MainPlace Mall. The signs were originally constructed under a regional sign program, specifically designed to accommodate properties and commercial developments of this scale. Both signage structures are existing installations strategically placed to ensure minimal visual intrusion on the surrounding area. Additionally, the proposal does not introduce any new visual impacts, preserving the aesthetic and visual integrity of the surrounding environment while supporting the site's commercial functionality.

4. The digital billboard will not cause light and glare to intrude upon residential uses, including those in mixed-use districts or developments.

The proposed digital billboard will not generate light or glare that intrudes upon residential uses, including those within nearby mixed-use districts or developments. The conversion involves existing digital signs, ensuring that no new or additional structures are introduced. The placement of these signs was thoroughly evaluated as part of the regional sign program and the adoption of the MainPlace Specific Plan (SP-4).

The signs are strategically located adjacent to and facing parking structures, ensuring that visibility is carefully managed to minimize any potential glare. This thoughtful positioning aligns with established guidelines and mitigates potential impacts on surrounding areas. Furthermore, the signs have been designed to comply with all applicable lighting standards, ensuring they remain unobtrusive while effectively serving their intended purpose.

5. The digital billboard will not significantly block or impair views of landmarks identified in the City's General Plan.

The structures that would be converted into digital billboards are not situated within close proximity to any landmarks identified in the Urban Design Element Policy 6.2 of the City's General Plan. Consequently, the billboards will not obstruct or impair views of these landmarks in any way. The nearest historic landmarks are located across the I-5 freeway, at a minimum distance of 250 feet from the existing structures proposed for conversion. Additionally, the placement of these structures was thoroughly evaluated during their

initial construction, and the proposed digital billboards will remain in the same location. This ensures that the project maintains compliance with relevant design and planning policies while minimizing any potential impact on the surrounding area.

6. The installation of the new digital billboard will result in significant economic and community benefits.

The conversion of the existing structures to digital billboards is anticipated to deliver economic and community benefits through the execution of an Operating Agreement. This agreement, established between the City of Santa Ana and the billboard owner, includes provisions for an annual operating fee that will escalate by approximately 6.46 percent (6.46%) each year over the term of the agreement. In contrast, the existing signage generates no revenue for the City.

Beyond financial benefits, the digital billboards will serve as a platform for civic engagement by facilitating the display of community promotions, public announcements, and emergency messages. Additionally, the billboards are expected to generate increased visibility and foot traffic for MainPlace Mall, aligning with the goals of the SP-4 and would encourage the continued reinvestment in the MainPlace Mall.

Section 2. Pursuant to the California Environmental Quality Act (CEQA) and its Guidelines, the Project is exempt from further review under Section 15301 (Class 1 – Existing Facilities). The Project qualifies for this exemption, as it pertains to the operation, licensing, or minor alteration of private structures with little to no expansion of their existing or prior use as the subject structures are being utilized as digital signs as the existing use and would not be expanded as part of the subject request. As such, a Notice of Exemption, Environmental Review No. 2023-111 will be filed for this Project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, referendum, and other proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively “Actions”), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown

Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana, after conducting a public hearing, hereby approves Conditional Use Permit No. 2024-15, as conditioned in Exhibit A, attached hereto and incorporated herein, for the conversion of existing digital signage at MainPlace Mall located at 2800 North Main Street to digital billboards and to allow the digital billboards to exceed 60 feet in height as shown on the approved plans for Development Project Application No. 2023-41. This decision is based upon the evidence submitted at the above-referenced hearing, including but not limited to: The Request for Planning Commission Action dated March 10, 2025, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 10th day of March 2025 by the following vote:

AYES: Commissioners:


NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS Commissioners:
:

Jennifer Oliva
Chairperson

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: 
Melissa M. Crosthwaite
Senior Assistant City Attorney

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Nuvia Ocampo, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2025-XXX to be the original resolution adopted by the Planning Commission of the City of Santa Ana on March 10, 2025.

Date: _____

Nuvia Ocampo
Recording Secretary
City of Santa Ana

EXHIBIT A

Conditions of Approval for Conditional Use Permit No. 2024-15

Conditional Use Permit (CUP) No. 2024-15 allowing the applicant to convert two existing freestanding, freeway-oriented digital signs into off-premise advertising digital signs (digital billboards) is approved subject to compliance to the reasonable satisfaction of the Planning Manager, with all applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations:

The Applicant must comply with each and every condition listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. All proposed site improvements must conform to Development Project Review (DP) No. 2023-41, and the staff report exhibits incorporated herein by reference.
2. Any proposed amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or if the conditional use permit must be amended.
3. The billboards shall comply with the development, design, lighting, and operational standards set forth by Article XII (Off-Premises Commercial Advertising Signs (Billboards) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) and in accordance with all applicable standards set forth by the California Department of Transportation ("Caltrans").
4. The approved off-premise advertising digital signs (digital billboards) shall maintain a maximum height of 81.83 feet and 71.83 feet, respectively.
5. Approval of CUP No. 2024-15 shall not become effective until its associated Operating Agreement is fully executed and recorded.
6. Violations of the CUP, as contained in Section 41-647.5 of the SAMC, will be grounds for permit revocation and/or suspension as described in Section 41-651 of the SAMC.
7. Prior to issuance of building permits, the applicant shall submit a copy of the permit approval from Caltrans to the Planning Division.
8. Within 90 days of the adoption of this resolution, a Property Maintenance Agreement shall be recorded against the property. The agreement will be subject

to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained. Applicant (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute the agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably satisfactory to the City Attorney. The agreement shall contain covenants, conditions and restrictions relating to the following:

- a. Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);
- b. Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses);
- c. Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;
- d. Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris on or about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);
- e. If Applicant and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the agreement and both shall be jointly and severally liable for compliance with its terms;

- f. The agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the maintenance agreement; and
- g. The agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.