

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	ADOPTION OF AN ORDINANCE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-104-70 (REV. 2014), A TEXT AMENDMENT TO THE STANDARDS OF DEVELOPMENT FOR SIGNAGE, OF PLANNED UNIT DEVELOPMENT NO. PUD-104-70, TO ALLOW A 59'-0" TALL FREEWAY-ORIENTED ELECTRONIC READER BOARD SIGN, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL		
		Date:	May 27, 2014

OBJECTIVE

To transmit a recommendation from the Planning Commission to the City Council and to request City Council introduce and conduct the first reading of an ordinance approving Planned Unit Development No. PUD-104-70 (REV. 2014) (PUD) to amend the Standards of Development for signage of Planned Unit Development No. PUD-104-70, to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval.

BACKGROUND

The subject site is an existing 6.88-acre Planned Unit Development located on the northwest corner of Knott Street and Acacia Avenue. Currently, the site is improved with one (1) existing building that is approximately 120,800 square feet in area and is occupied by an indoor sports facility, Next Level Sports Complex ("NLSC").

On April 3, 2014, the Planning Commission held a public hearing to consider the requested PUD amendment and Conditional Use Permit No. CUP-379-14 (CUP). During the Planning Commission's public hearing, several persons came forward and spoke against the proposed entitlement requests. Concerns that were raised included, but were not limited to: light and glare issues to nearby residences as well as to the office building located to the southeast of the subject property, objection to the California Environmental Quality Act (CEQA) determination, vision distraction to motorists, traffic issues, and parking issues.

The proposed CUP conditions of approval presented to the Planning Commission included the following requirements set forth in Condition No. 8: (i) that the sign's illumination be dimmed to the level of the ambient light level within the area at

dusk and not cause light and glare on adjacent residential properties, streets, and freeway rights-of-way; and (ii) that the reader board maintain a single static image between the hours of 10:00 p.m. to 7:00 a.m. in order to reduce light and annoyance impacts to the adjacent residential neighborhoods. Ultimately, the Planning Commission, by a vote of three (3) to one (1), voted to recommend approval of the PUD to the City Council and to approve the CUP, contingent upon the future adoption and effectiveness of an ordinance approving the proposed PUD amendment.

DISCUSSION

The proposed amendment to the PUD will allow for the retrofit of the existing, legal fifty (50) foot tall "Radioshack" pole sign with the installation of a new freeway-oriented electronic reader board sign in its place. The specific request is to amend the Standards of Development for signage, of Planned Unit Development No. PUD-104-70 as follows (new text in bold and deleted text in strike-through):

3. That the following Standards of Development shall apply:

(a) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use: All signs for this ~~Phase-I~~ use shall be approved by the Zoning Administrator as pertaining to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 feet **(50'-0")**, **except for a freeway-oriented electronic reader board sign associated with a permitted Indoor Sports Facility as specified herein.**

Restaurant Use: Signs shall be limited to an aggregate display area not exceeding **three (3)** square feet of display area for each lineal foot of building frontage facing Knott ~~Avenue~~ **Street**, and shall not exceed the height of the tallest building on the site.

Bank Use: Signs shall be limited to an aggregate display area not exceeding **three (3)** square feet of display area for each lineal foot of building frontage facing Knott ~~Avenue~~ **Street**, and shall not exceed the height of the tallest building on the site.

Office-Professional Building Use: One lighted or unlighted nameplate sign not exceeding four **(4)** square feet of display area for each 300 square feet of office space is permitted. Said nameplate shall contain the name of the occupant and/or the principal use only.

~~Two-Wall~~ signs not exceeding **a total of** 200 gross square feet of display area are permitted for general identification or direction use. **Maximum overall height for any wall sign shall be four feet (4'-0").**

General regulations governing all Phase II uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building. No sign may flash, blink, rotate, nor have any moving parts.
- (b) All signing shall be compatible and shall be approved by the Zoning Administrator.
- ~~(c) Phase II consists of the restaurant, bank, and office professional building.~~

Freeway-Oriented Electronic Reader Board Sign: One (1) freeway-oriented electronic reader board sign ("reader board sign") associated with a permitted Indoor Sports Facility may be permitted, subject to approval of a Conditional Use Permit, and compliance with all applicable provisions of Chapter 9.20 (Sign Standards) of the Garden Grove Municipal Code. Consistent with Chapter 9.20 of the Garden Grove Municipal Code, said reader board sign shall not be used as a billboard or to display off-premises commercial advertisements, and sign copy shall be limited to the display of on-premise commercial advertising and legal non-commercial messages, including messages providing the public with information from the City of Garden Grove relating to events affecting the community. Said reader board sign shall be located within one-hundred feet (100'-0") of the SR-22 Garden Grove freeway right-of-way and shall be in compliance with all applicable state and federal laws. The maximum height of said reader board sign shall not exceed fifty-nine feet (59'-0"). Said reader board sign shall be consistent in design with an arched top feature that includes "Garden Grove" copy and the Garden Grove City Logo on a lattice background graphic under the "Garden Grove" copy. The top arched feature shall be a minimum of eight feet (8'-0") in height.

Conditional Use Permit

In conjunction with the proposed amendment, the applicant is requesting Conditional Use Permit approval to allow the retrofit of an existing, legal fifty (50) foot tall "Radioshack" pole sign with the installation of a new freeway-oriented electronic reader board sign that is 59'-0" tall that will display on-premise advertisements.

Conditions of approval for the project include, without limitation, requirements that the lighting of the sign will be directed so as not to cause light and glare on any adjacent residential properties; that the face of the electronic reader board sign shall be angled away from the adjacent residents located to the west of the site so that the face of the sign is directed more in-line with the SR-22 Garden Grove Freeway right-of-way; that the reader board sign comply with the requirements of CalTrans

for lighted signs adjacent to freeways; and that the applicant provide for advertising of City of Garden Grove community events on the sign.

FISCAL IMPACT

No fiscal impact to the City regarding this proposed amendment.

RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing;
- Determine that the Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Article 19, Section 15311, Accessory Structures, of the California Environmental Quality Act, and pursuant to Article 5, Section 15061, Review for Exemption, of the California Environmental Quality Act;
- Introduce and conduct the first reading of the attached Ordinance approving Planned Unit Development No. PUD-104-70 (REV. 2014) to amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval.

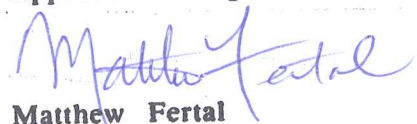


SUSAN EMERY
Community Development Director



By: Chris Chung
Associate Planner

Approved for Agenda Listing



Matthew Fertal
City Manager

- Attachment 1: Planning Commission Staff Report dated April 3, 2014
Attachment 2: Planning Commission Resolution No. 5804-14
Attachment 3: Planning Commission Resolution No. 5805-14 with Conditions of Approval
Attachment 4: Planning Commission Minute Excerpt of April 3, 2014
Attachment 5: Draft City Council Ordinance for Planned Unit Development No. PUD-104-70 (REV. 2014)

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.3.	SITE LOCATION: Northwest corner of Knott Street and Acacia Avenue, at 12821 Knott Street
HEARING DATE: April 3, 2014	GENERAL PLAN: Industrial/Commercial Mixed Use
CASE NOS: PUD-104-70 (REV. 2014) and CUP-379-14	ZONE: PUD-104-70 (Planned Unit Development)
APPLICANT: Jeff Luzzi	APN: 215-014-01
PROPERTY OWNER: Marc Bruten c/o Westcore	CEQA DETERMINATION: Exempt

REQUEST:

A request to amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval. Also, a request for Conditional Use Permit approval to allow the applicant to retrofit an existing, legal fifty (50) foot tall pole sign (double-sided with an existing sign area of 190 square feet), with a new freeway-oriented sign with a 394 square foot electronic reader board that will display on-premise advertisements (total proposed sign area is 562 square feet).

BACKGROUND:

The subject site is an existing 6.88-acre Planned Unit Development (PUD) located on the northwest corner of Knott Street and Acacia Avenue. The site has a General Plan Land Use Designation of Industrial and is zoned PUD-104-70 (Planned Unit Development). Currently, the site is improved with one (1) existing building that is approximately 120,800 square feet in area and is occupied by an indoor sports facility, Next Level Sports Complex ("NLSC").

A planned unit development (PUD) is a precise plan, adopted by ordinance that provides the means for the regulation of buildings, structures, and uses of land to facilitate the implementation of the General Plan. It is a way to create site-specific zoning requirements. The adopted PUD becomes the zoning classification of the property. The regulations of the PUD are intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code.

The site abuts an industrial PUD to the north, the Garden Grove (22) Freeway to the south, and another industrial PUD to the south, across Acacia Avenue; R-1 (Single-Family Residential) zoned properties, across Brady Way to the west; and M-P (Industrial Park) zoned properties, across Knott Street to the east.

CASE NUMBER NOS.: PUD-104-70 (REV. 2014) & CUP-379-14

On October 13, 1970, the City of Garden Grove approved Planned Unit Development No. PUD-104-70 to allow the construction of professional offices, general commercial and industrial uses in the Planned Unit Development zone.

On December 13, 2011, the City of Garden Grove approved Amendment No. A-164-11 to allow "indoor sports facility" as a permitted use in the PUD-104-70 zone, subject to Conditional Use Permit approval.

The subject site is currently developed with an existing 120,316 square foot building occupied by an indoor sports facility, Next Level Sports Complex ("NLSC"). NLSC was approved under Conditional Use Permit No. CUP-340-11, in conjunction with A-164-11.

Within the parking lot, near the southeast corner of the site, is an existing, legal fifty-foot (50') tall pole sign originally utilized by the previous electronics retail business on-site, Radioshack. The pole sign is comprised of two separate internally illuminated box signs that are stacked on top of each other and separated with three feet (3') of space in between. The larger box sign, on top, is 14'-0" by 11'-0" (154 square feet), and the smaller box sign, below, is 3'-0" by 12'-0" (36 square feet). The total sign area of this existing pole sign is 190 square feet. The existing pole sign is *not* a billboard, since it was intended to only advertise uses or activities conducted on the site.

On September 19, 2013, the City of Garden Grove Planning Commission voted 6-0 to adopt, without prejudice, Resolution of Denial No. 5710-13 to deny Amendment No. A-171-13, which was a request to amend the Planned Unit Development No. PUD-104-70 zone to allow the applicant to retrofit an existing, legal fifty-foot (50') tall pole sign (double-sided with an existing sign area of 190 square feet), with a new electronic billboard sign (double-sided with a total proposed sign area of 582 square feet) which was proposed to function as a billboard, displaying both on-premise and off-premise advertising. The primary concerns expressed by the Planning Commission were related to the large size of the proposed electronic billboard sign as well as the use of it as a billboard in order to display on-premise and off-premise advertisements.

On March 12, 2014, a neighborhood meeting was conducted at the Community Meeting Center, in the City of Garden Grove, to address the issues raised at the previous public hearing for this project. Staff, neighborhood representatives, and the applicant met and discussed many topics that included, but were not limited to: sign design, light and glare, vehicular and pedestrian accessibility, and parking. The applicant answered questions and concerns raised by the neighborhood representatives. An issue that remained unresolved, with the neighborhood representatives, was the issue of light and glare from the proposed freeway-oriented electronic reader board sign, which they felt would significantly impact their respective properties.

DISCUSSION:

AMENDMENT:

After reviewing the comments and concerns received from the Planning Commission and the public, from the previously denied case, Amendment No. A-171-13, the applicant has modified his request accordingly to address those concerns by significantly reducing the overall size of the proposed freeway-oriented electronic reader board sign as well as eliminating the proposal to use it as a billboard.

The applicant's previous/original proposal, under the denied case, Amendment No. A-171-13, was a request to retrofit the existing Radioshack sign and construct a 50'-0" tall electronic billboard sign with a sign display face that measured approximately 46'-0" wide by 12'-8" tall. This equates to a sign display area of 582 square feet. This is similar in size to most billboards. Additionally, the entire 46'-0" wide by 12'-8" tall face of the sign was proposed to be an electronic LED display.

In contrast, the applicant is now requesting that the City approve an amendment to the PUD-104-70 zone in order to allow a 59'-0" tall freeway-oriented electronic reader board sign with an LED display size of 25'-10.3" wide by 15'-3" tall. This equates to 394 square feet of LED display area, which is 188 square feet of display area less than the original proposal (582 square feet) mentioned above. This is a significant reduction in size and sign display area from the original proposal.

Comparison Chart		
	<u>Previous/Original Denied Electronic Billboard Sign Proposal</u>	<u>New Freeway-Oriented Electronic Reader Board Sign Proposal</u>
Overall Height of Sign	50'-0"	59'-0"
Size of LED Display	46'-0" Wide by 12'-8" Tall	25'-10.3" Wide by 15'-3" Tall
Sign Area of LED Display	582 Square Feet	394 Square Feet
Type of Sign	Billboard	On-Premises Advertising Sign (Not a Billboard)

PUD Standards of Development for Signage

The regulation of signage on the site is governed by "Standards of Development," which are made a part of the General Development Plan and are incorporated into the Ordinance adopting PUD-104-70.

The existing Standards of Development for signage within the PUD include, but are not limited to, the following limitations:

- All signs for this Phase I use shall be approved by the Zoning Administrator as pertains to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 feet.
- Two signs not exceeding 200 gross square feet of display area are permitted for general identification or direction use.
- No sign shall be roof-mounted nor extend above the cornice line of any building. No sign may flash, blink, rotate, nor have any moving parts.

The maximum height allowed for any sign in this PUD is 50'-0" feet. The proposed electronic reader board sign is 59'-0" tall, which is an increase of 9'-0" in height. Currently, there is an existing freeway wall, along the SR-22 Garden Grove freeway, which limits the view of the existing 50'-0" tall Radioshack sign. The applicant has proposed to increase the height of the proposed sign in order to mitigate this limitation and allow oncoming traffic to have a clear view of the new sign. It should be noted that, even with the 9'-0" increase in height of the sign, it will not be viewable from any nearby residences, have any line of sight to any residences, nor shall it cause any annoyance or lighting impacts to the adjacent residential neighborhoods.

The total combined display area for signs for this portion of the PUD is currently 200 gross square feet. The proposed electronic reader board sign would have a gross display area of 562 square feet. The LED display comprises 394 square feet of the total sign area.

The proposed freeway-oriented electronic reader board sign has LED's (Light Emitting Diodes) that will display images that change copy at a proposed rate of every eight (8) seconds. At no time will the LED display blink or flash. The existing Standards of Development for signage, as mentioned above, state that no sign may flash or blink. Thus, the proposed sign complies with this requirement.

The City has previously approved four (4) electronic reader board signs on particular sites that are zoned Planned Unit Development. They are the three (3) auto dealership electronic reader board signs along the Garden Grove SR-22 freeway and the one (1) electronic reader board sign on the former Crystal Cathedral site under the Reverend Schuller ministries, now the Christ Cathedral site, located at 12141 Lewis Street. None of these electronic reader board signs act as billboards or advertise off-site products and services. As previously mentioned, the proposed

freeway-oriented electronic reader board sign will not act as a billboard or advertise off-site products and services.

The Garden Grove Municipal Code ("GGMC") defines "Billboard" as "a sign identifying a use, facility, or service not conducted on the premises, or a product that is produced, sold, or manufactured off-site." (GGMC Section 9.20.020.C.1.a). In other words, a "billboard" is any sign that is used for *off-site* advertising, as opposed to a sign that directs attention to a business, commodity, service or entertainment sold or offered at the premises on which the sign is located (i.e., *on-site* advertising). The Garden Grove Municipal Code generally only permits *on-site* advertising signs.

Municipal Code Section 9.20.030 (Signs: General Conditions) states, "Signs shall be used exclusively to advertise a business conducted or services rendered, or goods produced or sold, upon such premises or any other lawful activity conducted upon such premises. Per previous discussions that Staff has held with the applicant, the intent of the sign is to aid in the visibility and promotion of the Next Level Sports Complex. The applicant has expressed agreement to comply with the regulations for signage regarding advertisements to be displayed on the proposed freeway-oriented electronic reader board sign, per the Municipal Code, as it relates to signage.

Periodically, the NLSC will hold sponsored events within their establishment. These events typically range in short and limited time intervals that can range from one (1) day to a few weeks. During the duration of these events, NLSC may provide limited advertising of the event on the proposed sign in accordance with Municipal Code Section 9.20.030. An advertisement displayed on the sign such as "Nike Basketball Camp. February 20-23, 2014." in which the content displayed is complying with Municipal Code Section 9.20.030, is permissible. However, an advertisement displayed on the sign such as "Nike. Just Do It," which is solely a corporate advertisement, is not permissible and does not meet the intent of the Municipal Code nor does it meet the intent of the proposed use of the sign, which is to aid in the visibility and promotion of the NLSC. The intent is not to display sole corporate advertising or for the sign to be used as a "billboard."

Staff has determined that with the reduced size and elimination of the billboard element, from the previous electronic billboard sign proposal, the proposed freeway-oriented electronic reader board sign will be compatible with the existing signage and the existing use, of the indoor sports facility, on-site.

The specific request to amend the PUD-104-70 zone, under the "Standards of Development" section, will be as follows (new text in bold and deleted text in strike-through):

3. That the following Standards of Development shall apply:

- (a) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use: All signs for this Phase-I use shall be approved by the Zoning Administrator as pertains to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 feet, **except for a freeway-oriented electronic reader board sign as specified herein.**

Restaurant Use: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue **Street** and shall not exceed the height of the tallest building on the site.

Bank Use: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue **Street** and shall not exceed the height of the tallest building on the site.

Office-Professional Building Use: One lighted or unlighted nameplate sign not exceeding four square feet of display area for each 300 square feet of office space is permitted. Said nameplate shall contain the name of the occupant and/or the principal use only.

~~Two~~-**Wall** signs not exceeding **a total of** 200 gross square feet of display area are permitted for general identification or direction use. **Maximum overall height for any wall sign shall be four feet (4'-0").**

General regulations governing all Phase-II uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building. No sign may flash, blink, rotate, nor have any moving parts.
- (b) All signing shall be compatible and shall be approved by the Zoning Administrator.
- ~~(c) Phase II consists of the restaurant, bank, and office professional building.~~

Freeway-Oriented Electronic Reader Board Sign: One (1) freeway-oriented electronic reader board sign ("reader board sign") may be permitted, subject to approval of a Conditional Use Permit, and compliance with all applicable provisions of Chapter 9.20 (Sign Standards) of the Garden Grove Municipal Code. Consistent with Chapter 9.20 of the Garden Grove Municipal Code, said reader board sign shall not be used as a billboard or to display off-premises commercial advertisements, and sign copy shall be

limited to the display of on-premise commercial advertising and legal non-commercial messages, including messages providing the public with information from the City of Garden Grove relating to events affecting the community. Said reader board sign shall be located within one-hundred feet (100'-0") of the SR-22 Garden Grove freeway right-of-way and shall be in compliance with all applicable state and federal laws. The maximum height of said reader board sign shall not exceed fifty-nine feet (59'-0"). Said reader board sign shall be consistent in design with an arched top feature that includes "Garden Grove" copy and the Garden Grove City Logo on a lattice background graphic under the "Garden Grove" copy. The top arched feature shall be a minimum of eight feet (8'-0") in height.

CONDITIONAL USE PERMIT:

In conjunction with the proposed amendment, the applicant is requesting Conditional Use Permit approval to allow the applicant to retrofit an existing, legal fifty (50) foot tall pole sign (double-sided with an existing sign area of 190 square feet), with a new freeway-oriented electronic reader board sign (double-sided with a total proposed sign area of 562 square feet) that will display on-premise advertisements.

Pursuant to the applicant's proposal, the two (2) box signs, on the existing Radioshack pole sign, would be removed, with the pole remaining, and new retrofitted sign cabinets would be constructed. This new sign will comprise of three sections. The first topmost section will be an arched feature that will be 8'-0" in height and 16'-7" (66 square feet) in width featuring the City of Garden Grove logo and "Garden Grove" copy in an arched fashion. This section will be made of custom fabricated aluminum over a steel frame, with a plexiglass face, and will be internally illuminated. The second (middle) section will be a fabricated aluminum cabinet with a routed face, backed by plexiglass, and internally illuminated. This cabinet will be 4'-3" in height and 24'-0" (102 square feet) in width and will feature the Next Level Sports Complex business logo. The third bottommost section will be a full color LED electronic reader board box sign, that will be 15'-3" in height and 25'-10.3" in width (394 square feet). The total sign area for the proposed freeway-oriented electronic reader board sign will be 562 square feet.

Because the existing pole will be utilized, the new retrofitted freeway-oriented electronic reader board sign will remain situated within the existing planter area. Additionally, the proposed freeway-oriented electronic reader board sign will have a "V" shape where each face will be angled to face the adjacent SR-22 freeway. Conditions of approval for the project include a requirement that the lighting of the sign will be directed and shielded so as not to cause light and glare on any adjacent residential properties, as well as meet the requirements of CalTrans for lighted signs adjacent to freeways.

The applicant has offered to work with the City of Garden Grove to allow the use of the new freeway-oriented electronic reader board sign to display, for the public, information from the City of Garden Grove relating to events affecting the community. The applicant has agreed to display information pertaining to community events on the sign, as approved by the City Manager, so long as such display time does not exceed ten (10) percent of the overall advertising time the electronic reader board sign is changing copy. This agreement is memorialized in the proposed Conditions of Approval.

CONCLUSION:

Staff supports the applicant's request to amend the provisions for signage governing the PUD-104-70 zone in order to permit the applicant to retrofit the existing pole sign and construct the proposed freeway-oriented electronic reader board sign. The applicant has worked with Staff to reduce the overall size of their proposed sign as well as ensure that the proposed sign will not act as a billboard or display off-site advertisements. Staff believes that the proposed and amended provisions to the Standards of Development for signage will be compatible and appropriate for the PUD and the site. Accordingly, Staff recommends that the Planning Commission approve the amendment proposed by the applicant.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution recommending approval of Planned Unit Development No. PUD-104-70 (REV. 2014) to the City Council; and
2. Adopt the attached Resolution approving Conditional Use Permit No. CUP-379-14, subject to the recommended Conditions of Approval, and subject to the City Council approval of Planned Unit Development No. PUD-104-70 (REV. 2014).



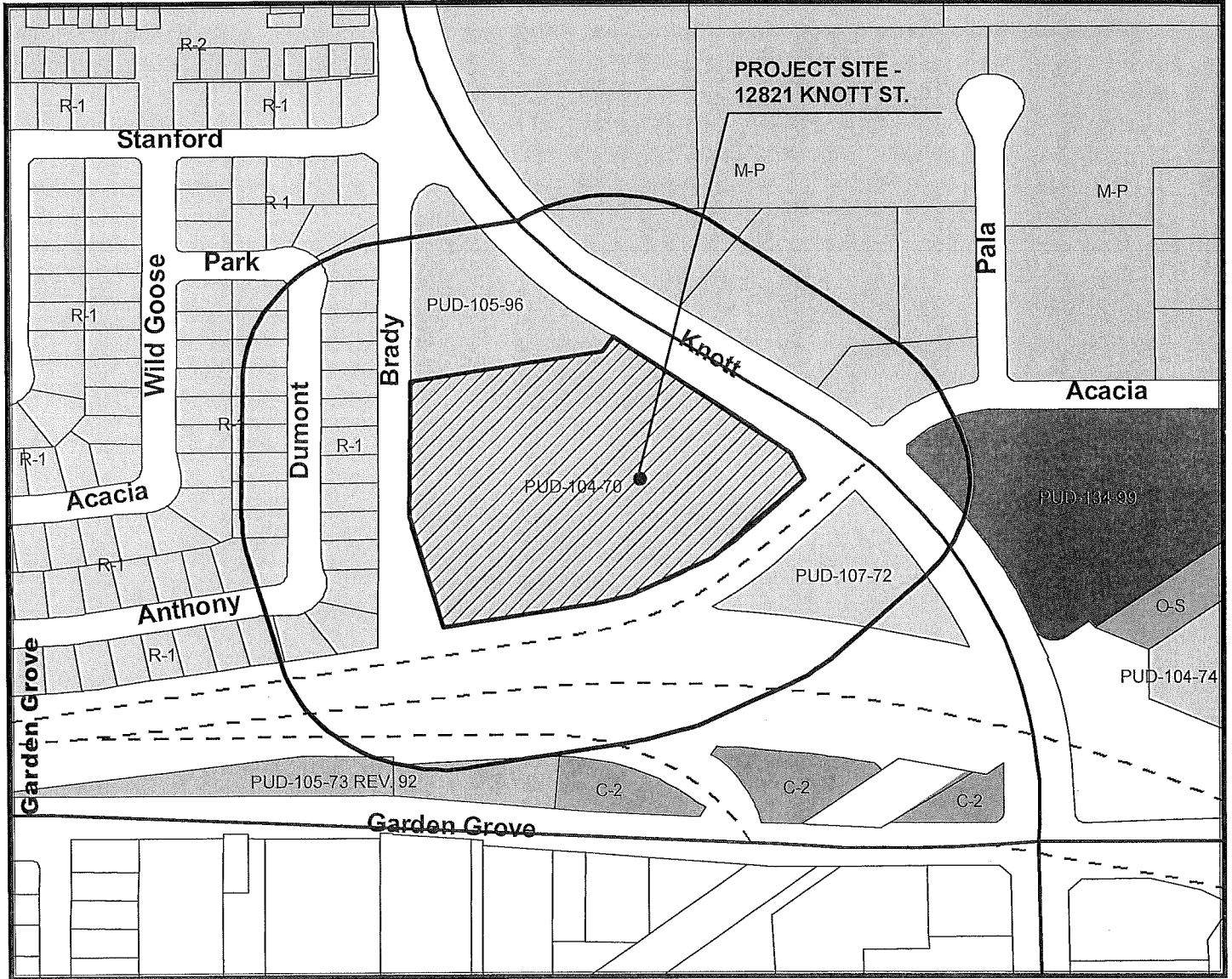
Karl Hill
Planning Services Manager




By: Chris Chung
Associate Planner




PUD-104-70 REV. 2014 CUP-379-14



LEGEND

 PROJECT SITE - 12821 KNOTT STREET

 300 FEET RADIUS



0 125 250 500 750 1,000 Feet

NOTES

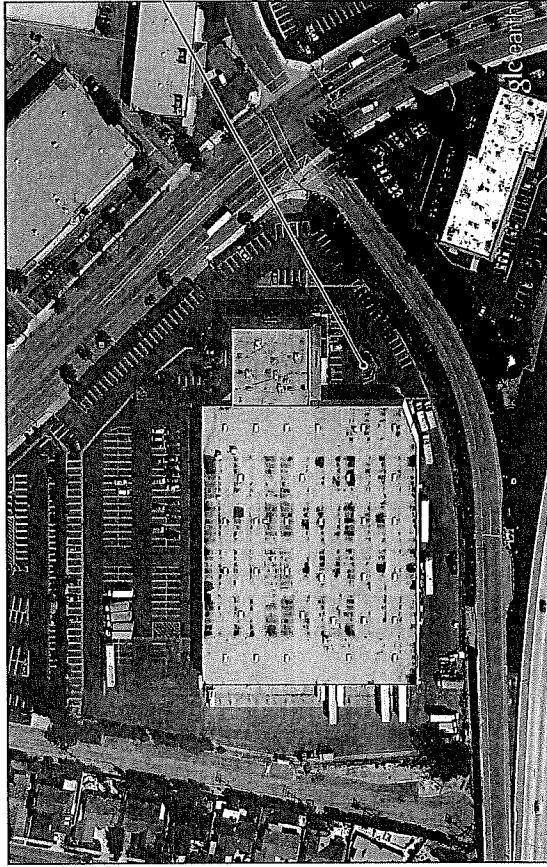
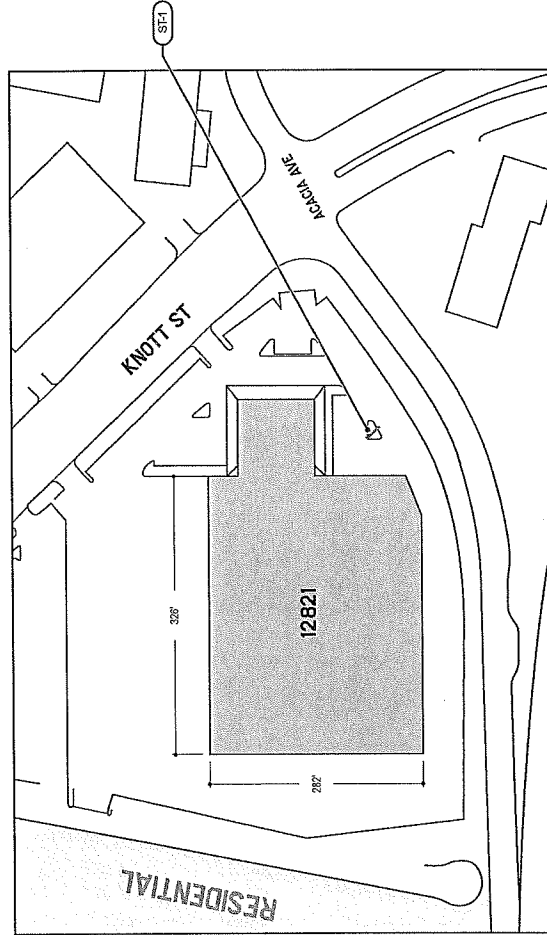
1. GENERAL PLAN: INDUSTRIAL COMMERCIAL MIXED USE
2. ZONE: PUD-104-70 (PLANNED UNIT DEVELOPMENT)

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
FEBRUARY 2014

SIGN TYPES

1 Pylon Sign

PUD-104-70 REV. 2014 CUP-379-14



1 SITE PLAN
SCALE: NTS

2 SATELLITE VIEW
SCALE: NTS

insignia
INSIGNIA PRODUCTS, INC.
2011 BIASTED WOOD PRODUCTS, INC. DBA INSIGNIA

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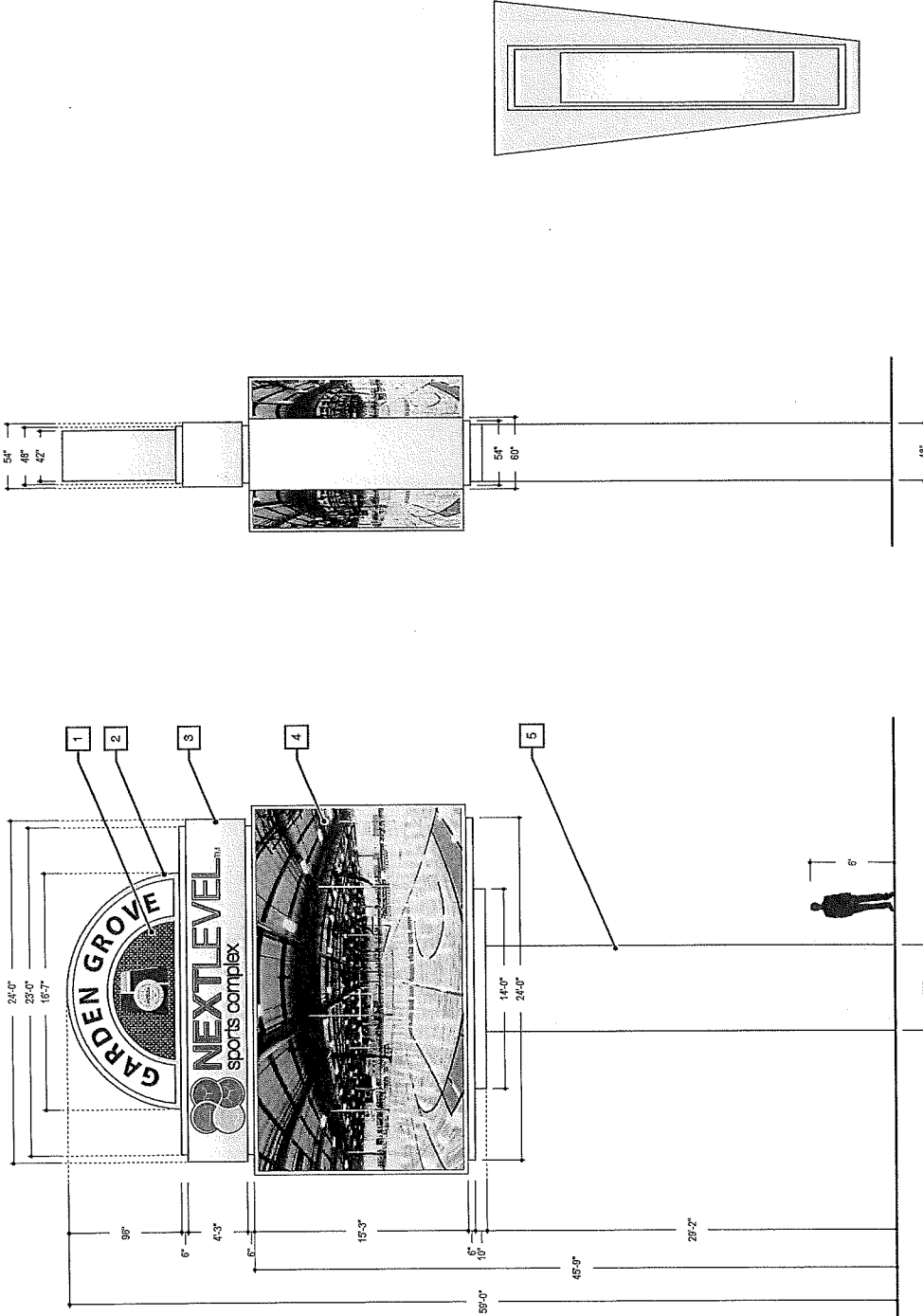
PROJECT LOCATION: 12821 KNOTT ST, GARDEN GROVE, CA 92841
SIGN TYPE: SITE PLAN
DOCUMENTOR: WES STEWART DATE: 10-31-13

JOB# 19673
NLSC-SP-1.0

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NOTES AND SPECIFICATIONS

- 1 CUSTOM FABRICATED ALUM. OVER STEEL FRAME CONSTRUCTION. INTERNALLY ILLUMINATED BY FLUORESCENT TUBE LIGHTING AS REQUIRED TO PROVIDE EVEN ILLUMINATION. FACE IS WHITE FLEXIBLE SUBSTRATE WITH APPLIED VINYL GRAPHICS.
- 2 CUSTOM FABRICATED ALUM. OVER STEEL FRAME CONSTRUCTION. PAINTED TO MATCH CUSTOMER COLOR, TBD.
- 3 FABRICATED ALUM. CABINET WITH ROUTED FACES TO ACCEPT PLEX BACK UP. PLEX WILL HAVE APPLIED VINYL TO MATCH CUSTOMER COLORS. CABINET WILL BE INTERNALLY ILLUMINATED BY FLUORESCENT TUBE LIGHTING AS REQUIRED TO PROVIDE EVEN ILLUMINATION.
- 4 NEW FULL COLOR LED DISPLAY, 25MM 179X304 MATRIX. CABINET IS 15'-3"x25'-10.3" WITH AN ACTIVE AREA OF 14'-9"x25'-4".
- 5 CUSTOM FABRICATED ALUM. OVER STEEL FRAME CONSTRUCTION WITH AN BREAK GLASS. PAINTED TO MATCH CUSTOMER COLOR, TBD.



1 ELEVATION QTY: 1 D/F
SCALE: 1/8"=1'

2 SIDE VIEW
SCALE: 1/8"=1'

3 PLAN VIEW
SCALE: 1/8"=1'

	Contractor Lic. # 872790 3081 EAST AMERLOMA AVE. ANAHEIM, CA 92808 PHONE: (714) 237-1600 FAX: (714) 237-1601	Your signature acknowledges full approval of design layout and content, releasing INSIGNIA from responsibility in regard to design and information. The colors shown are only representative of actual color call outs. Final color will be matched to approved color submittal. This drawing is not to be reproduced, copied or used in anyway without the express written consent of INSIGNIA under trademark and copyright laws.	REV #1 11-28-12 TH REV #2 08-18-13 TH REV #3 10-31-13 TH REV #4 11-08-13 TH	<input type="checkbox"/> AS SHOWN <input type="checkbox"/> WITH CHANGES CLIENT SIGNATURE: _____ DATE: _____	PROJECT LOCATION: 12821 KNOTT ST, GARDEN GROVE, CA 92841 SIGN TYPE: ST-1: LED BILLBOARD DOCUMENTOR: WES STEWART DATE: 11-08-13	JOB# 19673 NLSC-1.0-ST1
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RESOLUTION NO. 5804-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-104-70 (REV. 2014), AMENDING PLANNED UNIT DEVELOPMENT NO. PUD-104-70 TO ALLOW A 59'-0" TALL FREEWAY-ORIENTED ELECTRONIC READER BOARD SIGN, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 3, 2014, does hereby recommend City Council approval of an Amendment (PUD-104-70 (REV. 2014)) to the Planned Unit Development No. PUD-104-70 zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval, at 12821 Knott Street, Parcel No. 215-014-01.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-104-70 (REV. 2014), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jeff Luzzi.
2. A request to amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval. Also, a request for Conditional Use Permit approval to allow the applicant to retrofit an existing, legal fifty (50) foot tall pole sign (double-sided with an existing sign area of 190 square feet), with a new freeway-oriented sign with a 394 square foot electronic reader board that will display on-premise advertisements (total proposed sign area is 562 square feet).
3. The subject site has a General Plan Land Use Designation of Industrial/Commercial Mixed Use and is zoned Planned Unit Development No. PUD-104-70.
4. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15311, Accessory Structures, of the California Environmental Quality Act, and pursuant to Article 5, Section 15061, Review for Exemption, of the California Environmental Quality Act.
5. Existing land use, zoning, and General Plan Land Use designation of the areas included in this Amendment and in their vicinity have been reviewed.
6. Report submitted by City staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on April 3, 2014, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of April 3, 2014; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is an existing 6.88-acre Planned Unit Development (PUD) located on the northwest corner of Knott Street and Acacia Avenue. The site has a General Plan Land Use Designation of Industrial and is zoned PUD-104-70 (Planned Unit Development).

The site abuts an industrial PUD to the north, the Garden Grove (22) Freeway to the south, and another industrial PUD to the south, across Acacia Avenue; R-1 (Single-Family Residential) zoned properties, across Brady Way to the west; and M-P (Industrial Park) zoned properties, across Knott Street to the east. The property to the north, 12777 Knott Street, has no recorded easements for reciprocal access or parking to the subject site.

Within the parking lot, near the southeast corner of the site, is an existing, legal fifty-foot (50') tall pole sign originally utilized by the previous electronics retail business on-site, Radioshack.

The applicant is requesting to amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval.

FINDINGS AND REASONS:

1. The amendment is internally consistent with the goals, policies, and elements of the General Plan, which encourages compatibility between land uses. The requirement that the construction of a new freeway-oriented electronic reader board sign be subject to a Conditional Use Permit will ensure that there is a reasonable degree of compatibility between the proposed use and surrounding properties.
2. The amendment will promote the public interest, health, and welfare. All proposals for a freeway-oriented electronic reader board sign will be reviewed through a Conditional Use Permit process. The Conditional Use Permit process allows for review of a proposed sign and tailors the conditions of approval to

each unique site. Adherence to the Conditions of Approval will ensure the public interest, health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030. The Planning Commission recommends approval of Planned Unit Development No. PUD-104-70 (REV. 2014), amending the Standards of Development for signage, approved under Planned Unit Development No. PUD-104-70, as follows (new text in bold and deleted text in strike-through):
3. That the following Standards of Development shall apply:
 - (a) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use: All signs for this ~~Phase I~~ use shall be approved by the Zoning Administrator as pertains to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 **feet, except for a freeway-oriented electronic reader board sign associated with a permitted Indoor Sports Facility as specified herein.**

Restaurant Use: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue **Street** and shall not exceed the height of the tallest building on the site.

Bank Use: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue **Street** and shall not exceed the height of the tallest building on the site.

Office-Professional Building Use: One lighted or unlighted nameplate sign not exceeding four square feet of display area for each 300 square feet of office space is permitted. Said nameplate shall contain the name of the occupant and/or the principal use only.

~~Two~~ **Wall signs not exceeding a total of 200 gross square feet of display area are permitted for general identification or direction use. Maximum overall height for any wall sign shall be four feet (4'-0").**

General regulations governing all Phase-II uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building. No sign may flash, blink, rotate, nor have any moving parts.
- (b) All signing shall be compatible and shall be approved by the Zoning Administrator.
- ~~(c) Phase II consists of the restaurant, bank, and office professional building.~~

Freeway-Oriented Electronic Reader Board Sign: One (1) freeway-oriented electronic reader board sign ("reader board sign") associated with a permitted Indoor Sports Facility that identifies the subject business on-site, displays on-premise advertisements, and/or provides the public with information from the City of Garden Grove relating to events affecting the community, may be permitted, subject to a Conditional Use Permit. Said reader board sign shall not act as a billboard or display off-premise advertisements. Said reader board sign shall be located within one-hundred feet (100'-0") of the SR-22 Garden Grove freeway right-of-way and shall be in compliance with all applicable state and federal laws. The maximum height of said reader board sign shall not exceed fifty-nine feet (59'-0"). Said reader board sign shall be consistent in design with an arched top feature that includes "Garden Grove" copy and the Garden Grove City Logo on a lattice background graphic under the "Garden Grove" copy. The top arched feature shall be a minimum of eight feet (8'-0") in height.

Adopted this 3rd day of April, 2014

ATTEST:

/s/ JUDITH MOORE
SECRETARY

/s/ GARY LAZENBY
CHAIR

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on April 3, 2014, by the following vote:

AYES: COMMISSIONERS: (3) BRIETIGAM, LAZENBY, NGUYEN
NOES: COMMISSIONERS: (1) MARGOLIN
ABSENT: COMMISSIONERS: (3) ALEJANDRO, SILVA, ZAMORA

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is April 24, 2014.

RESOLUTION NO. 5805-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-379-14.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on April 3, 2014, does hereby approve Conditional Use Permit No. CUP-379-14 for the property located on the Northwest corner of Knott Street and Acacia Avenue, at 12821 Knott Street, Parcel No. 215-014-01.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-379-14, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jeff Luzzi.
2. A request to amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval. Also, a request for Conditional Use Permit approval to allow the applicant to retrofit an existing, legal fifty (50) foot tall pole sign (double-sided with an existing sign area of 190 square feet), with a new freeway-oriented sign with a 394 square foot electronic reader board that will display on-premise advertisements (total proposed sign area is 562 square feet).
3. The subject site has a General Plan Land Use Designation of Industrial/Commercial Mixed Use and is zoned Planned Unit Development No. PUD-104-70.
4. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15311, Accessory Structures, of the California Environmental Quality Act, and pursuant to Article 5, Section 15061, Review for Exemption, of the California Environmental Quality Act.
5. Existing land use, zoning, and General Plan Land Use designation of the areas included in this Conditional Use Permit and in their vicinity have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on April 3, 2014, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of April 3, 2014; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is an existing 6.88-acre Planned Unit Development (PUD) located on the northwest corner of Knott Street and Acacia Avenue. The site has a General Plan Land Use Designation of Industrial and is zoned PUD-104-70 (Planned Unit Development).

In conjunction with the proposed amendment to the Planned Unit Development (PUD-104-70 (REV. 2014)), the applicant is requesting approval of a Conditional Use Permit to retrofit an existing, legal fifty (50) foot tall pole sign (double-sided with an existing sign area of 190 square feet), with a new freeway-oriented sign with a 394 square foot electronic reader board that will display on-premise advertisements (total proposed sign area is 562 square feet).

FINDINGS AND REASONS:

Conditional Use Permit:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

In conjunction with the associated amendment to Planned Unit Development No. PUD-104-70, the proposed freeway-oriented electronic reader board sign will be consistent with the General Plan Land Use Designation of the property, which is Industrial/Commercial Mixed Use, provided that the project complies with all conditions of approval.

2. That the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area.

The installation of a proposed freeway-oriented electronic reader board sign will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area. The conditions of approval for the freeway-oriented electronic reader board sign will minimize potential impacts to the adjoining area. Provided the conditions of approval for the project are adhered to for the life of the project, the use will be harmonious with persons who work and live in the area.

3. The proposed use will not interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

The proposed freeway-oriented electronic reader board sign will not unreasonably interfere with the use, enjoyment, or valuation of the property

of other persons located within the vicinity of the site, provided that the conditions of approval are adhered to for the life of the project. The freeway-oriented electronic reader board sign has been designed to be compatible with the use on-site and is conditioned not to cause light and/or glare on adjacent streets and properties.

4. The proposed use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

Provided that the freeway-oriented electronic reader board sign is constructed as proposed and adheres to the conditions of approval for the life of the project, the proposed freeway-oriented electronic reader board sign will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Conditions of Approval require the freeway-oriented electronic reader board sign to be installed per requirements of Caltrans for lighted signs adjacent to freeways and that the sign lighting be directed and shielded so as not to cause light and glare on adjacent properties.

5. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The proposed project only proposes to retrofit the existing Radioshack sign and install a 59-foot tall freeway-oriented electronic reader board sign within one hundred feet (100'-0") of the SR-22 freeway right-of-way. The sign can be easily accommodated on-site without negatively impacting on and off-site circulation.

6. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic to be generated, and by other public or private service facilities as required.

The proposed project only proposes to retrofit the existing Radioshack sign and install a freeway-oriented electronic reader board sign that is located adjacent to the SR-22 Garden Grove Freeway. The site is adequately served by highways and streets, and the location of the sign will not impede access to and from the site nor will it require any site or street modifications to accommodate the sign.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

The Conditional Use Permit possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.

In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Conditional Use Permit No. CUP-379-14.

Conditional Use Permit No. CUP-379-14 shall not become effective until and unless an Ordinance adopted by the City of Garden Grove City Council, approving an amendment to Planned Unit Development No. PUD-104-70 in substantially the same form as recommended by the Planning Commission becomes effective.

Adopted this 3rd day of April, 2014

ATTEST:

/s/ GARY LAZENBY
CHAIR

/s/ JUDITH MOORE
SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on April 3, 2014, by the following vote:

AYES: COMMISSIONERS: (3) BRIETIGAM, LAZENBY, NGUYEN
NOES: COMMISSIONERS: (1) MARGOLIN
ABSENT: COMMISSIONERS: (3) ALEJANDRO, SILVA, ZAMORA

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is April 24, 2014.

EXHIBIT "A"
Conditional Use Permit No. CUP-379-14

12821 Knott Street

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. Proof of such recordation is required prior to the issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Jeff Luzzi, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Planning Commission, except as otherwise provided herein.
3. Approval of Conditional Use Permit No. CUP-379-14 shall be contingent upon approval of Planned Unit Development No. PUD-104-70 (REV. 2014). Conditional Use Permit No. CUP-379-14 shall not become effective until and unless an Ordinance adopted by the City of Garden Grove City Council approving an amendment to Planned Unit Development No. PUD-104-70 in substantially the same form as recommended by the Planning Commission becomes effective.
4. This Conditional Use Permit only authorizes the erection, maintenance, and operation of a freeway-oriented electronic reader board sign **associated with a permitted Indoor Sports Facility** in accordance with Planned Unit Development No. PUD-104-70 (REV. 2014), the plans and elevations presented to the Planning Commission, and these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning regulations or any Federal, State, County and City laws and regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
5. Any minor modifications to the proposed project or these Conditions of Approval that do not change the intent of the project may be approved by the Community Development Director. If major modifications pertaining to the erection, maintenance, or operation of the approved sign or to these Conditions of Approval, which would result in the intensification of the project

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or create impacts that have not been previously considered, are proposed, the proper entitlements reflecting such modifications shall be obtained.

6. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
7. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Community Development Department

8. This approval shall allow the applicant to retrofit the existing fifty foot (50'-0") tall Radioshack pole sign and to install a fifty-nine foot (59'-0") tall freeway-oriented electronic reader board sign in substantial compliance with the approved set of plans submitted with the subject Conditional Use Permit request and the requirements of PUD-104-70 (REV. 2014), except as modified herein.
9. The maximum height of the freeway-oriented electronic reader board sign shall be fifty-nine feet (59'-0"), measured from grade to top of sign.
10. One (1) freeway-oriented electronic reader board sign **associated with a permitted Indoor Sports Facility** may be permitted on-site and must be located within one hundred feet (100'-0") of the SR-22 Garden Grove freeway right-of-way.
11. Consistent with the plans reviewed and approved by the Planning Commission, the design of the sign shall include an arched top with "Garden Grove" copy and a Garden Grove City Logo on a lattice background graphic under the "Garden Grove" copy. The top arched feature shall be a minimum of eight feet (8'-0") in height. The applicant shall submit color samples for the entire sign structure to the Planning Division for review and final approval. Plans, which include structural calculations and details, shall be submitted to the Building Division for plan check to obtain building permits. The paint used on the pole, or the pole itself, shall be graffiti resistant.
12. The freeway-oriented electronic reader board sign illumination, including the LED screen, shall be dimmed at dusk and shall not cause light and glare on adjacent residential properties, streets, and freeway right-of-way. Maximum output of light during nighttime hours shall be at a level between 5 and 15

percent, subject to approval of the City Manager or his designee. In no case shall the nighttime light level of the sign exceed 15 percent. The electronic reader board shall maintain one image between the hours of 10:00 p.m. to 7:00 a.m., or remain dark/unlighted, in order to reduce light and annoyance impacts to the adjacent residential neighborhoods. During all other times, the images on the electronic reader board shall be maintained at minimum eight (8) second intervals and shall not change more frequently. The face of the electronic reader board sign shall be angled away from the adjacent residents located to the west of the site so that the face of the sign is directed more in-line with the SR-22 Garden Grove Freeway right-of-way.

13. The proposed freeway-oriented electronic reader board sign shall comply with the CalTrans standards for lighted and reader board signs that are adjacent to the freeway right-of-way. The applicant shall receive and provide a copy of the CalTrans approval for the proposed freeway-oriented electronic reader board sign prior to issuance of a building permit from the City of Garden Grove.
14. Consistent with Chapter 9.20 (Sign Standards) of the Garden Grove Municipal Code, the freeway-oriented electronic reader board sign shall not be used as a billboard or to display off-premises commercial advertisements, and sign copy shall be limited to the display of on-premise commercial advertising and legal non-commercial messages, including messages providing the public with information from the City of Garden Grove relating to events affecting the community. Wherein not otherwise specified, the freeway-oriented electronic reader board sign shall comply with all requirements of the Garden Grove Municipal Code, as it relates to signage, including, but not limited to, Section 9.20.030(A)(1).
15. This Condition No. 15 is intended to address the unique nature of the current use of the site as an indoor sports facility at which discreet sponsored on-site events of limited duration occasionally take place. Should the applicant/operator of the indoor sports facility on the site wish to utilize the name of an off-premises corporate or other sponsor in conjunction with advertising on the reader board sign of a limited duration on-site event (i.e. an Orange County regional basketball tournament), the applicant/operator may do so provided: (1) the sponsor name appears on the sign face concurrently with information concerning the promoted event; (2) the advertising appears no more than ten (10) days prior to the event and no later than the date upon which the event concludes; and (3) at any time that the sponsor's name or information appears on the sign, a minimum of thirty percent (30%) of the sign face shall be utilized for the event

promoted and no more than seventy percent(70%) of the sign face shall be devoted to the sponsor. An example of such an event would be an "Orange County Regional Basketball Tournament, April 20-24, 2014 at Next Level Sports." Examples of sign faces meeting these requirements are attached hereto as Attachment 1. In order to facilitate the applicant's/operator's use of the sign for these purposes, the applicant/operator may submit proposed sponsor sign faces on an annual or other periodic basis for review and approval to the Community Development Director prior to the use of such sign faces. Submittals shall include the proposed height, size, color, text and other content of the proposed sign faces for each such event, including visual examples of the specific type of form and content of the proposed sign faces. Submittal should occur not later than sixty (60) days in advance of the proposed use of the sign face in order to ensure timely processing and use. Use of a sign face that has been approved in advance and in writing by the Community Development Director shall, as to the City, be conclusively deemed to establish conformance with Municipal Code Section 9.20.030 (A)(1), including any amendments thereto. Any proposed modifications to the approved sign faces shall be subject to review and approval of by the Community Development Director. The foregoing provisions of this Condition No. 15 shall only apply for so long as the site continues to be lawfully used as an indoor sports facility.

16. The applicant will display information pertaining to community events on the sign, as requested and/or approved by the City Manager. Unless otherwise agreed to by the applicant, said display time dedicated to community events shall not exceed ten (10) percent of the overall advertising time the electronic reader board sign is changing copy.
17. Hours and days of construction shall be as set forth in the City of Garden Grove's Municipal Code Section 8.47.010, referred to as the Noise Control Ordinance.
18. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-379-14, and their agreement with all Conditions of the Approval.
19. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action

concerning Conditional Use Permit No. CUP-379-14 or Planned Unit Development No. PUD-104-70 (REV. 2014). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

Fire Department

20. The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-104-70 (REV. 2014), CONDITIONAL USE PERMIT NO. CUP-379-14 - For property located at 12821 Knott Street, northwest corner of Knott Street and Acacia Avenue.

Applicant: Jeff Luzzi (Next Level)

Date: April 3, 2014

Request: To amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall electronic reader board sign, subject to Conditional Use Permit approval. Also, a request for Conditional Use Permit approval to allow the applicant to retrofit an existing, legal 50'-0" tall pole sign (double-sided with an existing sign area of 190 square feet), with a new 59'-0" tall freeway oriented sign (double-sided with a 394 square foot electronic reader board) that will display on-premise advertisements. Total proposed sign area is 562 square feet. The subject site is currently improved with an existing indoor sports facility, Next Level Sports Complex, and is in the Planned Unit Development No. PUD-104-70 zone. The project is exempt pursuant to CEQA Section 15311 – Accessory Structures, and Section 15061 – Review for Exemption.

Staff report was read and recommended approval. One letter of support was submitted, one letter of concern was submitted, and 14 letters of opposition were submitted. Staff added language to Resolution No. 5804-14 and the conditions of approval that clarified that the sign was associated with the permitted indoor sports facility.

Commissioner Nguyen asked staff to explain the term "freeway-oriented" and if the sign was fixed or rotating. Staff explained that the fixed sign would be angled to face the 22 Freeway adjacent to the property; that the small part of the "V" shape would face the freeway directly with one signage side to be angled toward eastbound traffic and one signage side to be angled toward westbound traffic.

Commissioner Nguyen asked that if only one board faced the freeway there would be less glare impact for businesses and residences located behind the sign. Using the example of the Hyundai sign, staff explained that if the sign face was parallel to the freeway, east and west traffic would not see the sign. Commissioner Nguyen understood, however, the term "freeway-oriented" was not helpful.

Commissioner Brietigam asked if the neighborhood meeting's mitigation efforts included reduction of the sign's size to lessen the impact to residents. Staff concurred that one issue was the sign's size (approximately 46' wide versus 25' wide).

Commissioner Nguyen pointed out on Page 2 of the staff report that September 19, 2014 should be September 19, 2013. Staff agreed.

Commissioner Nguyen addressed the on-site advertising and asked that if a Nike store opened on site, could Nike advertise on the sign? Staff referred to Condition No. 15 citing the sign's restrictions, which state that "should the applicant/operator of the indoor sports facility on the site wish to utilize the name of an off-premises corporate or other sponsor in conjunction with advertising on the reader board sign of a limited duration on site event (i.e., an Orange County regional basketball tournament), the applicant/operator may do so provided: (1) the sponsor name appears on the sign face concurrently with information concerning the promoted event; (2) the advertising appears no more than ten (10) days prior to the event and no later than the date upon which the event concludes; and (3) at any time that the sponsor's name or information appears on the sign, a minimum of thirty percent (30%) of the sign face shall be utilized for the event promoted and no more than seventy percent(70%) of the sign face shall be devoted to the sponsor."

Staff also added that the owner could not promote sole corporate advertising on the display as the intent was not sole corporate advertising and that the business was Next Level Sports Complex, not the Nike store. A Nike store would be an incidental business to the main business, and hypothetically, if Nike opened a store inside the facility, they might be able to utilize the sign; however, there would be two separate businesses on the property, and only if the sign applied to both businesses, would the sign be allowed to be used by both businesses. For example, if the current business owner, as part of their current business, wanted to sell Nike shoes, the current Municipal Code would not allow them to advertise Nike on the big sign. If Nike moved in opening its own store, which may require other land use approvals as this Conditional Use Permit does not provide for that, then theoretically, Nike could potentially utilize the sign as well as the indoor sports facility business, though Nike may need to come back to modify the Conditional Use Permit.

Staff further added that the proposed language of the Planned Unit Development (PUD), which is the zoning for the property, says that the sign shall be used in conjunction with an indoor sports facility and be limited to that. Any change may require a zoning code PUD amendment to accommodate such a request. The proposed added language on the "yellow" addressed what would happen to the sign if the use changed.

Vice Chair Margolin asked if the sign face images could be divided with different advertising with various fonts and brightnesses? Staff stated that the rectangular area was the LED display that could be broken into two or thirds, though not at different brightnesses. The copy/still image would flip and change at the same time in a minimum eight seconds. Staff pointed out sign illustrations on Page 6 of the staff report for examples.

Commissioner Brietigam was asked by residents if live video would stream from a game inside the facility? Staff answered that Caltrans would not allow moving and blinking images on the sign.

Commissioner Nguyen asked if Next Level would advertise their own activities and businesses at the site? Staff replied yes, and that outside businesses could not be advertised. If Nike were a sponsor for a limited time activity, Nike could advertise that activity as a sponsor.

Commissioner Brietigam asked how the conditions would be enforced. Staff responded that enforcement was based on complaints with Code Enforcement responding.

Chair Lazenby noted that he had walked the site and asked if there were restrictions on the sign's degree of focus regarding the focal point of the LED for spillover light. He also noted that Condition No. 12 addressed the dimming at night as well as a single image between 10:00 p.m. and 7:00 a.m. Staff said that a condition could be added that stipulates the level of light.

Commissioner Nguyen noted that Condition No. 15 only addressed off-premises corporate sponsors and did not address on-premise corporate. Staff concurred that on-premise corporate could be advertised, as the only on-site business being operated there was an indoor sports facility, with no other business to be operated there, which was a defined use in the PUD.

Commissioner Nguyen asked what would happen if Next Level sublet a part of the property to Nike? Staff stated that a sublet was not proposed or contemplated and would be problematic especially to the use of the sign.

Chair Lazenby opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Jason Brennan, the applicant, approached the Commission.

Commissioner Nguyen asked the applicant if Next Level had the intent to sublet the property to a larger corporate entity to advertise for them. Mr. Brennan replied no, that the sign's purpose was to increase the daily occupancy; that they have twenty-seven percent occupancy with 15 sports programs, and they are open seven days a week; that they want to attract larger corporations for the long term investments; that there has been no devaluation in the area of the Hyundai sign; that the light dissipation would happen on Next Level property at about 500 feet to the west; that residents closest to the sign would not see the sign; that Next Level was not attempting to bring in Nike; and that the attempt was to help the community as a whole.

Commissioner Nguyen noted that the sign was much improved from the previous sign.

Vice Chair Margolin asked for the sign's revenue projection. The applicant said that Next Level pays \$850,000 in rent and the sign would attract people; that with the Anaheim Convention Center expansion bringing in more sports events they do not want to lose current business; that they recognize the parking issues and try to help; and that there would be more visibility from the 22 Freeway.

Vice Chair Margolin asked if only Next Level events would be advertised. The applicant replied yes, they would only advertise on-premise activities; that they have had community meetings; that there were no complaints about the sign posts; that the traveling light would not light resident's backyards nor be flashing or distracting on the freeway as Caltrans had requirements to abide by; and that they want a solution that works for everyone.

Vice Chair Margolin commented that there had been improvements, yet there were still issues.

Commissioner Brietigam commended the community involvement and noted that five to six houses would see the sign and that a mitigation effort could be a wall to block the view on Wild Goose Street.

The applicant stated he would not be opposed, however, the property owner would need to be contacted.

Chair Lazenby asked the applicant if he had read and agreed with the conditions of approval. He replied yes.

Mr. Craig Durfey asked that the sign be postponed for the reason of cognitive distraction; that he challenges the location due to the 22 Freeway curve from Beach Boulevard heading west and suggested the area of the Ford Dealership; that he supported the business; that students cross to Pacific High School in that area and the sign would be within 1,000 feet of a school; and that the circulation of the church should be considered.

Ms. Maureen Blackmun asked that if the property owners do not own the sign, who does? She added that it is unclear who owns the property the sign is located on; that notifications of the neighborhood meeting should include social media to bring more people in; that there were four previously approved signs and now there would be five; that Council Member Jones said the City should work on a citywide comprehensive plan for the number of signs, and who gets them, between Valley View Street and Harbor Boulevard; that Placentia had a ballot initiative to propose to control their five, Fullerton proposes four to five, as well as Anaheim; and that the City needs to look long term.

Mr. Mike Baginski, who owns the professional office building to the south, stated that he would take the brunt of the sign; that the sign faces his building and would face down the 22 Freeway and to homes to the west; that he likes the sign idea and

that Garden Grove gets ten percent, but the sign was not directly next to the freeway, it would be off the freeway; that the applicant was just renting; that his building was valued at six million dollars and he may lose three million dollars in value as the type of tenants would change; that the staff report has a discrepancy with regard to CEQA (California Environmental Quality Act) in that the project was not exempt for minor structures and the sign would affect everyone in the area; that on Page 4, paragraph 4, the sign should not be viewable from nearby residences, however, approximately 200 to 250 residences could see the existing sign, which was a third the size; that on Page 13, paragraph 2, there was no compatibility between land uses by lighting up a professional office building 24 hours a day; that on Page 18, paragraph 3, there would be parking issues as the applicant was only thirty percent occupied with an already huge parking problem; that the applicant has a full time guard on the weekends to prevent parking in neighborhoods and leases spaces from the church on Saturdays; that his tenants come in on Saturdays and Sundays and with his open parking lot, people avoid the charged parking and come into his lot; that the sign is three times larger than the existing sign, ten feet higher and faces his building; that the applicant brought a light-spill diagram to the community meeting that showed the spill circle encompassing his building; that light spill was similar to the emergency vehicle flashing lights; that the sign should be in a different location, such as an industrial area, as the light flash every eight seconds would be disturbing; that the sign would flash for the next thirty or forty years devaluing his property and nearby homes; and that he would like to deny the request and find a different location.

When Commissioner Nguyen asked what size of sign would be appropriate, Mr. Baginski said that the size was not the issue, the flash of the light was the main problem.

Commissioner Nguyen then asked Mr. Baginski what a compromise for the two businesses would be. Mr. Baginski replied that he likes the Next Level type of business as his son uses a similar facility in Anaheim, and has had his car towed because he parked in a neighborhood area to avoid paying the parking charge; that Next Level was thirty percent occupied with parking problems already; that he had been approached to rent parking spaces, but he could not; that 250 homes could see the existing sign; and that the applicant probably did not state in his conditional use permit that he would charge for parking, otherwise he would have had opposition.

Mr. Herman Van Twist cited traffic concerns that cell phone usage was nearly the same number as drunk drivers; that drivers would be distracted by the signage; that pedestrians on Knott Street, through Acacia Avenue made U-turns in the neighborhood because they could not park there; that there were major accidents at Acacia Avenue and Knott Street; that the sign would bring more traffic and cars and more burglary for motor vehicles; and that he fears the cars would flow into his neighborhood.

Mr. Tony Flores stated that Next Level had a good business; that traffic, parking, and distracted driving were concerns; that the Chapel was leasing parking stalls; that the number of electronic reader board signs along the freeway was growing; that 'obstruction pollution' was a problem and samples could be seen in cities such as Commerce and Bell; that the 22 Freeway should not be cluttered as the method is dated; that people are using Twitter, Instagram, Emails, Facebook and texting; that if the sign was vital to the business why did other businesses not have a 59' sign; that he has seen Commissioner Brietigam's comments on the subject on Facebook; that the Garden Grove Municipal Code 2.02.069d3 refers to a prejudgment, prejudice or bias and the Commissioner's comments could be construed as a prejudgment, prejudice or bias; and that if Commission Brietigam needed to recuse himself, there would not be a proper quorum to push the item through.

Ms. Kathleen Jack asked for the business return rate from the sign and how many more people does Next Level need to break even. She stated that profit would need to be in the thousands of dollars; that traffic is a major problem; that she has been told to **** off by patrons that parked in front of her house; that there were not enough parking spaces for the current number of patrons; that Next Level should have structured parking; that no one wants patrons parking on Brady Street; that the fences behind the homes on Dumont Street, facing Brady Street, were only four feet tall and could be jumped over; that the sign location was not appropriate, by not being close enough to the freeway, but too close to their homes; that the sign would jeopardize their quality of life with a flashing sign from morning to night; and that how could the sign be approved with so much dissent among the people who would be affected by it?

The applicant stated that Next Level never paid the church for parking services, though they have traded parking; that parking was filled most weekends when at maximum capacity, though they were open seven days a week; that the concern was not building the weekend wholesale business from third parties who rent tournaments, it was building the personal retail business with programs, which was the vacancy percentage; that 35-52 weekends a year were at capacity and parking spilled into public streets; that the streets were monitored, but occasionally cars would get by; that in regard to Mr. Baginski's building, photographs taken show cars were isolated; and that Next Level did not want to make the parking issue the sign issue.

Commissioner Nguyen referred to Condition No. 12 and stated that the description seemed contradictory to the earlier sign direction question: "The face of the electronic reader board sign shall be angled away from the adjacent residents located to the west of the site so that the face of the sign is directed more in line with the SR-22 Garden Grove Freeway right-of-way."

The applicant stated that the "V"-shaped sign widens at the open end so that the reader boards were directed down the freeway; that the open end faced the

neighborhood; that the sign would face more southwest with the residents more northwest; and that the board angles had not been determined yet.

Commissioner Brietigam asked for the cost of the sign. The applicant replied approximately \$500,000. The cost would be prohibitive for most other businesses.

Mr. Ted Howard, the sign designer approached the Commission.

Commissioner Brietigam asked if the LED could be focused to the freeway and not to the businesses. Mr. Howard replied yes, that the 12" x 12" squares with shutters could angled up and down to direct light to shine in different areas; that there may be ancillary glow; that the eight second refresh could be soft and not flashing; that lumen capacity during the day would be 6,500 and 6,000 at night; that people would see the sign, but with no direct light into their house; and that after 100', the light was not as intense.

Commissioner Nguyen asked if the electronic reader board could be controlled electronically. Mr. Howard replied that controls were onsite only and that they have a 24-hour service contract.

Chair Lazenby asked if the sign had focus degrees and if the sign angle goes down the freeway. Mr. Howard stated that the "V" shape was based on the Radio Shack sign to be viewed from both freeway directions.

There being no further comments, the public portion of the hearing was closed.

Vice Chair Margolin noted that the sign was top heavy and asked if the sign was earthquake sturdy and had any earthquake faults been determined. Staff responded that the matter would be reviewed by the Building Division when the sign was submitted for plan check prior to permits.

Vice Chair Margolin then stated that Next Level wants the sign, however, revenue from a parking structure would be a secure revenue source when charging for parking, as no one knows how much revenue would come from the new sign; and that the sign was not a smart business move.

Commissioner Brietigam addressed the ownership change and asked if a new business would need a new CUP. Staff responded that the CUP runs with the land, however, the sign would run with the use; that another sports facility business could use the sign; that if the use was different, the sign could not be used and a PUD amendment would be required.

Commissioner Brietigam asked if staff would be a part of determining the angle of the sign. Staff replied yes, to comply with Condition No. 12.

Commissioner Brietigam stated that the City should look at weekend traffic mitigation efforts. He also asked the City Attorney for protocol on posting

comments on Facebook. The City Attorney asked Commissioner Brietigam if he had prejudged the matter or based his decision on the testimony given. Commissioner Brietigam stated that his Facebook comments were specific to the community meeting telling people to come and voice their concerns and that he did not take a position one way or the other. He pointed out that the applicant had met with the community and worked with City staff. He did not prejudge the matter and would base his decision on testimony given at the meeting. The City Attorney then stated that there was no conflict of interest.

Commissioner Nguyen asked how this 390 square foot reader board compares to the other three City reader boards. Staff replied that the Hyundai sign was similar in size with a different angle.

He then mentioned that he did not use social media and that there should be an alternative announcement for people who do not use social media. He also stated that the applicant substantially reduced the sign size; that helping the residents would be helpful; that the conditional language was too broad to accommodate the residents and applicant; and that the sign should be angled away from the residents.

Commissioner Brietigam asked staff to clarify the CEQA comment in regard to the project being exempt. Staff responded that the project must comply with CEQA and that certain projects that were exempt were called categorical exemptions; that staff had determined the project to be a Class 11 exemption of which on-premises signs were included; that the project was a retrofit of an existing sign, an accessory to the commercial building, and a minor structure instead of major; that the conditions address the electronic component, limiting the light output during nighttime hours, address glare, and the static image at night; that the sign applies to the PUD and not other areas and was limited to the property and a specific use; that the sign was not a billboard and there was no evidence of environmental impact; and that the Class 11 exemption applied and the City was not required to do an Initial Study.

Chair Lazenby visited the site and several of the businesses and only one business was opposed.

Vice Chair Margolin stated that Next Level already had inadequate parking for the twenty-seven percent of occupancy; that if the sign would bring in more new business, where would patrons park; and that the project needed more parking.

Commissioner Nguyen stated that the applicant did not wish for more parking on the weekend, and that he wanted new business only Monday through Friday, which he could accommodate.

Chair Lazenby stated that a directional sign with LED would likely have have little or no effect on the residences, in fact, he lived down the street from a similar sign.

Commissioner Brietigam stated that the language "on-site corporate" be added to the conditions of approval and that the City work on the angle to mitigate the glow for less impact to residences.

Commissioner Nguyen reiterated that the applicant's focus was only for the current business and would limit the sign advertising to promotion instead of on-site and off-site sponsors; and that the City should work with the applicant to determine the sign angles.

Action: Resolution Nos. 5804-14 (PUD) and 5805-14 (CUP) adopted as amended per the yellow.

Motion: Nguyen Second: Brietigam

Ayes: (3) Brietigam, Lazenby, Nguyen
Noes: (1) Margolin
Absent: (3) Alejandro, Silva, Zamora

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-104-70 (REV. 2014), A TEXT AMENDMENT TO THE STANDARDS OF DEVELOPMENT FOR SIGNAGE, OF PLANNED UNIT DEVELOPMENT NO. PUD-104-70, TO ALLOW A 59'-0" TALL FREEWAY-ORIENTED ELECTRONIC READER BOARD SIGN, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

City Attorney Summary

This Ordinance approves a text amendment to the Standards of Development for signage of Planned Unit Development No. PUD-104-70, to expressly permit a 59'-0" tall freeway-oriented electronic reader board sign, associated with a permitted Indoor Sports Facility, subject to Conditional Use Permit approval.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by Jeff Luzzi, proposes to amend the PUD-104-70 (Planned Unit Development) zone to allow a 59'-0" tall freeway-oriented electronic reader board sign, subject to Conditional Use Permit approval, on property located on the northwest corner of Knott Street and Acacia Avenue, at 12821 Knott Street, and including Assessor Parcel No. 215-014-01;

WHEREAS, the City Council finds that this amendment to Planned Unit Development No. PUD-104-70 zone is exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Article 19, Section 15311, Accessory Structures, and Article 5, Section 15061, Review for Exemption, of the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.);

WHEREAS, the subject site has a General Plan Land Use Designation of Industrial/Commercial Mixed Use and is zoned Planned Unit Development No. PUD-104-70;

WHEREAS, following a Public Hearing held on April 3, 2014, the Planning Commission adopted Resolution No. 5804-14 recommending approval of Planned Unit Development No. PUD-104-70 (REV. 2014);

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on May 27, 2014, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter;
and

WHEREAS, the City Council hereby makes the following findings regarding Planned Unit Development No. PUD-104-70 (REV. 2014):

A. The amendment is internally consistent with the goals, policies, and elements of the General Plan, which encourages compatibility between land uses. The requirement that the construction of a new freeway-oriented electronic reader board sign be subject to a Conditional Use Permit will ensure that there is a reasonable degree of compatibility between the proposed use and surrounding properties. The proposed amendment is also consistent with Goal LU-5 of the General Plan's Land Use Element, which encourages economically viable, vital and attractive commercial centers throughout the City, in that it will help enable the commercial use on the subject site to remain commercially viable through the use of visible and effective signage. Permitting the installation of the freeway-oriented electronic reader board sign within the subject Planned Unit Development is also consistent with Policy LU-6.6 of the Land Use Element, which seeks to ensure that appropriate and compatible signage is provided within commercial centers. The requirement that any freeway-oriented reader board sign installed within the Planned Unit Development be subject to Conditional Use Permit approval will also ensure there is a reasonable degree of compatibility between the proposed use and surrounding properties.

B. The amendment will promote the public interest, health, and welfare. Permitting the proposed freeway-oriented electronic reader board sign will increase the visibility of the subject Indoor Sports Facility business on-site from the adjacent SR-22 freeway, without impairing the visual integrity of the area. The amendment only permits a freeway-oriented electronic reader board sign, associated with a permitted Indoor Sports Facility, subject to a Conditional Use Permit. Accordingly, a maximum of one (1) such sign could be constructed within the subject Planned Unit Development. Further, the total number of signs allowed is not increased, since the existing, legal fifty (50) foot tall pole sign will be retrofitted with the new freeway-oriented electronic reader board sign. Further, requiring that individual proposals for such a freeway-oriented electronic reader board sign be reviewed through the Conditional Use Permit process will allow for discretionary review and tailoring of conditions of approval unique to the site, adherence to which will ensure the maintenance of the public interest, health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: The City Council finds that this amendment to Planned Unit Development No. PUD-104-70 zone is exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Article 19, Section 15311, Accessory Structures, and Article 5, Section 15061,

Review for Exemption, of the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 *et seq.*).

SECTION 3: Planned Unit Development No. PUD-104-70 (REV. 2014) is hereby approved, pursuant to the facts and reasons stated in the Planning Commission Resolution No. 5804-14, a copy of which is on file in the City Clerk's Office and incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4: Pursuant to this approval of Planned Unit Development No. PUD-104-70 (REV. 2014), the Standards of Development for signage, approved under Planned Unit Development No. PUD-104-70, is amended to read as follows (new text in bold and deleted text in strike-through):

3. That the following Standards of Development shall apply:

(a) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use: All signs for this Phase-I use shall be approved by the Zoning Administrator as pertaining to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 feet (**50'-0"**), **except for a freeway-oriented electronic reader board sign associated with a permitted Indoor Sports Facility as specified herein.**

Restaurant Use: Signs shall be limited to an aggregate display area not exceeding **three (3)** square feet of display area for each lineal foot of building frontage facing Knott Avenue **Street** and shall not exceed the height of the tallest building on the site.

Bank Use: Signs shall be limited to an aggregate display area not exceeding **three (3)** square feet of display area for each lineal foot of building frontage facing Knott Avenue **Street** and shall not exceed the height of the tallest building on the site.

Office-Professional Building Use: One lighted or unlighted nameplate sign not exceeding **four (4)** square feet of display area for each 300 square feet of office space is permitted. Said nameplate shall contain the name of the occupant and/or the principal use only.

~~Two-Wall~~ signs not exceeding **a total of 200** gross square feet of display area are permitted for general identification or direction use. **Maximum overall height for any wall sign shall be four feet (4'-0").**

General regulations governing all Phase-II uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building. No sign may flash, blink, rotate, nor have any moving parts.
- (b) All signing shall be compatible and shall be approved by the Zoning Administrator.
- ~~(c) Phase II consists of the restaurant, bank, and office professional building.~~

Freeway-Oriented Electronic Reader Board Sign: One (1) freeway-oriented electronic reader board sign ("reader board sign") associated with a permitted Indoor Sports Facility that identifies the subject business on-site, displays on-premise advertisements, and/or provides the public with information from the City of Garden Grove relating to events affecting the community, may be permitted, subject to a Conditional Use Permit. Said reader board sign shall not act as a billboard or display off-premise advertisements. Said reader board sign shall be located within one-hundred feet (100'-0") of the SR-22 Garden Grove freeway right-of-way and shall be in compliance with all applicable state and federal laws. The maximum height of said reader board sign shall not exceed fifty-nine feet (59'-0"). Said reader board sign shall be consistent in design with an arched top feature that includes "Garden Grove" copy and the Garden Grove City Logo on a lattice background graphic under the "Garden Grove" copy. The top arched feature shall be a minimum of eight feet (8'-0") in height.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of 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 adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.