

ORDINANCE NO. 2839

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**ings** 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.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

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

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on May 27, 2014, with a vote as follows:

AYES: COUNCIL MEMBERS: (4) BEARD, JONES, NGUYEN, BROADWATER
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) PHAN

Approved for Agenda Listing



Matthew Fertil
City Manager