

ORDINANCE NO. 2847

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-011-2014, A ZONING TEXT AMENDMENT TO SECTION 9.20.110 OF THE GARDEN GROVE MUNICIPAL CODE TO ALLOW EXISTING BILLBOARDS THAT ARE PROPOSED TO BE RELOCATED ALONG THE GARDEN GROVE (22) FREEWAY CORRIDOR TO BE CONVERTED TO ELECTRONIC BILLBOARDS

**City Attorney Summary**

***This Ordinance approves a text amendment to Section 9.20.110 of Chapter 20 of Title 9 of the Garden Grove Municipal Code to allow the owner of an existing billboard within the city to convert and/or relocate and convert the billboard to an electronic billboard, provided (i) such relocated and/or converted billboard is located within 300 hundred feet of the Garden Grove (22) Freeway, (ii) the billboard meets specified development and operational standards, (iii) the City approves a Site Plan for the electronic billboard, (iv) the City and the billboard owner enter into a relocation agreement pursuant to California Business and Professions Code Section 5412, and (v) the electronic billboard owner agrees to remove at least two existing billboard faces located elsewhere in the city for each new electronic billboard face installed along the Garden Grove (22) Freeway.***

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

WHEREAS, the subject case, initiated by the Clear Channel Outdoor, Inc., proposes to amend Section 9.20.110 (Billboards) of Chapter 20 of Title 9 of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (SR-22) Freeway to be converted to electronic billboards, subject to special standards;

WHEREAS, pursuant to Resolution No. 5830-14, the Planning Commission, at a Public Hearing held on September 18, 2014, recommended approval of Amendment No. A-011-2014;

WHEREAS, the City Council approved Resolution No. 9258-14 during its meeting on October 14, 2014, adopting a Mitigated Negative Declaration for Garden Grove Municipal Code Amendment for Conversion of Relocated Billboards within SR-22 Freeway Corridor to Electronic Billboards and Relocation and Reconstruction of an Electronic Billboard at 11615 Cardinal Circle, Garden Grove (the "Project") pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et seq.;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on October 14, 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  
Amendment No. A-011-2014:

A. The proposed Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. The proposed Amendment includes amendments to Title 9, Chapter 20, Section 9.20.110 (Billboards), of the Garden Grove Municipal Code to allow existing billboards that are proposed to be relocated along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards. The General Plan does not contain specific policies pertaining to the relocation/removal of existing billboards or the conversion of them to electronic billboards. However, the General Plan does contain policies that promote the use of appropriate and compatible signage within commercial centers and encourages the development of new sign standards that are up to date with current industry designs. Goal LU-6 of the General Plan Land Use Element calls for the "revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the city", Policy LU-6.6 provides that the City should "ensure appropriate and compatible signage is provided within commercial centers", and Policy CD-IMP-2D "encourages the development of new sign standards that are up to date with current industry designs". Pursuant to the proposed Code Amendment, an owner seeking to relocate an electronic billboard to the Garden Grove (22) Freeway Corridor will be required to remove at least two existing billboard faces in the City for each converted electronic billboard face installed. The removal of old legal nonconforming billboard signs that are located within established commercial areas, adjacent to residential zones and their relocation to the Garden Grove (22) Freeway Corridor, along with the conversion of the signs to a newer industry standard, will contribute to the overall improvement to the commercial areas and reduce visual blight. Goal LU-4 of the General Plan Land Use Element states that "the City seeks to develop uses that are compatible with one another." Large billboard signs are generally more compatible with commercial/industrial areas adjacent to the Garden Grove (22) Freeway than with the areas in which existing legal non-conforming signs to be removed are located.

B. The proposed Code Amendment will promote the public health, safety and welfare. The proposed Amendment to the regulations pertaining to the electronic billboards along the Garden Grove (22) Freeway Corridor make clear and uniform standards for location, size, frequency of copy change, intensity of light, and removal/relocation of existing billboards within the city of Garden Grove. The standards and requirements are consistent with the both State and Federal guidelines that govern off-premise signage and ensure that the signs do not create nuisances to the public and adjacent properties. The amendments to the regulations pertaining to monument signs simplify, clarify, and make more uniform the standards for design, size, and placement of monument signs. The standards

and requirements established for signs with electronic changeable copy ensure that the signs do not create nuisances to the public and adjacent properties.

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

SECTION 1: The City Council finds that the above recitals are true and correct.

SECTION 2: City Council Resolution No. 9258-14 adopting a Mitigated Negative for the Project is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Amendment No. A-011-2014 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5830-14, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4: Section 9.20.110 Billboards of Chapter 20 of Title 9 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikeout~~, additions shown in **bolded and underlined text**):

SECTION 9.20.110: Billboards

A. Prohibition. **Except for relocations of existing billboards and conversion of existing billboards to electronic billboards pursuant to this Section,** ~~No~~ no new billboards shall be constructed within city limits.

B. Relocations of Existing Billboards. An owner of an existing billboard located within the city may apply for a billboard relocation subject to the following procedure and criteria:

1. Process. An applicant for a billboard relocation shall file an application for a Site Plan approval with the City. The Planning Commission shall be empowered to approve, deny, or conditionally approve the Site Plan application. The Planning Commission shall apply the criteria as set forth in this subpart in making its determination.

a. The Planning Commission shall hold a Public Hearing on the matter and provide notice to property owners of the Public Hearing located within three hundred feet of the relocation site.

2. Criteria. The Planning Commission shall apply the following criteria in making its determination on the Site Plan:

a. The structure shall be constructed on two or less steel supports;

- b. The relocation site shall be at least three hundred feet from any other existing billboard structure, **and shall also comply with the distance requirements set forth in Subsection D.3.e, if applicable;**
  - c. **Except as otherwise provided in Subsection D,** The height of the sign face shall not exceed fifty feet and the display area should not be less than eight feet from the ground;
  - d. The structure shall incorporate aesthetically pleasing architectural elements to the extent feasible so as to promote compatibility with surrounding properties;
  - e. The applicant shall present proof of compliance with any applicable State or Federal law requirements relating to billboard signing and freeway location;
  - f. The structure shall not result in an adverse aesthetic or illumination nuisance upon any surrounding residential neighborhood.
3. Findings. The Planning Commission shall make a finding in approving such a request that the construction of the structure will not have an adverse effect on the public health, welfare, and safety of the community.
- C. Publicly Caused Billboard Relocations. Any proposal to relocate an existing billboard structure which relocation is caused~~d~~ by a City and/or redevelopment agency project shall be subject to the following Site Plan review process:
1. The City Council shall have sole jurisdiction in considering whether such an application should be approved.
  2. The City Council shall hold a Site Plan review hearing and utilize the same criteria to be used by the planning commission, except that the City Council reserves the right to make exceptions to any of the criteria set forth in Subpart B.2(a.)-(d.).
  3. The City Council shall make the finding that the construction of the structure will not adversely affect the public health, welfare and safety of the community.

**D. Electronic Billboards Within the Garden Grove (22) Freeway Corridor.**

- 1. For purposes of this Subsection 9.20.110.D, the following terms shall have the following meanings:**

- a. "Billboard" has the same meaning as defined in Subsection 9.20.020.C.
  - b. "Electronic billboard" means an internally or externally illuminated billboard that utilizes digital message technology capable of instantaneously changing the static message or copy on the sign electronically.
  - c. "Garden Grove (22) Freeway Corridor" means the area within the city comprised of the land within three hundred (300) feet of either edge of the California State Route 22 Freeway right-of-way.
2. Notwithstanding any other provision of this Code, subject to the discretionary approval of a Site Plan application pursuant to Subsections 9.20.110.B or C, above, entry into a relocation agreement with the City in accordance with Business and Professions Code Section 5412, and compliance with the additional requirements set forth below, the owner of an existing billboard within the city may convert and/or relocate and convert such billboard to an electronic billboard, provided such relocated and/or converted billboard is located within the Garden Grove (22) Freeway Corridor. Conversion of an existing billboard to an electronic billboard shall be deemed to be a relocation of an existing billboard that is subject to approval of a Site Plan application pursuant to Subsection 9.20.110.B. Such relocated and/or converted electronic billboards shall be deemed legal non-conforming uses and structures.
  3. In addition to such conditions as may be imposed pursuant to approval of a Site Plan application for a billboard relocation pursuant to Subsections B and/or C, above, electronic billboards shall be subject to the following criteria and conditions:
    - a. An electronic billboard may only be located within the Garden Grove (22) Freeway Corridor.
    - b. Electronic billboards shall comply with all applicable location, distance, size, operational, permit or licensing, and/or other requirements or limits imposed by Federal or State law, including, without limitation, the California Outdoor Advertising Act, California Business and Professions Code Section 5200, et. seq., and its implementing regulations, including applicable amendments thereto. To the extent a conflict arises

between any provisions of this Section and applicable Federal or State law, State or Federal law shall control.

- c. Each sign face of an electronic billboard shall be oriented primarily for viewing from the Garden Grove (22) Freeway and shall be oriented away from any residentially zoned property.
- d. No electronic billboard shall be located on or within 350 feet of any residentially zoned property, as measured from the structural support column of the electronic billboard to the property line.
- e. No electronic billboard shall be located within 500 feet of any other billboard located on the same side of the freeway or within 1,000 feet of any other electronic billboard or on-premise electronic sign located on the same side of the freeway located on the same side of the freeway.
- f. The permitted height of an electronic billboard shall be determined through the Site Plan review process and shall be limited to the maximum height necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. Requested height of an electronic billboard shall be justified through a balloon or flag test, or other similar test, conducted at the applicant's cost. Unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test, no electronic billboard shall exceed sixty (60) feet in height, as measured from finished grade to the top of the billboard structure.
- g. The area of each electronic billboard sign face, including framing and trim, shall not exceed 680 square feet.
- h. Electronic billboard displays shall contain still or static messages or images only, and no part of the sign structure or image being displayed may move or present the appearance or optical illusion of movement, or include flashing, blinking, or traveling lighting, the varying of light intensity, or any other means not providing constant illumination. Each static message or image shall be displayed for a minimum of eight (8) consecutive seconds before changing, and the transition or blank screen time between one display message and the next shall not exceed one (1) second.

- i. The maximum intensity of light output produced by an electronic billboard display shall be established in relation to the immediate ambient lighting, and each electronic billboard shall incorporate an automatic light sensing device that will adjust the brightness or intensity of light output as ambient light conditions change. The maximum measurable light output of an electronic billboard shall not exceed 0.3 foot-candles above the ambient light level at any time, as measured using a foot-candle meter at a pre-set distance perpendicular to the display face of the electronic billboard. The pre-set distance for measurement of intensity of light output with a foot-candle meter shall vary depending on the size of the sign face, as follows:**

<b><u>Nominal Sign Face Size</u></b>	<b><u>Distance To Be Measured From</u></b>
<b><u>12' x 25'</u></b>	<b><u>150'</u></b>
<b><u>10'-6" x 36'</u></b>	<b><u>200'</u></b>
<b><u>14' x 48' or Greater</u></b>	<b><u>250'</u></b>

- j. Electronic billboard owners and/or operators shall make space available for the display of emergency messaging in accordance with local, regional, and/or State protocols.**
- k. As a condition to approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard shall execute a relocation agreement with the City pursuant to California Business and Professions Code Section 5412 on terms approved by the City Council in its sole and absolute discretion. At a minimum, such a relocation agreement shall (i) require the permanent removal of a minimum of two (2) existing billboard faces within the city for each new electronic billboard face erected or installed, (ii) provide for mitigation by the owner of aesthetic and/or other impacts caused by the electronic billboard(s), (iii) require the owner to comply with any and all required mitigation measures, conditions of approval, and applicable provisions of this Section and this Code; (iv) provide for the payment by the owner of applicable fees and costs; (v) require each owner to indemnify, defend and hold harmless the City from any and all claims, lawsuits, awards and judgments, including any**

**reasonable attorney's fees and court costs, that may arise from the approval of the relocation and/or conversion of a billboard to an electronic billboard and/or the removal of other existing billboards, pursuant to this Section or any other provision of the Code, subject to the terms of the agreement; and (vi) require the owner(s)/operator(s) of the electronic billboard to donate up to ten percent (10%) of the total advertising time on the electronic billboard to community events, as requested by the City Manager. Nothing herein shall be construed to require the City to enter into such an agreement or to allow the relocation of an existing billboard or the conversion of an existing billboard to an electronic billboard.**

**I. The owner of an electronic billboard authorized pursuant to this Section may, at its sole option, remove the digital display unit(s) from the billboard structure at any time, for any reason, and temporarily or permanently replace such digital display unit(s) with state-of-the-art non-electronic static sign faces of the same or smaller dimensions.**

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 October 14, 2014, with a vote as follows:

AYES:    COUNCIL MEMBERS:    (5) BEARD, JONES, NGUYEN, PHAN, BROADWATER  
NOES:    COUNCIL MEMBERS:    (0) NONE  
ABSENT:  COUNCIL MEMBERS:    (0) NONE