

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Matthew J. Fertal	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12) AND APPEAL OF CONDITIONAL USE PERMIT NO. CUP-347-12, LOCATED AT 9898 TRASK AVENUE, GARDEN GROVE	Date:	November 13, 2012

**OBJECTIVE**

To (1) transmit a recommendation from the Planning Commission to approve Planned Unit Development No. PUD-110-96 (Rev. 12) to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval; and to increase the allowable height of the permitted street monument sign from 5 to 8 feet; and (2) consider Conditional Use Permit No. CUP-347-12 approving the installation of a 59-foot high freeway-oriented electronic readerboard sign for Garden Grove Hyundai, located at 9898 Trask Avenue, Garden Grove, and within the subject Planned Unit Development, subject to modified conditions of approval, pursuant to an appeal filed by staff.

**BACKGROUND**

The subject Planned Unit Development (PUD-110-96) is located at the southeast and southwest corners of Trask Avenue and Brookhurst Street and consists of two automobile dealership developments: (1) Garden Grove Hyundai, located on the southwest corner, at 9898 Trask Avenue, and (2) Simpson Chevrolet (formerly Nicholas Chevrolet), located on the southeast corner, at 10150 Trask Avenue. The sites maintain a General Plan Land Use Designation of Heavy Commercial. The properties to the north, across Trask Avenue, are zoned R-1 (Single-Family Residential), OS (Open Space), C-2 (Community Commercial), and R-2 (Limited Multi-family Residential) and are developed with single-family homes, multi-family homes, a church, a school, a gas station, and a commercial building. The properties to the east are zoned PUD-102-71 and are developed industrially. The sites abut the Garden Grove (22) Freeway to the south and the freeway on- and off-ramp to the west.

On August 27, 1996, the City approved Planned Unit Development No. PUD-110-96, which consolidated two Planned Unit Developments (PUD-103-95 and PUD-106-96) into one Planned Unit Development, and modified the development standards to allow the construction of two Auto Center entry signs at the southeast and southwest corners of Trask Avenue and Brookhurst Street, and to allow storage of vehicles and employee parking as an interim use on remnant parcels that are immediately east of the Chevrolet dealership.

Jared Hardin, owner of Garden Grove Hyundai, has applied to amend the Sign and Graphic Standards section in the existing Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the maximum allowable height of the existing permitted street monument sign from 5 to 8 feet. In conjunction with the requested PUD amendment, the applicant also requested contingent approval of a Conditional Use Permit to install a 59-foot high freeway-oriented electronic readerboard sign on the Garden Grove Hyundai site.

On March 1, 2012, the Planning Commission held a public hearing to consider the requested PUD amendment and Conditional Use Permit (delineated as Planned Unit Development No. PUD-110-96 (Rev. 12) and Conditional Use Permit No. CUP-347-12, respectively.) During the Planning Commission's public hearing, several residents came forward and spoke against the proposed entitlement requests and presented a petition signed by residents in opposition of the proposed sign. Concerns that were raised included safety for residents living along Trask Avenue, and on either side of the Garden Grove Freeway; added traffic congestion along Brookhurst Street and Trask Avenue; driver distraction; reduction of quality of life in the area; safety of children crossing at the intersection of Brookhurst Street and Trask Avenue; nationwide studies regarding billboard controversies; and the applicant did not reach out to the community.

The proposed Conditional Use Permit 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 right-of-way; and (ii) that the readerboard 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. The Planning Commission considered various potential modifications to Condition No. 8 concerning the operation of the sign during nighttime hours and the length of time between changes in readerboard images during daytime hours. Ultimately, the Planning Commission, by a vote of three (3) to two (2), voted to recommend approval of Planned Unit Development No. PUD-110-96 (Rev. 12) to the City Council and to approve Conditional Use Permit No. CUP-347-12, contingent upon the future adoption and effectiveness of

an ordinance approving the proposed PUD amendment. The Planning Commission's approval of the Conditional Use Permit included the addition of a requirement in Condition of Approval No. 8 to specify that, during daytime hours, the readerboard images not be changed more frequently than every 8 seconds. The Planning Commission chose not to further restrict operation of the sign during nighttime hours, however.

Since the time of the Planning Commission's action, the Conditional Use Permit (CUP-347-12) had been appealed to City Council in order to enable City Council to hear both applications concurrently and to consider further modifications to the Conditions of Approval proposed by staff to further address some of the concerns raised at the Planning Commission meeting.

On April 10, 2012, the City Council held a public hearing to consider the Planning Commission recommendation of approval for the subject application. During the meeting several residents came forward and spoke against the proposed entitlement requests and presented a petition signed by residents in opposition of the proposed sign. Concerns raised were similar to those raised at the Planning Commission meeting and included safety concerns for residents living along Trask Avenue and on either side of the Garden Grove Freeway; added traffic congestion along Brookhurst Street and Trask Avenue; driver distraction; reduction of quality of life in the area; safety of children crossing at the intersection of Brookhurst Street and Trask Avenue; nationwide studies regarding billboard controversies. After considering comments from the public and the applicant the item was continued.

## DISCUSSION

After considering the concerns raised during the public hearings, the applicant has redesigned the sign and proposes to relocate the sign to the west side of the building, further away from the homes located north of the Chevrolet dealership site. The design of the sign remains as a blue arched structure that includes the "Garden Grove" copy and a strawberry graphic on a lattice background on the top of the structure matching the design of the existing Auto Center freeway-oriented signs within the Auto Center area. The sign includes a 393 square foot full-color LED display cabinet under a 4'-3" high x 24'-0" wide internally illuminated cabinet sign with the "Hyundai" copy and logo. The readerboard sign faces have been angled so as to be directly in-line with the freeway further reducing the potential for light spilling onto the Trask Avenue or adjacent properties. The base of the sign has been re-designed with a single support and the overall height of the sign is 59-feet consistent with the proposed maximum sign height requirements of the Sign and Graphic Standards Section of the Standards of Development for the Garden Grove Auto Center within the subject Planned Unit Development. Changes to the Planned Unit Development No. PUD-110-96 Sign and Graphic Standards section of the Standards of Development for the Garden Grove Auto Center are as follows (new text in bold and deleted text in strike-through):

I. Sign and Graphic Standards

1. General

**Except as otherwise expressly provided herein**, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each site shall be shown in detail and submitted as part of the required Site Plan for the site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be externally illuminated or shall be devised or constructed so as to rotate, gyrate, blink, or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and the applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinance, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobiles sold by the dealer is permitted for each site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five **eight (58)** feet in height above the finished grade.

3. Freeway Signs

a. Dealer Signs

One freestanding pole sign containing the manufacture's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies, but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobiles on the site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobiles are identified.

b. ~~Auto Center Identification sign — Pole Sign~~

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right of way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

b. **Auto Dealership Freeway-Oriented Electronic Readerboard Sign**

**In lieu of a "Dealer sign," one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the City relating to events affecting the community, may be permitted for each automobile dealership located on a minimum two (2)-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove Freeway and shall be in compliance with all state and federal laws. The maximum height of the sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8) feet in height.**

c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center," identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street

intersection. Said signs will be governed by the existing standards as described in Section III (I.2) above.

In regard to the Conditional Use Permit (CUP-347-12) request for the installation of the Hyundai freeway-oriented electronic readerboard sign, Condition No. 8 of the Conditions of Approval is recommended to reduce the potential impact of the sign to the local streets and adjacent properties and reads as follows:

8. The 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 readerboard shall maintain one 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. During all other times, the images on the readerboard shall be maintained at minimum 8 second intervals and shall not change more frequently. The faces of the readerboard sign shall be angled away from the adjacent residents located to the north of the site so that the face of the sign is directed more in-line with the Garden Grove Freeway right-of-way and away from Trask Avenue.

#### FISCAL IMPACT

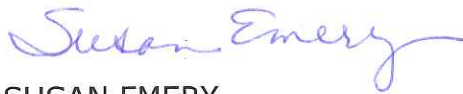
There is no fiscal impact to the City regarding this proposed amendment.

#### RECOMMENDATION

It is recommended that the City Council:

- Hold a Public Hearing for consideration of (1) Planned Unit Development No. PUD-110-96 (Rev. 2) amending the Planned Unit Development No. PUD-110-96 zone to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the allowable height of the permitted street monument sign from 5 to 8 feet; and (2) Conditional Use Permit No. CUP-347-12 for the installation of a 59-foot high freeway-oriented electronic readerboard sign for Garden Grove Hyundai, located at 9898 Trask Avenue and within the subject Planned Unit Development, and the related appeal concerning the associated Conditions of Approval approved by the Planning Commission;

- Introduce and conduct the first reading of the attached Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12); and
- Grant the appeal to modify the Conditions of Approval and adopt the attached Resolution approving Conditional Use Permit No. CUP-347-12, subject to the recommended modified Conditions of Approval, and subject to the Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12) being adopted and becoming effective.



SUSAN EMERY  
Community Development Director



By: Lee Marino  
Senior Planner

- Attachment 1: City Council Agenda Report with attachments dated April 10, 2012  
Attachment 2: Proposed City Council Ordinance for Planned Unit Development No. PUD-110-96 (Rev. 12)  
Attachment 3: Proposed City Council Resolution for Conditional Use Permit No. CUP-347-12 with attached Conditions of Approval  
Attachment 4: Revised plans

**Approved for Agenda Listing**



**Matthew Fertal**  
City Manager

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Matthew Fertal	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12) AND APPEAL OF CONDITIONAL USE PERMIT NO. CUP-347-12 LOCATED AT 9898 TRASK AVENUE, GARDEN GROVE		
	Date:	April 10, 2012	

**OBJECTIVE**

To (1) transmit a recommendation from the Planning Commission to approve Planned Unit Development No. PUD-110-96 (Rev. 12) to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the allowable height of the permitted street monument sign from 5 to 8 feet and (2) consider Conditional Use Permit No. CUP-347-12 approving the installation of a 59-foot high freeway-oriented electronic readerboard sign for Garden Grove Hyundai, located at 9898 Trask Avenue, Garden Grove, and within the subject Planned Unit Development, subject to modified conditions of approval, pursuant to an appeal filed by Staff.

**BACKGROUND**

The subject Planned Unit Development (PUD-110-96) is located at the southeast and southwest corners of Trask Avenue and Brookhurst Street and consists of two automobile dealership developments: (i) Garden Grove Hyundai, located on the southwest corner, at 9898 Trask Avenue and (ii) Simpson Chevrolet (formerly Nicholas Chevrolet), located on the southeast corner, at 10150 Trask Avenue. The sites maintain a General Plan Land Use Designation of Heavy Commercial. The properties to the north, across Trask Avenue are zoned R-1 (Single-Family Residential), OS (Open Space), C-2 (Community Commercial), and R-2 (Limited Multi-family Residential) and are developed with single-family homes, multi-family homes, a church, a school, a gas station, and a commercial building. The properties to the east are zoned PUD-102-71 and are developed industrially. The sites abut the Garden Grove (22) Freeway to the south and the freeway on and off-ramp to the west.



On August 27, 1996, the City approved Planned Unit Development No. PUD-110-96, which consolidated two Planned Unit Developments (PUD-103-95 and PUD-106-96) into one Planned Unit Development, and modified the development standards to allow the construction of two Auto Center entry signs at the southeast and southwest corners of Trask Avenue and Brookhurst Street and to allow storage of vehicles and employee parking as an interim use on remnant parcels that are immediately east of the Chevrolet dealership.

Jared Hardin, owner of Garden Grove Hyundai, has applied to amend the Sign and Graphic Standards section in the existing Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the maximum allowable height of the existing permitted street monument sign from 5 to 8 feet. In conjunction with the requested PUD amendment, the applicant also requested contingent approval of a Conditional Use Permit to install a 59-foot high freeway-oriented electronic readerboard sign on the Garden Grove Hyundai site.

On March 1, 2012, the Planning Commission held a public hearing to consider the requested PUD amendment and Conditional Use Permit (delineated as Planned Unit Development No. PUD-110-96 (Rev. 12) and Conditional Use Permit No. CUP-347-12, respectively). During the Planning Commission's public hearing, several residents came forward and spoke against the proposed entitlement requests and presented a petition signed by residents in opposition of the proposed sign. Concerns that were raised included safety concerns for residents living along Trask Avenue and on either side of the Garden Grove Freeway; added traffic congestion along Brookhurst Street and Trask Avenue; driver distraction; reduction of quality of life in the area; safety of children crossing at the intersection of Brookhurst Street and Trask Avenue; nationwide studies regarding billboard controversies; and that the applicant did not reach out to the community.

The proposed Conditional Use Permit 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 right-of-way; and (ii) that the readerboard 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. The Planning Commission considered various potential modifications to Condition No. 8 concerning the operation of the sign during nighttime hours and the length of time between changes in readerboard images during daytime hours. Ultimately, the Planning Commission, by a vote of three (3) to two (2), voted to recommend approval of Planned Unit Development No. PUD-110-96 (Rev. 12) to the City Council and to approve Conditional Use Permit No. CUP-347-12, contingent upon the future adoption and effectiveness of an ordinance

approving the proposed PUD amendment. The Planning Commission's approval of the Conditional Use Permit included the addition of a requirement in Condition of Approval No. 8 to specify that, during daytime hours, the readerboard images not be changed more frequently than every 8 seconds. The Planning Commission chose not to further restrict operation of the sign during nighttime hours, however. Since the time of the Planning Commission's action, the Conditional Use Permit (CUP-347-12) has been appealed to City Council in order to enable City Council to hear both applications concurrently and to consider further modifications to the Conditions of Approval proposed by Staff to further address some of the concerns raised at the Planning Commission meeting.

## DISCUSSION

### Planned Unit Development:

While the proposed amendment to Planned Unit Development No. PUD-110-96 will affect both automobile dealerships, the amendment has been initiated by Garden Grove Hyundai, and will allow for the installation of an electronic readerboard sign in lieu of the previously authorized automobile dealership identification pole sign, as well as an increase in the allowable height of streets signs from five to eight feet. The specific request is to amend the Sign and Graphic Standards section of the Standards of Development for the Garden Grove Auto Center approved under Planned Unit Development No. PUD-110-96 as follows (new text in bold and deleted text in strike-through):

#### I. Sign and Graphic Standards

##### 1. General

**Except as otherwise expressly provided herein**, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each site shall be shown in detail and submitted as part of the required Site Plan for the site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobiles sold by the dealer is permitted for each site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five ~~eight~~ (58) feet in height above the finished grade.

3. Freeway Signs

a. Dealer Signs

One freestanding pole sign containing the manufacture's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies, but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobiles on the site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobiles are identified.

~~b. Auto Center Identification sign — Pole Sign~~

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

**b. Auto Dealership Freeway-Oriented Electronic Readerboard Sign**

**In lieu of a "Dealer sign", one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the City relating to events affecting the community, may be permitted for each automobile dealership located on a minimum two (2)-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove Freeway and shall be in compliance with all state and federal laws. The maximum height of the said sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice**

**background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8) feet in height.**

c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center", identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III (I.2) above.

Conditional Use Permit:

In conjunction with the amendment to the Planned Unit Development, the applicant has requested approval of a Conditional Use Permit (CUP-347-12) to install a 58'-5" high freeway-oriented electronic readerboard sign located at the southeast corner of the Garden Grove Hyundai site, adjacent to the Garden Grove Freeway right-of-way and Brookhurst Street. The sign is proposed to straddle the existing driveway along Brookhurst Street. The design of the sign is a blue arched structure that includes the "Garden Grove" copy and a strawberry graphic on a lattice background on the top of the structure, which matches the design of the existing Auto Center freeway-oriented signs within the Auto Center area. The sign includes a 393 square foot full-color LED display cabinet under a 4'-3" high x 24'-0" wide internally illuminated cabinet sign with the "Hyundai" copy and logo. The base of the sign has been designed to allow vehicular access, including emergency vehicles, to the site as well as to the driveway leading to the roof top vehicle parking and display area.

Proposed Conditions of Approval for the project include, without limitation, that the readerboard sign comply with the requirements of CalTrans for lighted signs adjacent to freeways and that the applicant provide for advertising of community events on the sign.

As approved by the Planning Commission, Condition of Approval No. 8 required:

- The sign illumination, including the LED screen, shall be dimmed to the level of ambient light level within the area at dusk and shall not cause light and glare on adjacent residential properties, streets, and freeway right-of-way.
- The readerboard shall maintain one image between the hours of 10:00 p.m. and 7:00 a.m. in order to reduce light and annoyance impacts to the adjacent residential neighborhood.
- During all other times, the images on the readerboard shall be maintained at minimum 8 second intervals and shall not change more frequently.

Since the time of the Planning Commission approval of the CUP-347-12, staff further reviewed the concerns that were raised by the residents and discussed the concerns with the applicant. Based on the raised concerns and to further mitigate any potential light and glare issues, and in conjunction with the appeal of CUP-347-12, staff is recommending that Condition of Approval No. 8 be modified to require that the nighttime light level of the sign be limited to 5% to 15%, subject to the approval of the City Manager or his designee, and that the face of the readerboard sign be angled away from the adjacent residents located to the northeast of the site, so that the face of the sign is directed more in-line with the Garden Grove Freeway right-of-way and away from Trask Avenue.

#### FISCAL IMPACT

There is no fiscal impact to the City regarding this proposed amendment.

#### RECOMMENDATION

It is recommended that the City Council:

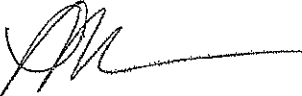
- Hold a Public Hearing for consideration of (1) Planned Unit Development No. PUD-110-96 (Rev. 2) amending the Planned Unit Development No. PUD-110-96 zone to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the allowable height of the permitted street monument sign from 5 to 8 feet; and (2) Conditional Use Permit No. CUP-347-12 for the installation of a 59-foot high freeway-oriented electronic readerboard sign for Garden Grove Hyundai, located at 9898 Trask Avenue and within the subject Planned

Unit Development, and the related appeal concerning the associated Conditions of Approval approved by the Planning Commission.

- Introduce and conduct the first reading of the attached Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12).
- Grant the appeal to modify the conditions of approval and adopt the attached Resolution approving Conditional Use Permit No. CUP-347-12, subject to the recommended modified Conditions of Approval, and subject to the ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12) being adopted and becoming effective.



SUSAN EMERY  
Community Development Director



By: Lee Marino  
Senior Planner

- Attachment 1: Ordinance No. 2369, adopted August 8, 1996, approving Planned Unit Development No. PUD-110-96
- Attachment 2: Planning Commission Staff Report dated March 1, 2012
- Attachment 3: Planning Commission Resolution No. 5759-12
- Attachment 4: Planning Commission Resolution No. 5763-12 with Conditions of Approval
- Attachment 5: Planning Commission Draft Minute Excerpt of March 1, 2012
- Attachment 6: Letter of Appeal dated March 22, 2012
- Attachment 7: Proposed City Council Ordinance for Planned Unit Development No. PUD-110-96 (Rev. 12)
- Attachment 8: Proposed City Council Resolution for Conditional Use Permit No. CUP-347-12 with attached Conditions of Approval

Approved for Agenda Listing



Matthew Fertal  
City Manager

ORDINANCE NO. 2369

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-110-96; A REZONE FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF TRASK AVENUE, EAST AND WEST OF BROOKHURST STREET, AT 9898 AND 10150 TRASK AVENUE, AND 13502, 13512, 13521, AND 13522 BOWEN STREET, PARCEL NOS. 098-090-57 AND 58, 099-306-01 THROUGH 13, 099-307-01 THROUGH 03, 099-311-11, 12, 20, 21, 23, 24, AND 25, 099-313-14, 29, 31, 32, AND 36

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

WHEREAS, the case, initiated by the Garden Grove Agency for Community Development, proposes to rezone an approximately five-acre site and an approximately two-acre site from the Planned Unit Development No. PUD-103-95 and PUD-106-96 zones to the PUD-110-96 zone in order to modify the Garden Grove Auto Center Design Standards to allow the construction of two new entry signs at the southeast and southwest corners of Brookhurst Street and Trask Avenue and to allow overflow employee parking and the storage of vehicles as an interim use.

WHEREAS, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the City Council finds a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 4677, the Planning Commission, at a public hearing held on August 8, 1996, recommended approval of Planned Unit Development No. PUD-110-96; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on August 27, 1996, and all interested persons were given an opportunity to be heard; and

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

NOW, THEREFORE, BE IT RESOLVED:

1. Planned Unit Development No. PUD-110-96 is hereby approved pursuant to the facts, reasons, and Standards of Development stated in Planning Commission Resolution No. 4677, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 2:

1. Planned Unit Development No. PUD-110-96 is hereby adopted and the property shown on the map attached hereto is rezoned to the PUD-110-96 zone as shown thereon. Zone Map parts D-8 and D-9 are amended accordingly.

2. Ordinance No. 2337, approving PUD-103-95, and Ordinance No. 2351, approving PUD-106-96, are hereby repealed in their entirety.

3. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the        day of        , 1996.

ATTEST:

/s/ BRUCE A. BROADWATER  
MAYOR

/s/ RUTH E. SMITH  
DEPUTY CITY CLERK

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

I, RUTH E. SMITH, Deputy City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on August 27, 1996 with vote as follows:

AYES:            COUNCILMEMBERS: (5) CHUNG, DINSEN, INGEGNERI, LEYES, BROADWATER  
NOES:            COUNCILMEMBERS: (0) NONE  
ABSENT:          COUNCILMEMBERS: (0) NONE

and was passed on September 10, 1996 by the following vote:

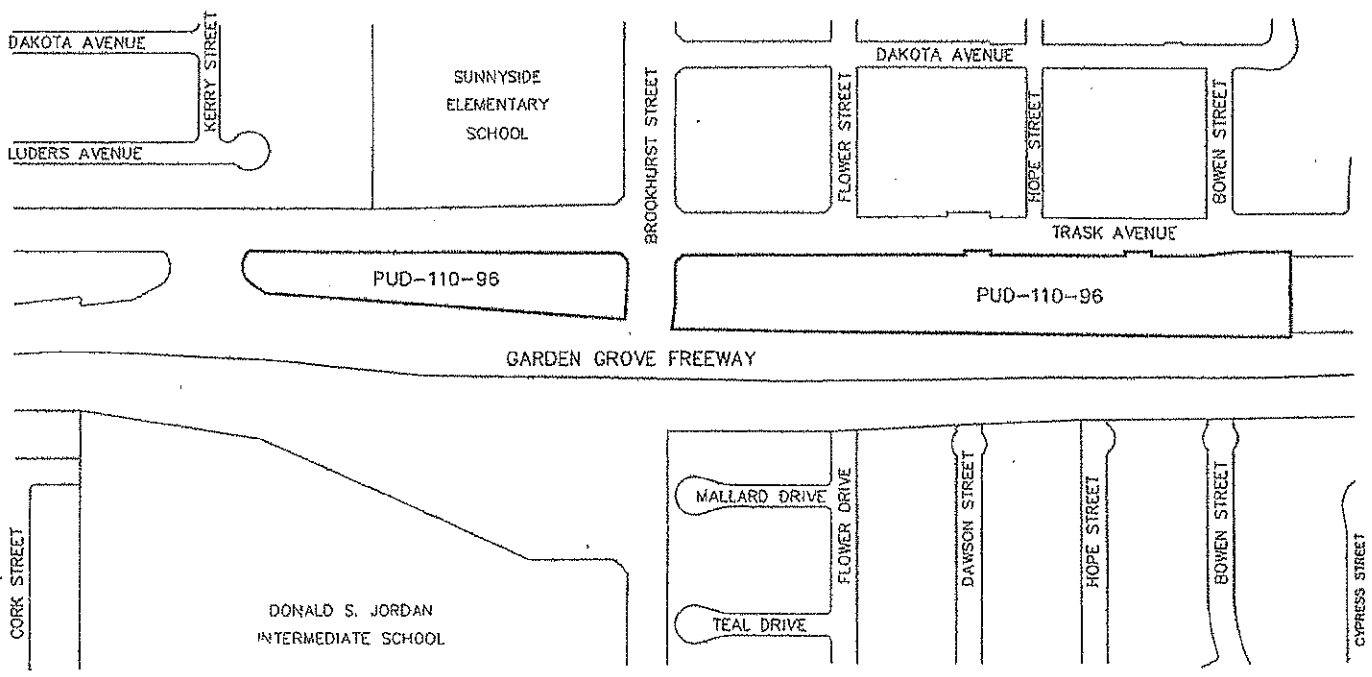
AYES:            COUNCILMEMBERS: (5) DINSEN, CHUNG, INGEGNERI, LEYES, BROADWATER  
NOES:            COUNCILMEMBERS: (0) NONE  
ABSENT:          COUNCILMEMBERS: (0) NONE

/s/ RUTH E. SMITH  
DEPUTY CITY CLERK





NOT TO SCALE



REZONED FROM PUD-103-95 AND PUD-106-96  
 TO PUD-110-96  
 ZONE MAP PART D-8 AND D-9

RESOLUTION NO. 4677

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-110-96; A REZONE FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF TRASK AVENUE, EAST AND WEST OF BROOKHURST STREET, AT 13521 BROOKHURST STREET, 9898 AND 10150 TRASK AVENUE, 13502, 13512, 13521, AND 13522 BOWEN STREET, PARCEL NOS. 098-090-57 AND 58, 099-306-01 THROUGH 13, 099-307-01 THROUGH 03, 099-311-11, 12, 20, 21, 23, 24, AND 25, 099-313-14, 29, 31, 32, AND 36

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 8, 1996, does hereby recommend approval of Planned Unit Development No. PUD-110-96.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-110-96, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the Garden Grove Agency for Community Development.
2. The Agency is proposing to rezone an approximately seven acre site from the Planned Unit Development No. PUD-103-95 and PUD-106-96 zones to the PUD-110-96 zone in order to modify the Garden Grove Auto Center Design Standards to allow the construction of two new entry signs at the southeast and southwest corners of Brookhurst Street and Trask Avenue and to allow overflow employee parking and the storage of vehicles as an interim use.
3. The project will not have a significant adverse effect on the environment, therefore the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. The Negative Declaration reflects the independent judgment of the City. As evidenced by the Negative Declaration documents, there is no impact on fish and wildlife resources.
4. The properties have a General Plan Land Use designation of Heavy Commercial and are currently zoned PUD (PUD-103-95 and PUD-106-96). The sites are improved with motor vehicle sales dealerships.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.

7. Pursuant to legal notice, public hearing was scheduled for August 8, 1996, 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 August 8, 1996; 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 9.12.020, are as follows:

FACTS:

In August 1995, the Commission recommended approval of PUD-103-95 for a five acre expansion of the Garden Grove Auto Center at the southeast corner of Brookhurst Street and Trask Avenue to accommodate the Nicholas Chevrolet Dealership, which is currently under construction. The dealership occupies four acres of the site and the remaining one acre is improved with two single family homes bisected by a public street (Bowen Street).

In April 1996, the Commission recommended approval of PUD-106-96 to incorporate a 20,896 square-foot site (formerly a service station) at the southwest corner of Brookhurst Street and Trask Avenue into the Auto Center as part of the Union Dodge Dealership.

The new PUD (PUD-110-96) will consolidate PUD-103-95 (Nicholas Chevrolet) and PUD-106-96 (Union Dodge).

The Garden Grove Agency for Community Development is proposing to amend the existing PUD standards to accommodate new entry signs that will identify the auto center. Additionally, the remnant residential parcels to the east of the Nicholas Chevrolet site, bisected by Bowen Street, are proposed to be utilized as vehicle storage and employee parking.

FINDINGS AND REASONS:

ZONE CHANGE:

1. The proposed zone change is consistent with the City's General Plan.

The zone change from PUD-103-95 and PUD-166-96 to PUD-110-96 is consistent with the Goals and Policies as outlined in the City's General Plan which encourage measures designed to insure the economic vitality of the Garden Grove Auto Center.

2. The proposed zone change will insure a degree of compatibility with surrounding properties and uses.

The surrounding properties and uses within the area are primarily auto-related and are regulated by the Garden Grove Auto Center Standards of Development. These standards, which are also being modified for this rezoning, will insure compatibility between the subject site and surrounding properties and uses.

**PLANNED UNIT DEVELOPMENT:**

1. The quality of the project achieved through the Planned Unit Development zoning is greater than could be achieved through traditional zoning.

The project will exceed City Code standards, insuring that the overall quality of the Auto Center improvements is greater than could be achieved through the Title 9 regulations.

**INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT**

In addition to the foregoing, the 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 Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.12.020 (Planned Unit Development).
2. The following Standards of Development shall apply to PUD-110-96:

**STANDARDS OF DEVELOPMENT:**

PUD-110-96 consolidates PUD-103-95 and PUD-106-96 in the Garden Grove Auto Center. All standards of development as specified in Exhibit "A" (Standards of Development - Garden Grove Auto Center) shall apply. Deviations from the development standards contained in Exhibit "A" shall be approved by the Planning Commission through the Site Plan process. Wherever a development standard is not specified in the PUD, the provisions of the Garden Grove Municipal Code shall apply.

ADOPTED this 8th day of August, 1996.

/s/ BARBARA BEATTY  
VICE CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on August 8, 1996, and carried by the following votes:

AYES: COMMISSIONERS: BEATTY, BUTTERFIELD, HESKETT, SCOVILLE,  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: ROSEN, HUTCHINSON, WILKINS

*/s/* SALLY EVERLOVE  
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 August 29, 1996.

EXHIBIT "A"

PLANNING COMMISSION RESOLUTION NO. 4677

STANDARDS OF DEVELOPMENT, GARDEN GROVE  
AUTO CENTER, GARDEN GROVE, CALIFORNIA

SECTION I. DEFINITIONS

"Agency" shall mean the Garden Grove Agency for Community Development.

"Automobile" shall mean car, auto, pickup truck, van, recreational vehicle, or any other motor vehicle having at least four wheels and weighing less than 6,000 pounds.

"Auto Center" shall mean the retail automobile sales and service complex on the Auto Center Property.

"Auto Center Identification Sign" shall mean a display sign(s) identifying the Garden Grove Auto Center and including appurtenant materials and facilities for the support, protection, lighting, and landscaping of said sign. It shall be the prerogative of the Garden Grove Agency for Community Development as to whether to erect an Auto Center Identification Sign(s).

"Auto Center Property" shall mean all that certain real property incorporated by reference herein.

"Building" shall mean a permanently located structure having a roof.

"Bulk Car Storage" shall mean the temporary storage of automobiles which have not been prepared for sale.

"City" shall mean the City of Garden Grove, California.

"Dealer" shall mean a business operating a franchise for the sale of new and used automobiles on a Site.

"Dealers Association" or "Association" shall mean a nonprofit corporation, created and functioning for the purposes of administering the Auto Center, and promoting, managing and controlling activities and public relations in and for the Auto Center.

"Mortgage" shall mean and include a deed of trust as well as a mortgage in the conventional sense.

"Owner" shall mean the record owner, whether one or more persons or entities, of a fee simple title to any Site in the Auto Center Property, with the exception of the Agency.

"Service Center Storage" shall mean the temporary storage of automobiles which have been brought in for repair or servicing.

"Site or Sites" shall mean any parcel or parcels of land on the Auto Center Property.

## SECTION II. APPLICABILITY

The provisions contained in this Planned Unit Development (PUD) supplemental text shall apply as specified to all uses permitted. Deviations from the Development Standards contained herein shall be approved by the Garden Grove Planning Commission through the site plan process described below. Except as otherwise stated in this text, the requirements of the City development standards and zoning ordinances shall apply.

## SECTION III. GENERAL DEVELOPMENT STANDARDS

### A. Purpose and Intent

The Garden Grove Auto Center is designed to accommodate several new automobile dealerships in an attractive and architecturally compatible environment adjacent to the Garden Grove Freeway in an effort to maximize the retail sale of new automobiles in the City of Garden Grove. Due to the limited area of each site and the elevation of the adjacent freeway, it is desirable for showroom structures to be multi-story. All buildings shall be of high architectural quality, both individually as well as in the context of the total complex, and Sites shall be landscaped in an aesthetically designed manner. The shape, scale, exterior design, and exterior finish of each building must be consonant with, visually and physically related to, and an enhancement to adjacent buildings. Care shall be taken to ensure that the Auto Center Property is developed so as to be compatible with the residential neighborhood located to the north of Trask Avenue. Any windows or openings above the first floor of any structure facing Trask Avenue shall be designed to be aesthetically and architecturally compatible with the entire building.

All proposals for development on the Auto Center Property shall be made in the form of a Site Plan application to the City of Garden Grove in accordance with all City zoning ordinances, standards and procedures.

### B. Permitted Uses

Retail sales and display of new and used automobiles, as defined herein, and the customary activities involved in the retail sale, servicing and repair of automobiles. No ~~Bulk Car Storage~~ or auto body repair or painting shall be permitted on the Auto Center Property. Overflow employee parking and the interim storage of new or used automobiles sold by the dealerships within the Auto Center are permitted on the remnant parcels east of the Nicholas Chevrolet Auto Dealership.

### C. Site Area Requirements

1. Minimum Site size for each Site shall be one acre.
2. Structures shall not cover more than 50 percent of the net Site area.

D. Setbacks

All setbacks shall be measured from the property lines. For the purpose of these supplemental regulations, a street side property line is that line created by the ultimate right-of-way of Trask Avenue.

1. Setback from Streets

No buildings shall be constructed upon any site within ten (10) feet of the property line along Trask Avenue.

2. Side Yard

None.

3. Rear Yard

None.

4. Architectural Projections

- a. Rooflines and eaves may project six (6) feet into setback areas subject to the specific approval by the Planning Commission.
- b. Steps and open and unenclosed staircases may project six (6) feet into setback areas.

E. Maximum Building Height

Sixty (60) feet.

F. Minimum Building Height

No building used for automobile display shall be less than two stories in height.

G. Landscaping

1. General Statement

Landscaping shall consist of an effective combination of trees, ground cover, and shrubbery provided with an automatically controlled sprinkler system all in conformity with the overall landscaping of the Auto Center. All unpaved areas shall be landscaped.

2. Street Landscape Areas

The entire area between the Trask Avenue property line and a point ten (10) feet in back of the front property line shall be landscaped, except for any vehicular or pedestrian accessways in said area. If the street landscaping area is bermed with



a minimum height of forty-two (42) inches at the rear of the setback, the front landscaping may be reduced to five (5) feet. One (1) twenty-four (24) inch box tree of a two and one-quarter (2-1/4) inch caliper trunk diameter, ten (10) foot in height and five (5) foot head is required for every thirty (30) feet of frontage (which may be grouped or clustered).

### 3. Boundary Areas

Boundary landscaping is required on all side property lines unless a zero building setback is utilized. Said boundary landscape areas shall be placed along the entire length of side property lines. Trees, equal in number to one (1) twenty-four (24) inch box tree of a two and one-quarter (2-1/4) inch caliper trunk diameter, ten (10) foot in height and a five (5) foot head are required per thirty (30) lineal feet of side property line, shall be planted in the boundary area in addition to required ground cover and shrub material.

### 4. Parking Areas and Automobile Display Pads

- a. Parking areas shall be landscaped in accordance with City zoning ordinances.
- b. Walkways and new car display pads shall consist of exposed aggregate, bomanite, or colored concrete compatible and related to the style and color of such materials used in the total Site design concept.
- c. Driveway approaches to each Site from Trask Avenue shall consist of colored enhanced concrete treatment or brick pavers. The type and style of the entry paving shall be subject to the approval of the Development Services Department. Said treatment shall extend the full width of the driveway from the sidewalk to at least twenty-five (25) feet behind the sidewalk on each Site.

### 5. Landscaping Maintenance

- a. Periodic inspections shall be made by the City of Garden Grove noting conditions which are in non-compliance with the requirements of this section. Correction to bring an area into compliance with the standards shall be accomplished by the offender within thirty (30) days of receipt of written notification.
- b. Lawn and ground covers shall be kept trimmed and/or mowed regularly. All planting areas shall be kept free of weeds and debris.
- c. All plantings shall be kept in a healthy and growing condition, and any destroyed or diseased trees, shrubs or other vegetation shall be replaced as necessary.
- d. Irrigation systems shall be kept in working condition. Adjustments and cleaning shall be a part of regular maintenance.

### H. Parking Requirements

1. Site parking shall comply with all applicable Title 9 requirements. Each parking site shall be striped in accordance with City standards.
2. Parking of employee vehicles shall be on-site at all times. No parking of employee vehicles in adjacent residential areas shall be permitted.

I. Sign and Graphic Standards

1. General

All signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each Site shall be shown in detail and submitted as part of the required Site Plan for the Site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall have external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center except as expressly provided herein. All signs conforming to these criteria and applicable City sign ordinances shall be permitted as a matter of right upon the issuance of a City sign permit. No sign shall exceed the standards of this criteria or the City sign ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobile sold by the dealer is permitted for each Site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five (5) feet in height above the finished grade.

3. Freeway Signs

a. Dealer Signs

One freestanding pole sign containing the manufacturer's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobile on the Site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobile are identified.

b. Auto Center Identification Sign - Pole Sign

One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not

exceed fifty (50) feet and the total sign area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.

**c. Auto Center Identification Sign - Monument Sign**

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center", identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Services Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III(I. 2) above.

**4. Temporary Identification Signs**

**a. Construction Sign**

A sign not to exceed twenty (20) square feet in area denoting the architects, engineers, contractor, and other related subjects will be allowed at the commencement of construction. Said sign shall be removed at the time the Site is fit for occupancy.

**b. Future Tenant Signs**

Signs allowing identification for the future tenants are not to exceed two (2) signs per Site and one hundred (100) square feet in sign surface area per sign. Said signs shall be removed at the time the Site is fit for occupancy.

**5. Temporary Advertising Devices**

Temporary advertising devices including, but not limited to, banners, flags and pennants shall conform to the requirements of the City sign ordinances.

**J. Display Area Lighting**

All display and security lighting in the Auto Center shall be designed for uniformity of lighting poles, fixtures and intensity in the following manner:

1. Except as otherwise provided, all luminaries shall be one thousand (1000) watt metal halide rectangular type mounted on square metal poles at a height of twenty (20) feet.
2. Each owner shall install display lighting in the interior of each site by means of dual or quad luminaries on poles spaced approximately fifty feet apart and along the Trask Avenue frontage on poles spaced approximately thirty (30) to forty (40) feet apart.
3. All lighting shall be designed to prevent glare to adjacent properties and streets.
4. The Development Services Department shall establish specifications for luminaries and poles installed by the owner pursuant to this section. Each owner shall submit a lighting plan to the Development Services Department for approval prior to installation.

K. Telephone and Electrical Service

All "on-site" telephone and electrical lines shall be placed underground. Transformer or terminal equipment shall be screened from view of adjacent streets, the freeway, and properties.

L. Storage and Refuse Collection Areas

1. All outdoor storage areas and refuse collection areas shall be visually screened so that materials stored within these areas shall not be visible from streets, the freeway, and adjacent property.
2. Storage or refuse collection shall not be permitted within the ten (10) foot setback along Trask Avenue.

M. Roof-mounted Equipment

No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Development Services Department prior to issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, the freeway, and surrounding properties.

N. Maintenance

All Sites, structures and permitted signs shall be maintained in a neat and orderly manner.

O. Performance Standards

No use shall be permitted on the Auto Center Property which creates or involves any of the following effects:

1. Any noise or vibration, other than that related to temporary construction work, which is discernible without instruments at any lot line of the site. Any noise exceeding seventy (70) dBA's at any time.
2. Any electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
3. The emission of odorous gasses or matter in quantities such as to be perceptible at any lot line of the Site.
4. The discharge into any sewer or stream or into the ground, except in accordance with standards approved by the State Department of Health, of any materials of such nature as to contaminate any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offense elements.
5. No exterior storage of materials, supplies, equipment, or machinery shall be permitted whether open or in tanks, bins or other container devices.

P. Test Driving of Vehicles

1. At no time shall test driving of vehicles be conducted within the adjacent residential areas.

Q. Employee Parking and Interim Storage of Vehicles

1. The remnant parcels to the east of the Nicholas Chevrolet Dealership may be used for employee parking and the interim storage of new and used cars sold within the Auto Center. The parking and storage area shall be screened from Trask Avenue by a decorative fence or wall and shall be landscaped per the provisions of Section III(G).

SECTION IV. DEVELOPMENT STANDARDS

The size and nature of the Garden Grove Auto Center precludes the development and submission at the time of PUD approval of specific development plans for individual Sites within the project. The following procedure, therefore, will be adhered to regarding future submission of precise Site development plans to the City for approval.

Each applicant desiring to secure approval of development plans shall submit to the City of Garden Grove a formal Site Plan application as prescribed by City zoning ordinances. Said Site Plan shall also include all plans for structures, signs, landscaping, trash collection facilities and all other requirements contained herein.

SECTION V. OPERATIONS STANDARDS

- A. The daily hours of operation for the Auto Center shall begin no earlier than 7 a.m. and shall not go beyond 10 p.m.

- B. No loudspeakers, which can be heard beyond the subject site, shall be permitted. A lighting or beeper paging system is an appropriate alternative to the loudspeaker paging system.

#### SECTION VI. DEALERS ASSOCIATION

A Dealers Association shall be formed for the purpose of, but not limited to, maintaining the Auto Center Identification Sign, advertising, security of grounds, bulk storage, maintenance of freeway landscaping (if appropriate), and any other mutually beneficial purpose of the dealers in the Garden Grove Auto Center. Bylaws for the dealers Association shall be submitted to and approved by the Agency prior to the Association becoming operational.

Every owner of a Site shall be a member of the Dealers Association, provided, however, that if the owner is not a dealer and the assignee, lessee, sublessee, or other lawful occupant of said Site is a dealer, said assignee, lessee, sublessee or other lawful occupant of the Site shall be a member of the Dealers Association in the place of the owner and shall exercise all the rights, privileges and obligations of memberships. Except as otherwise provided herein, membership shall be appurtenant to and may not be separated from ownership of any Site.

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Southeast and southwest corners of Trask Avenue and Brookhurst Street, at 9898 and 10150 Trask Avenue
<b>HEARING DATE:</b> March 1, 2012	<b>GENERAL PLAN:</b> Heavy Commercial
<b>CASE NOS:</b> Planned Unit Development No. PUD-110-96 (Rev. 12) & Conditional Use Permit No. CUP-347-12	<b>ZONE:</b> PUD-110-96 (Planned Unit Development)
<b>APPLICANT:</b> Jared Hardin	<b>APN:</b> 098-090-57, 58, 099-681-01, 02, & 099-682-01, 02, 03
<b>PROPERTY OWNER:</b> Jared Hardin	<b>CEQA DETERMINATION:</b> Exempt

**REQUEST:**

A request to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two-acre site in conjunction with a Conditional Use Permit request to install a freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located at 9898 Trask Avenue.

**BACKGROUND:**

The subject Planned Unit Development (PUD-110-96) is located at the southeast and southwest corners of Trask Avenue and Brookhurst street and consists of two automobile dealership developments: (i) Garden Grove Hyundai, located on the southwest corner, and (ii) Simpson Chevrolet (formally Nicholas Chevrolet), located on the southeast corner. The sites maintain a General Plan Land Use Designation of Heavy Commercial. The properties to the north, across Trask Avenue are zoned R-1 (Single-family Residential), OS (Open Space), C-2 (Community Commercial), and R-2 (Limited Multi-family Residential) and are developed with single-family homes, multi-family homes, a church, a school, a gas station, and commercial building. The properties to the east are zoned PUD-102-71 and are developed industrially. The sites abut the Garden Grove (22) Freeway to the south and the freeway on and off-ramp to the west.

On August 27, 1996, the City approved Planned Unit Development No. PUD-110-96, which consolidated two Planned Unit Developments (PUD-103-95 and PUD-106-96) into one Planned Unit Development, as well as modified the development standards to allow the construction of two Auto Center entry signs at the southeast and southwest corners Trask Avenue and Brookhurst Street and to allow storage of

vehicles and employee parking as an interim use on remnant parcels that are immediately east of the Chevrolet dealership.

### **DISCUSSION:**

#### **PLANNED UNIT DEVELOPMENT AMENDMENT:**

While the proposed Amendment to Planned Unit Development No. PUD-110-96 will affect both autodealerships, the Amendment has been initiated by Garden Grove Hyundai for the installation of an electronic readerboard sign. The specific request is to amend the Sign and Graphic Standards section of the Standards of Development for the Garden Grove Auto Center approved under Planned Unit Development No. PUD-110-96 as follows (new text in bold and deleted text in strike-through):

#### I. Sign and Graphic Standards

##### 1. General

**Except as otherwise expressly provided herein**, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each Site shall be shown in detail and submitted as part of the required Site Plan for the Site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinances, whichever is the most restrictive.

##### 2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobile sold by the dealer is permitted for each Site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five **eight (58)** feet in height above the finished grade.



### 3. Freeway Signs

#### a. Dealer Signs

One freestanding pole sign containing the manufacture's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobile on the Site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobile are identified.

#### ~~b. Auto Center Identification sign – Pole Sign~~

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

#### **b. Auto Dealership Freeway-Oriented Electronic Readerboard Sign**

**In lieu of a "Dealer sign", one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the city relating to events affecting the community, may be permitted for each automobile dealership located on a minimum two (2)-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove freeway and shall be in compliance with all state and federal laws. The maximum height of the said sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight feet in height.**

#### c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or

masonry. Each sign shall have "Garden Grove Auto Center", identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III (I.2) above.

Staff's review of the applicant's request finds that the amendment to the Planned Unit Development will allow the individual dealerships opportunity for additional identification, while providing continuity between the design of all the freeway oriented signs that identify the Auto Center as a cohesive whole.

#### CONDITIONAL USE PERMIT:

In conjunction with the proposed Amendment, the applicant is requesting approval of a Conditional Use Permit in order to install a 58'-5" high freeway-oriented electronic readerboard sign located at the southeast corner of the site, adjacent to the Garden Grove Freeway right-of-way and Brookhurst Street. The sign straddles the existing driveway along Brookhurst Street. The design of the sign is a blue arched structure that includes the "Garden Grove" copy and a strawberry graphic on a lattice background on the top of the structure, which matches the design of the existing Auto Center freeway oriented signs within the Auto Center area. The sign includes a 393 square foot full color LED display cabinet under a 4'-3" high x 24'-0" wide internally illuminated cabinet sign with the "Hyundai" copy and logo. The base of the sign has been designed to allow vehicular access, including emergency vehicles, to the site as well as to the driveway leading to the roof top vehicle parking and display area.

Conditions of approval for the project include a requirement that the lighting of the sign 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 and the Planned Unit Development requirement to allow advertising of City events and other uses located within the City, as approved by the City Manager.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Adopt the attached Resolution recommending approval of Planned Unit Development No. PUD-110-96 (Rev. 12) to the City Council; and
2. Adopt the attached Resolution approving Conditional Use Permit No. CUP-347-12, subject to the recommended Conditions of Approval, and subject to the City Council approval of Planned Unit Development No. PUD-110-96 (Rev. 12).



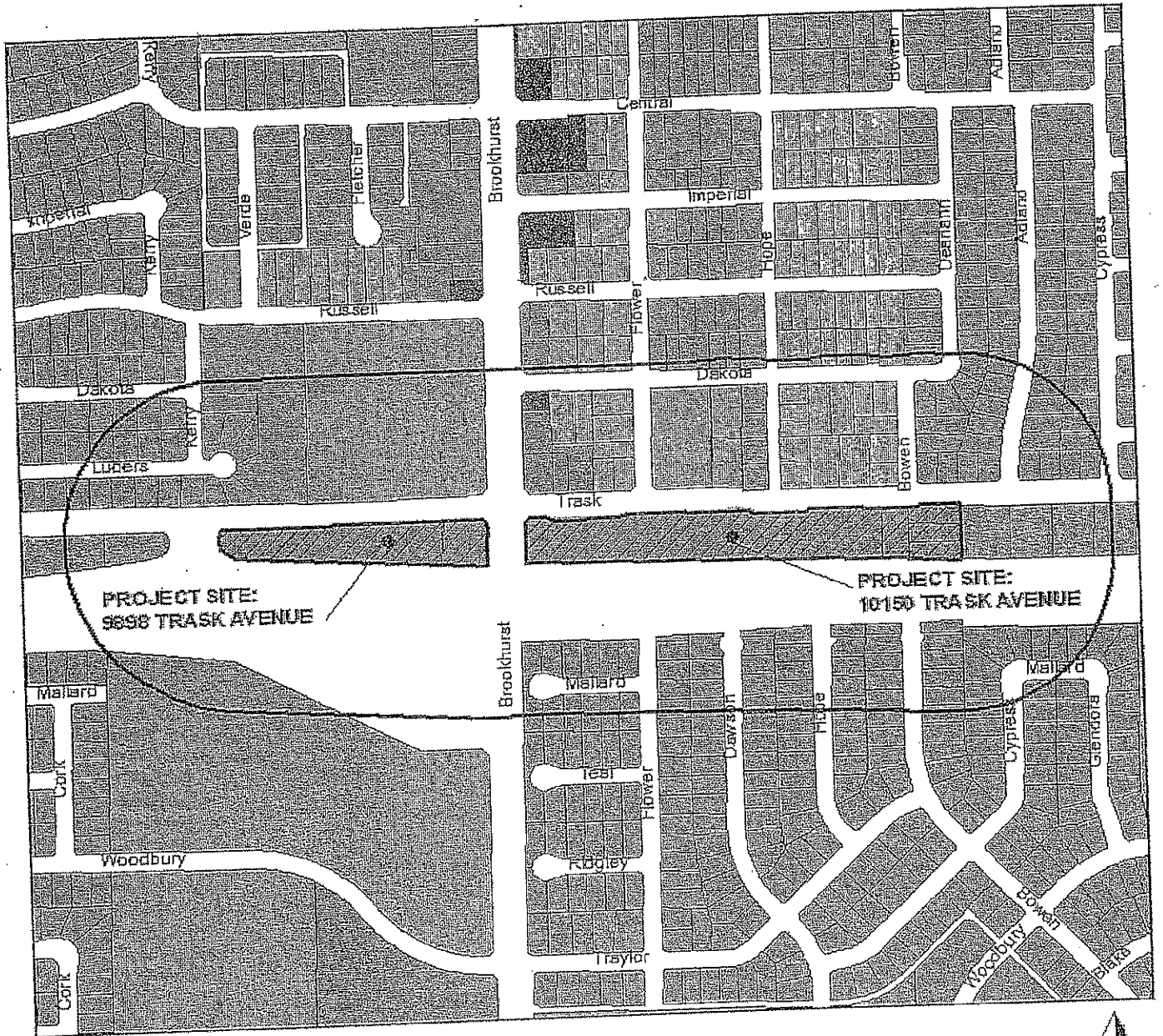
Karl Hill  
Planning Services Manager



By: Lee Marino  
Senior Planner



**PLANNED UNIT DEVELOPMENT  
NO. PUD-110-96 (REV. 12)  
CUP-347-12**




**PROJECT SITE:  
9898 TRASK AVENUE**

**PROJECT SITE:  
10150 TRASK AVENUE**

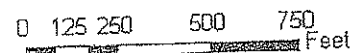
**LEGEND**

 PROJECT SITE-

 500 FEET RADIUS

**NOTES**

1. GENERAL PLAN: Heavy Commercial
2. ZONE: PLANNED UNIT DEVELOPMENT NO. PUD-110-96



CITY OF GARDEN GROVE  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
GIS SYSTEM  
MARCH 2012

GARDEN GROVE

HYUNDAI



Notes: 1. This sign is to be installed in front of the building. 2. The sign is to be illuminated at all times. 3. The sign is to be maintained in good condition. 4. The sign is to be replaced if damaged. 5. The sign is to be removed if the building is demolished.

Notes: 1. This sign is to be installed in front of the building. 2. The sign is to be illuminated at all times. 3. The sign is to be maintained in good condition. 4. The sign is to be replaced if damaged. 5. The sign is to be removed if the building is demolished.

Notes: 1. This sign is to be installed in front of the building. 2. The sign is to be illuminated at all times. 3. The sign is to be maintained in good condition. 4. The sign is to be replaced if damaged. 5. The sign is to be removed if the building is demolished.

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Notes: 1. This sign is to be installed in front of the building. 2. The sign is to be illuminated at all times. 3. The sign is to be maintained in good condition. 4. The sign is to be replaced if damaged. 5. The sign is to be removed if the building is demolished.



Manufacture and Install One (1) New Double Face Illuminated Pylon with Full Color LED Display **PUD-110-96**  
 Scale: 3/16" = 1'-0" **(REV. 12)**

**EMI**  
 ELECTRA-MERIA, INC.  
 LAWRENCE, CALIFORNIA  
 Phone Number (310) 726-0616  
**YESCO**  
 LOS ANGELES DIVISION  
 5420 Alhambra Street, Los Angeles, CA 90016  
 Telephone (818) 252-2222 Fax (818) 252-6912

**CUSTOMER APPROVAL**

ACCEPTED WITH NO CHANGES  
 ACCEPTED WITH CHANGES AS NOTED  
 REVISED AS NOTED AND REDESIGNED

**PRODUCTION APPROVAL**

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

**NOTED REVISIONS**

DATE: 02/28/11 BY: KERRY  
 \* Garden Grove Auto Center "B" Lot  
 \* Abide sign 1' w/ taller  
 DATE: 02/28/11 BY: KERRY  
 \* Redesign to match other City of Garden Grove signs  
 \* Enlarged location detail  
 DATE: 02/28/11 BY: KERRY  
 \* Change sign to all blue color  
 \* Above sign 18" tall

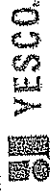
**INSTALLATION INFORMATION**

Name: Garden Grove Hyundai  
 Address: 2595 Truxtun Avenue  
 Garden Grove, CA 92642  
 Sales Rep: Danny Ramirez

11-9595-9  
 1 of 4  
 This drawing was created to assist in manufacturing the sign. The sign must meet all the requirements of the sign code. The sign must be made of aluminum. The sign must be illuminated at all times. The sign must be maintained in good condition. The sign must be replaced if damaged. The sign must be removed if the building is demolished.



**ELECTRA-MEDIA, INC.**  
 LAVERDALE - CALIFORNIA  
 Phone Number: (310) 742-0016



**LOS ANGELES DIVISION**  
 4111 Wilshire Blvd. Suite 1600, Los Angeles, CA 90048  
 Telephone: (213) 475-1111, (800) 475-1111  
 www.yesco.com

Name: Edison Grove Systems  
 Address: 6975 Third Avenue  
 Culver City, CA 90230  
 Sales Rep: James C. ...

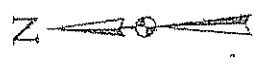
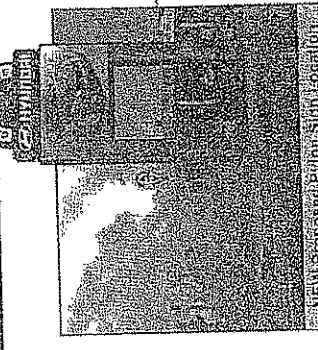
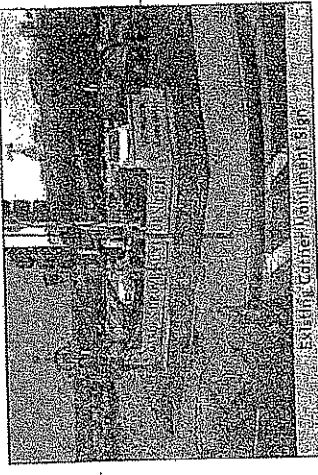
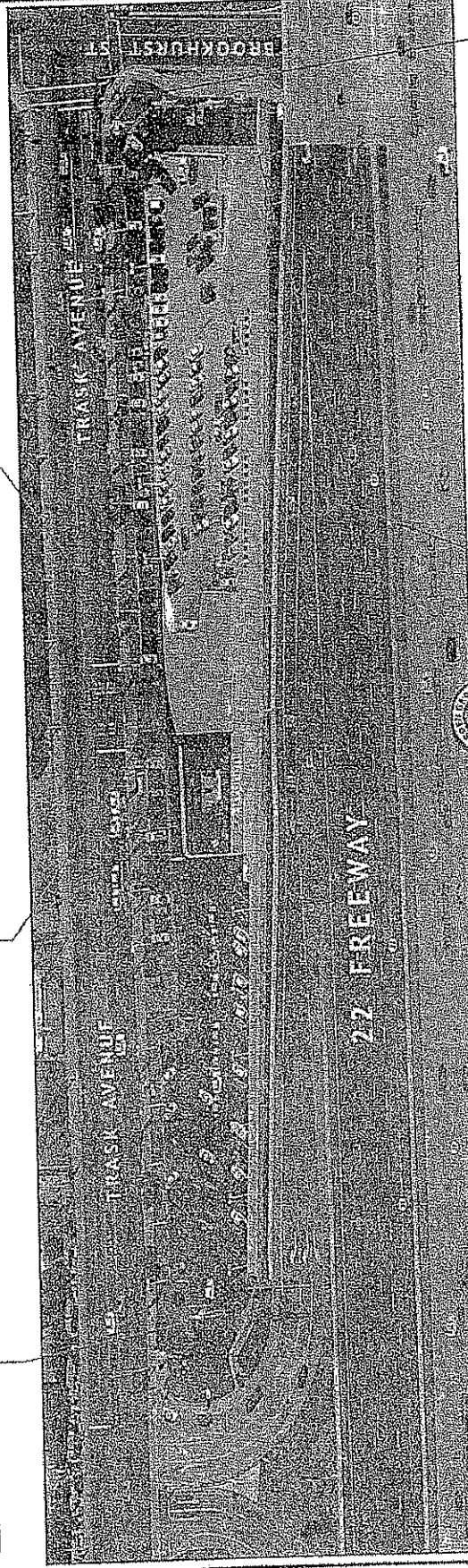
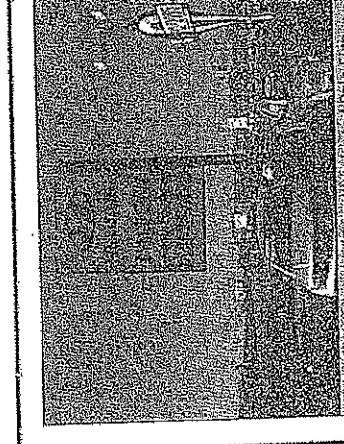
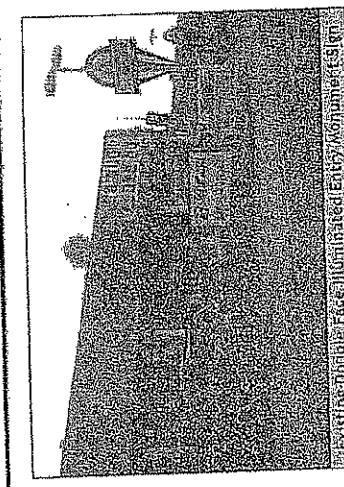
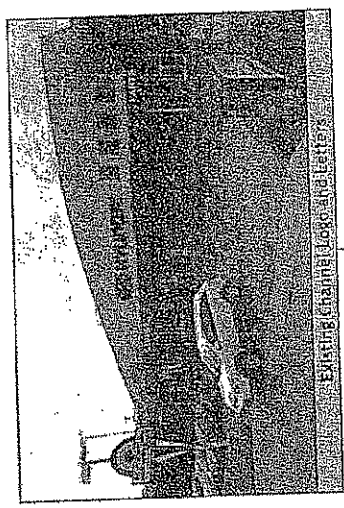
NOTED	DATE	BY	REVISION
			1. Revised Inlets & Signs
			2. Changed Station Name to High
			3. Added new to station name, 15
			4. Deleted Inlets at 15th Street
			5. Deleted Inlets at 15th Street
			6. Added into plan
			7. Deleted Inlets at 15th Street
			8. Deleted Inlets at 15th Street
			9. Deleted Inlets at 15th Street
			10. Deleted Inlets at 15th Street

DATE TESTED: \_\_\_\_\_ BY: \_\_\_\_\_  
 COMMENTS: \_\_\_\_\_

REVISIONS:  
 ACCEPTED FOR CHANGES  
 ACCEPTED WITH COMMENTS  
 REVISION REQUIRED

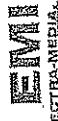
Project No.: \_\_\_\_\_  
 Drawing No.: 11-9595-9  
 Sheet No.: 3 of 4

NOTED: This drawing is subject to change without notice. The user of this drawing is advised that the user of this drawing is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of this drawing is also responsible for obtaining all necessary information from the appropriate authorities. The user of this drawing is also responsible for obtaining all necessary information from the appropriate authorities.



AERIAL VIEW - Existing Signs

Not to Scale



**ELECTRA-MEDIA, INC.**  
 LAWRENCEVILLE, CALIFORNIA  
 Plaster Huebner, 0193 775-4815



**LOS ANGELES DIVISION**  
 1000 West Century Blvd., Suite 1000  
 Century City, Los Angeles, CA 90045

Project: Garden Grove Hyundai  
 Address: 8848 Brookhurst  
 Garden Grove, CA 92647  
 Sales Entry: Janet Doppenhor

NOTED: 02/06/11  
 REVISIONS:

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 1. Remove all existing signs  
 2. Change all signs to be illuminated

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 3. Change sign to custom work, as per drawing

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 4. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 5. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 6. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 7. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 8. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 9. Increase sign height to 150'-0"

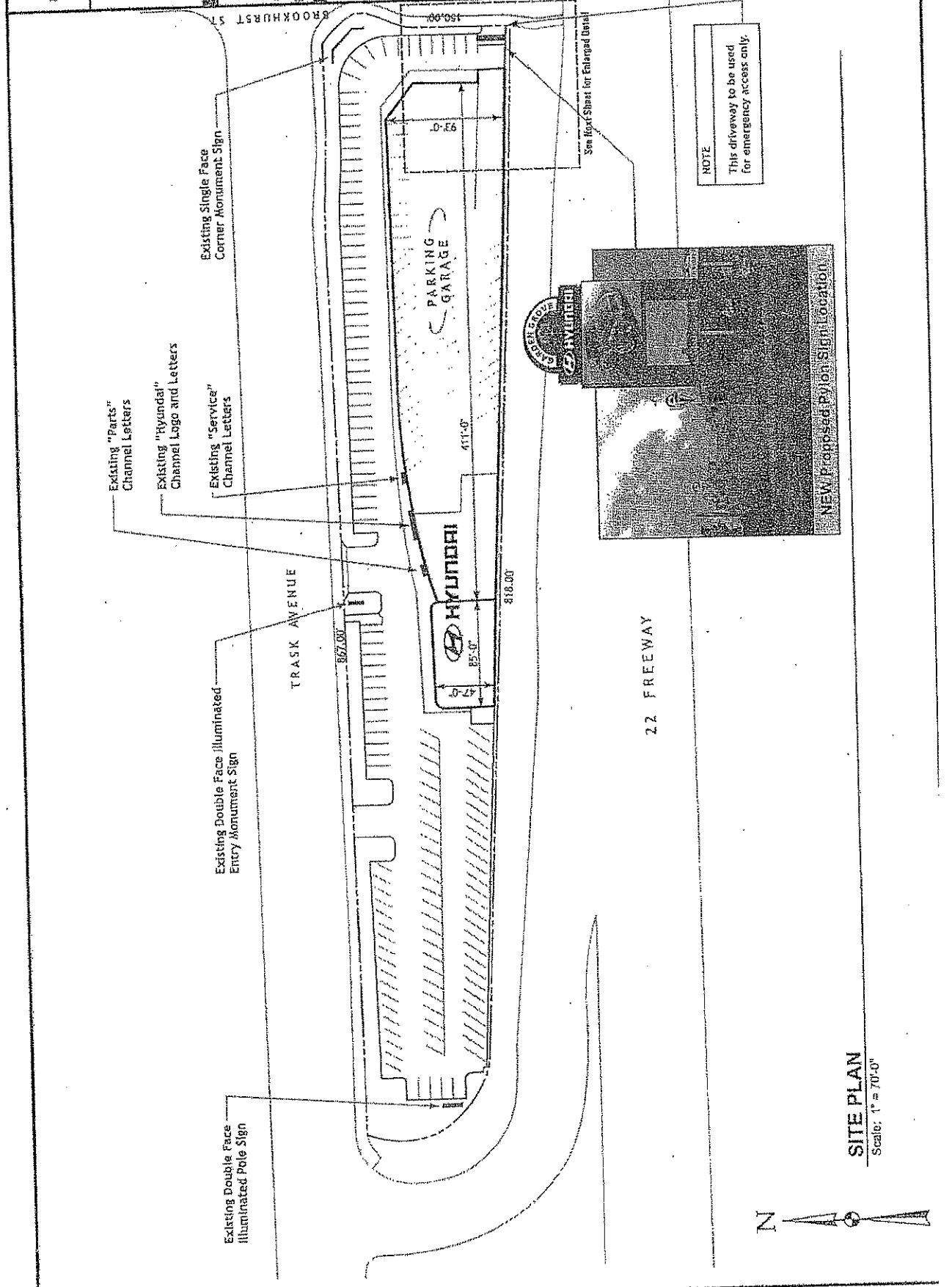
DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 10. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 11. Increase sign height to 150'-0"

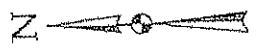
DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 12. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 13. Increase sign height to 150'-0"

DATE: 02/03/11 BY: J. GIBNEY  
 REVISION: 14. Increase sign height to 150'-0"



NOTE  
 This driveway to be used  
 for emergency access only.



**SITE PLAN**  
 Scale: 1" = 70'-0"

**EMI**  
ELECTRA-MEDIA, INC.  
LAWRENCE, CALIFORNIA  
Phone Number: (916) 720-0915

**YESCO**  
LOS ANGELES DIVISION  
1032 Wilshire Blvd. Suite 2000  
Los Angeles, CA 90024  
Phone: (213) 475-1111  
FAX: (213) 475-1112

Name: Gordon Street Highway  
Address: 5993 Gordon Avenue  
Garden Grove, CA 92644  
Sales Area: Area Engineer

NOTED: 02/18/13  
BY: [Signature]  
DATE: 02/18/13

REVISIONS:  
1. Revised layout signs  
2. Changed Gateway Sign to New

1. Change back to color sign, 4  
2. Change to 18" x 24" sign  
3. Change to 18" x 24" sign  
4. Change to 18" x 24" sign  
5. Change to 18" x 24" sign

DATE: 02/18/13  
BY: [Signature]  
DATE: 02/18/13  
BY: [Signature]

DATE: 02/18/13  
BY: [Signature]  
DATE: 02/18/13  
BY: [Signature]

DATE: 02/18/13  
BY: [Signature]  
DATE: 02/18/13  
BY: [Signature]

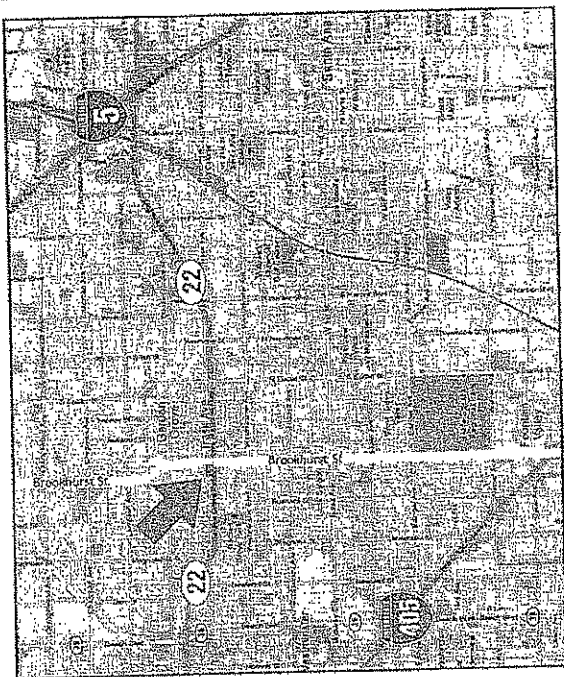
DATE: 02/18/13  
BY: [Signature]  
DATE: 02/18/13  
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BY: [Signature]  
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BY: [Signature]

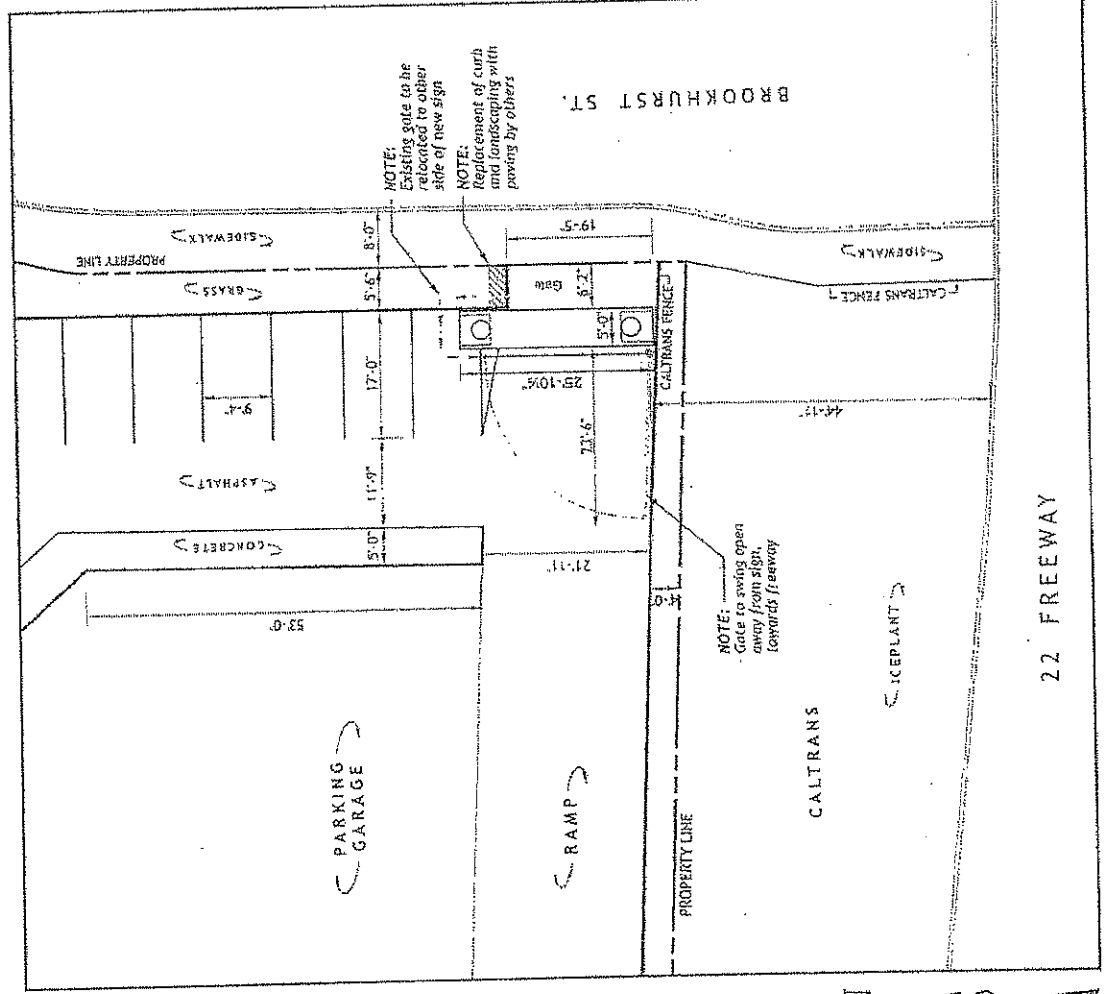
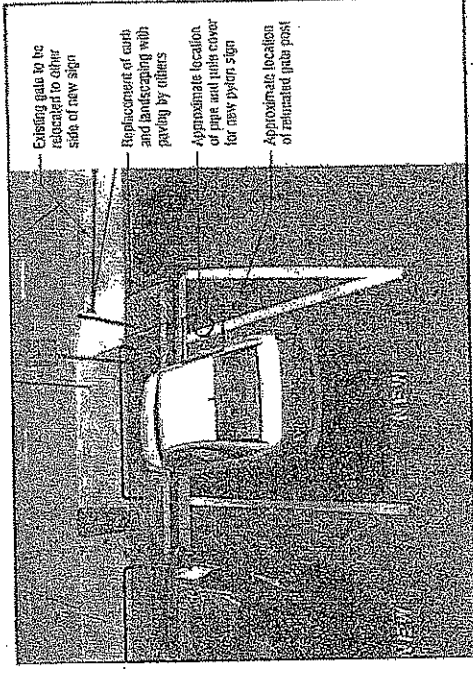
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BY: [Signature]  
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BY: [Signature]

DATE: 02/18/13  
BY: [Signature]  
DATE: 02/18/13  
BY: [Signature]

DATE: 02/18/13  
BY: [Signature]  
DATE: 02/18/13  
BY: [Signature]



**VICINITY MAP**  
Not to Scale



**LOCATION DETAIL**  
Scale: 1/16" = 1'-0"



**JOHN MUSE & ASSOCIATES, INC.**  
8159 Dartmoor Drive, Huntington Beach, CA 92646  
(714) 964-9813

February 16, 2012

RE: New Garden Grove Hyundai Sign, Garden Grove, California

Garden Grove Hyundai desires to add an approximately 372 square foot LED sign at 9898 Trask Avenue in Garden Grove, California. The maximum output of the new LED sign would be 6,320 nits (candela per square meter), with a daytime output of 85 percent and a night time output of 15 percent. The 25 millimeter LEDs would be limited to a 140 degree viewing horizontal viewing angle and a 69 degree vertical angle.

The maximum night time level of illumination from the sign to the nearby buildings would be as follows:

Location	Distance(Ft)	Sign illumination (footcandles)
10051 Trask, Residential	437	<0.1
10071 Trask, Residential	498	<0.1
Sunnyside School, NW Corner	480	<0.1
ARCO on NE Corner, Commercial	310	<0.2
Chevrolet on SE Corner, Comm	551	<0.1

For comparison, the level of illumination on a stairway is normally required to be an average of 1.0 footcandles minimum. The level of illumination in a normal mall parking lot is often more than 3.0 footcandles. Therefore, from a level of illumination standpoint, the proposed sign would not cause excessive illumination on the surrounding buildings.

John Muse & Associates, Inc.

*John E. Muse*

John E. Muse, P.E.

RESOLUTION NO. 5759-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV.12), AMENDING PLANNED UNIT DEVELOPMENT NO. PUD-110-96 TO ALLOW A 59-FOOT HIGH FREEWAY-ORIENTED ELECTRONIC READERBOARD SIGN FOR AN AUTO DEALERSHIP, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 1, 2012, does hereby recommend City Council approval of an Amendment (PUD-110-96 (Rev.12) to the Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership located on a minimum two (2) acre site, subject to Conditional Use Permit approval at 9898 and 10150 Trask Avenue, Parcel Nos. 098-090-57, 58, 099-681-01, 02, and 099-682-01, 02, 03.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-110-96 (Rev.12), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jared Hardin.
2. The applicant requests to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership located on a minimum two (2) acre site, subject to Conditional Use Permit approval.
3. The subject site has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96.
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 March 1, 2012, 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 March 1, 2012; 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 Planned Unit Development (PUD-110-96) is located at the southeast and southwest corners of Trask Avenue and Brookhurst street and consists of two auto dealership developments: (i) Garden Grove Hyundai, located on the southwest corner, and (ii) Simpson Chevrolet (formally Nicholas Chevrolet), located on the southeast corner.

The applicant is requesting to amend the Sign and Graphic Standards section in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership located on a minimum two (2)-acre site, subject to Conditional Use Permit approval.

The proposed amendment to Planned Unit Development No. PUD-110-96 will allow the individual dealerships opportunity for additional identification, while providing continuity between the design of all the freeway-oriented signs that identify the Auto Center as a cohesive whole.

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 installation of an electronic readerboard sign for an automobile dealership on a minimum two (2)-acre site 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. Individual proposals for an freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two (2)-acre site 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-110-96 (Rev.12), amending the Sign and Graphic Standards section of the Standards of Development for the Garden Grove Auto Center approved under Planned Unit Development No. PUD-110-96 as follows (new text in bold and deleted text in strike-through):

- I. Sign and Graphic Standards

1. General

**Except as otherwise expressly provided herein**, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each Site shall be shown in detail and submitted as part of the required Site Plan for the Site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobile sold by the dealer is permitted for each Site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed eight (8) feet in height above the finished grade.

3. Freeway Signs

- a. Dealer Signs

One freestanding pole sign containing the manufacturer's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobile on the Site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobile are identified.

~~b. Auto Center Identification sign – Pole Sign~~

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

**b. Auto Dealership Freeway-Oriented Electronic Readerboard Sign**

**In lieu of a "Dealer sign", one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the city relating to events affecting the community may be permitted for each automobile dealership located on a minimum 2-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove freeway and shall be in compliance with all state and federal laws. The maximum height of the said sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight feet in height. .**

c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center" identified in

letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III (I.2) above.

ADOPTED this 1st day of March, 2012

/s/ JENNIFER CABRAL  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on March 1, 2012, by the following votes:

AYES:	COMMISSIONERS:	CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	BRIETIGAM, PAK
ABSENT:	COMMISSIONERS:	BUI, DOVINH

/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 March 22, 2012.

RESOLUTION NO. 5763-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE TO APPROVE CONDITIONAL USE PERMIT NO. CUP-347-12.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 1, 2012, does hereby approve Conditional Use Permit No. CUP-347-12 for the property located on the southwest corner of Trask Avenue and Brookhurst Street at 9898 Trask Avenue, Parcel No. 098-090-57 and 58.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-347-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jared Hardin.
2. The applicant requested to amend the Sign and Graphics Standards section of Planned Unit Development No. PUD-110-96 zone to allow a 59-foot high freeway-oriented electronic readerboard sign for an automobile dealership located on a minimum two (2) acre site, subject to Conditional Use Permit approval, in conjunction with a request for Conditional Use Permit approval to install a 59-foot high freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located at 9898 Trask Avenue.
3. The subject site has a General Plan Land Use Designation of Heavy Commercial and is zoned Planned Unit Development No. PUD-110-96.
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 March 1, 2012, 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 March 1, 2012; 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 approximately 2.5 acre property located at the southwest corner of Trask Avenue and Brookhurst Street and is developed with the Garden Grove Hyundai automobile dealership.

In conjunction with the proposed Planned Unit Development Modification (PUD-110-96 (Rev. 12)), the applicant is requesting approval of a Conditional Use Permit for the installation of a 59-foot high freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located at 9898 Trask Avenue.

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-110-96, the proposed sign will be consistent with the General Plan Land Use Designation of the property, which is Heavy Commercial, 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 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 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 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 sign has been designed to be consistent in design with the other automobile dealership freeway-oriented signs 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 sign is constructed as proposed and adheres to the conditions of approval for the life of the project, the proposed sign will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Conditions of Approval require the 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 the installation of a 59-foot high freeway-oriented electronic readerboard sign within ten (10) feet of the freeway right-of-way. The sign can be easily accommodated on-site without negatively impacting on and off-site circulation and has been designed to be consistent in design within other freeway-oriented signs with the automobile dealership area.

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 the installation of a freeway-oriented electronic readerboard sign that is located adjacent to the Garden Grove Freeway and Brookhurst Street rights-of-way. 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-347-12.

Conditional Use Permit No. CUP-347-12 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-110-96 in substantially the same form as recommended by the Planning Commission becomes effective.

ADOPTED this 1st day of March, 2012

/s/ JENNIFER CABRAL  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on March 1, 2012, by the following votes:

AYES:	COMMISSIONERS:	CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	BRIETIGAM, PAK
ABSENT:	COMMISSIONERS:	BUI, DOVINH

/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 March 22, 2012.

## EXHIBIT "A"

### Conditional Use Permit No. CUP-347-12 9898 Trask Avenue

#### CONDITIONS OF APPROVAL

##### GENERAL CONDITIONS

1. The property owner shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office. Proof of such recordation is required prior to the issuance of building permits. 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 Hearing Body.
2. Conditional Use Permit No. CUP-347-12 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-110-96 in substantially the same form as recommended by the Planning Commission becomes effective. Approval of this Conditional Use Permit shall be contingent upon approval of Planned Unit Development No. PUD-110-96 (Rev. 12) and 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.
3. All modifications shall be approved by the Community Development Department. If other than minor changes are proposed, the appropriate entitlements shall be submitted, such as a new application, containing all proposed revisions, shall be required.
4. 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.

##### Community Development Department

5. This approval shall be for the installation of a 59-foot high freeway-oriented electronic readerboard sign in substantial compliance with the approved set of plans submitted with the subject Conditional Use Permit request and the requirements of PUD-110-96 (Rev. 12), except as modified herein.
6. The maximum height of the readerboard sign shall be 59 feet, measured from grade to top of sign.
7. The design of the sign shall be consistent with other Auto Center signs along Trask Avenue and shall include an arched top with "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8)-feet in height.

FINAL

The entire sign structure, including supports shall be painted blue to match the blue accents on the building. Color samples shall be submitted along with plans submitted for Building permits.

8. The sign illumination, including the LED screen, shall be dimmed to the level of the ambient light level within the area 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 not exceed 15 percent. The readerboard images shall maintain one 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. During all other times the image on the readerboard shall not change less than every 8 seconds.
9. The proposed freeway-oriented electronic readerboard sign shall comply with the Caltrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.
10. The applicant shall allow the advertising of community events, as approved by the City Manager. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.
11. 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.
12. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-347-12, and their agreement with all Conditions of the Approval.
13. 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-347-12. 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**

The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times. All access gates shall be equipped with a Knox rapid entry keyed access system subject to approval of the Garden Grove Fire Department. Manual gates shall have Knox padlocks.

DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12)  
CONDITIONAL USE PERMIT NO. CUP-347-12  
APPLICANT: JARED HARDIN  
LOCATION: SOUTHEAST AND SOUTHWEST CORNERS OF TRASK AVENUE AND BROOKHURST  
STREET AT 9898 AND 10150 TRASK AVENUE  
DATE: MARCH 1, 2012

REQUEST: To modify the Sign and Graphic Standards in an existing Planned Unit Development (PUD-110-96) to allow a 59-foot high auto dealership electronic freeway-oriented sign, subject to Conditional Use Permit approval, for an auto dealership on a minimum two-acre site. The site is in the Planned Unit Development No. PUD-110-96 zone.

Staff report was read and recommended approval. One letter of opposition was written by Hoa Lan, three petitions of opposition were received, and information on digital billboard controversies was submitted for review.

Commissioner Brietigam asked if the City could advertise on the sign or would receive or generate revenue from the sign. Staff responded that the City would not generate revenue, however, a condition would allow the City to advertise ten percent of the time for community events and public service announcements.

Commissioner Pak asked for a sign comparison with the Volkswagon and Toyota freeway signs in the area. Staff responded that the proposed sign was approximately the same height, including the Chevrolet dealership non-LED sign, and that the brightness would be approximately the same.

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

Mr. Jared Hardin approached the Commission and stated that his business donates back to the community; that he does a large amount of advertising; that he has over 50 employees and over 3,500 vehicles were sold in 2011; that he is a third generation dealer in his family; that he has a similar auto dealer sign in Anaheim that generated a fifty percent increase being a good traffic builder; that these signs were partnerships between cities and manufacturers and his support comes from the manufacturer; that he understood the residential opposition, however, the sign would be in a commercial area and be a benefit; and, that the sign would be prior to an off ramp.

Vice Chair Cabral asked the applicant if he had read and agreed with the Conditions of Approval. Mr. Hardin replied yes.

Commissioner Lazenby expressed his concerns regarding the glare factor as the sign at Taft Street shines in his front door. He asked if the 140 degree LED array could be moved down to be visible only on the freeway and not in residential areas.

The applicant responded yes, that the degrees were adjustable to control the brightness.

Commissioner Lazenby added that the degree pertained to the angle for visibility only on the freeway, not the brightness factor.

Commissioner Silva questioned why the applicant's predecessor dealership, Dodge, did not have a sign, nor did Nissan, and obviously a dealer would like be next to a freeway.

The applicant replied that many factors were the key to success, and even with the best signage, businesses could fail if all aspects were not taken into account.

Commissioner Pak asked the sign's cost. The applicant replied \$500,000.

Commissioner Pak then asked if the applicant had tried for a community meeting to tackle the negative response issues. The applicant responded that a meeting should have occurred, however, the benefits outweighed the one percent of opposition; that he had employees that rely on the store; and that he would meet with the residents.

Commissioner Brietigam questioned why the sign would face Trask Avenue and could the sign be built on top of the parking structure to be visible only on the freeway.

The applicant responded that the sign would be perpendicular to Trask Avenue; that the sign is double-sided for freeway visibility only; that the dealership rests in a hole; that the sign height is approximately the same height as the green readerboards; that placing the sign on the parking structure would move the sign further west passed the off ramp; and that the parking structure was not designed for the sign.

Vice Chair Cabral asked if the Anaheim sign was next to a freeway. The applicant replied yes, that the sign was larger and installed in 2010, after going through Anaheim's Planning Commission and City Council process.

Mr. Rod Wilson, the owner, approached the Commission and stated that with the new LED technology, the 140 degree viewing angle could be controlled for dimming vertically and horizontally.

Commissioner Lazenby asked if the viewing angle could be brought down to 80-90 degrees so the residential area would not receive the sign glare.

Mr. Wilson added that the degrees could be 90, 120, and 140 and that the hours of operation for the LED display would be 7:00 a.m. turn-on and 10:00 p.m. turn-off, or there was the option to display all night with a static frame; that during the day, there would be no impact; that the window from 6:00 p.m. to 10:00 p.m. would be the hours of concern; that this new technology has the flexibility to bring the ambient light input down; that if the Volkswagon sign had a concern, he would look into the matter as the other center was older technology and the intensity could be lowered; and that the new sign has 0-100 percent dimming levels.

Commissioner Lazenby asked if a lens would create a problem. Mr. Wilson replied yes, that the 20 millimeter display resolution would be affected. Also, that the display would go dark at 10:00 p.m., and that if the display were static, the dimming would be the standard 15 percent, however, the display would still be acceptable and visible to the residents at five percent; and, that the dimming would be done by line voltage from the office software.

Mr. John Muse, a registered civil engineer, approached the Commission and stated that the sign illumination would be less than 0.1 foot candles and would go down from a further distance; and that the 1/10<sup>th</sup> illumination would not be a significant issue.

Commissioner Lazenby agreed and stated that the glare would be the issue especially if the glare could be seen a half a mile away; and, that if the sign was dark or at 15 percent after 10:00 p.m., the residents would have some protection.

Mr. Muse agreed, and stated that issue typically pertained to the older technology; that the 15 percent would be the maximum at night and 85 percent during the day, however, the sun would be brighter; and, that the sign was ribbon-tied.

Commissioner Brietigam asked if the sign could be designed to attach to a freestanding building or be lighter in weight.

Mr. Muse responded that a sign could be incorporated into a parking structure only during the initial design phase of the structure; and, that adding the heavy sign to the parking structure now would be too expensive.

Mr. Wilson added that for a comparison to the Volkswagon sign, the proposed sign would have a smaller display set at less ambient light output for less glare; and, that the percentage could be lowered to decrease the glare.

Vice Chair Cabral asked staff if there were complaints from the existing signs. Staff replied no.

Vice Chair Cabral then questioned if the display was conditioned to be 'static'. Staff answered yes, and that the sign could also be conditioned to be dark.

Commissioner Lazenby commented that a successful business would be good for the City, however, an increase in traffic would be a concern. He asked staff if the signals could be set to assist with traffic flow.

Staff responded that Brookhurst Street had been re-timed to have optimized 'green' time, however, adjustments could be made based on the traffic impacts of the project; that with the street built-out, additional lanes would not be an option; that an option could be a 'free-right' for traffic heading eastbound right, turning from Trask Avenue down to Brookhurst Street going south; that a 'free-right' would mean that traffic would go continuously without stopping at a red light; that the option would require acquisition of Hyundai property; and, that other options were being explored.

Phat Bui approached the Commission and stated that he was a concerned citizen, resident, and parent with safety concerns for residents living along Trask Avenue on either side of the freeway and the students using the intersection to cross the streets; that 250 neighbors signed a petition regarding the children and quality of life; that research shows digital billboards were controversial nationwide; that the City should conduct hazard studies prior to granting approvals for the freeway signs; that there would be four, maybe five billboards in the future; and, that the decision should be considered carefully especially because of the lifelong impact. He also expressed that the Hyundai dealership owner did not reach out to the community; that the one percent opposed would be considered losers and 99 percent would be



the winners; and, that both sides of the billboard would be visible on Trask Avenue going both east and west, which would affect traffic and potential accidents. He further added a quote: "The American Association of State Highway and Transportation Officials has issued a brief about the digital boards, calling them a distraction to motorists already distracted by in-car issues, like cell phones and text messaging. The AASHTO says the digital boards pose a hazard to motorists who are distracted." Also, "The Federal Highway Administration Report cited many studies from different states, of which the Wisconsin Study (Page 9) shows that Interstate I-94 eastbound traffic saw a crash rate increase of 36%." As a parent, Mr. Bui hoped the Planning Commissioners would think carefully prior to voting on the project.

Mr. Vinny Nguyen approached the Commission and expressed that he has a young child who would eventually need to cross Trask Avenue and Brookhurst Street to attend school; that Brookhurst Street was congested and dangerous; and, that the sign would be a big distraction for children and motorists. He also questioned who would be responsible for accidents, especially those caused from being distracted by the sign, and suggested moving the sign next to the freeway ramp on Trask Avenue. Though he did not oppose the sign, he opposed the corner location.

Mr. Mach Bui approached the Commission and expressed that walking to school, he and his friends were already afraid for their safety at the Brookhurst Street and Trask Avenue intersection; that they did not want to be frightened more with the new billboard; that he had studied at school about accidents caused by distractions; that the high speed of traffic would contribute to motorists crashing; that two existing LED billboards flash every few seconds into his house at night; and, that he hoped the Commission would not jeopardize his safety and quality of life.

Ms. Mai Luong, who lives on Trask Avenue, approached the Commission as a concerned citizen and mother, and asked her friend Kim Ngo to read her letter of opposition aloud. Her letter stated that two petitions of opposition were submitted that stated traffic safety concerns regarding pedestrians, especially children, crossing the busy intersection at Brookhurst Street and Trask Avenue, and that she would be living in the area for a long time.

Mr. Victor Vuong approached the Commission and stated that he opposed the billboard due to safety concerns for students who use the Brookhurst Street and Trask Avenue intersection; that drivers were distracted by cell phones and texting, and that an example would be that a railroad train accident had been caused by the operator texting and many people were injured; and, he hoped that his safety and that of his student friends would be above the business interests.

Ms. Ashley Le approached the Commission and expressed her opposition to the billboard at Brookhurst Street and Trask Avenue as she had friends that cross the intersection going to and from school at 8:00 a.m or 2:00 p.m.; that the traffic was fast; that even though her parents drive her to and from school, she was not safe either as a crash could occur from the billboard distraction; and, that the Planning Commission should consider the student's safety as well as their own.

Mr. Rick Johnston approached the Commission and read a letter of opposition for his neighbor, Dino Pham, who was not able to attend the meeting due to illness. Mr. Pham expressed his concerns for the Trask Avenue sign as well as the planned sign for the Chevrolet dealership; that he had safety concerns for the children attending Jordan School or the Sunnyside School who cross the busy intersection; that the signs would be there for a long time; and, that the quality of life would be affected as

one digital billboard was unbearable and two would be miserable near his house. Mr. Johnston then added his own observation that the existing billboard changes approximately every five seconds and driver's eyes would be diverted, a deadly combination at the Brookhurst Street and Trask Avenue intersection.

Mr. Tinh Buu approached the Commission and expressed his safety concerns stating that though he did not live in that area anymore, he knew that people avoid the busy area, especially because of elderly drivers who seem to be distracted; that Vietnamese go to the area four to five times a day for coffee or groceries; that it would not be a good idea if the billboard faced Trask Avenue; and, that a different location may be better.

Ms. Tina Dang approached the Commission and stated that she was a registered nurse at Kaiser Hospital and Fountain Valley Hospital and opposed the project; that the last couple of years, 80 percent of patients came from motor vehicle accidents; that one out of ten patients may walk out, the others being paralyzed; that she passes by Trask Avenue four to five times a day; that she likes the business idea, however, life was more important; and, that she hoped the Commission would consider the project carefully.

Mr. Tai Vo approached the Commission and expressed that the freeway and intersection have a lot of traffic accidents; that he avoids the street because of too much traffic; that there was a traffic light problem; that three young people spoke with concerns; and, he cautioned that the project would not be good for the City.

A resident from Santa Ana approached the Commission and stated that he did a community survey that day; that people did pay attention to billboard signs on the freeway, which could cause an accident; that there was no difference between looking at billboards, using cell phones, and texting as distractions; and, that the City of Garden Grove should think about the area, as who would build a billboard next after Hyundai?

The applicant then stated he was appreciative that people spoke on the project, especially with regard to safety; that Caltrans studies substantiated that signs, when operated properly, do not increase accident risk; that the risk would be a freeway risk rather than a Boulevard risk; that Caltrans stated there was not a risk increase for the Anaheim sign; that he was not aware of any litigation regarding these signs; that the sign was not designed to be seen from the Boulevard; that potential issues may be that real estate values and commutes would be affected; that he recognized that students walk to school; that a compromise could be a static display during school hours; that citizens and businesses support education and schools; that any house across from a freeway or auto center would be affected by light; and, that the area was commercial, not residential.

Mr. Wilson added that other signs were controlled by Caltrans regulations for outdoor advertising; that no motion or animation would be allowed; that a 405 Freeway Caltrans study proved that accidents did not increase after installing LED digital displays; and, that one study was during the 1980's during the light bulb displays and one in the mid 1990's at the beginning of the LED displays; that Caltrans only allows static displays without motion; that after the second initial study, Caltrans began installing their own electronic message centers for amber alerts; that the image renewal rate was five seconds, with a recommendation of no more than five or six seconds for one image morphing into the next for less distraction; and, that the renewal rate could be extended to seven seconds.

Commissioner Pak asked for the number of total viewing seconds. The applicant replied that 30 seconds at the speed limit would give the opportunity to exit; and, that the design looks great with a four-foot side width in a blue color.

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

Commissioner Lazenby expressed that he was familiar with the intersection and the safety concerns; that the hazardous area was the on-ramp to the Garden Grove Freeway east on the southbound Brookhurst Street side; that the crosswalk was long; that perhaps traffic could be slowed down; and that suggestions would be 'no-turn on red' during school hours on the southbound Brookhurst Street to the westbound Trask Avenue, along with a longer 'walk' sequence.

Staff added that a longer walk sequence would impact the ability to coordinate traffic signals.

Commissioner Brietigam stated the concerns could have been resolved if the applicant had spoken to the community; that safety issues do exist; that the sign may not be consistent with Garden Grove; that similar signs in Commerce face the freeway and do not impact the community; that the location and placement of the sign should have been reconsidered; that he could not support this request; and, that he hoped the applicant would reach out to the community to make the project happen.

Commissioner Pak stated that the area was successful for the Vietnamese community; that the intersection was probably the busiest in the City with traffic backed-up; that traffic synchronization was needed near the Jordan School and at Westminster; that the community had safety concerns for their children; that there may be a compromise, however, the community input was missing; that the request could be tabled for a later date; that the sign would be a great opportunity to promote City events; and, that the Hyundai dealership could invite the community to the dealership to discuss safety issues.

Commissioner Silva commented that he agreed, however, he would support the request as the sign would be an asset to the City for announcements; that the applicant was willing to work with the community on the issues; that the traffic was terrible and the sign would probably not contribute to the traffic any more than any other dealership; and, that compromise would be needed to be successful.

Commissioner Lazenby added that if the viewing time was extended, the display would be dark at 10:00 p.m. to not affect sleep, and the illumination level would be 15 percent, he would support the project; that the impact would likely be less than expected by the neighbors; and, that the LED would be directed down on the freeway above house levels.

Commissioner Silva stated that, from a business aspect, he would not favor the sign going dark from 10:00 p.m. to 7:00 a.m. as the hours would be too restrictive and that 15 percent static display would be better.

Vice Chair Cabral acknowledged the community's frustration with experiencing traffic, with the applicant being the receiver of the frustration; that she was originally opposed to the request having seen billboards in other cities; that Garden Grove needs to thrive by bringing in funds to help the community with a balance; that the

applicant was willing to work with the community and make sacrifices to fit in the community; that she would support the request, however, not support the delay in making a decision; that the sign should not go dark; that suggested conditions to add would be the 15 percent decrease from 10:00 p.m. to 7:00 a.m. and to extend the viewing time to eight seconds; that the City would look at the traffic concerns; and, that the resident's primary concern was public safety and not the lights.

Commissioner Lazenby stated that text messaging, cell phone usage, and irresponsible drivers have no bearing on the sign installation, however, the amount of traffic may be impacted, but could be addressed by the City.

Commissioner Pak reiterated that a community meeting would be respectful to promote civic participation; that even with additions to the conditions, the request needed more consideration; and, that though he basically supported the request, he could not support a by-pass of this important step.

Commissioner Brietigam agreed and stated that many cities were having less signage; that studies go both ways; and, that the community should have been involved, however, he would not support a postponement.

Vice Chair Cabral agreed the Community should have been involved, however, the public hearing process allowed the community to express their concerns; that the community was heard, as the proposed added conditions reflect; and, that the community was valued.

Vice Chair Cabral moved to adopt Planned Unit Development No. PUD-110-96 (Rev. 12) and Conditional Use Permit No. CUP-347-12, with added conditions that include the extension of the image viewing time to eight seconds and the sign not going dark after 10:00 p.m., seconded by Commissioner Lazenby, pursuant to the facts and reasons contained in Resolution Nos. 5759-12 (PUD) and 5763-12 (CUP). The motion received the following vote:

AYES:	COMMISSIONERS:	CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	BRIETIGAM, PAK
ABSENT:	COMMISSIONERS:	BUI, DOVINH

**APPEAL**  
**REQUEST FOR CITY COUNCIL OR PLANNING COMMISSION PUBLIC HEARING**

TO: City Clerk's Office, City of Garden Grove  
11222 Acacia Parkway, Garden Grove, CA 92840  
(714) 741-5040

Pursuant to Section 9.32.110 of the Municipal Code, I hereby appeal the decision of the **Planning Commission / Zoning Administrator** in Case No. **Conditional Use Permit No. CUP-347-12**, and petition the **City Council / Planning Commission** for a Public Hearing to consider **approving / denying / modifying** the subject application for the following reasons:

Request appeal of the Planning Commission approval of Conditional Use Permit No. CUP-347-12 to the City Council. This will enable both applications for the Hardin Hyundai Auto sign to be heard concurrently at a City Council meeting. The other concurrent application is Planned Unit Development No. PUD-110-96, which was recommended for approval by the Planning Commission.

Date: 3/22/12 Appeal Fee (see reverse): \_\_\_\_\_

Appellant: Juan Emergy / CD Director

Address: City Hall

City & ZIP: 11222 Acacia Pkwy Phone No.: 741-5148  
928.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12), AMENDING SECTION I, SIGN AND GRAPHIC STANDARDS, OF PLANNED UNIT DEVELOPMENT NO. PUD-110-96 TO INCREASE THE HEIGHT OF PERMITTED STREET SIGNS FROM 5 TO 8 FEET AND TO ALLOW A 59-FOOT HIGH FREEWAY-ORIENTED ELECTRONIC READERBOARD SIGN FOR AN AUTO DEALERSHIP, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

**City Attorney Summary**

***This Ordinance approves an amendment to the existing Sign and Graphic Standards applicable to Planned Unit Development No. PUD-110-96, which covers property located on the southeast and southwest corners of Trask Avenue and Brookhurst Street at 9898 and 10150 Trask Avenue, Garden Grove, and including Assessor Parcel Nos. 098 090 57 and 58; 099 681 01 and 02; and 099 682 01, 02, and 03. The amendment increases the allowable height of permitted street signs from 5 to 8 feet and replaces the provision permitting a maximum 50 foot high auto center identification pole sign with a provision allowing for a maximum 59 foot high freeway oriented readerboard sign for an automobile dealership on a minimum two acre site, 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 Jared Hardin, proposes to modify the Sign and Graphic Standards section of Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the allowable height of the permitted street monument sign from 5 to 8 feet, on property located on the southeast and southwest corners of Trask Avenue and Brookhurst Street at 9898 and 10150 Trask Avenue and including Assessor Parcel Nos. 098-090-57 and 58; 099-681-01 and 02; and 099-682-01, 02, and 03;

WHEREAS, the City Council finds that this amendment to Planned Unit Development No. PUD-110-96 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, pursuant to the Planning Commission Resolution No. 5759-12, at a Public Hearing on March 1, 2012, recommended approval of the amendment to Planned Unit Development No. PUD-110-96;

WHEREAS, pursuant to legal notice a Public Hearing was held by the City Council on April 10, 2012, and all interested parties 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-110-96 (Rev. 12):

"A. The amendment is internally consistent with the goals, policies, and elements of the General Plan. Auto dealerships and associated signs are consistent with the Heavy Commercial General Plan Land Use Designation, which is intended to provide a variety of more intensive commercial uses, including automotive sales uses. 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 uses on the subject site to remain commercially viable through the use of visible and effective signage. Increasing the allowable height of permitted street monument signs and permitting the installation of freeway-oriented electronic readerboard signs 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 readerboard 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. Increasing the allowable height of the permitted street monument sign for the automobile dealerships within the Planned Unit Development will increase visibility of such signs from the freeway off-ramp and Trask Avenue, without impairing the visual integrity of the area. The amendment only permits a freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two (2) acre site, subject to a Conditional Use Permit. Accordingly, a maximum of two (2) such signs could be constructed within the Planned Unit Development. Further, the total number of signs allowed is not increased, since such a freeway-oriented electronic readerboard sign is allowed only in lieu of the previously permitted automobile dealership identification pole sign. Further, requiring that individual proposals for such a freeway-oriented electronic readerboard sign be reviewed through the Conditional Use Permit process will allow for discretionary review and tailoring of conditions of approval unique to each 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. Planned Unit Development No. PUD-110-96 (Rev. 12) is hereby approved, pursuant to the facts and reasons stated in the Planning Commission Resolution No. 5759-12, 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 3. Pursuant to this approval of Planned Unit Development No. PUD-110-96 (Rev. 12), Section I (Sign and Graphic Standards) of Planned Unit Development No. PUD-110-96 is amended to read as follows (new text in bold and deleted text in strike-through):

"I. Sign and Graphic Standards

1. General

**Except as otherwise expressly provided herein**, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each site shall be shown in detail and submitted as part of the required Site Plan for the site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobiles sold by the dealer is permitted for each site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five **eight (8)** feet in height above the finished grade.

3. Freeway Signs



a. Dealer Signs

One freestanding pole sign containing the manufacturer's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies, but shall not be higher than fifty (50) feet, and the total sign area shall not exceed one hundred fifty (150) square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobiles on the site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobiles are identified.

b. ~~Auto Center Identification sign~~ Pole Sign

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

b. Auto Dealership Freeway-Oriented Electronic Readerboard Sign

**In lieu of a "Dealer sign," one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the City relating to events affecting the community may be permitted for each automobile dealership located on a minimum 2-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove Freeway and shall be in compliance with all state and federal laws. The maximum height of the said sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8) feet in height.**

c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or

masonry. Each sign shall have "Garden Grove Auto Center" identified in letters not to exceed a height of fourteen (14) inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed twenty-one (21) square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III (I.2) above."

Section 4. Severability. 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 5. 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.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
GRANTING THE APPEAL AND APPROVING CONDITIONAL USE PERMIT  
NO. CUP-347-12, SUBJECT TO THE MODIFIED CONDITIONS OF APPROVAL

WHEREAS, the case, initiated by Jared Hardin, requested Conditional Use Permit approval to install a 59-foot high freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located on the southwest corner of Trask Avenue and Brookhurst Street at 9898 Trask Avenue, Garden Grove, Parcel Nos. 098-090-57 and 58;

WHEREAS, pursuant to Resolution No. 5763-12, the Planning Commission of the City of Garden Grove, following a Public Hearing on March 1, 2012, approved Conditional Use Permit No. CUP-347-12, subject to effectiveness of an Ordinance adopted by the Garden Grove City Council amending Planned Unit Development No. PUD-110-96 to permit the proposed sign subject to Conditional Use Permit approval;

WHEREAS, the case was appealed to City Council, and City staff has proposed the addition and/or modification of certain Conditions of Approval to which the Conditional Use Permit would be subject;

WHEREAS, following a Public Hearing on April 10, 2012, the City Council introduced and conducted the first reading of an Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12), amending Planned Unit Development No. PUD-110-96 to allow a 59 foot high freeway-oriented electronic readerboard sign for an auto dealership, subject to conditional use permit approval;

WHEREAS, the City Council has determined that this project 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, pursuant to legal notice, a Public Hearing was held by the City Council on April 10, 2012, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of April 10, 2012.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED by the City Council of the City of Garden Grove that the facts and reasons supporting the

conclusion of the City Council, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is an approximately 2.5 acre property located at the southwest corner of Trask Avenue and Brookhurst Street and is developed with the Garden Grove Hyundai automobile dealership. The subject site has a General Plan Land Use Designation of Heavy Commercial and is currently zoned Planned Unit Development No. PUD-110-96.

The applicant has requested to modify the Sign and Graphics Standards section of Planned Unit Development No. PUD-110-96 zone to allow a 59-foot high freeway oriented electronic readerboard sign for an automobile dealership located on a minimum two (2) acre site, subject to Conditional Use Permit approval. In conjunction with the proposed Planned Unit Development Modification (PUD-110-96 (Rev. 12)), the applicant is requesting approval of a Conditional Use Permit for the installation of a 59-foot high freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located at 9898 Trask Avenue.

Following a Public Hearing on April 10, 2012, the City Council introduced and conducted the first reading of an Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12), amending Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented electronic readerboard sign for an auto dealership, subject to conditional use permit approval.

FINDINGS AND REASONS:

Conditional Use Permit:

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

Auto dealerships and associated signs are consistent with the Heavy Commercial General Plan Land Use Designation, which is intended to provide a variety of more intensive commercial uses, including automotive sales uses. The proposed sign 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 existing automobile dealership on the site to remain commercially viable through the use of a more visible and effective mode of signage. Permitting the installation of the proposed freeway-oriented electronic readerboard 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. In conjunction with the associated proposed

modification to Planned Unit Development No. PUD-110-96, the proposed sign will be consistent with the zoning and General Plan Land Use Designation of the property, and will be compatible with surrounding land uses, 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 sign will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surround area. The conditions of approval applicable to the sign will minimize potential impacts to the adjoining area. Applicable conditions of approval include, without limitation, the following:

- The sign illumination must be dimmed at dusk and shall not cause light and glare on adjacent residential properties, streets, or the freeway right-of-way;
- maximum output of light from the sign during nighttime hours is limited to between 5 and 15 percent;
- the sign must maintain a single readerboard 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;
- during all other times, the images on the readerboard shall be maintained at minimum 8 second intervals and shall not change more frequently;
- the face of the readerboard sign must be angled away from the adjacent residents located to the northeast of the site so that the face of the sign is directed more in-line with the Garden Grove Freeway right-of-way and way from Trask Avenue; and
- the sign must comply with applicable CalTrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.

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 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 sign has been designed to be consistent in design with the other automobile dealership freeway-oriented signs and, as described above, 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 sign is constructed as proposed and adheres to the conditions of approval for the life of the project, the proposed sign will not jeopardize, endanger, or otherwise constitute a menace to public health, safety or general welfare. Conditions of approval require the sign to be installed per requirements of CalTrans for lighted signs adjacent to freeways, that the image on the readerboard not change more frequently than every eight (8) seconds and remain static between the hours of 10:00 p.m. and 7:00 a.m., and that the sign lighting be directed and shielded so as not to cause light and glare on adjacent properties.

5. 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 the installation of a 59-foot high electronic readerboard sign within ten (10) feet of the freeway right-of-way. The sign can be easily accommodated on-site without negatively impacting on and off-site circulation and has been designed to be consistent in design with other freeway-oriented signs with the automobile dealership area.

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 the installation of an electronic readerboard sign that is located adjacent to the Garden Grove Freeway and Brookhurst Street rights-of-way. 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.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Garden Grove:

1. The City Council grants the appeal and approves Conditional Use Permit No. CUP-347-12, subject to the modified attached conditions of approval.
2. 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-347-12.

3. Conditional Use Permit No. CUP-347-12 shall not become effective until and unless an Ordinance adopted by the Garden Grove City Council approving Planned Unit Development No. PUD-110-96 (Rev. 12) becomes effective.

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-347-12**

9898 Trask Avenue, Garden Grove

### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

1. The property owner shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office. Proof of such recordation is required prior to the issuance of building permits. 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 Hearing Body.
2. Conditional Use Permit No. CUP-347-12 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-110-96 in substantially the same form as recommended by the Planning Commission becomes effective. Approval of this Conditional Use Permit shall be contingent upon approval of Planned Unit Development No. PUD-110-96 (Rev. 12) and 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.
3. All modifications shall be approved by the Community Development Department. If other than minor changes are proposed, the appropriate entitlements shall be submitted, such as a new application, containing all proposed revisions, shall be required.
4. 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.

#### **Community Development Department**

5. This approval shall be for the installation of a 59-foot high freeway-oriented electronic readerboard sign in substantial compliance with the approved set of plans submitted with the subject Conditional Use Permit request and the requirements of PUD-110-96 (Rev. 12), except as modified herein.
6. The maximum height of the readerboard sign shall be 59 feet, measured from grade to top of sign.
7. The design of the sign shall be consistent with other Auto Center signs along Trask Avenue and shall include an arched top with "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8)-feet in height.



The entire sign structure, including supports shall be painted blue to match the blue accents on the building. Color samples shall be submitted along with plans submitted for Building permits.

8. The 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 readerboard shall maintain one 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. During all other times, the images on the readerboard shall be maintained at minimum 8 second intervals and shall not change more frequently. The face of the readerboard sign shall be angled away from the adjacent residents located to the northeast of the site so that the face of the sign is directed more in-line with the Garden Grove Freeway right-of-way and away from Trask Avenue.
9. The proposed freeway-oriented electronic readerboard sign shall comply with the CalTrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.
10. The applicant shall allow the advertising of community events, as approved by the City Manager. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.
11. 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.
12. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-347-12, and their agreement with all Conditions of the Approval.
13. 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-347-12 or Planned Unit Development No. PUD 110-96 (Rev. 12). 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**

14. The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times. All access gates shall be equipped with a Knox rapid entry keyed access system subject to approval of the Garden Grove Fire Department. Manual gates shall have Knox padlocks.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12), AMENDING SECTION I, SIGN AND GRAPHIC STANDARDS, OF PLANNED UNIT DEVELOPMENT NO. PUD-110-96 TO INCREASE THE HEIGHT OF PERMITTED STREET SIGNS FROM 5 TO 8 FEET AND TO ALLOW A 59-FOOT HIGH FREEWAY-ORIENTED ELECTRONIC READERBOARD SIGN FOR AN AUTO DEALERSHIP, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL.

***City Attorney Summary***

***This Ordinance approves an amendment to the existing Sign and Graphic Standards applicable to Planned Unit Development No. PUD-110-96, which covers property located on the southeast and southwest corners of Trask Avenue and Brookhurst Street at 9898 and 10150 Trask Avenue and including Assessor Parcel Nos. 098 090 57 and 58; 099 681 01 and 02; and 099 682 01, 02, and 03. The amendment increases the allowable height of permitted street signs from 5 to 8 feet and replaces the provision permitting a maximum 50-foot high auto center identification pole sign with a provision allowing for a maximum 59-foot high freeway-oriented readerboard sign for an automobile dealership on a minimum two-acre site, 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 Jared Hardin, proposes to modify the Sign and Graphic Standards section of Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the allowable height of the permitted street monument sign from 5 to 8 feet, on property located on the southeast and southwest corners of Trask Avenue and Brookhurst Street at 9898 and 10150 Trask Avenue and including Assessor Parcel Nos. 098-090-57 and 58; 099-681-01 and 02; and 099-682-01, 02, and 03; and

WHEREAS, the City Council finds that this amendment to Planned Unit Development No. PUD-110-96 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.); and

WHEREAS, pursuant to the Planning Commission Resolution No. 5759-12, at a Public Hearing on March 1, 2012, recommended approval of the amendment to Planned Unit Development No. PUD-110-96; and

WHEREAS, pursuant to legal notice a Public Hearing was held by the City Council on November 13, 2012, and all interested parties were given an opportunity to be heard; and

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-110-96 (Rev. 12):

A. The amendment is internally consistent with the goals, policies, and elements of the General Plan. Auto dealerships and associated signs are consistent with the Heavy Commercial General Plan Land Use Designation, which is intended to provide a variety of more intensive commercial uses, including automotive sales uses. 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 uses on the subject site to remain commercially viable through the use of visible and effective signage. Increasing the allowable height of permitted street monument signs and permitting the installation of freeway-oriented electronic readerboard signs 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 readerboard 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. Increasing the allowable height of the permitted street monument sign for the automobile dealerships within the Planned Unit Development will increase visibility of such signs from the freeway off-ramp and Trask Avenue, without impairing the visual integrity of the area. The amendment only permits a freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two (2) acre site, subject to a conditional use permit. Accordingly, a maximum of two (2) such signs could be constructed within the Planned Unit Development. Further, the total number of signs allowed is not increased, since the freeway-oriented electronic readerboard sign is allowed only in lieu of the previously permitted automobile dealership identification pole sign. Further, requiring that individual proposals for such a freeway-oriented electronic readerboard sign be reviewed through the Conditional Use Permit process will allow for discretionary review and tailoring of

conditions of approval unique to each 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. Planned Unit Development No. PUD-110-96 (Rev. 12) is hereby approved, pursuant to the facts and reasons stated in the Planning Commission Resolution No. 5759-12, 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 3. Pursuant to this approval of Planned Unit Development No. PUD-110-96 (Rev. 12), Section I (Sign and Graphic Standards) of Planned Unit Development No. PUD-110-96 is amended to read as follows (new text in bold and deleted text in strike-through):

"I. Sign and Graphic Standards

1. General

**Except as otherwise expressly provided herein**, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each site shall be shown in detail and submitted as part of the required Site Plan for the site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobiles sold by the dealer is permitted for each site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five **eight (8)** feet in height above the finished grade.

3. Freeway Signs

a. Dealer Signs

One freestanding pole sign containing the manufacturer's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies, but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobiles on the site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobiles are identified.

~~b. Auto Center Identification sign – Pole Sign~~

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right of way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

**b. Auto Dealership Freeway-Oriented Electronic Readerboard Sign**

**In lieu of a "Dealer sign", one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the City relating to events affecting the community may be permitted for each automobile dealership located on a minimum 2-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove Freeway and shall be in compliance with all state and federal laws. The maximum height of the said sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8) feet in height.**

c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and

Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center" identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III (I.2) above."

Section 4. Severability. 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 5. 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.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
GRANTING THE APPEAL AND APPROVING CONDITIONAL USE PERMIT  
NO. CUP-347-12, SUBJECT TO THE MODIFIED CONDITIONS OF APPROVAL

WHEREAS, the case, initiated by Jared Hardin, requested Conditional Use Permit approval to install a 59-foot high freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located on the southwest corner of Trask Avenue and Brookhurst Street at 9898 Trask Avenue, Garden Grove, Parcel Nos. 098-090-57 and 58;

WHEREAS, pursuant to Resolution No. 5763-12, the Planning Commission of the City of Garden Grove, following a Public Hearing on March 1, 2012, approved Conditional Use Permit No. CUP-347-12, subject to effectiveness of an Ordinance adopted by the Garden Grove City Council amending Planned Unit Development No. PUD-110-96 to permit the proposed sign subject to Conditional Use Permit approval;

WHEREAS, the case was appealed to the City Council, and City Staff has proposed the addition and/or modification of certain Conditions of Approval to which the Conditional Use Permit would be subject;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of November 13, 2012;

WHEREAS, following a Public Hearing on November 13, 2012, the City Council introduced and conducted the first reading of an Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12), amending Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented electronic readerboard sign for an auto dealership, subject to Conditional Use Permit approval;

WHEREAS, the City Council has determined that this project 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.*); and

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on November 13, 2012, and all interested persons were given an opportunity to be heard.



NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED by the City Council of the City of Garden Grove that the facts and reasons supporting the conclusion of the City Council, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is an approximately 2.5-acre property located at the southwest corner of Trask Avenue and Brookhurst Street and is developed with the Garden Grove Hyundai automobile dealership. The subject site has a General Plan Land Use Designation of Heavy Commercial and is currently zoned Planned Unit Development No. PUD-110-96.

The Applicant has requested to modify the Sign and Graphics Standards section of the Planned Unit Development No. PUD-110-96 zone to allow a 59-foot high freeway oriented electronic readerboard sign for an automobile dealership located on a minimum two (2) acre site, subject to Conditional Use Permit approval. In conjunction with the proposed Planned Unit Development Modification (PUD-110-96 (Rev. 12)), the Applicant is requesting approval of a Conditional Use Permit for the installation of a 59-foot high freeway-oriented electronic readerboard sign for an existing automobile dealership (Garden Grove Hyundai) located at 9898 Trask Avenue, Garden Grove.

Following a Public Hearing on November 13, 2012, the City Council introduced and conducted the first reading of an Ordinance approving Planned Unit Development No. PUD-110-96 (Rev. 12) amending Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented electronic readerboard sign for an auto dealership, subject to Conditional Use Permit approval.

FINDINGS AND REASONS:

Conditional Use Permit:

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

Auto dealerships and associated signs are consistent with the Heavy Commercial General Plan Land Use Designation, which is intended to provide a variety of more intensive commercial uses, including automotive sales uses. The proposed sign 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 existing automobile dealership on the site to remain commercially viable through the use of a more visible and effective mode of signage. Permitting the installation of the proposed freeway-oriented electronic readerboard 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. In conjunction with the associated proposed modification to Planned Unit Development No. PUD-110-96, the proposed sign will be consistent with the zoning and General Plan Land Use Designation of the property, and will be compatible with surrounding land uses, 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 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 applicable to the sign will minimize potential impacts to the adjoining area. Applicable Conditions of Approval include, without limitation, the following:

- The sign illumination must be dimmed at dusk and shall not cause light and glare on adjacent residential properties, streets, or the freeway right-of-way;
- Maximum output of light from the sign during nighttime hours is limited to between 5 and 15 percent;
- The sign must maintain a single readerboard 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. During all other times, the images on the readerboard shall be maintained at minimum 8 second intervals and shall not change more frequently;
- The face of the readerboard sign must be angled away from the adjacent residents located to the northeast of the site so that the face of the sign is directed more in-line with the Garden Grove Freeway right-of-way and away from Trask Avenue; and
- The sign must comply with applicable CalTrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.

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 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 sign has been designed to be consistent in design with the other automobile dealership freeway-oriented signs and, as described above, 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 sign is constructed as proposed and adheres to the conditions of approval for the life of the project, the proposed sign will not jeopardize, endanger, or otherwise constitute a menace to public health, safety or general welfare. Conditions of Approval require the sign to be installed per requirements of CalTrans for lighted signs adjacent to freeways, that the image on the readerboard not change more frequently than every 8 seconds and remain static between the hours of 10:00 p.m. and 7:00 a.m., 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 the installation of a 59-foot high electronic readerboard sign within 10 feet of the freeway right-of-way. The sign can be easily accommodated on-site without negatively impacting on and off-site circulation and has been designed to be consistent in design with other freeway-oriented signs with the automobile dealership area.

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 the installation of an electronic readerboard sign that is located west of the Hyundai dealership building, adjacent to the 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.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF GARDEN GROVE:

Section 1. The City Council grants the appeal and approves Conditional Use Permit No. CUP-347-12, subject to the modified attached Conditions of Approval.

Section 2. 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-347-12.

Section 3. Conditional Use Permit No. CUP-347-12 shall not become effective until and unless an Ordinance adopted by the Garden Grove City Council approving Planned Unit Development No. PUD-110-96 (Rev. 12) becomes effective.

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-347-12**

9898 Trask Avenue

### **CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS**

1. The property owner shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office. Proof of such recordation is required prior to the issuance of building permits. 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 Hearing Body.
2. Conditional Use Permit No. CUP-347-12 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-110-96 in substantially the same form as recommended by the Planning Commission becomes effective. Approval of this Conditional Use Permit shall be contingent upon approval of Planned Unit Development No. PUD-110-96 (Rev. 12) and 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.
3. All modifications shall be approved by the Community Development Department. If other than minor changes are proposed, the appropriate entitlements shall be submitted, such as a new application, containing all proposed revisions, shall be required.
4. 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.

#### **Community Development Department**

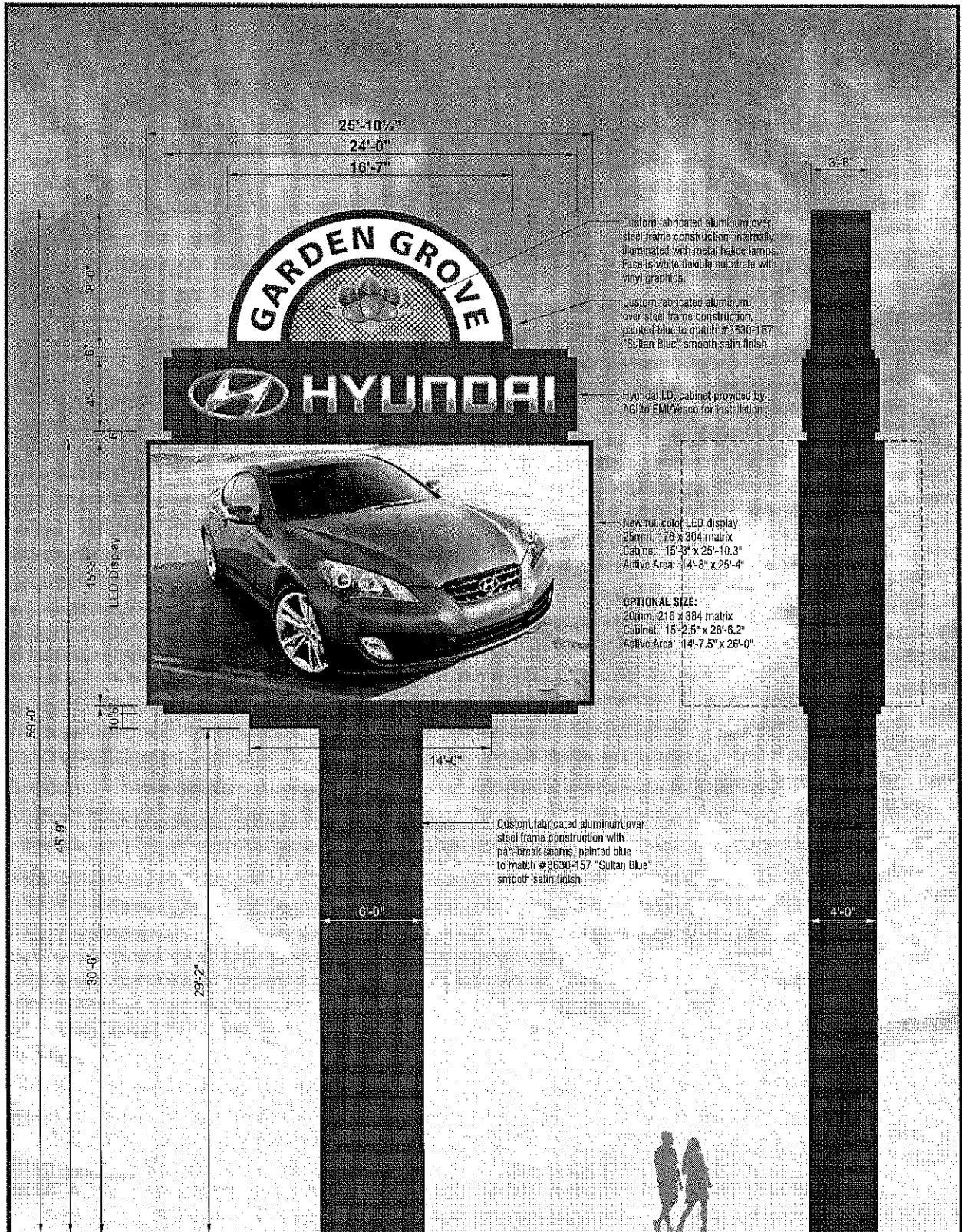
5. This approval shall be for the installation of a 59-foot high freeway-oriented electronic readerboard sign in substantial compliance with the approved set of plans submitted with the subject Conditional Use Permit request and the requirements of PUD-110-96 (Rev. 12), except as modified herein.
6. The maximum height of the readerboard sign shall be 59 feet, measured from grade to top of sign.
7. The design of the sign shall be consistent with other Auto Center signs along Trask Avenue and shall include an arched top with "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8) feet in height.

The entire sign structure, including supports shall be painted blue to match the blue accents on the building. Color samples shall be submitted along with plans submitted for Building permits.

8. The 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 readerboard shall maintain one 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. During all other times, the images on the readerboard shall be maintained at minimum 8 second intervals and shall not change more frequently. The face of the readerboard sign shall be angled away from the adjacent residents located to the northeast of the site so that the face of the sign is directed more in-line with the Garden Grove Freeway right-of-way and away from Trask Avenue.
9. The proposed freeway-oriented electronic readerboard sign shall comply with the CalTrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.
10. The applicant shall allow the advertising of community events, as approved by the City Manager. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.
11. 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.
12. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-347-12, and their agreement with all Conditions of the Approval.
13. 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-347-12 or Planned Unit Development No. PUD 110-96 (Rev. 12). 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**

14. The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times. All access gates shall be equipped with a Knox rapid entry keyed access system subject to approval of the Garden Grove Fire Department. Manual gates shall have Knox padlocks.



Manufacture and Install One (1) New Double Face Illuminated Pylon with Full Color LED Display  
 Scale: 3/16" = 1'-0"

© 2012

<b>EMI</b> ELECTRA-MEDIA, INC. LAWDALE - CALIFORNIA Phone Number: (310) 725-0816 <b>YESCO</b> LOS ANGELES DIVISION 16255 Bradshaw Avenue, Van Nuys, CA 91411 Telephone: (818) 523-7444, Fax: (818) 523-5055	<b>CUSTOMER APPROVAL</b> <input type="checkbox"/> ACCEPTED WITH NO CHANGES <input type="checkbox"/> ACCEPTED WITH CHANGES AS NOTED <input type="checkbox"/> REVISE AS NOTED AND RE-SUBMIT (Customer Signature) _____ (Date) _____ (Title) _____	<b>NOTED</b> 02/10/11 Kerry <b>REVISIONS</b> Date: 2/28/12 By: KERRY - Used new design for photo shots Date: 4/18/12 By: KERRY - Photo sent for sign at west end of property Date: 5/16/12 By: KERRY - Moved sign location, changed to single pole Date: 12/12/12 By: KERRY - Reduced height by 3' 4"	<b>CLIENT INFORMATION</b> Name: Garden Grove Hyundai Address: 8888 Trask Avenue Garden Grove, CA 92844 Sales Exec: Danny Ramirez	Design: 11-9595-15 Sheet: 1 of 4 This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. This drawing was created to assist you in visualizing our proposal. The original design basis was the property of Young Electric Sign Company. Permission to copy or reuse this drawing can only be obtained through a written agreement with YESCO. See your sales representative or call the nearest office of Young Electric Sign Company.
	<b>PRODUCTION APPROVAL</b> (Sales Exec. Signature) _____ (Date) _____ (Production Mgr. Signature) _____ (Date) _____	I, the undersigned, hereby certify that the above information is true and correct to the best of my knowledge, and I am not aware of any other information that would affect the accuracy of this information.		

**EMI**  
ELECTRA-MEDIA, INC.  
LAWDALE - CALIFORNIA  
Phone Number: (310) 725-0816

**YESCO**  
LOS ANGELES BRANCH  
14324 Wilshire Blvd., Suite 1000, Los Angeles, CA 90042  
Telephone: (310) 274-7818 Fax: (310) 411-5818  
www.yesco.com

**CLIENT INFORMATION**  
Name: Garden Grove Hyundai  
Address: 9898 Trask Avenue  
Garden Grove, CA 92644  
Sales Exec: Danny Ramirez

**REVISIONS**

NO.	DATE	BY	DESCRIPTION
1	02/08/11	Kerry	Initial design
2	02/11/11	BY: KERRY	Change LED to "P" shaped sign to reflect
3	02/23/11	BY: KERRY	Change LED to "Y" shaped
4	02/23/11	BY: KERRY	Change LED to "Y" shaped
5	02/23/11	BY: KERRY	Change LED to "Y" shaped
6	02/23/11	BY: KERRY	Change LED to "Y" shaped
7	02/23/11	BY: KERRY	Change LED to "Y" shaped
8	02/23/11	BY: KERRY	Change LED to "Y" shaped
9	02/23/11	BY: KERRY	Change LED to "Y" shaped
10	02/23/11	BY: KERRY	Change LED to "Y" shaped
11	02/23/11	BY: KERRY	Change LED to "Y" shaped
12	02/23/11	BY: KERRY	Change LED to "Y" shaped
13	02/23/11	BY: KERRY	Change LED to "Y" shaped
14	02/23/11	BY: KERRY	Change LED to "Y" shaped
15	02/23/11	BY: KERRY	Change LED to "Y" shaped
16	02/23/11	BY: KERRY	Change LED to "Y" shaped
17	02/23/11	BY: KERRY	Change LED to "Y" shaped
18	02/23/11	BY: KERRY	Change LED to "Y" shaped
19	02/23/11	BY: KERRY	Change LED to "Y" shaped
20	02/23/11	BY: KERRY	Change LED to "Y" shaped
21	02/23/11	BY: KERRY	Change LED to "Y" shaped
22	02/23/11	BY: KERRY	Change LED to "Y" shaped
23	02/23/11	BY: KERRY	Change LED to "Y" shaped
24	02/23/11	BY: KERRY	Change LED to "Y" shaped
25	02/23/11	BY: KERRY	Change LED to "Y" shaped
26	02/23/11	BY: KERRY	Change LED to "Y" shaped
27	02/23/11	BY: KERRY	Change LED to "Y" shaped
28	02/23/11	BY: KERRY	Change LED to "Y" shaped
29	02/23/11	BY: KERRY	Change LED to "Y" shaped
30	02/23/11	BY: KERRY	Change LED to "Y" shaped

**CUSTOMER APPROVAL**

ACCEPTED WITH NO CHANGES

ACCEPTED WITH CHANGES AS NOTED

CHANGES AS NOTED AND REQUIRMENT

(Customer Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

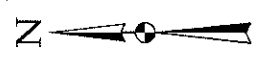
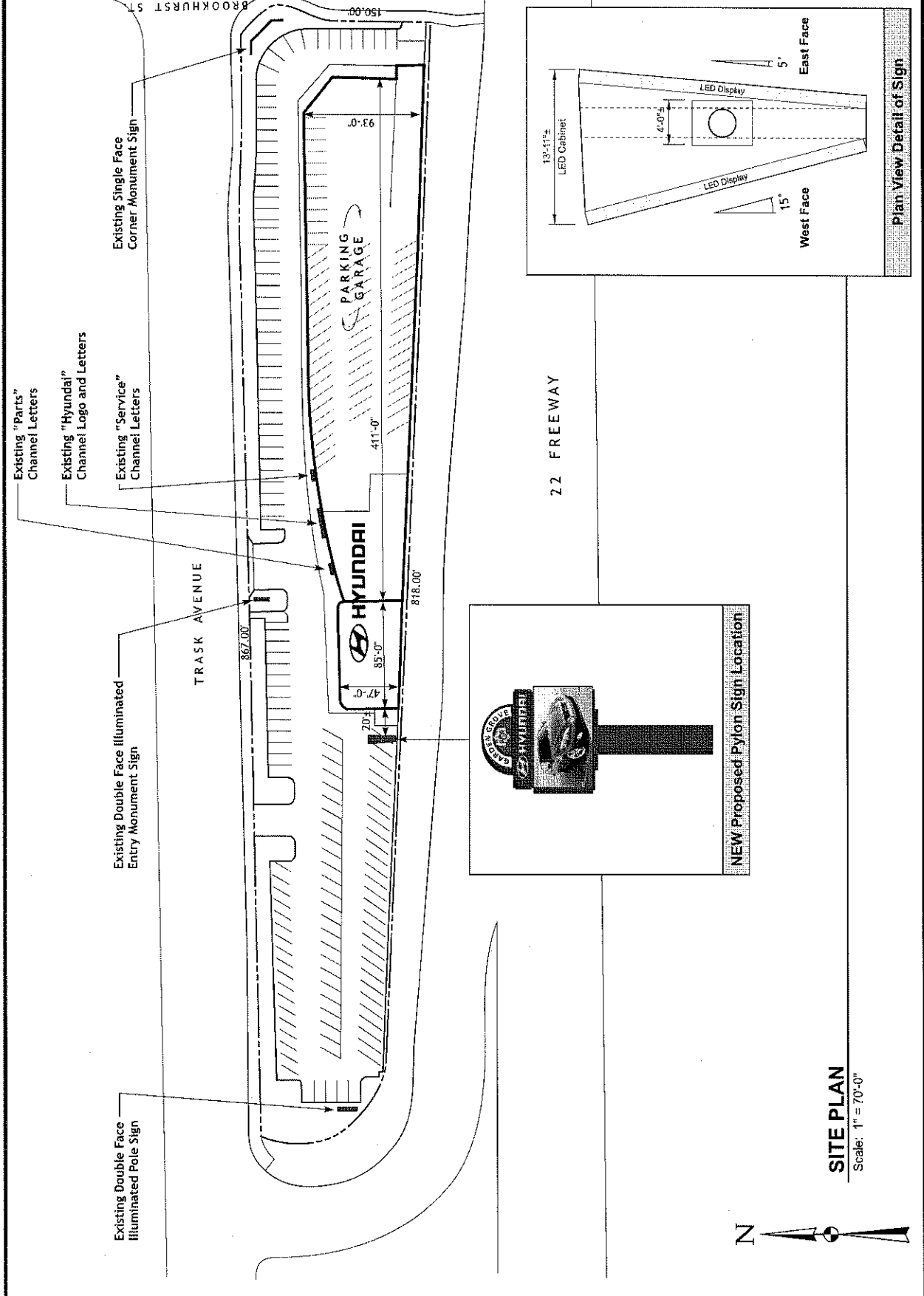
**PRODUCTION APPROVAL**

(Production Mgr. Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

**Design 11-9595-15**

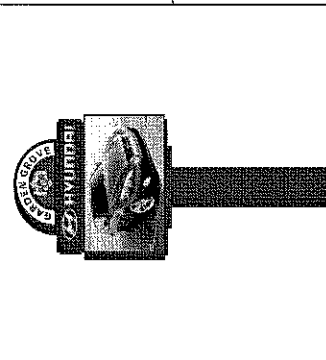
**Sheet 2 of 4**

This sheet is intended to be used in accordance with the specifications and conditions of the contract. It is the responsibility of the client to ensure that the sign is properly installed and maintained. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client is also responsible for providing all necessary information and materials for the sign. The client is also responsible for providing all necessary information and materials for the sign. The client is also responsible for providing all necessary information and materials for the sign.

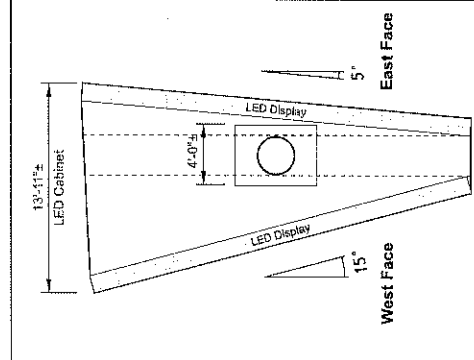


**SITE PLAN**  
Scale: 1" = 70'-0"

**NEW Proposed Pylon Sign Location**



22 FREEWAY



**Plan View Detail of Sign**





