

ORDINANCE NO. 2823

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. 09- 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 November 13, 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 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 automobiles 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 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.

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

ATTEST:

MAYOR

CITY CLERK

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

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on November 13, 2012, with a vote as follows:

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