

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-103-82 (REV. 2018), AMENDING PLANNED UNIT DEVELOPMENT NO. PUD-103-82 TO ALLOW FOR RECONSTRUCTION OF AN EXISTING ON-PREMISE FREEWAY-ORIENTED DIGITAL SIGN FOR THE TOYOTA PLACE AUTOMOBILE DEALERSHIP ON PROPERTY LOCATED AT 9444 TRASK AVENUE, ASSESSOR'S PARCEL NO. 098-090-63

**City Attorney Summary**

***This Ordinance amends the provisions of Planned Unit Development No. PUD-103-82 to establish new development standards and conditions of approval for an on-premise freeway-oriented electronic reader board sign for the Toyota Place automobile dealership to be constructed in place of the existing freeway-oriented digital auto center identification sign. The Toyota Place automobile dealership is located on the south side of Trask Avenue west of Brookhurst Street at 9444 and 9670 Trask Avenue and includes Assessor's Parcel Nos. 098-090-49, 098-090-63 and 098-090-64. The subject sign is located adjacent to the Garden Grove Freeway on the parcel identified as Assessor's Parcel No. 098-090-63. Pursuant to the amendment, the digital display area of the sign will be increased by 178 square feet, but the maximum height of the sign will be reduced by 10 feet, and the overall sign display area will be reduced by 142 square feet.***

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

WHEREAS, the case, initiated by Ariana Diverio of Electra-Media, Inc. (EMI), on behalf of the property owner, CAR NOA GGT, LLC (Toyota Place), proposes to amend the provisions of Planned Unit Development No. PUD-103-82 to establish new development standards and conditions of approval to facilitate the reconstruction of an existing on-premise freeway-oriented digital sign for the Toyota Place automobile dealership located at 9444-9670 Trask avenue and including assessor parcel nos. 098-090-49, 098-090-63, and 098-090-64;

WHEREAS, the City Council finds that the proposed amendment to Planned Unit Development No. PUD-103-82 is exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Article 19, Section 15311 and Article 5, Section 15061 of the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.);

WHEREAS, pursuant to Planning Commission Resolution No. 5941-18, following a Public Hearing held on December 6, 2018, the Garden Grove Planning Commission recommended approval of the proposed amendment to Planned Unit Development No. PUD-103-82;

WHEREAS, pursuant to legal notice a Public Hearing was held by the City Council on January 22, 2019, 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-103-82 (REV. 2018):

A. The amendment is internally consistent with the goals, policies, and elements of the General Plan. The subject site has a General Plan Land Use Designation of Heavy Commercial. 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 updated visible and effective signage. Reducing the height of the sign by 10 feet, reducing the overall display by 142 square feet, increasing the digital display area by 178 square feet and removing other nearby dealerships' business identification from the sign within the subject Planned Unit Development is also consistent with Policy LU-6.6 of the Land Use Element, which seeks to ensure that appropriate and compatible signage is provided within commercial centers. The improvement to the lighting technology and conditions of approval related to sign lighting intensity will also ensure there is an enhanced degree of compatibility between the proposed use and surrounding properties.

B. The amendment will promote the public interest, health, and welfare. The modifications to the sign will result in improvement to the site and reduce potential off-site impacts related to light and glare. Additionally, the reduction in number of displays on the sign will enhance the visual appeal of the sign and the improved digital technology will create a safer business sign for the automobile dealership. Since overall sign height and sign area are being reduced, and new digital technology is being used that will automatically adjust the digital lighting intensity in response to ambient conditions, there will be a reduced impact to nearby residential properties and increased safety for vehicles traveling in the vicinity of the sign. Additionally, the updated development standards and conditions of approval require that the lighting of the sign be directed and shielded so as not to cause light and glare on any adjacent residential properties, that the sign comply with the requirements of CalTrans for lighted signs adjacent to freeways, and that advertising of community events be allowed.

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-103-82 (REV. 2018) is hereby approved, pursuant to the facts and reasons stated in the Planning Commission Resolution No. 5941-18, 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. The following development standards and conditions of approval shall govern the freestanding freeway-oriented digital pole sign located at 9444 Trask Avenue on Assessor's Parcel No. 098-90-63. To the extent such development standards and conditions of approval are inconsistent with previously adopted standards and/or conditions of approval for Planned Unit Development No. PUD-103-82, including, without limitation, Condition of Approvals set forth in Garden Grove Planning Commission Resolution No. 3240, as amended, the development standards and conditions of approval set forth in this Ordinance shall apply in lieu of such previously adopted standards and/or conditions of approval.

**1. The existing freeway-oriented digital auto center identification sign may be replaced with a 55-foot high on-premise freeway-oriented electronic reader board sign that is substantially consistent with the approved set of plans submitted with the request for approval of PUD-103-82 (REV. 2018), except as modified herein. The sign shall not be operated as a billboard.**

**2. The maximum height of the on-premise freeway-oriented electronic reader board sign shall be 55 feet, measured from grade to top of sign. The maximum overall display area of the sign shall be 688.75 square feet. Minor modifications to the sign design determined to be in substantial conformance to the approved set of plans may be reviewed and approved by the Community and Economic Development Director or his/her designee.**

**3. 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 digital display may not change copy between the hours of 12:00 a.m. and 5:00 a.m. in order to reduce light and annoyance impacts to the adjacent residential neighborhoods. During all other times, the images on the reader board shall be maintained at minimum 8-second intervals and**

**shall not change more frequently. The face of the reader board sign shall be angled so that both sign faces are directed in-line with the Garden Grove Freeway right-of-way.**

**4. The on-premise freeway-oriented electronic reader board sign shall comply with the CalTrans standards for lighted and reader board signs that are adjacent to the freeway right-of-way.**

**5. 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 reader board is changing copy.**

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.