

RESOLUTION NO. 5967-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-076-2019 FOR A BILLBOARD RELOCATION TO 12862 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 101-020-55, 101-020-56 AND RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PROJECT.

WHEREAS, the City of Garden Grove (City) has received a request for approval of Site Plan No. SP-076-2019 for a billboard relocation in accordance with Garden Grove Municipal Code Section 9.20.110 to allow the relocated billboard on land located at the southwest corner of Garden Grove Boulevard and Haster Street at 12862 Garden Grove Boulevard, Assessor's Parcel Numbers 101-020-55 and 101-020-56 (subject Site);

WHEREAS, if Site Plan No. SP-076-2019 is approved, it is contemplated that the City Council will also consider approval of a Relocation Agreement pursuant to Business and Professions Code Section 5412 pertaining to the removal of two existing billboard structures within the City and erection and maintenance of the relocated electronic billboard pursuant to Site Plan No. SP-076-2019; and

WHEREAS, Site Plan No. SP-076-2019 and the Relocation Agreement are collectively referred to herein as the "Project"; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove in regular session assembled on November 7, 2019, does hereby approve Site Plan No. SP-076-2019, subject to the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and approval by the City Council of a Billboard Removal and Relocation Agreement (Relocation Agreement) between the City and the Applicant.

BE IT FURTHER RESOLVED as follows:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with comments received during the public hearing process.
2. The Planning Commission finds on the basis of the whole record before it, including the Initial Study and comments received, that there is no substantial evidence that the Project will have a significant impact on the environment with mitigation measures.
3. The Planning Commission recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to the City Council.

4. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Community and Economic Development Director.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-076-2019, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Outfront Media, LLC (Applicant).
2. The Applicant requests approval of Site Plan No. SP-076-2019 to relocate two (2) existing billboard structures and convert them into one (1), new relocated two-sided electronic billboard structure/sign (Electronic Billboard) located along the Garden Grove (22) Freeway at 12862 Garden Grove Boulevard in the PUD-102-74 zone. The site is an approximately 8.1-acre site that consists of two (2) parcels (101-020-55 and 101-020-56), with addresses that range between 12800 through 12912. The proposed Electronic Billboard would be located on the southern portion of the subject Site, adjacent to addresses 12832 and 12812.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an Initial Study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and circulated in accordance with CEQA and CEQA implementing guidelines.
4. The subject Site has a General Plan Land Use designation of International West Mixed Use and is currently zoned Planned Unit Development No. PUD-102-74. The subject Site is currently developed with an integrated commercial/industrial development.
5. The existing land use, zoning, and General Plan designation of subject Site in the vicinity of the subject Site have been reviewed.
6. A report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 7, 2019, 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 November 7, 2019 and considered all oral and written testimony presented regarding the Project.

BE IT FURTHER RESOLVED, FOUND, AND DETERMINED that the facts and reasons supporting the consideration of the Planning Commission, as required under Municipal Code Section 9.24.030 and 9.20.110, are as follows:

FACTS:

Pursuant to Garden Grove Municipal Code (GGMC) Section 9.20.110.A, the construction of new billboards is prohibited in the City of Garden Grove. However, pursuant to GGMC Section 9.20.110.B, the owner of an existing legal nonconforming billboard located within the City may seek to relocate the existing billboard to a new location within the City by filing an application for a Site Plan approval with the City. The Planning Commission is empowered to approve, deny, or conditionally approve such a Site Plan application in accordance the criteria set forth in Section 9.20.110.B. Pursuant to GGMC Section 9.20.110.D, subject to the discretionary approval of a Site Plan application by the City, entry into a Relocation Agreement with the City pursuant to California Business and Professions Code Section 5412, and compliance with specified criteria and conditions, the owner of an existing legal nonconforming static billboard within the City may relocate and convert such billboard to an electronic billboard, provided such relocated and converted billboard is located within the Garden Grove (22) Freeway Corridor. Such a relocated and converted electronic billboard is deemed a legal nonconforming use and structure.

The project Applicant proposes to permanently remove four (4) existing non-electronic billboard sign faces and associated structures in the City and to construct and operate in their place one (1) relocated and converted Electronic Billboard within the Garden Grove (22) Freeway Corridor utilizing a state-of-the-art two-sided digital display.

The locations of the existing billboards that will be removed are:

- South side of Chapman Avenue west of Santa Rosalia Street (double-faced sign), and
- North side of Garden Grove Boulevard west of Beach Boulevard (double-faced sign).

A total of four (4) billboard faces are proposed to be removed.

The proposed Electronic Billboard will be located on a parcel along the north side of the Garden Grove (22) Freeway. The column placement of the proposed Electronic Billboard will be on the southern portion of the parking lot of an approximately 8.1-

acre integrated commercial/industrial development, adjacent to addresses 12832 and 12812. The stated project Site is 12862 Garden Grove Boulevard, as the property owner maintains an administration office on-site. The subject Site consists of two (2) parcels (101-020-55 and 101-020-56) on the southwest corner of Garden Grove Boulevard and Haster Street. The addresses on the subject Site range between 12800 through 12912.

The subject Site is zoned Planned Unit Development No. PUD-102-74 and maintains a General Plan Land Use Designation of International West Mixed Use. The property owner, Cedarbrook Garden Grove LLC, maintains an administration office at 12862 Garden Grove Boulevard. The property to the north, across Garden Grove Boulevard, is zoned C-1 (Neighborhood Commercial) and is developed with two (2) hotels; to the northeast, the property is zoned C-1 (Neighborhood Commercial) and is developed with a service station, and to the northwest, are apartment units, zoned PUD-136-00 (Planned Unit Development). The properties to the west are zoned HCSP-OP (Harbor Corridor Specific Plan - Office Professional) and R-3 (Multiple-Family Residential) and are developed with an animal hospital/office and a mobile home park, respectively. The subject Site is bounded to the south, southeast, and the east by the Garden Grove (22) Freeway. To the far south and southeast, across the Garden Grove (22) Freeway, the properties are zoned O-S (Open Space) and R-1 (Single-Family Residential) and are developed with an elementary school and single-family homes, respectively.

Various Federal and State laws and regulations apply to digital signs and billboards located along highways. The proposed Electronic Billboard has been sited and designed to comply with all applicable size, spacing, and distance limits imposed by Federal and/or State law. In addition, the proposed Electronic Billboard will be subject to all applicable operational limits and requirements imposed by Federal and/or State law. The Applicant will be required to obtain a permit from the California Department of Transportation prior to erecting and operating the proposed Electronic Billboard.

The Electronic Billboard will also be subject to several Conditions of Approval and mitigation measures intended to ensure safety and to mitigate adverse impacts on nearby properties and uses, including, but not limited to, the following:

- The sign faces of the relocated billboard shall be oriented toward the freeway and shall not cause excessive light and glare impacts on the freeway, adjacent streets or adjacent properties. The sign shall comply with all standards, requirements, and limits applicable to illumination, light output, and message/image display set forth in Garden Grove Municipal Code Section 9.20.110.
- The Applicant shall demonstrate compliance with a maximum 0.3-foot candle increase over ambient light at 250 feet from the sign face at all times upon

initial start-up through field testing. If subsequent complaints consisting of direct personal impacts are received by the City, the Applicant shall be required to fund follow-up field testing by an independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance with these requirements. If increases in ambient light are found to be above the 0.3-foot candle level, the dimming level shall be adjusted until this level can be demonstrated.

- The Electronic Billboard shall be installed with sensors which automatically lower light output in accordance with atmospheric conditions (i.e., cloudy or overcast weather). Throughout sign operation, the dimness setting of the sign shall be adjusted in real time so it does not exceed the level of illumination described above.
- No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display.
- The minimum display duration time for messages shall be not less than eight (8) seconds, and the minimum display time between messages shall be not more than one (1) second.
- The minimum font size shall be established for the maximum speed on the Garden Grove (22) Freeway. The font size standard shall be in accordance with the sign industry's best practices formula.
- The operator shall submit a request and obtain permission from the City prior to installing, implementing or using any technology that would allow interaction with drivers, vehicles, or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic positions system, or other device.
- In the event of any failure or combination of failures that affect the Electronic Billboard's luminance, the operator shall impose a default to an output level no higher than 4 percent of the maximum luminance of the Electronic Billboard. If this cannot be achieved, then the display shall be required to default to an "off" position until the problem can be resolved.

The proposed billboard relocation and conversion satisfies the criteria and conditions for Site Plan approval pursuant to GGMC § 9.20.110.

Location

In compliance with GGMC § 9.20.110.D, the proposed Electronic Billboard would be located on commercially-zoned property within the Garden Grove (22) Freeway

Corridor and would not be located within either 500 feet of any other billboard on the same side of the freeway or within 1,000 feet of any other electronic sign. Additionally, the proposed Electronic Billboard would not be located within 350 feet of a residentially-zoned property. The mobile home park to the west and the single-family homes to the south across the Garden Grove (22) Freeway are both beyond the required distance and will not be impacted by the proposed Electronic Billboard.

Height

Pursuant to GGMC §9.20.110.D.3.f, the permitted height of an electronic billboard shall be determined through the Site Plan review process and shall be limited to the maximum height necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. Unless special circumstances necessitate a taller sign, as demonstrated through a balloon or flag test, or other similar test, no electronic billboard may exceed 60 feet in height, as measured from finished grade to the top of the billboard structure. The height of the proposed Electronic Billboard would be 50 feet above the finished grade of the subject Site the proposed Electronic Billboard is to be located on.

Supporting Structure and Sign Faces

GGMC § 9.20.110 allows up to two (2) steel supports and 680 square feet of sign area. The proposed Electronic Billboard would be supported by a single steel pole, and each sign face will be approximately 672 square feet in area. As required by GGMC § 9.20.110, the proposed Electronic Billboard faces will be oriented for viewing toward the Garden Grove (22) Freeway and away from any residentially-zoned property. In addition, the proposed Electronic Billboard will be subject to several conditions of approval and mitigation measures designed to limit light and glare impacts from the electronic sign, which includes the requirements that brightness of the sign be adjusted in accordance with ambient light levels and limit the maximum brightness of the sign, that all messages displayed on the electronic sign be static and not contain special visual effects that include moving or flashing lights, and the requirement that the minimum display duration for all messages not be less than eight (8) seconds.

Removal of Existing Billboard Faces

GGMC § 9.20.110 requires that for every billboard face proposed to be relocated/converted from within the City to an electronic billboard face along the Garden Grove (22) Freeway, at least two (2) vinyl billboard faces shall be removed. The Applicant has proposed to remove four (4) billboard faces elsewhere within the City in order to install the proposed Electronic Billboard along the Garden Grove (22) Freeway. The Applicant provided a list of approximately seven (7) billboard structure locations, some single-faced and some double-faced, that the Applicant

proposed for removal/relocation. City Staff reviewed each location and believes that removal of the two (2) structures that were chosen would have the most impact in improving the visual aesthetics in the areas in which they are located.

Billboard Relocation Agreement

GGMC § 9.20.110.D.3.k provides that, as a condition of approval of the relocation and/or conversion of a billboard to an electronic billboard, the owner of the electronic billboard must execute a Billboard Removal and Relocation Agreement (Relocation Agreement) with the City pursuant to California Business and Professions Code section 5412 on terms approved by the City Council. If the Planning Commission approves the requested Site Plan, Staff will take a Relocation Agreement, negotiated with the Applicant, to the City Council for consideration. The project Applicant cannot proceed with the proposed project until and unless the City Council approves a mutually acceptable Relocation Agreement.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and the General Plan.

Approval of the proposed Site Plan will result in the permanent removal of two (2) existing legal non-conforming billboard structures and four (4) billboard sign faces from commercial corridors and areas in the City, and the relocation of a single freeway-oriented sign structure to a commercial/industrial property, which is located along to the north side of the Garden Grove (22) Freeway.

While the General Plan does not specifically contain policies pertaining to the relocation/removal of existing billboards or the conversion of them to electronic billboards, the General Plan does contain policies that promote the use of appropriate and compatible signage in commercial areas and encourages the development of new signs that are up to date with current industry designs. Goal LU-6 of the General Plan Land Use Element calls for the "revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City", Policy LU-6.6 provides that the City should "ensure appropriate and compatible signage is provided within commercial centers," and Policy CD-IMP-2D "encourages the development of new sign standards that are up-to-date with current industry designs. The removal of the existing old legal non-conforming billboards located in established commercial areas, adjacent to residential zones, and their relocation to the Garden Grove (22) Freeway Corridor, along with the conversion of the signs to a new industry standard, will contribute to the overall improvement to these commercial areas, thereby reducing visual blight. Goal LU-4 of the General Plan Land Use Element states

that "the City seeks to develop uses that are compatible with one another." Large billboard signs are more compatible with the proposed freeway-adjacent industrial relocation site than with the areas in which the existing legal non-conforming signs to be removed are located.

Although the construction of new billboards in the City is prohibited by Title 9, the relocation of existing billboards within the City is permitted pursuant to Site Plan approval in accordance with Garden Grove Municipal Code Section 9.20.110. The proposed Site Plan application is being considered to allow the proposed Electronic Billboard located along the Garden Grove (22) Freeway. The proposed Electronic Billboard has been sited and designed to comply with all other development requirements that have been established in Section 9.20.110 (Billboards) of Title 9 of the City's Municipal Code.

2. The project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The installation of the proposed Electronic Billboard will require the relocation of one (1) parking space. The parking space will be relocated, thereby maintaining the number of parking spaces that were originally approved for the development. Sufficient parking is provided, and adequate pedestrian access will remain within the project Site.

3. The project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

The installation of the proposed Electronic Billboard will not negatively impact the existing public facilities and will not require additional improvements to public facilities to accommodate the sign. The existing streets, utilities and drainage facilities within the area are adequate to accommodate the existing development and proposed Electronic Billboard. The on-site circulation and parking are sufficient for the existing and proposed development.

4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The Project has been reviewed by the Public Works Department. The installation of the proposed Electronic Billboard will not require any on or off-site improvements. Therefore, no impact to the Public Work Departments ability to perform its required functions is anticipated.

5. The project is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The proposed Electronic Billboard is to be located within an existing commercial/industrial area, along the Garden Grove (22) Freeway Corridor. While there is a residentially-zoned property in close proximity to the subject Site, the mobile home park is located beyond the Code requirement of 350 feet from the proposed Electronic Billboard. The subject Site is bounded to the south, southeast, and the east by the Garden Grove (22) Freeway. The R-1 (Single-Family Residential) zone to the southeast, across the Garden Grove (22) Freeway is beyond the 350-foot distance Code requirement. Provided that the proposed Electronic Billboard complies with all City, State, and Federal requirements, as well as the Conditions of Approval, the proposed Electronic Billboard will be compatible with the physical, functional and visual quality of the neighboring uses. Additionally, the removal of the two (2) existing billboard structures located within the City will assist in improving the visual and physical quality of neighborhoods they are located in.

- 6. That through the planning and design of buildings and building placement, the provision of open space, landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The Project only involves the removal and relocation of billboard sign structures and does not include the construction of any buildings. The proposed Electronic Billboard will be located on a commercial/industrial site. Accordingly, the Project will not impact the attractiveness of the environment of any occupants of the subject Site.

- 7. Construction of the proposed electronic billboard structure will not have an adverse effect on the public health, welfare, and safety of the community.

The proposed Electronic Billboard will be located on a 8.1-acre site that is zoned PUD-102-74 located southwest of Garden Grove Boulevard and Haster Street along the north side of the Garden Grove (22) Freeway. The subject Site is developed with an existing commercial/industrial development, surrounded by other commercial uses to the north and northeast; apartment units to the northwest; the west is developed with office and residential type uses; the Garden Grove (22) Freeway bounds along the south, southeast, and east; and to the far south and southeast, across the Garden Grove (22) Freeway, are an elementary school and single-family residences beyond the residential Code requirement of 350 feet. The proposed Electronic Billboard has been sited and designed to comply with all applicable development standards, and will be subject to all operational requirements, imposed by Federal and/or State law as well as the requirements of Section 9.20.110 Billboards of the Title 9 of the City's Municipal Code. In addition, approval of the Site Plan has been made subject to Conditions of Approval to further ensure construction and operational impacts are minimized. Further, the project Applicant and its successors will be required to comply with and implement all mitigation measures identified in the

Mitigated Negative Declaration to mitigate potentially significant environmental impacts. The 50-foot height of the proposed Electronic Billboard is the minimum necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. The location and orientation of the proposed Electronic Billboard, the requirement that the Applicant enter into a Relocation Agreement with the City, and the required compliance by the Applicant and its successors with applicable State and Federal laws, the provisions of the Garden Grove Municipal Code, and the required mitigation measures, will ensure that any potentially adverse light, glare, or aesthetic impacts on surrounding properties are avoided or minimized.

The development pattern surrounding the subject Site is consistent with the development pattern surrounding other sites that an electronic billboard could be located on that are within the Garden Grove (22) Freeway Corridor, and the visual and aesthetic impact from the proposed Electronic Billboard on residential uses will not be significantly different than from electronic billboards on such other sites.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE 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 Site Plan possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Site Plan) and 9.20.110 (Billboards).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-076-2019.
3. Approval of Site Plan No. SP-076-2019 shall not become effective until and unless the City Council adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approves a Relocation Agreement with the project Applicant. In the event that a Relocation Agreement with the project Applicant is not approved by the City Council, the City's approval for SP-076-2019 shall be deemed null and void and of no effect.

EXHIBIT "A"

CONDITIONS OF APPROVAL

For

Site Plan No. SP-076-2019
12862 Garden Grove Boulevard
(APNs: 101-020-55 and 101-020-56)

General Conditions

1. The Applicant and each owner of the property shall execute, and the Applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval.
2. The term (Applicant), as used herein, shall mean and refer to each of the following: the project applicant, Outfront Media, LLC, the owner(s) of the property on which the relocated billboard is located, any future tenant of said property operating under this Site Plan approval, and each of their respective successors and assigns.
3. All Conditions of Approval set forth herein shall be binding on and enforceable against the "Applicant" as defined above. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Except as otherwise expressly provided in these Conditions of Approval, any changes to the Conditions of Approval require approval by the Planning Commission.
4. Site Plan No. SP-076-2019 shall not become effective until and unless the City Council approves a Billboard Removal and Relocation Agreement (Relocation Agreement) with the Applicant. In the event that a Relocation Agreement with the Applicant is not approved by the City Council, the City's approval for SP-076-2019 shall be deemed null and void and of no effect. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The Applicant shall obtain and abide by any necessary permits or licenses required to demolish and remove the existing billboards and to erect and operate the new relocated two-sided electronic billboard structure/sign (Electronic Billboard), in compliance with all applicable laws.
5. Minor modifications to the site plan or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the Site Plan or to these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the Planning Commission or other applicable City hearing body.

6. The approved Site Plan, elevations, and the use of the subject Site as represented by the Applicant, are integral parts of the decision approving this Site Plan. Before major modifications may be made to the approved plans or use that result in the intensification of the approved use or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

Building Services Division

7. The proposed Electronic Billboard structure shall comply with the California Building Standards Code.
8. The Applicant shall prepare a soils/geotechnical report for this project that includes an evaluation of the effects of liquefaction and recommended mitigation measures.
9. The subject Site is located in Flood Zone "A," a FEMA-designated 100-year flood zone. Given the extent of the proposed construction on the property, the proposed development will constitute a substantial improvement. As with any substantial improvement in the flood zone, the Applicant shall comply with the Flood Area Development Requirements required by the Building and Safety Division.

Fire Department

10. The proposed Electronic Billboard shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times.

Community and Economic Development Department

11. This approval shall be for a billboard relocation pursuant to Garden Grove Municipal Code Section 9.20.110.B. Specifically, this approval authorizes the demolition and permanent removal of two (2) existing legal non-conforming billboard structures with four (4) faces in the City and the installation of a proposed relocated double-faced freeway-oriented Electronic Billboard along the Garden Grove (22) Freeway in compliance with the approved set of plans submitted with the subject Site Plan request and the requirements of Garden Grove Municipal Code Section 9.20.110 (Billboards). The Applicant's rights and obligations regarding maintenance and removal of the relocated billboard structures and sign faces shall be as established in the Relocation Agreement approved by the City Council. This Site Plan approval shall not result in the granting of any rights to the Applicant with respect to maintenance and removal of the relocated billboard than are greater than as established in the Relocation Agreement or possessed with respect to any of the legal non-conforming billboards to be removed pursuant to this Site Plan approval.

12. The maximum height of the proposed Electronic Billboard sign shall be 50 feet as measured from grade to top of sign. The proposed Electronic Billboard faces shall not be larger than 14 feet high X 48 feet wide (672 square feet).
13. The design of the proposed Electronic Billboard shall be consistent with the design approved by the Planning Commission and shown on the submitted plans. Color and material samples of the metal cladding shall be submitted to, and approved by, the Planning Division prior to issuance of building permits.
14. The sign faces of the proposed Electronic Billboard shall be oriented toward the freeway and shall not cause excessive light and glare impacts on the freeway, adjacent streets or adjacent properties. The proposed Electronic Billboard shall comply with all standards, requirements and limits applicable to illumination, light output, and message/image display set forth in Garden Grove Municipal Code Section 9.20.110.
15. The Applicant and the proposed Electronic Billboard shall comply will all applicable location, distance, size, operational, permit or licensing, and/or other requirements for off-premise electronic signs adjacent to the freeway right-of-way imposed by Federal or State law, including without limitation, the California Outdoor Advertising Act, California Business and Professions Code Section 5200, et. seq., and its implementing regulations, including applicable amendments thereto. To the extent such State or Federal requirements are stricter or more limiting than the requirements imposed pursuant to these Conditions of Approval, the stricter or more limiting State or Federal requirements shall apply. The Applicant shall demonstrate compliance with all applicable State and Federal requirements to the reasonable satisfaction of the Community and Economic Development Director prior to issuance of building permits and for as long as the relocated billboard remains in place on the subject Site.
16. The Applicant shall make space available for the display of emergency messaging in accordance with local, regional, and/or State protocols.
17. In accordance with Garden Grove Municipal Code Section 9.20.110.D, the Applicant's permanent removal of at least four (4) existing billboard sign faces and associated structures located within the City is an express condition to the City's approval of this Site Plan. Pursuant to the Applicant's proposal, two (2) existing billboard structures with a total of four (4) sign faces located within the City of Garden Grove will be permanently removed. The removal of these existing billboard structures shall be completed prior to issuance of building permits for the construction and installation of the proposed Electronic Billboard.

18. The Applicant shall enter into a Relocation Agreement with the City pursuant to Garden Grove Municipal Code Section 9.20.110.D. Said Agreement shall be approved by the City Council and fully executed prior to issuance of building permits for the proposed Electronic Billboard. The schedule of performance for removal of existing billboards and installation/relocation of the proposed Electronic Billboard, the time frame for Applicant's maintenance and eventual removal of the relocated billboard on the subject Site, the implementation of applicable mitigation measures, and the donation of advertising time on the billboard for community events to the City shall be as set forth in the Relocation Agreement.
19. Permissible hours and days of construction of the proposed Electronic Billboard and demolition/removal of existing billboards 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.
20. The Applicant shall fully comply with and implement all mitigation measures identified in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program adopted in conjunction with the approval of Site Plan No. SP-076-2019 and the Relocation Agreement. Specifically, and without limitation, such mitigation measures include, but are not limited to, the following:
 - a. The Applicant shall demonstrate compliance with a maximum 0.3-foot candle increase over ambient light at 250 feet from the sign face at all times upon initial start-up through field testing. If subsequent complaints consisting of direct personal impacts are received by the City of Garden Grove, the City shall require the Applicant to fund follow-up field testing by an independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance. If increases in ambient light are found to be above the 0.3foot-candle level, the dimming level shall be adjusted until this level can be demonstrated.
 - b. The proposed Electronic Billboard shall be installed with sensors, which automatically lower light output in accordance with atmospheric conditions (i.e., cloudy or overcast weather). Throughout the proposed Electronic Billboard operation, the dimness setting of the LED sign shall be adjusted in real time so it does not exceed the level of illumination identified under Mitigation Measure AES-1.
 - c. The operation of the proposed Electronic Billboard shall comply with the following at all times:

- No special visual effects that include moving or flashing lights shall accompany the transition between two (2) successive messages, and no special visual effects shall accompany any message display;
 - The minimum display duration time for messages shall be not less than eight (8) seconds, and the minimum display time between messages shall be not more than one (1) second;
 - The minimum font size shall be established for the maximum speed on the Garden Grove (22) Freeway. The font size standard shall be in accordance with the sign industry's best practices formula.
 - Prior to implementing any of the following, the operator shall submit a request and obtain permission from the City: installing, implementing, or using any technology that would allow interaction with drivers, vehicles, or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic positions system, or other device;
 - In the event of any failure or combination of failures that affect the proposed Electronic Billboard's luminance, the operator shall impose a default to an output level no higher than four (4) percent of the maximum luminance of the proposed Electronic Billboard. If this cannot be achieved, then the display shall be required to default to an "off" position until the problem can be resolved.
- d. The operator of electronic LED billboard shall submit within 30 days following June 30 of each year, a written report regarding operation of each electronic billboard during the preceding period of July 1 to June 30. The operator may submit a combined report for all such electronic billboards operated by such operator within the Garden Grove (22) Freeway Corridor. The report shall, when appropriate, identify incidents or facts that relate to specific electronic billboards. The report shall be submitted to the Office of the City Manager and the City Attorney, and shall include the following information:
- Status of the operator's license as required by California Business and Professions Code Section 5300 et seq.;
 - Status of the required permit for individual electronic billboards, as required by California Business and Professions Code Section 5350 et seq.;
 - Compliance with the California Outdoor Advertising Act, California Business and Professions Code Section 5200 et. seq. and all regulations adopted pursuant to such Act;

- Compliance with California Vehicle Code Sections 21466.5 and 21467;
 - Compliance with provisions of written agreements between the United States Department of Transportation and the California Department of Transportation pursuant to the Federal Highway Beautification Act (23 U.S.C. § 131);
 - Compliance with mitigation measures and/or conditions of approval adopted as part of the project approval;
 - Each written or oral complaint received by the operator, or conveyed to the operator by any government agency or any other person, regarding operation of electronic billboards within the Garden Grove (22) Freeway Corridor;
 - Each malfunction or failure of an electronic billboard operated by the operator within the Garden Grove (22) Freeway Corridor, which shall include only those malfunctions or failures that are visible to the naked eye, including reason for the malfunction, duration and confirmation of repair; and
 - Operating status of each electronic billboard operated by the operator within the Garden Grove (22) Freeway Corridor, including estimated date of repair and return to normal operation of any electronic billboard identified in the report as not operating in normal mode.
21. 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 Site Plan No. SP-076-2019, as it relates to this project encompassed by Site Plan No. SP-076-2019. The Applicant shall pay the City's defense costs, including reasonable attorney fees and all reasonable 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 making such challenge. The Applicant shall retain the right to select its counsel of choice in any action referred to herein, which shall be reasonably satisfactory to the City. In the event that any third party brings any challenge, the City shall give sufficiently prompt notice to the Applicant of such challenge and shall in all events give such notice within ten (10) days of the date that the Office of the City Attorney first learns of the challenge. Notwithstanding the foregoing, in the event any legal action or proceeding is

filed against the City and/or applicant, seeking to attack, set aside, void or annul any of Site Plan No. SP-076-2019, as it relates to the project encompassed by Site Plan No. SP-076-2019, applicant shall have the right and obligation to either: (1) defend the City with legal counsel selected by the Applicant and reasonably satisfactory to the office of the City Attorney; or (2) request that the City rescind Site Plan No. SP-076-2019, in which case the Applicant would have no obligation to defend or indemnify the City and no obligation to make any payments described above; however, Applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind Site Plan No. SP-076-2019 approval. The foregoing obligation to defend, indemnify and defend the City is subject to the condition that the City not voluntarily assist in any such third-party challenge or take any position adverse to the Applicant in connection with such third party challenge.