

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southwest corner of Newhope Street and Trask Avenue at 13512 Newhope Street
HEARING DATE: September 15, 2016	GENERAL PLAN: Heavy Commercial
CASE NO. Site Plan No. SP-027-2016 and Variance No. V-013-2016	ZONE: PUD-104-72 (Planned Unit Development)
APPLICANT: Outfront Media, LLC	APN: 100-125-02
OWNER: Reuben L. Casey	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

A request for Site Plan approval to relocate certain specific existing billboards and convert them into one (1) two-sided electronic billboard located along the Garden Grove (22) Freeway at 13512 Newhope Street in the PUD-104-72 zone, in conjunction with a request for Variance approval to allow the relocated billboard to be constructed within 350 feet of a residential zone. A Mitigated Negative Declaration has been prepared for this project and will be considered for adoption along with the subject Site Plan and Variance applications.

BACKGROUND:

A “billboard” is an off-premise sign, i.e., any sign identifying a use, facility, or service not conducted on the property where the sign is located, or a product that is produced, sold or manufactured on-site. Pursuant to Garden Grove Municipal Code (GGMC) section 9.20.110, the construction of new billboards is prohibited in the City of Garden Grove. However, the owner of an existing legal nonconforming billboard located in the City may request City approval to *relocate* the existing billboard to a new location within the City by filing an application for approval of a Site Plan. In October of 2014, the City Council amended section 9.20.110 through Amendment No. A-011-2014 to also allow existing static billboards that are proposed to be relocated to a location along the Garden Grove (22) Freeway Corridor to be converted to electronic billboards, subject to specified criteria and conditions. One such condition is that such an electronic billboard not be located on or within 350 feet of any residentially zoned property (GGMC § 9.20.110.D.3.d).

Outfront Media, which owns approximately ten (10) legal nonconforming billboard structures (with a total of 19 sign faces) within the City, has submitted the subject request to relocate three (3) of its existing billboard structures within the City (containing total of five (5) faces – one (1) single-sided billboard structure, and two (2) double-sided billboard structures), and convert them into one (1),

CASE NO. SP-027-2016/V-013-2016

two-sided electronic billboard structure to be erected on property located along the north side of the Garden Grove (22) Freeway, at the southwest corner of Newhope Street and Trask Avenue. Because the proposed electronic billboard structure would be located within 350 feet of the property lines of three residentially zoned parcels, Outfront Media is also requesting approval of a Variance from the 350-foot distance limitation set forth in GGMC § 9.20.110.D.3.d.

The property on which the relocated electronic billboard structure would be located is an approximately 1.98-acre site currently developed with an integrated office/light industrial development. The subject property is zoned Planned Unit Development No. PUD-104-72 and maintains a General Plan Land Use Designation of Heavy Commercial. The proposed sign would be located on the southeastern portion of the subject property. The property to the north, across Trask Avenue, is zoned R-3 (Multiple-Family Residential) and is developed with the Elk's Lodge. The property to the northwest is zoned R-1 (Single-Family Residential) and is developed with a church. The property to the east is zoned M-1 (Limited Industrial) and is developed industrially. The properties to the west, across Newhope Street are zoned M1 and TC (Transportation Corridor Overlay Zone) and are developed with a motorcycle club and a pocket park memorializing a remnant of the Pacific Electric Railway on the OCTA (Orange County Transportation Authority) Right-Of-Way. The property is bounded to the south by the Garden Grove (22) Freeway and the OCTA Right-Of-Way.

On July 27, 2016, Outfront Media conducted a neighborhood meeting to gain input from the public prior to Planning Commission consideration. A total of 35 notices were mailed to property owners located within a 300 foot radius of the sign. No one from the public attended the meeting.

DISCUSSION:

Site Plan

The applicant has submitted the subject Site Plan application, pursuant to which it proposes to remove/relocate three (3) existing legal nonconforming billboard structures and convert them into one (1) 75-foot tall, two-sided electronic billboard located along the Garden Grove (22) Freeway Corridor, at 13512 Newhope Street. The three (3) billboard structures to be relocated/removed consists of one (1) single-sided billboard located on the northeast corner of Garden Grove Boulevard and Josephine Street at 8751 Garden Grove Boulevard; one (1) double-sided billboard located on northeast corner of Garden Grove Boulevard and Louise Street at 8571 Garden Grove Boulevard; and one (1) double-sided billboard located on the west side of Harbor Boulevard adjacent to the south side of Trask Avenue and the Garden Grove (22) Freeway, at 13551 Harbor Boulevard. A total of five (5) billboard faces are proposed to be removed.

The electronic billboard is proposed to be located within the parking lot of an approximately 1.98-acre integrated light industrial/office development that is located on the southwest corner of Newhope Street and Trask Avenue, adjacent to the north side of the Garden Grove (22) Freeway and the OCTA Right-Of-Way. In

order to accommodate the proposed billboard on-site, one (1) parking space will be relocated. The parking space is required to be relocated in order to maintain the current number of parking spaces servicing the site. The design of the sign will include a metal clad single-support with two (2), 14 foot by 48 foot (672 square foot) electronic reader board sign faces that will be oriented toward the Freeway, facing both east and west bound traffic. Except for the 350-foot distance limitation from residentially zoned properties, for which the applicant is seeking a Variance (discussed below), Staff believes 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 sign 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. Also, as discussed further below, although the proposed sign would be located within 350 feet of three residentially *zoned* properties, two of these properties are not actually used for residential *uses* and the third is located on the other side of the raised freeway and will not be impacted by the sign.

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. Requested height of an electronic billboard must be justified through a balloon or flag test, or other similar test, conducted at the applicant's cost, and 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. In this case, a sign taller than 60 feet is necessitated because the grade of the Garden Grove (22) Freeway is approximately 26-feet above the finished grade of the property the sign is to be located on and there are sound attenuation walls along a portion of the freeway. At its own cost, the applicant conducted a flag test monitored by City staff to determine how high the sign needed to be in order to maintain adequate visibility. Based on the flag test, it was determined that in order to maintain visibility to the billboard sign from both east and west bound freeway traffic, the appropriate sign height is 75-feet, measured from the finished grade of the property the sign will be constructed on. At this height, the top of the billboard sign will be approximately 49-feet above the finished grade of the freeway.

Supporting Structure and Sign Faces

GGMC § 9.20.110 allows up to two 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 sign faces will be oriented for viewing toward the 22 Freeway and away from any residentially zoned property. In addition, the sign will be subject to several conditions of approval and mitigation measures designed to limit light and glare impacts from the electronic sign, require that brightness of the sign be adjusted in accordance with ambient light levels and limit the maximum brightness of the sign, require that all messages displayed on the electronic sign be static and not contain special visual effects that include moving or flashing lights, and require a minimum display duration for all messages of not less than 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 five (5) billboard faces elsewhere within the City in order to install the double-sided billboard along the freeway right-of-way. The applicant provided a list of approximately ten (10) billboard structure locations, some single-faced and some double-faced, that they proposed for removal/relocation. Staff reviewed each location and believe that removal of the three (3) 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 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 and Variance, Staff will take such a relocation agreement negotiated with the Applicant to the City Council for consideration. The Applicant cannot proceed with the proposed project until and unless the City Council approves a mutually acceptable billboard relocation agreement.

Variance

GGMC § 9.20.110.D.3.d provides that no electronic billboard shall be located within 350 feet of any residentially zoned property, as measured from the structural support column of the electronic billboard to the property line. The subject electronic billboard is proposed to be located 253 feet from the R-3 (Multiple-Family Residential) zone to the north, across Trask Avenue, 303 feet from the R-1 (Single-Family Residential) zone to the northwest, across Newhope Street and Trask Avenue, and 308 feet from the R-1 zone to the southwest, across Newhope Street and the Garden Grove (22) Freeway. Thus, in order for the applicant to construct the electronic billboard as proposed, the Planning Commission must approve a Variance from this 350-foot limitation.

Staff believes such a Variance is justified in this case because installation and operation of an electronic billboard at the proposed location will not have the

negative impact on nearby residential uses that the 350-foot distance limitation is intended to prevent. The two properties within 350 of the proposed sign to the north and northwest are residentially *zoned*, but are actually developed with assembly uses (an Elk's Lodge and a church), not residential uses, and only portions of the parking lots of these properties will be within the 350 foot radius of the sign. The residential property located within 350 feet of the proposed sign on the southwest side of the freeway will not maintain views to the sign due to the elevation of the freeway and the sound barrier wall that is built along the Freeway right-of-way, and thus will not be impacted. Further, any potential impacts to these properties, or other properties in the vicinity of the sign, will be mitigated through the proposed Conditions of Approval regulating the construction and operation of the electronic billboard.

Pursuant to the Municipal Code and State Law, the Planning Commission must make each of the following findings in order to approve the requested Variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.
2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, but which is denied to the property owner.
3. The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.
4. The granting of the Variance will not adversely affect the General Plan.
5. Approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

The Applicant has submitted a letter to the City, dated July 28, 2016, setting forth the facts and reasons the Applicant believes support each of these required findings. A copy of the Applicant's July 28, 2016 letter is attached to this Report. Staff has prepared a proposed Resolution of approval that includes facts and reasons in support of the five Variance findings.

Mitigated Negative Declaration

In conjunction with the proposed project, the City (through a consultant) has prepared an initial study and Mitigated Negative Declaration ("IS/MND") in accordance with the California Environmental Quality Act ("CEQA") analyzing the potential environmental impacts of the proposed electronic billboard. The IS/MND concludes that the proposed project will have no or a less than significant impact on all relevant environmental factors, provided specified mitigation measures are

complied with. These mitigation measures are incorporated as Conditions of Approval to the proposed Site Plan and Variance. The City Council will consider adoption of the Mitigated Negative Declaration and associated Mitigation Monitoring Reporting Program in conjunction with its consideration of a billboard relocation agreement. The Planning Commission is required to hold a public hearing concerning the IS/MND and make recommendation to the City Council regarding its adoption.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt a Resolution approving Site Plan No. SP-027-2016 and Variance No. V-013-2016, subject to the recommended Conditions of Approval, and recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program for the proposed Project.

KARL HILL
Planning Services Manager

By: Lee Marino
Senior Planner