

RESOLUTION NO. 5867-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE CONDITIONALLY APPROVING SITE PLAN NO. SP-027-2016 AND VARIANCE NO. V-013-2016 FOR A BILLBOARD RELOCATION TO 13512 NEWHOPE STREET, ASSESSOR'S PARCEL NO. 100-125-02 AND RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM FOR THE PROJECT.

WHEREAS, the City of Garden Grove has received a request for approval of (i) Site Plan No. SP-027-2016 for a billboard relocation and conversion to an electronic billboard in accordance with Garden Grove Municipal Code Section 9.20.110 on land located at the southeast corner of Newhope Street and Trask Avenue at 13512 Newhope Street, Assessor's Parcel No. 100-125-02, and (ii) Variance No. V-013-2016 to allow the relocated/converted electronic billboard to be located within 350 feet of residentially zoned property;

WHEREAS, if Site Plan No. SP-027-2016 and Variance No. V-013-2016 are 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 three existing billboard structures within the City and erection and maintenance of the relocated electronic billboard pursuant to Site Plan No. SP-027-2016 and Variance No. V-013-2016; and

WHEREAS, Site Plan No. SP-027-2016 and Variance No. V-013-2016 and the Relocation Agreement are collectively referred to herein as the "Project".

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 15, 2016, does hereby approve Site Plan No. SP-027-2016 and Variance No. V-013-2016, subject to the adoption of a Mitigated Negative Declaration for the project by the Garden Grove City Council, and approval by the City Council of a 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 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 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-027-2016 and Variance No. V-013-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Outdoor Media, LLC.
2. The applicant requests approval of Site Plan No. SP-027-2016 to relocate three (3) existing billboard structures 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. This request is made in conjunction with a request for approval of Variance No. V-013-2016 to allow the relocated electronic billboard to be located within 350 feet of three residentially zoned properties.
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 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 Reporting Program were prepared and circulated in accordance with CEQA and CEQA implementing guidelines.
4. The subject property has a General Plan Land Use designation of Heavy Commercial and is currently zoned Planned Unit Development No. PUD-104-72. The site is currently developed with an integrated office/light industrial development.
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 a legal notice, a public hearing was held on September 15, 2016, 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 September 15, 2016 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 conclusion of the Planning Commission, as required under Municipal Code Sections 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. 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, Outfront Media, LLC, proposes to permanently remove five (5) 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 three (3) billboard structures to be relocated/removed consist 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 relocated/converted 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.

The site has a General Plan Land Use designation of Heavy Commercial and is zoned Planned Unit Development PUD-104-72. 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 Transit Authority) Right-Of-Way. The property is bounded to the south by the Garden Grove (22) Freeway and the OCTA Right-Of-Way.

Various federal and state laws and regulations apply to digital signs and billboards located along highways. The proposed relocated/converted 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 sign 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 relocated/converted 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 8 seconds, and the minimum display time between messages shall be not more than 1 second;
- The electronic billboard shall not contain any software, hardware, or other technology that would allow the billboard to interact with drivers, vehicles, or any device located in vehicles, including, but not limited to, a radio frequency identification device, geographic position 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 billboard. If this cannot be achieved, then the display shall be required to default to an "off" position until the problem can be resolved.

Except for the 350 foot distance limitation from residentially zoned properties, for which the applicant seeks a Variance, 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.

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 within 350 feet of three different residentially zoned properties, necessitating a Variance. The sign structure will be

located (1) approximately 253 feet from the property line of the R-3 (Multiple Family Residential) zoned property to the north, across Trask Avenue, which contains an Elk's Lodge; (2) approximately 303 feet from the property line of the R-1 (Single-Family Residential) zoned property to the northwest, across Newhope Street and Trask Avenue, containing a church; and (3) approximately 308 feet from the R-1 zoned property to the southwest, across Newhope Street and the Garden Grove (22) Freeway. The two residentially zoned properties within 350 of the proposed sign to the north and northwest are 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.

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 that 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. 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 it proposed for removal/relocation. City Staff reviewed each location and concluded that removal of the three (3) structures that were chosen would have the most positive 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. The 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 three (3) existing legal non-conforming billboard structures and five (5) billboard sign faces from commercial corridors and areas in the City and the relocation of a single freeway-oriented sign structure to an commercial/light industrial property, which is located adjacent to the north side of the Garden Grove (22) Freeway and is primarily surrounded by other non-residential uses. The only exception is a home that is located southwest of the site along the southerly side of the Garden Grove (22) Freeway that 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.

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 along with Variance No. V-013-2016 to allow the relocated electronic billboard within 350 feet of a residential zone located along the Garden Grove (22) Freeway. With the exception of the distance to residential zones, 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 billboard structure will require the relocation of one 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.

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

The installation of the proposed billboard structure 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 billboard structure. 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 billboard structure 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 proposed to be located within an existing commercial/light industrial area, along the Garden Grove (22) Freeway Corridor. While there are residentially zoned properties in close proximity to the subject site, two of these residentially zoned properties to the north and northwest are developed with assembly uses, not residential uses, and the one residentially zoned property that is developed with a single-family home is located southwest of the subject site along the southerly side of the Garden Grove (22) Freeway. This home does not have direct visibility to the proposed billboard due to the elevation of the freeway and the height of the sound wall that is built along the freeway edge. Provided that that the billboard complies with all City, State, and Federal requirements the billboard as well as the Conditions of Approval the billboard will be compatible with the physical, functional and visual quality of the neighboring uses. Additionally, the removal of the three 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 an industrial site. Accordingly, the project will not impact the attractiveness of the environment of any occupants of the property.

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 1.98-acre site that is zoned PUD-104-72 that is located along the north side of the Garden Grove (22) Freeway, is developed with an existing multi-tenant office/light industrial development, and is surrounded by other industrial uses to the east and west, assembly uses within the R-1 (Single-Family Resident) zone to the north and northwest, and the Garden Grove (22) Freeway and the OCTA right-of-way to the south. There is only one residential home that is located within 350 feet of the subject site, however the residential property is located on the south side of the Freeway and does not have direct visibility to the sign due to the elevation of the Freeway and the height of the sound wall that is built along the Freeway edge. The proposed electronic billboard structure has been sited and designed to comply with all applicable development standards, with the exception of the distance to residential zones, 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, along with the associated Variance application, has been made subject to Conditions of Approval to further ensure construction and operational impacts are minimized. Further, the 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. Due to special circumstances, the 75-foot height of the proposed electronic billboard sign is the minimum necessary to ensure adequate visibility of the display from the Garden Grove (22) Freeway. The location and orientation of the proposed billboard sign, 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.

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.

Although the electronic billboard sign will be located on property within 350 feet of two residentially zoned properties on the same side of the 22 Freeway, neither of these two properties actually support residential uses. Rather, these two properties support civic and institutional uses (e.g., a church parking lot and an Elk's Lodge parking lot). Thus, the electronic billboard will not have the type of impact on these properties that the 350 foot distance limitation is intended to mitigate or avoid. The only homes in close proximity to the sign are located on the opposite side of the raised Garden Grove (22) Freeway, and

the sign will not be visible from these homes. The applicant has presented evidence that the area near the proposed sign structure is one of the only areas within the Garden Grove (22) Freeway Corridor in the City where the majority of nearby residentially zoned properties do not support actual residential uses, and where homes that are located within the 350-foot radius would not experience an aesthetic impact. The intended use of the subject property with a relocated/converted electronic billboard would also provide direct benefits to the City that other classes of uses in the vicinity would not. In order to obtain the right to construct such a sign on the subject property, the applicant must enter into a Relocation Agreement with the City providing for the donation of advertising space to the City for community events and other negotiated benefits, and requiring the removal of five existing legal nonconforming billboard sign faces located in other areas of the City that are not adjacent to a freeway. According to the applicant, four of the five existing billboard sign faces that will be removed are located within 100 feet of residences. Removal of these existing billboards will thus enhance the overall aesthetic landscape in the City.

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.

GGMC Section 9.20.110 permits a billboard to be relocated to another property, subject to certain conditions and City approval of a Site Plan. From a geographical standpoint, relocated/converted electronic billboards may be permitted so long as they are located within 300 feet of the Garden Grove (22) Freeway, more than 350 feet from residentially zoned property, more than 500 feet from another billboard on the same side of the Freeway, and more than 1000 feet from another electronic sign. The applicant has provided evidence that there exist a number of properties along the Garden Grove (22) Freeway Corridor that meet this criteria and could potentially accommodate a relocated billboard. According to the information provided by the applicant, each of the identified sites are zoned for non-residential use and are located, or have portions of the property that are located: within 300 feet of the Freeway right-of-way; more than 350 feet from residential uses; more than 500 feet from static billboards on the same side of the highway; and more than 1,000 feet from other digital billboards on the same side of the highway. While the subject electronic billboard is proposed to be constructed within 350 feet of a residential zone, the residential properties to the north and northwest are developed with assembly uses (Elk's Lodge and church) and the residential property located on the southwest side of the freeway does 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. Additionally the proposed electronic billboard meets all other requirements of Section 9.20.110 of Title 9 of the City's Municipal Code, which includes distances to static billboards along the

same side of the freeway, and distances to other electronic billboards and electronic on-premise signs along the freeway. The closest digital billboard and electronic on-premise sign is more than 1,000 feet from the proposed sign and the closest static billboard is more than 500 feet away. The impact to residential uses from the proposed electronic billboard sign on the subject site would be similar to the impacts to residential uses from electronic billboards located on the other properties along the freeway identified by the applicant. However, without the requested Variance, the relocated/converted electronic billboard could not be constructed on the subject property.

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.

The subject electronic billboard is proposed to be constructed on a commercial/light industrial zoned (PUD-104-72) property along the north side of the Garden Grove (22) Freeway. Except for the 350-foot minimum distance from residentially zoned property limitation for which the applicant has requested the Variance, the proposed billboard will be consistent with all other requirements of GGMC Section 9.20.110, as well as all Federal, State laws that apply. Additionally, the removal of five (5) existing static billboard faces that will be removed in conjunction with the construction of the subject billboard will improve the visual and physical quality of the neighborhoods in which they are located.

While there is one residentially developed property within 350 feet of the site of the proposed electronic billboard, this property is located on the southwest side of the freeway and due to the elevation of the freeway and sound barrier wall that located on the Freeway right-of-way, the property will not have a view to the sign. Furthermore, the City's General Plan does not identify any scenic vistas, highways or resources in the vicinity of the subject site, and the proposed electronic billboard will not negatively impact the adjacent properties or the existing urban landscape.

4. The granting of the Variance will not adversely affect the General Plan.

The City's General Plan does not contain any specific policies concerning the relocation of billboards or their relocation and conversion into electronic billboards. However, the General Plan does contain policies that promote the use of appropriate and compatible signage within commercial centers, and encourages the development of new sign standards 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 of the General Plan

Land Use Element states that the City should "ensure appropriate and compatible signage is provided within commercial centers. Further, 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.

The construction and operation of the proposed electronic billboard would maximize usage of a commercial property located adjacent the Garden Grove (22) Freeway. The proposed billboard would incorporate the latest LED technology, and a portion of advertising time would be available to the City for public service announcements. Along with the construction of the billboard, the applicant will be removing five (5) existing billboard faces, pursuant to a relocation agreement between the City and the applicant. Four (4) of the billboard faces targeted for removal are located within 100 feet of a residences. Removal of the five (5) billboard faces will be an aesthetic improvement to the area. Furthermore, relocation of a billboard to the Garden Grove (22) Freeway corridor would result in a greater land use compatibility within the City while reducing visual clutter in other areas of the City.

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.

Approval of the requested Site Plan and Variance is subject to several Conditions of Approval and mitigation measures intended to ensure safety and to mitigate adverse impacts on nearby properties and uses. Provided these Conditions of Approval are complied with, the approval of the subject Variance would not constitute the granting of a special privilege to the owner of the subject site, due to the design and orientation of the sign and the circumstances surrounding the project. While the subject property is located within 350 of a residential zone, with the exception of one property that is located southwest of the Garden Grove Freeway that does not maintain visibility to the sign, all other properties located within 350 feet are developed with light industrial uses, offices, assembly uses, the Garden Grove (22) Freeway, and the Orange County Transit Authority (OCTA) Right-Of-Way. 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 sign 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 and Variance possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Site Plan, Variance) 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-027-2016 and Variance No. V-013-2016.
3. Approval of Site Plan No. SP-027-2016 and Variance No. V-013-2016 shall not become effective until and unless the City Council adopts the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approves a 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-027-2016 and V-013-2016 shall be deemed null and void and of no effect.

Adopted this 15th day of September, 2016

ATTEST:

/s/ ANDREW KANZLER
VICE CHAIR

/s/ JUDITH MOORE
SECRETARY

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

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on September 15, 2016, by the following vote:

AYES: COMMISSIONERS: (5) BARKER, KANZLER, NUYGEN, PAREDES,
ZAMORA
NOES: COMMISSIONERS: (0) NONE
ABSENT: COMMISSIONERS: (2) MARGOLIN, O'NEILL

/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 October 6, 2016.