



A G E N D A

GARDEN GROVE PLANNING COMMISSION

October 5, 2023 - 7:00 PM

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the Planning Commission, should contact the Department of Community & Economic Development at (714) 741-5312 or email planning@ggcity.org 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The Planning Commission may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

Public Comments: Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing public-comment@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

REGULAR MEETING AGENDA

ROLL CALL: CHAIR LINDSAY, VICE CHAIR CUNNINGHAM
COMMISSIONERS ARBGAST, CUEVA, LARICCHIA, PAREDES,
RAMIREZ

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES – [September 21, 2023](#)
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. [VARIANCE NO. V-040-2023](#)

APPLICANT: DON SCHLENSKER

LOCATION: NORTHEAST CORNER OF NEWHOPE STREET AND TRASK AVENUE AT 11551 TRASK AVENUE

REQUEST: A request for Variance approval to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy at the southwest corner of a site currently improved with a private lodge, the Elks Lodge. The site is in the R-3 (Multiple-Family Residential) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 – Accessory Structures – of the State CEQA Guidelines.

STAFF RECOMMENDATION: Approval of Variance No. V-040-2023, subject to the recommended conditions of approval.

C.2. [SITE PLAN NO. SP-128-2023](#)
[CONDITIONAL USE PERMIT NO. CUP-347-12 \(REV. 2023\)](#)

APPLICANT: AKC PERMIT CO. (KASEY CLARK)

LOCATION: SOUTH SIDE OF TRASK AVENUE, BETWEEN BROOKHURST STREET AND MAGNOLIA STREET, AT 9898 TRASK AVENUE

REQUEST: A request for Site Plan approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign. In addition, a request for a Modification to the Conditions of Approval of Conditional Use Permit No. CUP-347-12 to remove conditions related to the arched cap feature on the existing freeway dealer electronic readerboard sign. The site is in the PUD-110-96 (Planned Unit Development) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 – Accessory Structures – of the State CEQA Guidelines.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023), subject to the recommended conditions of approval.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION
Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, September 21, 2023

CALL TO ORDER: 7:02 p.m.

ROLL CALL:

Commissioner Arbgast
Commissioner Cueva
Commissioner Cunningham
Commissioner Laricchia
Commissioner Lindsay
Commissioner Paredes
Commissioner Ramirez

Absent: Cunningham, Ramirez

PLEDGE OF ALLEGIANCE: Led by Commissioner Laricchia

ORAL COMMUNICATIONS – PUBLIC – None.

August 17, 2023 MINUTES:

Action: Received and filed.

Motion: Laricchia Second: Arbgast

Ayes: (5) Arbgast, Cueva, Laricchia, Lindsay, Paredes

Noes: (0) None

Absent: (2) Cunningham, Ramirez

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-243-2023 FOR PROPERTY LOCATED SOUTH OF GARDEN GROVE BOULEVARD, BETWEEN TAFT STREET AND CENTURY BOULEVARD, AT 10868 GARDEN GROVE BOULEVARD.

Applicant: BE NGO

Date: September 21, 2023

Request: A request for Conditional Use Permit approval to allow the operation of a new massage establishment, 128 Luxury Spa, within an existing multi-tenant office building. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act

(CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Resolution No. 6064-23 was approved.

Motion: Arbgast Second: Cueva

Ayes: (5) Arbgast, Cueva, Laricchia Lindsay, Paredes

Noes: (0) None

Absent: (2) Cunningham, Ramirez

PUBLIC HEARING –CONDITIONAL USE PERMIT NO. CUP-245-2023 FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF GARDEN GROVE BOULEVARD AND WILSON STREET AT 8550 GARDEN GROVE BOULEVARD.

Applicant: MICHELLE NG

Date: September 21, 2023

Request: A request for Conditional Use Permit approval to allow a new, approximately 795 square foot tattoo parlor, White Lotus Society, to operate within an existing tenant space of a multi-tenant commercial plaza. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Resolution No. 6065-23 was approved. Daniel Hayden expressed concern that another tattoo parlor was two blocks away, and that his 15-unit complex behind the smoke shop was continuously affected by increasing transient problems. A letter submitted by Maureen Blackmun cited concerns with high-crime around the existing businesses in the area, and cautioned that the Police Department should keep a watchful eye on the tattoo parlor.

Motion: Lindsay Second: Arbgast

Ayes: (5) Arbgast, Cueva, Laricchia, Lindsay, Paredes

Noes: (0) None

Absent: (2) Cunningham, Ramirez

PUBLIC HEARING –CONDITIONAL USE PERMIT NO. CUP-284-09 (REV. 23) FOR PROPERTY LOCATED ON THE WEST SIDE OF MAIN STREET, BETWEEN GARDEN GROVE BOULEVARD AND ACACIA PARKWAY, AT 12941 MAIN STREET.

Applicant: HTB, INC.

Date: September 21, 2023

Request: A request to modify Conditional Use Permit No. CUP-284-09 (REV. 10), which governs alcohol sales and limited live entertainment at an existing restaurant, The Wharf, located within the Historic Main Street, to include (i) a modification to the approved floor plan and conditions of approval to add two (2) new pool tables in the dining area as incidental amusement devices, and (ii), a modification to the conditions of approval to extend the operational hours from 11:00 p.m. to 2:00 a.m., seven (7) days a week. The site is in the CC-2 (Civic Center Main Street) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: The case was withdrawn by the applicant per a letter dated September 19, 2023.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-002-2023 AND AMENDMENT NO. A-037-2023 FOR CITY OF GARDEN GROVE, CITYWIDE.

Applicant: CITY OF GARDEN GROVE

Date: September 21, 2023

Request: The Garden Grove Planning Commission will hold a public hearing and consider a recommendation that the City Council: (i) adopt a General Plan Amendment (GPA-002-2023), which includes updates to the adopted 2021-2029 Housing Element and to amend the General Plan Land Use Designation of a property located at 13621 Harbor Boulevard (Assessor’s Parcel No. 100-123-01), from Industrial (I) to International West Mixed Use (IW); and (ii) adopt a Zoning Map amendment (A-037-2023) to revise the Zoning Map to implement the updates to the Housing Element and to clarify the sites intended to be included in the International West Mixed Use Overlay and the Industrial/Residential Mixed Use 1 Overlay, pursuant to Ordinance No. 2925. The focus of the General Plan and Zoning Map Amendments is to comply with State law provisions and resolve comments received from the California Department of Housing and Community Development (HCD) on the adopted 2021-2029 Housing Element, in order to obtain HCD certification of the City’s Housing Element.

In conjunction with this request, the City of Garden Grove will consider a determination that no further review under the California Environmental Quality Act (“CEQA”) is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because the proposed General Plan and zoning amendments implement the General Plan update analyzed in the City of Garden Grove Focused General Plan Update and Zoning Amendments Environmental Impact

Report, State Clearinghouse No. 2021060714 (“Garden Grove General Plan Update and Focused Zoning Amendments”), potential impacts of the General Plan and zoning amendments fall within the scope of the General Plan Update EIR, and the General Plan and zoning amendments will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Planning Commission will make a recommendation to the Garden Grove City Council.

The draft of the proposed Revised Adopted 2021-2029 Housing Element (June 2023) is available for public review on the City’s website at ggcity.org/housing-element.

The proposed Zoning Map Amendment will apply and/or clarify that the mixed use overlays adopted pursuant to Ordinance No. 2925 apply to the parcels listed below. These parcels are generally located along Harbor Boulevard between Trask Avenue and Westminster Avenue, and along Western Avenue between Chapman Avenue and Garden Grove Boulevard.

The following parcels will be included in the International West Mixed Use Overlay:

| | |
|---|---|
| 13621 HARBOR BLVD (APN: 10012301) | 13631 HARBOR BLVD (APN: 10012302) |
| 12382 GARDEN GROVE BLVD (APN: 10161101) | 13851 & 13861 HARBOR BLVD (APN: 10013079) |
| 12532 GARDEN GROVE BLVD (APN: 10134366) | 13862 SEABOARD CIR (APN: 10013058) |
| 12562 GARDEN GROVE BLVD (APN: 10101104) | 13962 SEABOARD CIR (APN: 10013068) |
| 12640 GARDEN GROVE BLVD (APN: 10101101) | 11901 WESTMINSTER AVE (APN: 10013069) |
| 13518 HARBOR BLVD (APN: 10108075) | (APN: 23132320) |
| 13591 HARBOR BLVD (APN: 10012232) | |

The following parcels will be included in the Industrial/Residential Mixed Used 1 Overlay:

| | |
|-----------------------------------|--|
| 7571 CHAPMAN AVE (APN: 13160115) | 12906 WESTERN AVE (APN: 21514111) |
| 7541 CHAPMAN AVE (APN: 13160125) | 7561 GARDEN GROVE BLVD (APN: 21514112) |
| 12700 WESTERN AVE (APN: 21503301) | 7601 GARDEN GROVE BLVD (APN: 21514113) |
| 12712 WESTERN AVE (APN: 21503303) | 7500 CHAPMAN AVE (APN: 13167112) |
| 7532 ANTHONY AVE (APN: 21514110) | (APN: 13167107) |
| 7572 ANTHONY AVE (APN: 21514109) | 7571 LAMPSON AVE (APN: 13167106) |
| 7602 ANTHONY AVE (APN: 21514108) | |

Action: Resolution Nos. 6069-23 (GPA) and 6070-23 (A) were approved. Staff provided a handout titled “Changes to Housing Element Sites Inventory”, which listed sites that were added to the Site Inventory since the Housing Element Adoption in November 2021. MIG representative, Jose Rodriguez, was available to answer Commissioner’s questions.

Motion: Arbgast Second: Laricchia

Ayes: (5) Arbgast, Cueva, Laricchia, Lindsay, Paredes

Noes: (0) None

Absent: (2) Cunningham, Ramirez

MATTERS FROM COMMISSIONERS: Commissioner Paredes asked if transitional treatment center units for substance abuse were included in the RHNA count. Staff responded that under State law in HUD Regulations, units must include their own kitchen and bath facilities, and that communal/congregate care facilities are not considered units.

MATTERS FROM STAFF: Staff gave a brief description of future agenda items for the October 5th meeting

ADJOURNMENT: At 8:03 p.m.

Judith Moore
Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

| | |
|--|--|
| AGENDA ITEM NO.: C.1. | SITE LOCATION: Northeast corner of Newhope Street and Trask Avenue, at 11551 Trask Avenue |
| HEARING DATE: October 5, 2023 | GENERAL PLAN: Medium Density Residential (MDR) |
| CASE NO.: Variance No. V-040-2023 | ZONE: R-3 (Multiple-Family Residential) |
| APPLICANT: Don Schlensker | APN: 100-362-29 |
| OWNER: Elks Lodge #1952 | CEQA DETERMINATION: Exempt, CEQA Guidelines § 15311 (Accessory Structures) |

REQUEST:

A request for Variance approval to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy at the southwest corner of a site currently improved with a private lodge, the Elks Lodge.

BACKGROUND:

The subject site, a rectangular-shaped corner lot, is approximately four (4) acres and is located on the northeast corner of Newhope Street and Trask Avenue, at 11551 Trask Avenue. In 1955, the Elks Lodge, a private lodge, was established on the site. The site is improved with an approximately 16,000 square foot building that hosts the club's events with additional rooms that serve as event space available for rent. The site also provides parking to the west side of the property and the on-site Elk's Park is located to the east. Vehicular access to the site is provided via three (3) drive approaches along Trask Avenue and one (1) along Newhope Street. An existing freestanding monument sign with manual changeable letters is located at the southwest corner of the site, at approximately 8'-5" in height, with an overall approximate sign area of 56 square feet.

The site has a General Plan Land Use designation of Medium Density Residential (MDR) and is zoned R-3 (Multiple-Family Residential). The property abuts an R-3 (Multiple-Family Residential) zoned property to the east developed with a residential small-lot subdivision development, a property zoned Planned Unit Development No. PUD-104-72 to the south, across Trask Avenue, developed with two (2) industrial buildings, an R-1 (Single-Family Residential) zoned property to the west, across Newhope Street, developed with a Church, the King of Kings Lutheran Church, and R-1 zoned properties to the north developed with single family dwellings.

In 2014, the City amended the Sign Code (Chapter 9.20 of Title 9 of the Municipal Code) per Amendment No. A-005-2014 to allow for electronic changeable copy

monument signs for certain uses, such as churches, schools, theatres, public facilities, private clubs and lodges, as a means to easily advertise their services and programs, including service times, event information, and announcements to members and the general public, as opposed to manually changing letters and symbols on manual changeable letter signs. Moreover, the amendment allowed for advertisement for on-site programming and activities only and prohibited off-site advertisement to be displayed on the electronic changeable copy. Prior to the Code Amendment, the City discouraged electronic reader boards due to possible impacts to the community, including impacts to residential uses, such as light and glare concerns. Due to the continued resurgence of requests for electronic reader boards, and with increased sophistication and advancement to electronic reader board technology, Staff reconsidered the request and the City Council approved an Ordinance to allow for electronic changeable copy signs for specified land uses.

The Code Amendment established specific standards and requirements in Municipal Code Section 9.20.050.J pertaining to the construction, location, and operation of monument signs containing electronic changeable copy, including the following:

- Electronic changeable copy signs shall only be operated between 7:00 a.m. and 10:00 p.m.;
- Electronic changeable copy signs shall remain dark and unlit between 10:00 p.m. and 7:00 a.m.;
- Electronic changeable copy signs shall incorporate both an automatic light sensitive dimmer and a manual dimmer for reducing the intensity of light output in the evening hours (sunset to 10:00 p.m.);
- The maximum measurable light output of the electronic changeable copy shall not exceed 0.3 foot-candles above ambient light levels in the evening;
- Any lot containing an electronic changeable copy sign shall have a minimum lot frontage of 160'-0";
- Electronic changeable copy signs shall be located at least 150'-0" from another sign with electronic changeable copy;
- An electronic changeable copy sign shall be located at least 80'-0" from the property line of any residential property;
- The electronic changeable copy shall consist only of static letters, symbols and/or numbers (no bright, flashing, moving, strobe type effects or graphics) of a single color against a black (or unlit) background, and shall change no faster than once every 20 seconds;
- Light intensity changes of the electronic changeable copy (other than between daylight and evening hours) are not permitted.

The applicant for Elks Lodge is proposing to replace the existing freestanding monument sign located on the southwest corner of the site with a new electronic

changeable copy monument sign. However, in 2021, the church across Newhope Street, King of Kings Lutheran Church located at 13431 Newhope Street to the west of the Elks Lodge site, obtained building permits for an electronic changeable copy monument sign at the southeast corner of the site, approximately 115'-0" from the existing Elks Lodge freestanding sign. Therefore, the proposed location for the Elks Lodge sign is within the 150'-0" minimum distance separation between electronic changeable copy signs allowed by Municipal Code Section 9.20.050.J.6. Moreover, Staff acknowledges that the minimum distance requirements are more appropriate for assembly uses located within single-family residential neighborhoods along residential streets. As a result, the applicant is requesting Variance approval to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy at the southwest corner of the subject site.

DISCUSSION:

The subject site has a lot frontage of 270'-0" along Newhope Street and 600'-0" along Trask Avenue. The applicant is proposing a monument sign with electronic changeable copy along the perimeter block wall to replace an existing monument sign with manual changeable letters, located approximately 14'-0" away and parallel to the property line along the corner cutoff at the southwest corner of the subject site. The nearest property developed with a residential use is located to the north of the subject site approximately 270'-0" away. The proposed sign will be single-sided, have a 6'-0" overall height inclusive of a 2'-7" base, 7'-6" in overall length, and a 22.35 square foot sign display area. With the exception of the minimum 150'-0" distance requirement to another electronic changeable copy sign, the proposed sign complies with the requirements for electronic changeable copy signs per Municipal Code Section 9.20.050.J. Moreover, the design of the monument sign also complies with the requirements for standard monument signs stipulated in Municipal Code Section 9.20.040.A.2.a.i, which limits the maximum height to 6'-0", as measured from grade at the centerline of the sign, the maximum length to 8'-0", and the maximum area of display surface of 32 square feet. In addition, Municipal Code Section 9.20.040.A.2.b requires at least a 1'-0" base. To ensure compliance with the operational requirements for changeable copy signs, such as hours of operation, maximum light intensity output, and frequency of light intensity changes, Staff has incorporated recommended conditions of approval to minimize any adverse impacts to the surrounding area.

PROJECT STATISTICS:

| | Code Requirement | Provided | Meets Code |
|---|-------------------------|---|-------------------|
| Minimum Lot Frontage | 160'-0" | Newhope St. – Approx. 270'-0" Trask Ave. – Approx. 600'-0" | Yes |
| Minimum Distance to Another Changeable Copy Sign | 150'-0" | 115'-0" | No ¹ |
| Minimum Distance to Residential | 80'-0" | 270'-0" | Yes |
| Minimum Setback | 3'-0" | 14'-0" | Yes |
| Maximum Height | 6'-0" | 6'-0" | Yes |
| Maximum Length | 8'-0" | 7'-6" | Yes |
| Maximum Display Area | 32 S.F. | 22.35 S.F. | Yes |
| Minimum Base Height | 1'-0" | 2'-7" | Yes |

1. Variance requested to deviate from the minimum distance to another electronic changeable copy sign.

VARIANCE:**Findings Required to Approve Variance:**

The applicant is requesting consideration of a Variance from Section 9.20.050.J.6 of Title 9 of the Municipal Code for a deviation to the minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy. The minimum distance required is 150'-0". However, the proposed electronic changeable copy sign provides 115'-0" to the existing electronic changeable copy sign to the west across Newhope Street.

Pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6, in order to grant a property owner's request for a Variance, the Planning Commission must make each of the following five (5) findings:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The subject site has an existing changeable letter sign that is updated manually at the southwest corner. The applicant proposes to install a new electronic changeable copy monument sign in the same location of the existing monument sign, which is approximately 115'-0" away from an existing electronic changeable copy sign to the west, across Newhope Street, at the King of Kings Lutheran Church located at 13431 Newhope Street. The location of the proposed sign is 35'-0" short of meeting the minimum distance separation required. The proposed digital display will allow the applicant to easily update the copy.

The existing use, a private lodge, is an assembly-type use that qualifies for electronic changeable copy signs. Per Amendment No. A-005-2014, electronic changeable copy signs are allowed for assembly-type uses, subject to certain requirements, including a minimum 150'-0" distance separation to another electronic changeable copy sign. The subject site is situated directly across from another site improved with an assembly-type use. This is a unique circumstance since most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. For example, the City has previously approved an electronic changeable copy sign for an assembly-type use that is not located in the direct vicinity of other assembly-type use at the Garden Grove Seventh-Day Adventist Church site located at 12702 9th Street.

Therefore, there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City, due to the property being located directly across the street from a site improved with an assembly-type use, a church, that has already built an electronic changeable copy sign. With exception to the requested Variance, the proposed sign meets all other Municipal Code requirements including, but not limited to, minimum lot frontage, minimum distance to residential properties, minimum setback, maximum height and length, maximum display area, and minimum base height.

Approval of the Variance will allow the applicant to deviate from the 150'-0" minimum distance requirements to another electronic changeable copy sign to replace a dated sign with a new standard monument sign with electronic changeable copy at the Elks Lodge site.

2. That such 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 subject property.

As an assembly use, the Elks Lodge would benefit from an electronic changeable copy sign to easily update the copy on the sign to efficiently display information to their members and the general public in the surrounding neighborhood. Approval of the Variance would allow the applicant to continue to preserve and enjoy a substantial property right possessed by other properties improved with assembly-type uses in the same vicinity. The subject site is situated directly across from another site improved with an assembly-type use. This is a unique circumstance since most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. For example, the City has previously approved an electronic changeable copy sign for an assembly-type use that is not located in the direct vicinity of other assembly-type use at the Garden Grove Seventh-Day Adventist Church site located at 12702 9th Street. Approval of

the Variance will allow the applicant to deviate from the minimum 150'-0" distance requirement to another electronic changeable copy sign to replace a dated sign with a new standard monument sign with electronic changeable copy. The electronic changeable copy sign will allow the private lodge to easily convey information to the general public, without manually updating letters on a changeable letter sign. Placing the sign further north from the southwest corner of the site would impede with the existing parking layout since the parking was developed with a zero setback and there aren't any existing planters along Newhope Street that would accommodate a monument sign. In addition, locating the proposed sign further east would limit the sign's visibility from the street intersection.

3. That the granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The granting of the Variance for the installation of an electronic changeable copy monument sign at the Elks Lodge site will not be materially detrimental to the public welfare. The proposed electronic changeable copy sign will replace an existing changeable letter sign that is approximately 8'-5" in height, with an overall approximate sign area of 56 square feet. The proposed sign will be smaller in size with a 6'-0" overall height inclusive of a 2'-7" base, 7'-6" in overall length, and a 22.35 square foot display area. The proposed sign meets the parameters allowed in Title 9 of the Municipal Code, with the exception of the distance requirements to another electronic changeable copy sign, which is at least 150'-0". However, Staff acknowledges that most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. Moreover, the subject site is not located directly within a residential neighborhood and the sign is oriented in a south-west direction toward the assembly and industrial uses in the direct vicinity. The existing sensitive uses in the direct vicinity are single-family dwellings that are located approximately 270'-0" to the north of the proposed electronic changeable copy sign. The proposed sign will be oriented away from said single-family dwellings.

The City has not received any complaints regarding the existing electronic changeable copy sign at the church site to the west across Newhope Street. In addition, conditions of approval will require that the sign operate within the operational parameters established in Title 9 of the Municipal Code, which includes limitations to hours of operation, maximum light intensity output, and frequency of light intensity changes. The conditions of approval will ensure that the proposed sign is not materially detrimental to the public welfare or injurious to the property or improvements in the zone and surrounding neighborhood.

4. That the granting of such Variance will not adversely affect the City's General Plan.

The subject site has an existing changeable letter sign that is updated manually at the southwest corner. The applicant proposes to install a new electronic changeable copy monument sign in the same location of the existing monument sign, which is approximately 115'-0" away from an existing electronic changeable copy sign to the west, across Newhope Street, at the King of Kings Lutheran Church located at 13431 Newhope Street. The location of the proposed sign is 35'-0" short of meeting the minimum distance separation required. The proposed digital display will allow the applicant to easily update the copy.

The Variance to allow the construction of a changeable copy monument sign complies with the spirit and intent of the goals of the General Plan. Goal CD-2 of the Community Design Element of the General Plan encourages that attractive and appropriate signage be provided throughout the City of Garden Grove. With exception to the requested Variance, the proposed sign meets all other Municipal Code requirements including, but not limited to, minimum lot frontage, minimum distance to residential properties, minimum setback, maximum height and length, maximum display area, and minimum base height. The existing use, a private lodge, is an assembly-type use that qualifies for electronic changeable copy signs. The electronic changeable copy sign will allow the private lodge to easily convey information to the general public, without manually updating letters on a changeable letter sign. Placing the sign further north from the southwest corner of the site would impede with the existing parking layout since the parking was developed with a zero setback and there aren't any existing planters along Newhope Street that would accommodate a monument sign. In addition, locating the proposed sign further east would limit the sign's visibility from the street intersection. Therefore, the General Plan is not adversely affected by this Variance request.

5. That 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 subject site has an existing changeable letter sign that is updated manually at the southwest corner. The applicant proposes to install a new electronic changeable copy monument sign in the same location of the existing monument sign, which is approximately 115'-0" away from an existing electronic changeable copy sign to the west, across Newhope Street, at the King of Kings Lutheran Church located at 13431 Newhope Street. The location of the proposed sign is 35'-0" short of meeting the minimum distance separation required. The proposed digital display will allow the applicant to easily update the copy.

The subject site is situated directly across from another site improved with an assembly-type use. This is a unique circumstance since most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. For

example, the City has previously approved an electronic changeable copy sign for an assembly-type use that is not located in the direct vicinity of other assembly-type use at the Garden Grove Seventh-Day Adventist Church site located at 12702 9th Street.

With exception to the requested Variance, the proposed sign meets all other Municipal Code requirements including, but not limited to, minimum lot frontage, minimum distance to residential properties, minimum setback, maximum height and length, maximum display area, and minimum base height. The existing use, a private lodge, is an assembly-type use that qualifies for electronic changeable copy signs. The appropriate conditions of approval will be incorporated so that approval of the Variance will not constitute a granting of a special privileges. To ensure compliance with the operational requirements for changeable copy signs, such as hours of operation, maximum light intensity output, and frequency of light intensity changes, Staff has incorporated recommended conditions of approval to minimize any adverse impacts to the surrounding area.

As part of the conditions of approval, the Variance approval will become null and void if (i) the existing use of the Site as an Elks Lodge is discontinued or abandoned and not re-established within one year; (ii) the existing improvements on the Site are demolished and not re-established within one year of demolition; and/or (iii) the electronic changeable copy monument sign is removed or demolished and not re-established within one year of its removal or demolition.

Staff is in support of the applicant's Variance request. Accordingly, Staff has prepared for the Planning Commission's consideration, a draft resolution approving the proposed Variance request, subject to the specified Conditions of Approval.

California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 11 categorical exemption for Accessory Structures (CEQA Guidelines §15311). Class 11 consists of construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs. The applicant is requesting Variance approval to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new on-premise standard monument sign with electronic changeable copy, at a site currently improved with a private lodge. The new sign will replace an existing, larger, monument sign in the same location. Therefore, staff recommends that the Planning Commission determine the project to be exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6066-23 approving Variance No. V-040-2023, subject to the recommended Conditions of Approval.



MARIA PARRA
Planning Services Manager



By: Mary Martinez
Associate Planner

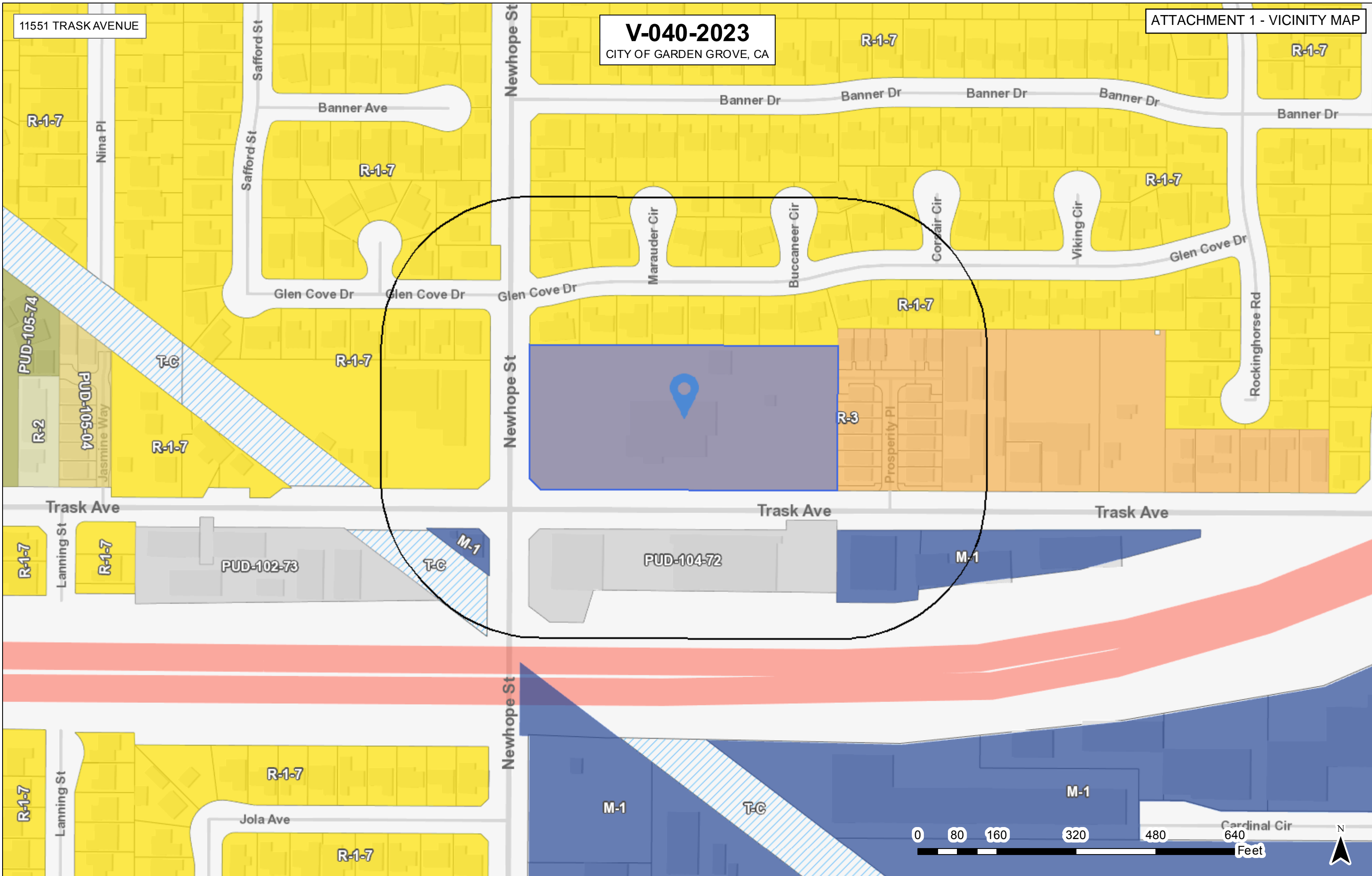
Attachment 1: Vicinity Map
Attachment 2: Plans

11551 TRASK AVENUE

V-040-2023

CITY OF GARDEN GROVE, CA

ATTACHMENT 1 - VICINITY MAP



SIGN AT ELKS LODGE

11551 TRASK AVENUE GARDEN GROVE, CALIFORNIA 92843

DESIGN & PROFESSIONAL ENGINEERING SERVICES:

EJD ENGINEERING INC.

Ernest J. De Leon, P.E.
14726 Ramona Ave (410-W1)
Chino, CA 91710
Office: 909.517.2451
Ernest@EJDEngineering.com

COPYRIGHT:

THIS DRAWING IS THE COPYRIGHTED PROPERTY OF EJD ENGINEERING, INC. THE USE IS INTENDED FOR THE PROJECT NOTED AND MAY NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF EJD ENGINEERING, INC.

SHEET DESCRIPTION:

GENERAL NOTES

PROJECT NAME AND LOCATION:

SIGN AT ELKS LODGE

**11551 TASK AVENUE
GARDEN GROVE, CA 92843**

APN: 100-362-29
LOT #: 4
LOT AREA: 181,070 SQ. FT.



JUNE 20, 2023

REVISION STATUS:

| REV. | DATE | DESCRIPTION |
|------|---------|----------------------------|
| 2 | 6/14/23 | PLANNING COMMENTS |
| 1 | 3/30/23 | SIGN APPLICATION (#382584) |

PROJECT NO: **23-007**
DRAWN BY: **HMJ**
ENG. MGR.: **EJD**
DATE: **02/27/2023**

PROJECT DESCRIPTION & ADDRESS:

SIGN REPLACEMENT
11551 TRASK AVE.
GARDEN GROVE, CA 92843

SHEET **GN1**

PROJECT LOCATION

ELKS LODGE
11551 TRASK AVENUE
GARDEN GROVE, CALIFORNIA 92843

STRUCTURAL

EJD ENGINEERING, INC
14726 RAMONA AVE. SUITE 410-W1
CHINO, CALIFORNIA 91710
PH: 909-517-2451

PROJECT SCOPE:

- NO ADDITIONAL SQUARE FOOTAGE PROPOSED IN THE SCOPE OF WORK.
- EXISTING SIGN LOCATED ON THE SOUTHWEST CORNER OF THE LOT TO BE REPLACED WITH NEW ELECTRONIC CHANGEABLE COPY SIGN.
 - REQUEST FOR A VARIANCE TO DEVIATE FROM THE DISTANCE REQUIREMENTS TO ANOTHER SIGN WITH ELECTRONIC CHANGEABLE COPY.

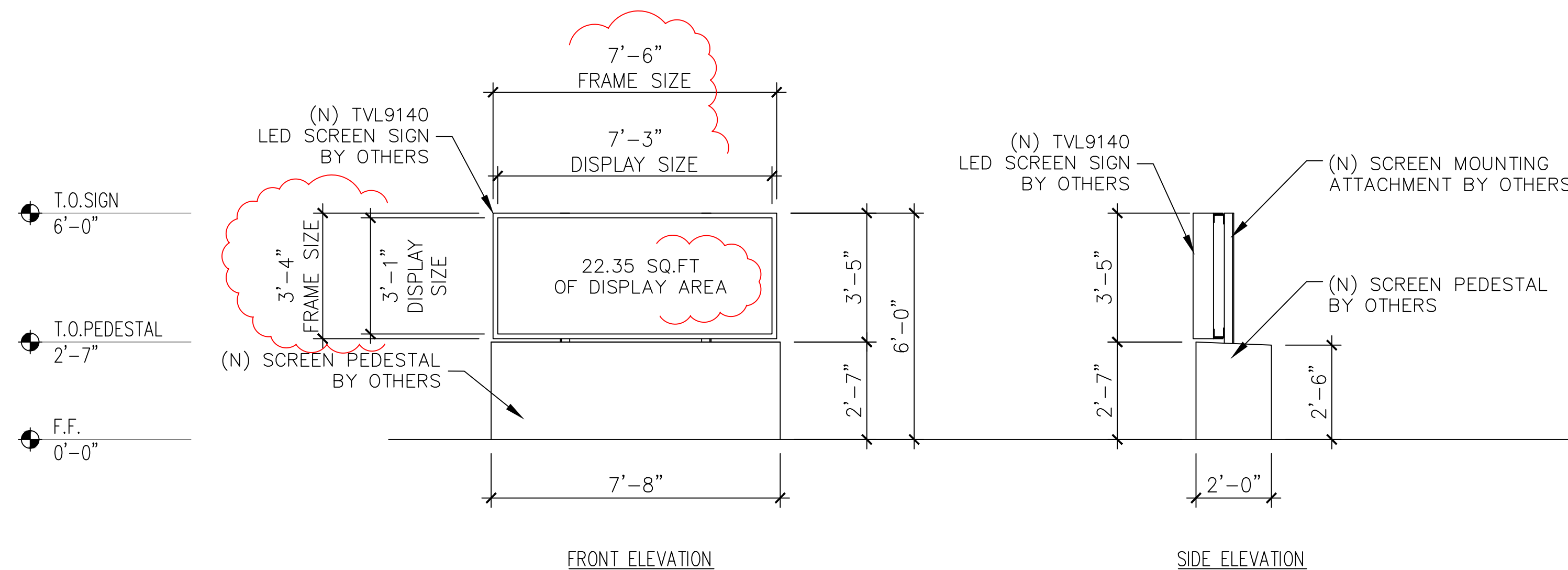
SHEET INDEX

- | | |
|-----|--|
| GN1 | TITLE SHEET, GENERAL NOTES AND EXISTING AND PROPOSED SIGN ELEVATIONS |
| C1 | SITE PLAN |
| PW1 | PUBLIC WORKS CONDITIONS OF APPROVAL |

BUILDING INFORMATION/ CODE ANALYSES

OCCUPANCY GROUP : ASSEMBLY GROUP A
ZONING: MULTI-FAMILY RESIDENTIAL ZONE (R-3)
CONSTRUCTION TYPE: V-B
BUILDING HEIGHT: ±20'-0"

LOT LEGAL DESCRIPTION



PROPOSED SIGN ELEVATIONS

SCALE : 3/8"=1'-0"

B

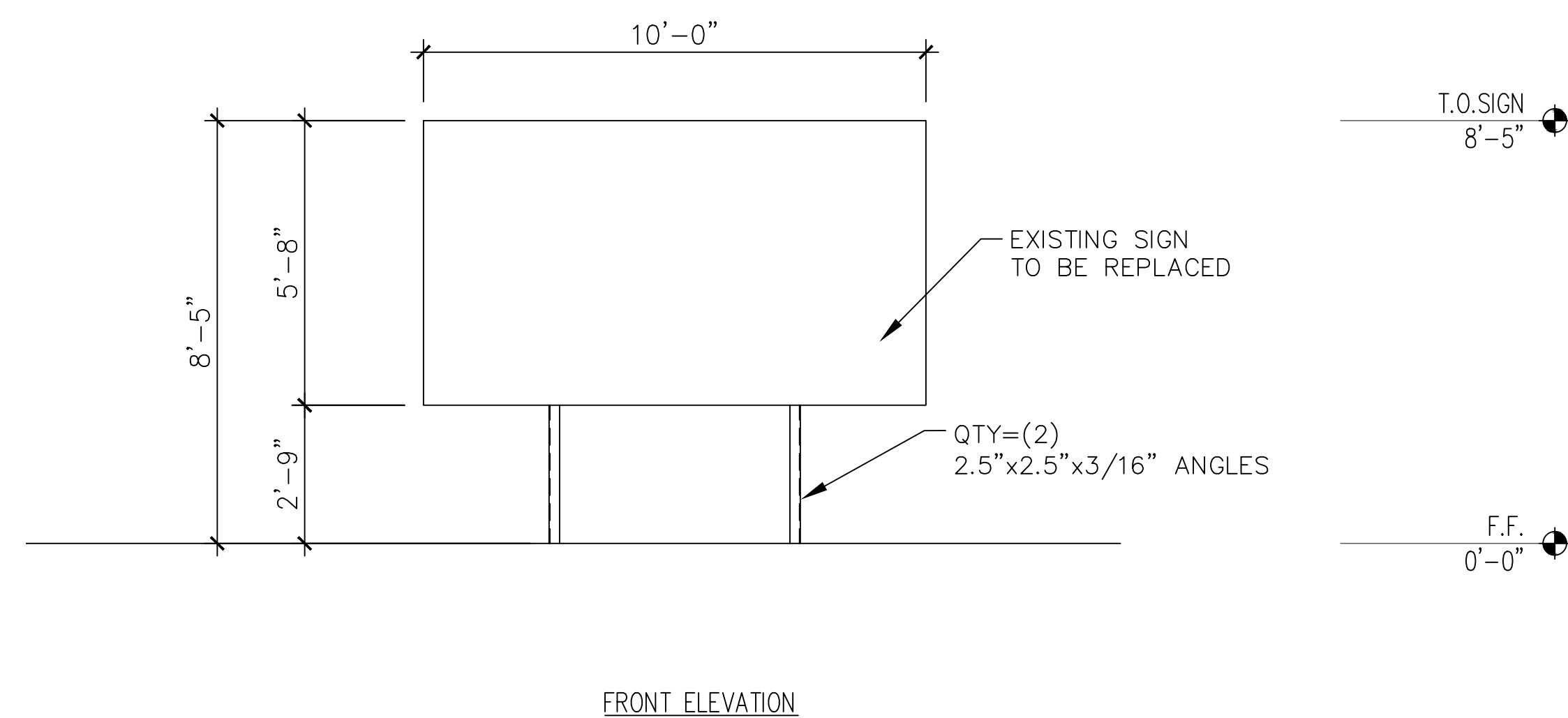
GENERAL NOTES

CODE REQUIREMENT:

- ALL CONSTRUCTION, INSTALLATION, AND MATERIAL SHALL CONFORM TO THE 2022 CBC, CRC, CMC, CPC, CEC, CAL. ENERGY CODE AND CITY OF GARDEN GROVE MUNICIPAL CODE.

ELECTRONIC CHANGEABLE COPY NOTES:

- ELECTRONIC CHANGEABLE COPY ON A SIGN SHALL BE OPERATED ONLY BETWEEN THE HOURS OF 7:00 AM TO 10:00 PM. THE SIGN SHALL REMAIN DARK AND UNLIT BETWEEN THE HOURS OF 10:00 PM TO 7:00 AM.
- A SIGN WITH ELECTRONIC CHANGEABLE COPY SHALL INCORPORATE BOTH AN AUTOMATIC LIGHT SENSITIVE DIMMER AND A MANUAL DIMMER FOR REDUCING THE INTENSITY OF LIGHT OUTPUT IN THE EVENING HOURS (SUNSET TO 10:00 PM).
- THE MAXIMUM INTENSITY OF THE LIGHT OUTPUT PRODUCED BY A SIGN WITH ELECTRONIC CHANGEABLE COPY SHALL BE ESTABLISHED IN RELATION TO THE IMMEDIATE AMBIENT LIGHTING (DARKER AREAS REQUIRE LESS INTENSE LIGHT LEVELS IN THE EVENING HOURS) AND THE INTENSITY OF LIGHT OUTPUT SHALL BE AUTOMATICALLY OR MANUALLY DIMMED IN THE EVENING HOURS (SUNSET TO 10:00 PM) SO AS TO MINIMIZE IMPACTS TO ADJACENT USES. UNDER NO CIRCUMSTANCES MAY THE MAXIMUM MEASURABLE LIGHT OUTPUT OF THE ELECTRONIC CHANGEABLE COPY EXCEED 0.3 FOOT-CANDELES ABOVE AMBIENT LIGHT LEVELS IN THE EVENING, TO BE MEASURED AS FOLLOWS: FIRST, AT LEAST 30 MINUTES PAST SUNSET, WITH THE ELECTRONIC DISPLAY TURNED ON, A LIGHT LEVEL READING IN FOOT-CANDELES WILL BE TAKEN WITH A LIGHT METER AIMED DIRECTLY AT THE ELECTRONIC DISPLAY FROM 100 FEET. SECOND, WITH THE ELECTRONIC DISPLAY TURNED OFF, SHOWING ALL BLACK COPY OR BLOCKED, THE LIGHT METER WILL BE USED AT THE SAME LOCATION TO MEASURE THE AREA AMBIENT LIGHT LEVEL IN FOOT-CANDELES. THE DIFFERENCE BETWEEN THE TWO READINGS SHALL NOT EXCEED 0.3 FOOT-CANDELES.
- THE ELECTRONIC CHANGEABLE COPY SHALL CONSIST ONLY OF STATIC LETTERS, SYMBOLS AND/OR NUMBERS (NO BRIGHT, FLASHING, MOVING, STROBE TYPE EFFECTS OR GRAPHICS) OF A SINGLE COLOR AGAINST A BLACK (OR UNLIT) BACKGROUND, AND SHALL CHANGE NO FASTER THAN ONCE EVERY 20 SECONDS.
- LIGHT INTENSITY CHANGES OF THE ELECTRONIC CHANGEABLE COPY (OTHER THAN BETWEEN DAYLIGHT AND EVENING HOURS) ARE NOT PERMITTED.



EXISTING SIGN ELEVATION

SCALE : 3/8"=1'-0"

A

V-040-2023

NOTES AND SCHEDULES

DESIGN & PROFESSIONAL ENGINEERING SERVICES:

EJD ENGINEERING INC.

Ernest J. De Leon, P.E.
 14726 Ramona Ave (410-W1)
 Chino, CA 91710
 Office: 909.517.2451
 Ernest@EJDEngineering.com

COPYRIGHT:

THIS DRAWING IS THE COPYRIGHTED PROPERTY OF EJD ENGINEERING, INC. THE USE IS INTENDED FOR THE PROJECT NOTED AND MAY NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF EJD ENGINEERING, INC.

SHEET DESCRIPTION:

SITE PLAN

SITE PLAN NOTES

| SYMBOL | DESCRIPTION |
|--------|--|
| 1 | EXISTING ELKS LODGE BUILDING - NOT A PART OF SCOPE |
| 2 | EXISTING PERIMETER SITE WALL-NOT A PART OF SCOPE |
| 3 | EXISTING PARKING LOT-NOT A PART OF SCOPE NOT SHOWN FOR CLARITY |
| 4 | EXISTING SIGN TO BE REPLACED WITH NEW ELECTRONIC SIGN |
| 5 | EXISTING LANDSCAPING-NOT A PART OF SCOPE NOT SHOWN FOR CLARITY |
| 6 | EXISTING SIDEWALK-NOT A PART OF SCOPE |
| 7 | EXISTING ADJACENT PROPERTY LOTS- NOT A PART OF SCOPE & NOT SHOWN FOR CLARITY |

THE PROPERTY LINES AND SETBACKS ARE TO REMAIN PER PUBLIC RECORDS. THIS SITE PLAN IS FOR REFERENCE ONLY FOR THE AREA OF PROPOSED WORK TO THE EXISTING RESIDENCE, THE EXISTING PROPERTY LINES AND THE EXISTING SETBACKS. THIS SITE PLAN IS NOT TO RE-ESTABLISH NEW BOUNDARY LINES OR NEW SETBACKS. THE PUBLIC RECORDS PREVIOUSLY ESTABLISHED SHALL GOVERN OVER THIS PROPOSED SITE PLAN. ALL DIMENSIONS HEREIN HAVE BEEN FIELD MEASURED AND CAN VARY FROM PUBLIC RECORDS DUE TO HAND MEASUREMENTS TAKEN. ALL OF THE PROPOSED AREA OF WORK HEREIN IS WITHIN THE ESTABLISHED SETBACKS AND ENCROACHMENTS.

DIMENSIONS:

- REFER TO AS-BUILT SITE CONDITIONS FOR ALL DIMENSIONS. DIMENSIONS PROVIDED HEREIN ON THE PLANS ARE FOR REFERENCE ONLY. WHERE DIMENSIONS DIFFER BETWEEN THE AS-BUILT SITE CONDITIONS AND THE PLANS, THE AS-BUILT SITE CONDITIONS DIMENSIONS SHALL GOVERN.

SEWER CONDITIONS OF APPROVAL :

- THERE IS AN EXISTING 12" VCP SEWER MAIN RUNNING DIRECTLY UNDERNEATH THE EXISTING SIGN, AT APPROXIMATELY 8 FEET DEEP FROM THE EXISTING GRADE. THE CONSTRUCTION OF THE NEW SIGN IS TO PROTECT IN PLACE THE SEWER MAIN AT ALL TIMES, NO CONSTRUCTION TO TAKE PLACE DEEPER THAN 3 FEET FROM EXISTING GRADE. GARDEN GROVE SANITARY DISTRICT INSPECTOR IS TO BE PRESENT WHEN SIGN DEMOLITION AND NEW CONSTRUCTION IS TAKING PLACE, CONTACT GGSD INSPECTOR AT (714) 719-0816

PROJECT NAME AND LOCATION:

SIGN AT ELKS LODGE

**11551 TASK AVENUE
 GARDEN GROVE, CA 92843**



JUNE 20, 2023

REVISION STATUS:

| REV. | DATE | DESCRIPTION |
|------|---------|----------------------------|
| 2 | 6/14/23 | PLANNING COMMENTS |
| 1 | 3/30/23 | SIGN APPLICATION (#382584) |

PROJECT NO: **23-007**

DRAWN BY: **HMJ**

ENG. MGR.: **EJD**

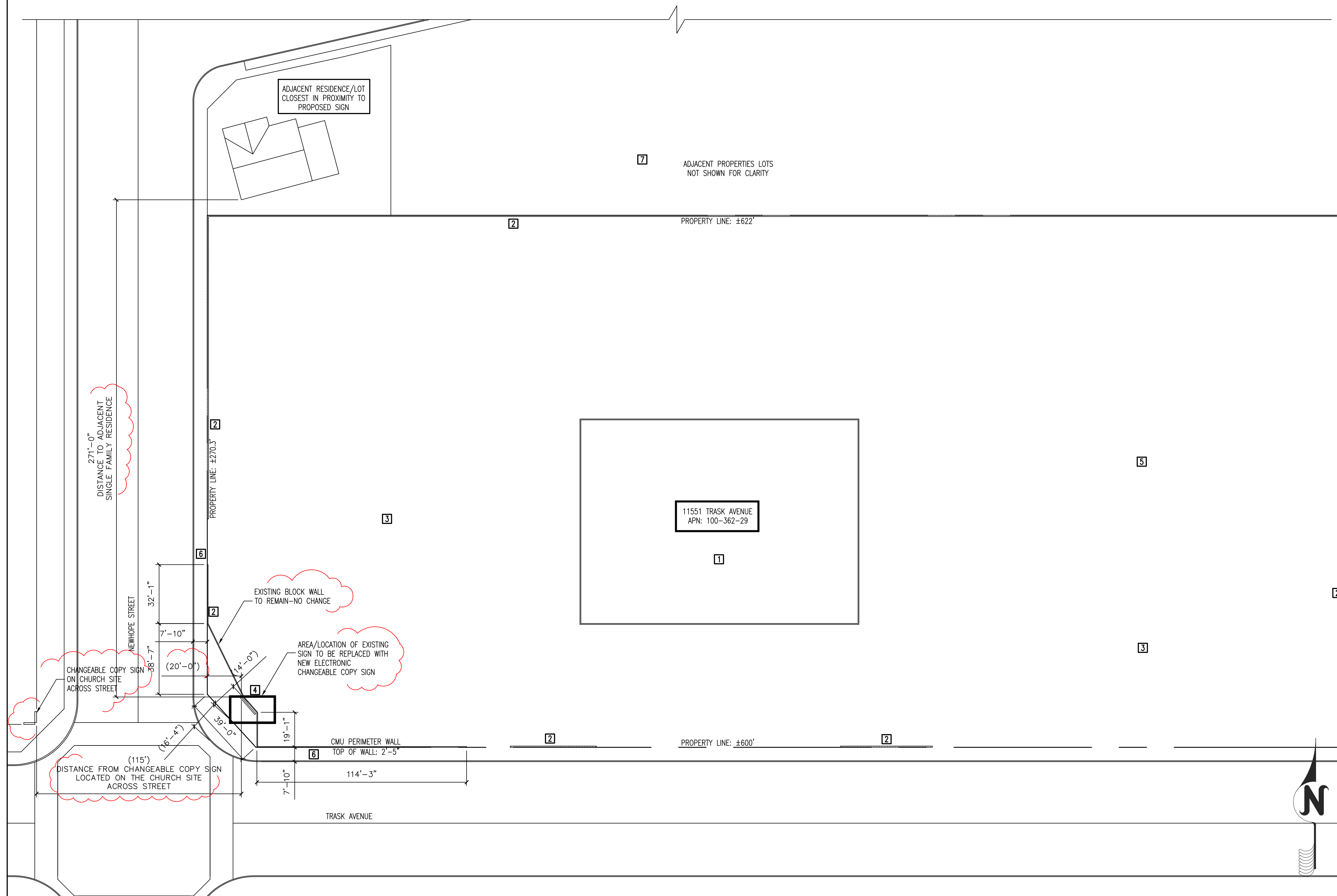
DATE: **02/27/2023**

PROJECT DESCRIPTION & ADDRESS:

**SIGN REPLACEMENT
 11551 TRASK AVE.
 GARDEN GROVE, CA 92843**

C1

SHEET



SITE PLAN

SCALE : 1"=30'-0"

A

NOTES AND SCHEDULES

DESIGN & PROFESSIONAL ENGINEERING SERVICES:

EJD ENGINEERING INC.

Ernest J. De Leon, P.E.
 14726 Ramona Ave (410-W1)
 Chino, CA 91710
 Office: 909.517.2451
 Ernest@EJDEngineering.com

COPYRIGHT:

THIS DRAWING IS THE COPYRIGHTED PROPERTY OF EJD ENGINEERING, INC. THE USE IS INTENDED FOR THE PROJECT NOTED AND MAY NOT BE REUSED WITHOUT THE WRITTEN PERMISSION OF EJD ENGINEERING, INC.

SHEET DESCRIPTION:

**PUBLIC WORKS
 CONDITIONS OF
 APPROVAL**

PROJECT NAME AND LOCATION:

SIGN AT ELKS LODGE

**11551 TASK AVENUE
 GARDEN GROVE, CA 92843**



JUNE 20, 2023

REVISION STATUS:

| REV. | DATE | DESCRIPTION |
|------|---------|----------------------------|
| 2 | 6/14/23 | PLANNING COMMENTS |
| 1 | 3/30/23 | SIGN APPLICATION (#382584) |

PROJECT NO: **23-007**

DRAWN BY: **HMJ**

ENG. MGR.: **EJD**

DATE: **02/27/2023**

PROJECT DESCRIPTION & ADDRESS:

**SIGN REPLACEMENT
 11551 TRASK AVE.
 GARDEN GROVE, CA 92843**

PW1

SHEET

DEPARTMENT OF PUBLIC WORKS
 WATER SERVICES DIVISION
 DEVELOPMENT REVIEW AND
 CONDITIONS OF APPROVAL

*Construct a New Standard Monument Sign with an Electronic Changeable Copy at the Southwest Corner of a Site Currently Improved With the Elks Lodge
 11551 Trask Ave
 Preliminary Review*

Please note that the attached map only shows representation of the sewer and water that is near the project site. It is the developer's responsibility to field verify the actual location of all utilities. Developer can place a formal request through us for as-built drawings and atlas maps or access the digital files on the City's web site.

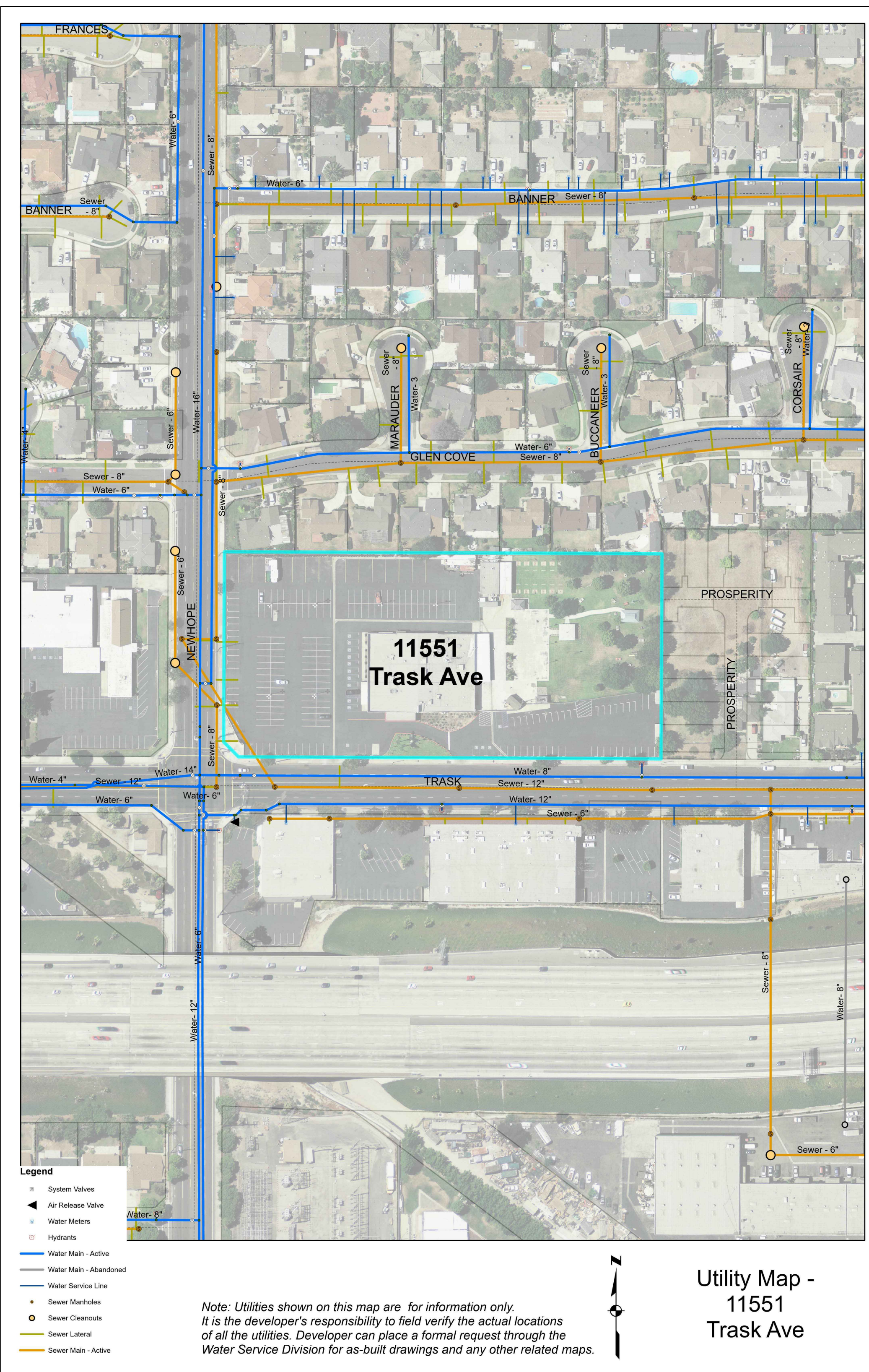
Sewer Status:
 The sewer capacity at this location is sufficient.

WATER CONDITIONS OF APPROVAL
 N/a.

SEWER CONDITIONS OF APPROVAL

- There is an existing 12" VCP sewer main running directly underneath the existing sign, at approximately 8 ft deep from the existing grade. The construction of the new sign is to protect in place the sewer main at all times, no construction to take place deeper than 3ft from existing grade. Garden Grove Sanitary District Inspector is to be present when sign demolition and new construction is taking place, contact GGSD Inspector at (714) 719-0816.

c:\dev\coguide.doc 6/20/23



RESOLUTION NO. 6066-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING VARIANCE NO. V-040-2023 FOR A PROPERTY LOCATED AT 11551 TRASK AVENUE, ASSESSOR'S PARCEL NO. 100-362-29.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on October 5, 2023, hereby approves Variance No. V-040-2023 for the property located on the northeast corner of Newhope Street and Trask Avenue, at 11551 Trask Avenue, Assessor's Parcel No. 100-362-29.

BE IT FURTHER RESOLVED in the matter of Variance No. V-040-2023, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Don Schlensker, with the authorization of the property owner, Elks Lodge #1952.
2. The applicant requests approval of a Variance in order to deviate from Section 9.20.050.J.6 of Title 9 of the Municipal Code to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy at the southwest corner of a site currently improved with a private lodge, the Elks Lodge.
3. The City of Garden Grove has determined that this action is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15311 (Accessory Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15311).
4. The site has a General Plan Land Use designation of Medium Density Residential (MDR) and is zoned R-3 (Multiple-Family Residential). The site is improved with the Elks Lodge.
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 5, 2023 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 October 5, 2023; and

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 9.32.030 are as follows:

FACTS:

The subject site, a rectangular-shaped corner lot, is approximately four (4) acres and is located on the northeast corner of Newhope Street and Trask Avenue, at 11551 Trask Avenue. In 1955, the Elks Lodge, a private lodge, was established on the site. The site is improved with an approximately 16,000 square foot building that hosts the club's events with additional rooms that serve as event space available for rent. The site also provides parking to the west side of the property and the on-site Elk's Park is located to the east. Vehicular access to the site is provided via three (3) drive approaches along Trask Avenue and one (1) along Newhope Street. An existing freestanding monument sign with manual changeable letters is located at the southwest corner of the site, at approximately 8'-5" in height, with an overall approximate sign area of 56 square feet.

In 2014, the City amended the Sign Code (Chapter 9.20 of Title 9 of the Municipal Code) per Amendment No. A-005-2014 to allow for electronic changeable copy monument signs for certain uses, such as churches, schools, theatres, public facilities, private clubs and lodges, as a means to easily advertise their services and programs, including service times, event information, and announcements to members and the general public, as opposed to manually changing letters and symbols on manual changeable letter signs. Moreover, the amendment allowed for advertisement for on-site programming and activities only and prohibited off-site advertisement to be displayed on the electronic changeable copy. Prior to the Code Amendment, the City discouraged electronic reader boards due to possible impacts to the community, including impacts to residential uses, such as light and glare concerns. Due to the continued resurgence of requests for electronic reader boards, and with increased sophistication and advancement to electronic reader board technology, Staff reconsidered the request and the City Council approved an Ordinance to allow for electronic changeable copy signs for specified land uses.

The applicant for Elks Lodge is proposing to replace the existing freestanding monument sign located on the southwest corner of the site with a new electronic changeable copy monument sign. However, in 2021, the church across Newhope Street, King of Kings Lutheran Church located at 13431 Newhope Street to the west of the Elks Lodge site, obtained building permits for an electronic changeable copy monument sign at the southeast corner of the site, approximately 115'-0" from the existing Elks Lodge freestanding sign. Therefore, the proposed location for the Elks Lodge sign is within the 150'-0" minimum distance separation between electronic changeable copy signs allowed by Municipal Code Section 9.20.050.J.6. Moreover, Staff acknowledges that the minimum distance requirements are more appropriate for assembly uses located within single-family residential neighborhoods along residential streets. As a result, the applicant is requesting Variance approval to deviate from minimum distance requirements to another electronic changeable copy sign to construct a new standard monument sign with electronic changeable copy at the southwest corner of the subject site.

The subject site has a lot frontage of 270'-0" along Newhope Street and 600'-0" along Trask Avenue. The applicant is proposing a monument sign with electronic changeable copy along the perimeter block wall to replace an existing monument sign with manual changeable letters, located approximately 14'-0" away and parallel to the property line along the corner cutoff at the southwest corner of the subject site. The nearest property developed with a residential use is located to the north of the subject site approximately 270'-0" away. The proposed sign will be single-sided, have a 6'-0" overall height inclusive of a 2'-7" base, 7'-6" in overall length, and a 22.35 square foot sign display area. With the exception of the minimum 150'-0" distance requirement to another electronic changeable copy sign, the proposed sign complies with the requirements for electronic changeable copy signs per Municipal Code Section 9.20.050.J. Moreover, the design of the monument sign also complies with the requirements for standard monument signs stipulated in Municipal Code Section 9.20.040.A.2.a.i, which limits the maximum height to 6'-0", as measured from grade at the centerline of the sign, the maximum length to 8'-0", and the maximum area of display surface of 32 square feet. In addition, Municipal Code Section 9.20.040.A.2.b requires at least a 1'-0" base. To ensure compliance with the operational requirements for changeable copy signs, such as hours of operation, maximum light intensity output, and frequency of light intensity changes, Staff has incorporated recommended conditions of approval to minimize any adverse impacts to the surrounding area.

FINDINGS AND REASONS:

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.

The subject site has an existing changeable letter sign that is updated manually at the southwest corner. The applicant proposes to install a new electronic changeable copy monument sign in the same location of the existing monument sign, which is approximately 115'-0" away from an existing electronic changeable copy sign to the west, across Newhope Street, at the King of Kings Lutheran Church located at 13431 Newhope Street. The location of the proposed sign is 35'-0" short of meeting the minimum distance separation required. The proposed digital display will allow the applicant to easily update the copy.

The existing use, a private lodge, is an assembly-type use that qualifies for electronic changeable copy signs. Per Amendment No. A-005-2014, electronic changeable copy signs are allowed for assembly-type uses, subject to certain requirements, including a minimum 150'-0" distance separation to another electronic changeable copy sign. The subject site is situated directly across from another site improved with an assembly-type use. This is a unique

circumstance since most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. For example, the City has previously approved an electronic changeable copy sign for an assembly-type use that is not located in the direct vicinity of other assembly-type use at the Garden Grove Seventh-Day Adventist Church site located at 12702 9th Street.

Therefore, there are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other similar properties in the immediate vicinity, within the same zone, or other similar zoned properties throughout the City, due to the property being located directly across the street from a site improved with an assembly-type use, a church, that has already built an electronic changeable copy sign. With exception to the requested Variance, the proposed sign meets all other Municipal Code requirements including, but not limited to, minimum lot frontage, minimum distance to residential properties, minimum setback, maximum height and length, maximum display area, and minimum base height.

Approval of the Variance will allow the applicant to deviate from the 150'-0" minimum distance requirements to another electronic changeable copy sign to replace a dated sign with a new standard monument sign with electronic changeable copy at the Elks Lodge site.

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 in question.

As an assembly use, the Elks Lodge would benefit from an electronic changeable copy sign to easily update the copy on the sign to efficiently display information to their members and the general public in the surrounding neighborhood. Approval of the Variance would allow the applicant to continue to preserve and enjoy a substantial property right possessed by other properties improved with assembly-type uses in the same vicinity. The subject site is situated directly across from another site improved with an assembly-type use. This is a unique circumstance since most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. For example, the City has previously approved an electronic changeable copy sign for an assembly-type use that is not located in the direct vicinity of other assembly-type use at the Garden Grove Seventh-Day Adventist Church site located at 12702 9th Street. Approval of the Variance will allow the applicant to deviate from the minimum 150'-0" distance requirement to another electronic changeable copy sign to replace a dated sign with a new standard monument sign with electronic changeable copy. The electronic changeable copy sign will allow the private lodge to

easily convey information to the general public, without manually updating letters on a changeable letter sign. Placing the sign further north from the southwest corner of the site would impede with the existing parking layout since the parking was developed with a zero setback and there aren't any existing planters along Newhope Street that would accommodate a monument sign. In addition, locating the proposed sign further east would limit the sign's visibility from the street intersection.

3. The granting of such 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 granting of the Variance for the installation of an electronic changeable copy monument sign at the Elks Lodge site will not be materially detrimental to the public welfare. The proposed electronic changeable copy sign will replace an existing changeable letter sign that is approximately 8'-5" in height, with an overall approximate sign area of 56 square feet. The proposed sign will be smaller in size with a 6'-0" overall height inclusive of a 2'-7" base, 7'-6" in overall length, and a 22.35 square foot display area. The proposed sign meets the parameters allowed in Title 9 of the Municipal Code, with the exception of the distance requirements to another electronic changeable copy sign, which is at least 150'-0". However, Staff acknowledges that most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. Moreover, the subject site is not located directly within a residential neighborhood and the sign is oriented in a south-west direction toward the assembly and industrial uses in the direct vicinity. The existing sensitive uses in the direct vicinity are single-family dwellings that are located approximately 270'-0" to the north of the proposed electronic changeable copy sign. The proposed sign will be oriented away from said single-family dwellings.

The City has not received any complaints regarding the existing electronic changeable copy sign at the church site to the west across Newhope Street. In addition, conditions of approval will require that the sign operate within the operational parameters established in Title 9 of the Municipal Code, which includes limitations to hours of operation, maximum light intensity output, and frequency of light intensity changes. The conditions of approval will ensure that the proposed sign is not materially detrimental to the public welfare or injurious to the property or improvements in the zone and surrounding neighborhood.

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

The subject site has an existing changeable letter sign that is updated manually at the southwest corner. The applicant proposes to install a new electronic changeable copy monument sign in the same location of the existing monument sign, which is approximately 115'-0" away from an existing electronic changeable copy sign to the west, across Newhope Street, at the King of Kings Lutheran Church located at 13431 Newhope Street. The location of the proposed sign is 35'-0" short of meeting the minimum distance separation required. The proposed digital display will allow the applicant to easily update the copy.

The Variance to allow the construction of a changeable copy monument sign complies with the spirit and intent of the goals of the General Plan. Goal CD-2 of the Community Design Element of the General Plan encourages that attractive and appropriate signage be provided throughout the City of Garden Grove. With exception to the requested Variance, the proposed sign meets all other Municipal Code requirements including, but not limited to, minimum lot frontage, minimum distance to residential properties, minimum setback, maximum height and length, maximum display area, and minimum base height. The existing use, a private lodge, is an assembly-type use that qualifies for electronic changeable copy signs. The electronic changeable copy sign will allow the private lodge to easily convey information to the general public, without manually updating letters on a changeable letter sign. Placing the sign further north from the southwest corner of the site would impede with the existing parking layout since the parking was developed with a zero setback and there aren't any existing planters along Newhope Street that would accommodate a monument sign. In addition, locating the proposed sign further east would limit the sign's visibility from the street intersection. Therefore, the General Plan is not adversely affected by this Variance request.

5. That 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 subject site has an existing changeable letter sign that is updated manually at the southwest corner. The applicant proposes to install a new electronic changeable copy monument sign in the same location of the existing monument sign, which is approximately 115'-0" away from an existing electronic changeable copy sign to the west, across Newhope Street, at the King of Kings Lutheran Church located at 13431 Newhope Street. The location of the proposed sign is 35'-0" short of meeting the minimum distance separation required. The proposed digital display will allow the applicant to easily update the copy.

The subject site is situated directly across from another site improved with an assembly-type use. This is a unique circumstance since most assembly uses within the City are located within residential neighborhoods that would not generally be located directly across from another assembly-type use. For example, the City has previously approved an electronic changeable copy sign for an assembly-type use that is not located in the direct vicinity of other assembly-type use at the Garden Grove Seventh-Day Adventist Church site located at 12702 9th Street.

With exception to the requested Variance, the proposed sign meets all other Municipal Code requirements including, but not limited to, minimum lot frontage, minimum distance to residential properties, minimum setback, maximum height and length, maximum display area, and minimum base height. The existing use, a private lodge, is an assembly-type use that qualifies for electronic changeable copy signs. The appropriate conditions of approval will be incorporated so that approval of the Variance will not constitute a granting of a special privileges. To ensure compliance with the operational requirements for changeable copy signs, such as hours of operation, maximum light intensity output, and frequency of light intensity changes, Staff has incorporated recommended conditions of approval to minimize any adverse impacts to the surrounding area.

As part of the conditions of approval, the Variance approval will become null and void if (i) the existing use of the Site as an Elks Lodge is discontinued or abandoned and not re-established within one year; (ii) the existing improvements on the Site are demolished and not re-established within one year of demolition; and/or (iii) the electronic changeable copy monument sign is removed or demolished and not re-established within one year of its removal or demolition.

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. Variance No. V-040-2023 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Variance No. V-040-2023.

EXHIBIT "A"

Variance No. V-040-2023

11551 Trask Avenue

CONDITIONS OF APPROVAL

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 of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of a building permit.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Don Schlensker for Elks Lodge, the developer of the project, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community Development Director pursuant to Condition No. 4, any changes to these Conditions of Approval require approval by the appropriate City hearing body.
3. Variance No. V-040-2023 only authorizes approval to construct a standard monument sign with electronic changeable copy on the southwest corner of the Elks Lodge site located at 11551 Trask Avenue (APN: 100-362-29), as depicted on the plans submitted by the applicant and made part of the record of the October 5, 2023 Planning Commission proceedings. Approval of this Variance shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Variance and/or these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. The approved plans are an integral part of the decision approving this Variance. There shall be no additional changes in the design without the approval of the Community Development Department, Planning Services

Division. Any additional changes in the approved plans, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).

6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Building and Safety Division

7. A building permit shall be required prior to the installation of the standard monument sign with electronic changeable copy. At the time of permit submittal, applicant shall provide complete engineer designs and constructions details for the proposed monument sign.

Community Development Department

8. The proposed electronic changeable copy monument sign shall comply with Chapter 9.20 of Title 9 of the Municipal Code.
9. No off-site advertisement is allowed to be displayed on the electronic changeable copy sign. Only advertisement for on-site programming and activities is allowed.
10. At any given time, the total combined sign area allowed for the site, shall meet the requirements of Chapter 9.20 of Title 9 of the Municipal Code. The total signage shall include all wall and freestanding signage for the site.
11. The electronic changeable copy sign shall comply with the following:
 - a. Operate only between the hours of 7:00 a.m. and 10:00 p.m.;
 - b. Remain dark and unlit between 10:00 p.m. and 7:00 a.m.;
 - c. Incorporate both an automatic light sensitive dimmer and a manual dimmer for reducing the intensity of light output in the evening hours (sunset to 10:00 p.m.);
 - d. Limit the maximum measurable light output not to exceed 0.3 foot-candles above ambient light levels in the evening;
 - e. Be located at least 80'-0" from the property line of any residential property;
 - f. Consist only of static letters, symbols and/or numbers (no bright, flashing, moving, strobe type effects or graphics) of a single color

against a black (or unlit) background, and shall change no faster than once every 20 seconds;

- g. Light intensity changes of the electronic changeable copy (other than between daylight and evening hours) are not permitted.
12. The proposed electronic changeable copy monument sign shall have a maximum height of 6'-0", measured from grade at the centerline of the sign, a maximum length of 8'-0", and 32 square feet maximum display area.
 13. The electronic changeable copy monument sign shall include a base of at least 1'-0" in height, as well as other design features necessary to make the sign architecturally compatible with the existing building.
 14. The proposed electronic changeable copy monument sign shall comply with all line-of-sight and vision clearance requirements.
 15. The proposed electronic changeable copy monument sign shall be painted to match the color of the existing building.
 16. The monument sign shall incorporate the address for the site.
 17. The proposed monument sign submitted with this Variance request shall be deemed as the approved sign. Any deviation from this approved plan is subject to review and approval by the Community Development Department.
 18. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist, as applicable, acceptable to the City to evaluate and determine appropriate treatment for the specimen or resource, and work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.
 19. A copy of the resolution approving Variance No. V-040-2023, including these Conditions of Approval, shall be kept on the premises at all times.

20. The applicant shall submit a signed letter acknowledging receipt of the decision approving Variance No. V-040-2023, and his/her agreement with all conditions of the approval.
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 Variance No. V-040-2023. The applicant shall pay the City's defense costs, including attorney fees and all 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 challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
22. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the development authorized by this approval of Variance No. V-040-2023 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Variance No. V-040-2023 shall expire if the building permits for the project expire.
23. The rights granted the applicant pursuant to Variance No. V-040-2023 shall continue in effect for only so long as the existing use of the subject Site as an Elks Lodge and the proposed electronic changeable copy monument sign at the location contemplated and authorized by these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site. In the event that (i) the existing use of the Site is discontinued or abandoned and not re-established within one year; (ii) the existing improvements on the Site are demolished and not re-established within one year of demolition; and/or (iii) the electronic changeable copy monument sign is removed or demolished and not re-established within one year of its removal or demolition, Variance No. V-040-2023 shall cease to be effective or grant the applicant any rights to use the Site or construct other improvements inconsistent with the then-currently applicable development standards.

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

| | |
|---|--|
| AGENDA ITEM NO.: C.2. | SITE LOCATION: South side of Trask Avenue between Brookhurst Street and Magnolia Street, located at 9898 Trask Avenue |
| HEARING DATE: October 5, 2023 | GENERAL PLAN: Heavy Commercial (HC) |
| CASE NOS.: Site Plan No. SP-128-2023, Conditional Use Permit No. CUP-347-12 (REV. 2023) | ZONE: Planned Unit Development No. PUD-110-96 (REV. 12) |
| APPLICANT: Kasey Clark (AKC Permit Co.) | CEQA DETERMINATION: Exempt, CEQA Guidelines § 15311 (New Accessory Structures) |
| PROPERTY OWNER: BTAA Property Investment VII LLC | APN NO.: 098-090-57 and 58 |

REQUEST:

The applicant is requesting Site Plan approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign. In addition, the applicant is requesting a Modification to the Conditions of Approval of Conditional Use Permit No. CUP-347-12 to remove conditions related to the arched cap feature on the existing freeway dealer electronic readerboard sign.

BACKGROUND:

The subject site is approximately 2.5 acres and is located on the south side of Trask Avenue between Brookhurst Street and Magnolia Street, at 9898 Trask Avenue. The site has a General Plan Land Use designation of Heavy Commercial (HC) and is zoned Planned Unit Development No. PUD-110-96 (REV. 12). The subject site is currently improved with the Garden Grove Hyundai auto dealership. New vehicles are displayed to the east of the site, and certified pre-owned vehicles are display to the west. The auto dealership also consists of a showroom, a servicing shop, storage areas for vehicle parts, and sales offices. The property abuts the Garden Grove 22 Freeway on the south, the Brookhurst Street freeway off-ramp to the west, R-1 (Single-Family Residential) and O-S (Open Space) zoned properties to the north, across Trask Avenue, improved with single-family dwellings, a church, and an elementary school, and an auto dealership, Simpson Chevrolet, to the east, across Brookhurst Street, that is also zoned PUD-110-96.

The subject site was previously occupied by Union Dodge and was zoned PUD-106-96. In 1996, the City approved PUD-110-96, which consolidated two PUD's into one: PUD-106-96 for Union Dodge, and PUD-103-95 for Simpson Chevrolet (formerly Nicholas Chevrolet). The purpose of the rezone was to modify the Standards of Development for the Garden Grove Auto Center to allow the construction of two new entry signs at the southeast and southwest corners of Trask Avenue and Brookhurst Street which identified the Auto Center and the adjoining auto dealerships. As modified, the Standards of Development ([see Standards of Development in Attachment 3](#)) allowed for the following types of signs (additions shown in ***bold/italics***):

- Street Signs – One (1) monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobile sold by the dealer is permitted for each Site along Trask Avenue. The maximum size of the monument sign shall not exceed 50 square feet per sign face. No sign shall exceed 5'-0" in height above the finished grade.
- Freeway Signs
 - Dealer Signs - One (1) freestanding pole sign containing the manufacture's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within 10'-0" of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobile on the Site, the amount of sign area may be increased to 250 square feet on the single pole sign, as long as both makes of automobile are identified.
 - Auto Center Identification Sign (Pole Sign) - One (1) freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within 10' 0" of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed 50'-0" and the total area shall not exceed 220 square feet per sign face.
 - ***Auto Center Identification Sign (Monument) - Two (2) freestanding monument signs, not to exceed 5'-0" in height, identifying the Garden Grove Auto Center, shall be permitted; one (1) at the southeast corner and one (1) at the southwest corner of Trask Avenue and Brookhurst Street.***

In 2012, the Sign and Graphic Standards section of the Standards of Development for PUD-110-96 was amended to allow for a freeway dealer electronic readerboard sign in lieu of a regular dealer sign subject to Conditional Use Permit (CUP) approval. In addition, the amendment required that freeway dealer electronic readerboard signs

be located within 10'-0" of the Garden Grove 22 Freeway with a height not to exceed 59'-0", and that they be in compliance with all State and Federal laws. In addition, the amendment provided that all freeway dealer electronic readerboard signs are required to be consistent in design consisting of an arched top feature that is no more than 8'-0" tall that includes a "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The amendment also removed the Auto Center Identification Sign (Pole Sign) option, and increased the maximum height from 5'-0" to 8'-0" for street signs. Therefore, the amended standards (see Attachment 4) are currently as follows (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

- Street Signs – One (1) monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobile sold by the dealer is permitted for each Site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed ~~five~~ **eight (58)** feet in height above the finished grade.
- Freeway Signs
 - Dealer Signs - One (1) freestanding pole sign containing the manufacture's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobile on the Site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobile are identified.
 - ~~Auto Center Identification sign – Pole Sign – One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~
 - ***Auto Dealership Freeway-Oriented Electronic Readerboard Sign*** - ***In lieu of a "Dealer sign", one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the city relating to events affecting the community, may be permitted for each automobile dealership located on a minimum two (2)-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove***

freeway and shall be in compliance with all state and federal laws. The maximum height of the said sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight feet in height.

- o Auto Center Identification Sign – Monument - Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center", identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

Garden Grove Hyundai initiated the request to amend the PUD in conjunction with a request for CUP approval under CUP-347-12 for a new 58'-5" tall freeway dealer electronic readerboard sign located at the southernmost portion of the site, adjacent to the southwest corner of the auto dealership structure, and adjacent to the freeway. The design of the sign consisted of a blue arched cap feature that included the "Garden Grove" copy and a strawberry graphic on a lattice background on the top of the sign structure. The sign included a 393 square foot full color LED display cabinet under a 4'-3" tall by 24'-0" wide internally illuminated cabinet sign with the "Hyundai" copy and logo. The auto dealership had an existing freeway dealer sign on the southwest portion of the site to advertise their certified pre-owned vehicle sales lot, which is located on the western portion of the lot. However, the sign was not removed after installation of the freeway dealer electronic readerboard sign and has been rendered nonconforming.

The applicant is proposing to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and to replace the existing certified pre-owned vehicle sales lot dealer sign with a secondary 20'-0" tall freeway dealer sign within 10'-0" of the freeway. PUD-110-96 (REV. 12) allows for deviations from the Standards of Development subject to Planning Commission approval of a Site Plan, including deviations from the Sign and Graphic Standards section. The applicant is proposing to deviate from the Standards of Development that limit one (1) freeway dealer sign per site, and that require the arched cap feature on freeway dealer electronic readerboard signs. Since the Condition of Approval per CUP-347-12 included conditions that

required an arched cap feature, indicated specific colors, and established the overall permitted height for the freeway dealer electronic readerboard sign, the applicant is also requesting modification of the CUP to modify these conditions. In addition, Staff is proposing to incorporate new conditions of approval for the secondary freeway dealer sign, as well as to update the standard conditions of approval.

DISCUSSION:

Site Plan:

The applicant, Garden Grove Hyundai, is requesting Site Plan approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign. The zoning of the subject site, PUD-110-96 (REV. 12), allows for deviations from the Standards of Development subject to Planning Commission approval of a Site Plan, such as deviations from the Sign and Graphic Standards, which currently require an arched cap feature with a grouping of strawberries on freeway dealer electronic readerboard signs, and limit the number of dealer signs permitted.

Freeway Dealer Electronic Readerboard Sign:

As approved by CUP-347-12, the subject site is currently improved with a 58'-5" tall freeway dealer electronic readerboard sign along the southern property line, adjacent to the freeway. The design of the sign consists of a blue arched structure that includes the "Garden Grove" copy and a strawberry graphic on a lattice background on the top of the structure and includes a 393 square foot full color LED display cabinet under a 4'-3" tall by 24'-0" wide internally illuminated cabinet sign with the "Hyundai" copy and logo. The proposed modifications to the sign consist of removal of the arched cap feature to replace it with two (2) 4'-0" tall by 24'-0" wide cabinets that will display the "Hyundai" copy and logo, and "Garden Grove" copy. The cabinets will be situated directly above the freeway dealer electronic readerboard sign LED display. As a result of these modifications, the proposed overall height will be reduced to 55'-5". The sign will also be painted to match the new exterior colors of the auto dealership, which are brown tones. The size of the freeway dealer electronic readerboard sign display will remain as existing.

Staff is in support of the Site Plan request to deviate from the requirement of the PUD for an arched cap feature with a grouping of strawberries. Staff is of the opinion that, while the original intent of the arched feature was to provide consistency with the other auto dealership signs and to provide identification for the Garden Grove Auto Center, the arched feature is dated and the proposed sign has a more modern and cleaner design that is more appropriate for the auto dealerships. Additionally, the applicant has included the "Garden Grove" copy in order to maintain the Garden Grove Auto Center identity. Other than eliminating the arched cap feature, the sign meets all other

CASE NOS. SITE PLAN NO. SP-128-2023 AND CONDITIONAL USE PERMIT
NO. CUP-347-12 (REV. 2023)

requirements of PUD-110-96 (REV. 12). Similarly, Simpson Chevrolet, the auto dealership located to the east, across Brookhurst Street, and also located within the same PUD zoning, obtained Site Plan approval to deviate from the arched cap feature requirement in 2016 (SP-029-2016 and CUP-086-2016). In addition, the Toyota Place auto dealership, located at 9444-9670 Trask Avenue along the western portion of the Garden Grove Auto Center within PUD-103-82 (REV. 2018), was not required to provide an arched cap feature with a grouping of strawberries. Therefore, the proposed sign modifications will be consistent with the adjacent freeway dealer electronic readerboard sign.

The freeway dealer electronic readerboard sign will continue to comply with the conditions of approval per CUP-347-12, which intend to minimize impacts to nearby residents and surrounding properties. The conditions of approval will continue to require that the lighting of the sign be directed and shielded to not cause light and glare on any adjacent residential properties, that the sign meet the requirements of CalTrans for lighted signs adjacent to freeways, and that the applicant allow the advertising of community events on the sign, as approved by the City Manager.

Freeway Dealer Sign:

The Garden Grove Hyundai auto dealership is currently improved with a second freeway dealer sign on the southwest portion of the site that advertises the certified pre-owned vehicle sales lot. The sign was not removed at the time the freeway dealer electronic readerboard sign was installed. Therefore, the sign is now considered nonconforming. The sign is dated and does not match the design of the on-site improvements. The applicant is proposing to replace it with a 20'-0" tall by 5'-2" wide sign that displays the "Hyundai" copy and logo, and "Certified Pre-Owned" copy. The sign is rectangular in shape, has an overall sign area of 103 square feet, and will be installed 10'-0" from the freeway. The height, sign area, and location of the sign, satisfy the requirements of the PUD for freeway dealer signs. Additionally, the freeway dealer sign is designed to match the architecture of the existing auto dealership, and the modifications to the freeway dealer electronic readerboard sign, including the materials and colors.

Staff is in support of the deviation to allow for a secondary freeway sign since the majority of the auto dealerships within the Garden Grove Auto Center are improved with two (2) freeway signs. Many of the auto dealerships have a different PUD zoning than Garden Grove Hyundai, or have secondary freeway signs that are also nonconforming. Overall, Staff believes the secondary freeway sign will not have any significant impacts to the surrounding area or motorists on the freeway, and the secondary freeway sign is consistent with the adjacent signage on the other auto dealerships within the Auto Center. Moreover, the proposed sign will replace a sign that has been in the same location for many years that has not resulted in any significant impacts to the area.

Conditions of approval will be included to require that the secondary freeway dealer sign match the color of the auto dealership building and other onsite signage. In

CASE NOS. SITE PLAN NO. SP-128-2023 AND CONDITIONAL USE PERMIT
NO. CUP-347-12 (REV. 2023)

addition, conditions of approval will be included to limit the overall height and sign area per the PUD Sign and Graphic Standards, which limits the sign to 50'-0" in height and 150 square feet in sign area. As proposed, the secondary freeway dealer sign is in compliance with these standards.

Conditional Use Permit Modification:

A modification to CUP-347-12 is required to modify the Conditions of Approval ([Attachment 5](#)) for the freeway dealer electronic readerboard sign. Per the proposed modifications to the sign, which include changes to the overall height, removal of the arched cap, and change in color, the following conditions of approval require revisions:

#5. This approval shall be for the installation of a 59-foot high freeway-oriented electronic readerboard sign in substantial compliance with the approved set of plans submitted with the subject Conditional Use Permit request and the requirements of PUD-110-96 (Rev. 12), except as modified herein.

#7. The design of the sign shall be consistent with other Auto Center signs along Trask Avenue and shall include an arched top with "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8)-feet in height. The entire sign structure, including supports shall be painted blue to match the blue accents on the building. Color samples shall be submitted along with plans submitted for Building permits.

In addition, proposed Conditions of Approval will be included to address the secondary freeway dealer sign per the Standards of Development of the PUD zone. Moreover, all conditions of approval will be updated to reflect current verbiage included in standard conditions of approval for Site Plan and Conditional Use Permits. A redlined version of the Conditions of Approval can be found in [Attachment 6](#) (Redlined Conditions of Approval). A clean version is attached as Exhibit "A" to [Resolution No. 6067-23](#).

California Environmental Quality Act (CEQA):

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 11 categorical exemption for Accessory Structures (CEQA Guidelines §15311). Class 11 consists of construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to on-premise signs. The applicant is requesting to remove features from an existing on-premise freeway dealer sign, as well as to install a secondary on-premise freeway dealer sign at a site currently improved with an auto dealership, which is an existing commercial use. Therefore, staff recommends that the Planning Commission determine the project to be exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6067-23 approving Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023), subject to the recommended Conditions of Approval.



MARIA PARRA
Planning Services Manager



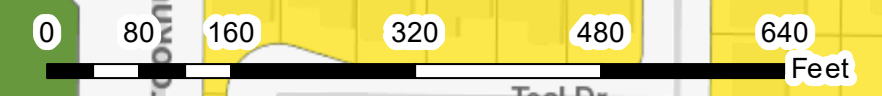
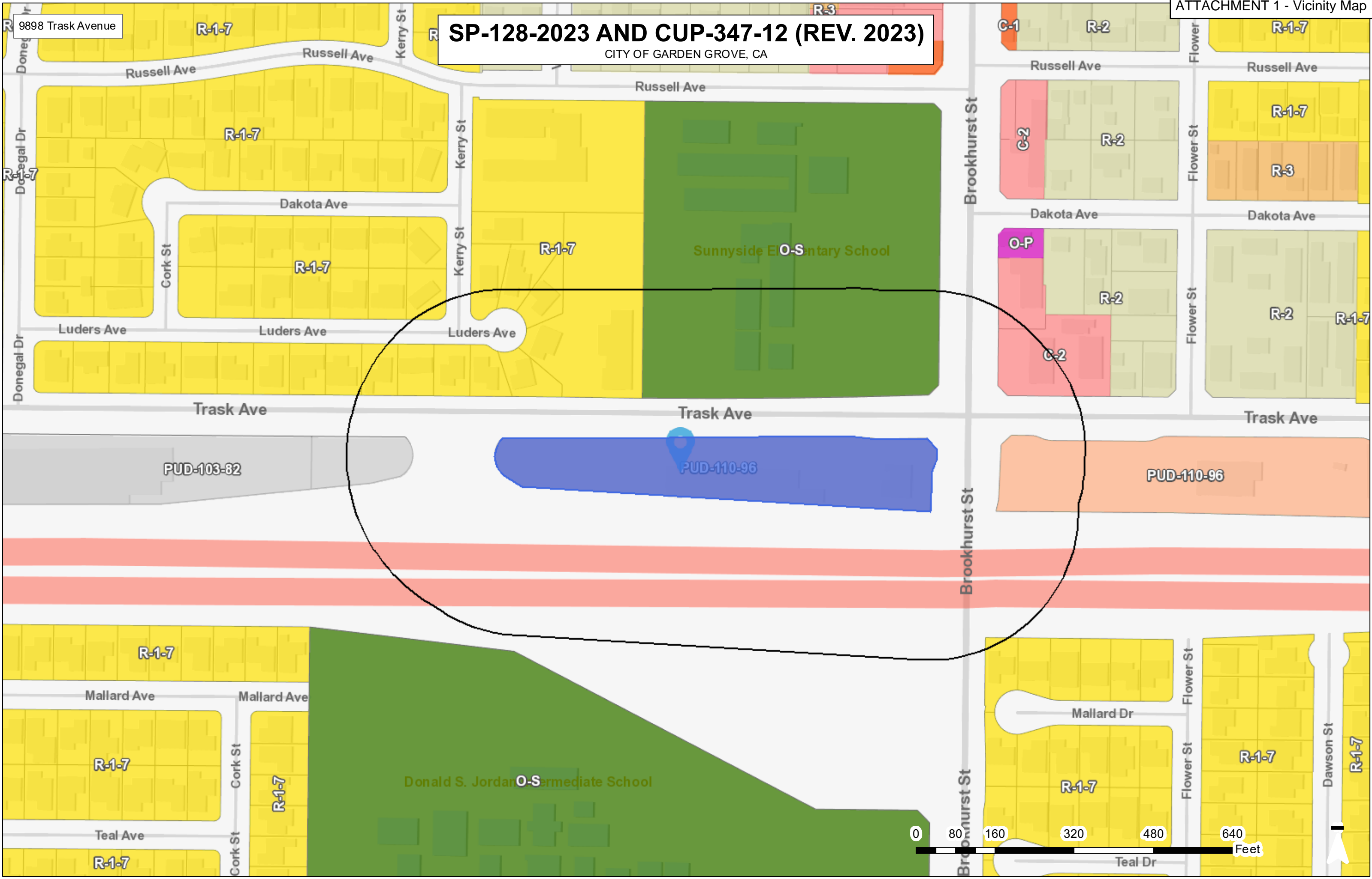
By: Mary Martinez
Associate Planner

- Attachment 1: Vicinity Map
- Attachment 2: Plans
- Attachment 3: Ordinance No. 2369 for PUD-110-96
- Attachment 4: Ordinance No. 2823 for PUD-110-96 (REV. 12)
- Attachment 5: Conditions of Approval for CUP-347-12
- Attachment 6: Redlined Conditions of Approval

9898 Trask Avenue

SP-128-2023 AND CUP-347-12 (REV. 2023)

CITY OF GARDEN GROVE, CA





CA375 Garden Grove Hyundai



Removals by AGI:

- Remove "Garden Grove" cabinet at top of message board pylon.
- Remove Hyundai cabinet at top of message board pylon.



Remove "Garden Grove" cabinet.

Remove Hyundai cabinet.

Leave message board.



CA375 Garden Grove Hyundai
9898 Trask Avenue
Garden Grove, CA 92844

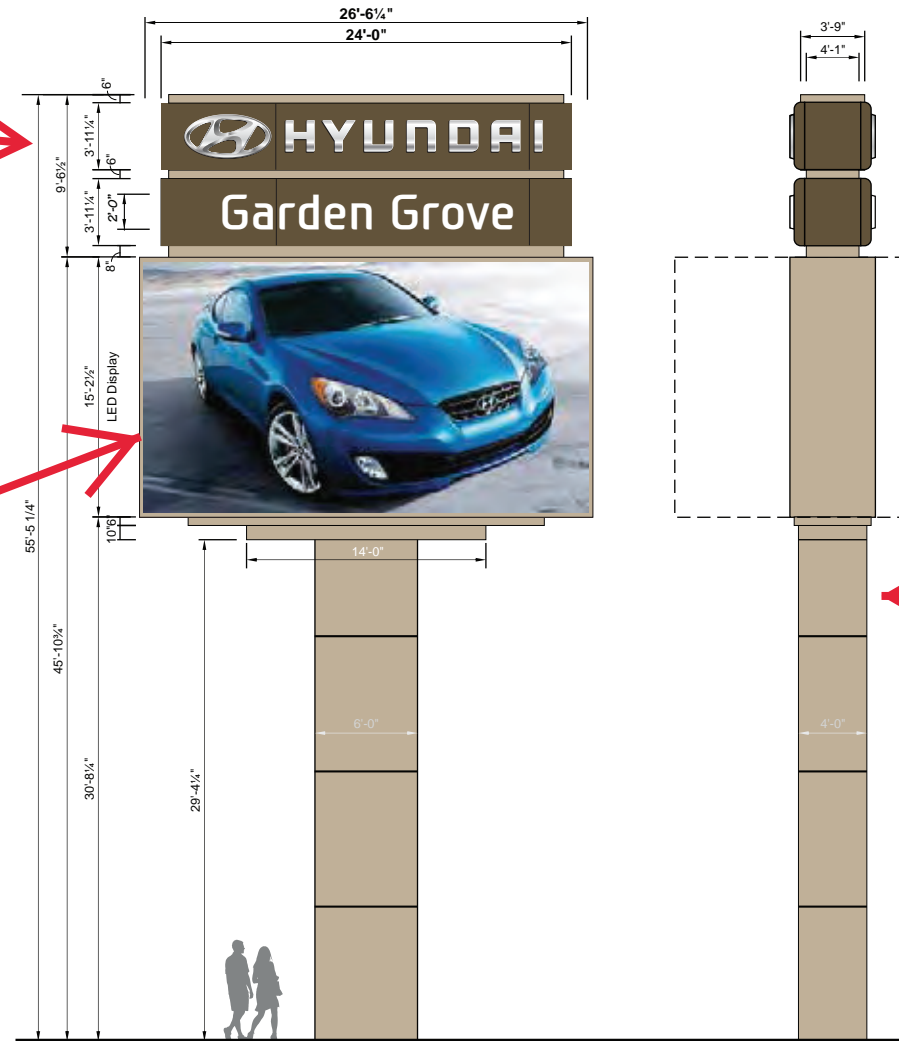
| | | | |
|------------------|----------------------------|---------------|------------|
| Location: | CA375 Garden Grove Hyundai | | |
| AGI Rep: | NSA / B.Siljanov | Scale: | NTS |
| Drawn By: | N/A | Date: | 11/24/2021 |



Art represents approximation of sign appearance.
 Dealer to provide 120 volt, 20 amp dedicated circuit to sign.
 If an engineer alters quoted signage a change order will be provided to the dealer.
 Copy on and placement of any signs, including directional signs, to be verified by dealer.
 Dealer to supply above to GC, architect, and other construction team members.

Install new Hyundai and Dealer name cabinet.

Leave message board.



Paint SW 9111 Antler Velvet



CA375 Garden Grove Hyundai
 9898 Trask Avenue
 Garden Grove, CA 92844

Location: CA375 Garden Grove Hyundai

AGI Rep: NSA / P Petkov

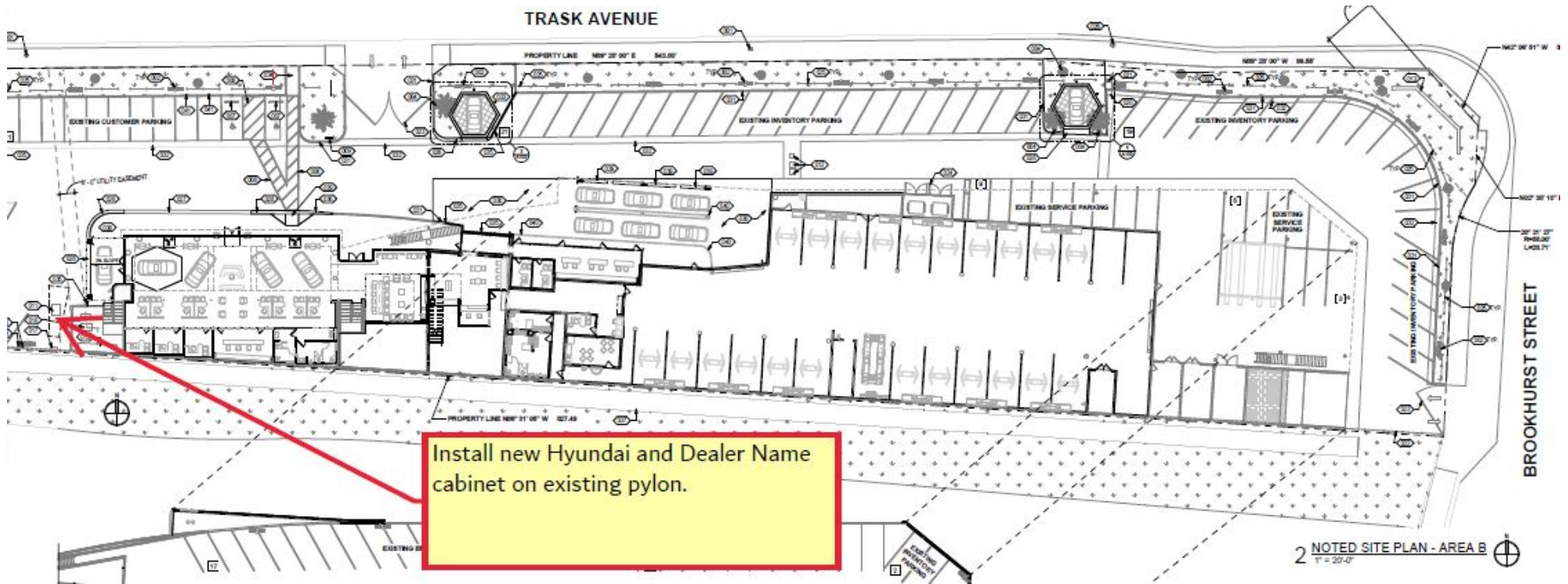
Scale: NTS

Drawn By: N/A

Date: 11/24/2021



Rendering based on Goree, David Yao drawings received 11.22.21. Dealer is responsible for verifying that this brandbook matches final architectural plans.
 Dealer to provide 120-volt, 20-amp dedicated circuit to signage.
 If an engineer alters quoted signage a change order will be provided to the dealer.
 Copy on and placement of any directional signs to be verified by dealer.
 Dealer to supply above to GC, architect, and other construction team members.



CA375 Garden Grove Hyundai
 9898 Trask Avenue
 Garden Grove, CA 92844

| | | | |
|------------------|----------------------------|---------------|------------|
| Location: | CA375 Garden Grove Hyundai | | |
| AGI Rep: | NSA / B.Siljanov | Scale: | NTS |
| Drawn By: | N/A | Date: | 11/24/2021 |



Removals by AGI:

- Remove "Hyundai of Garden Grove Certified" pylon.



CA375 Garden Grove Hyundai
9898 Trask Avenue
Garden Grove, CA 92844

Location: CA375 Garden Grove Hyundai

AGI Rep: NSA / B.Siljanov

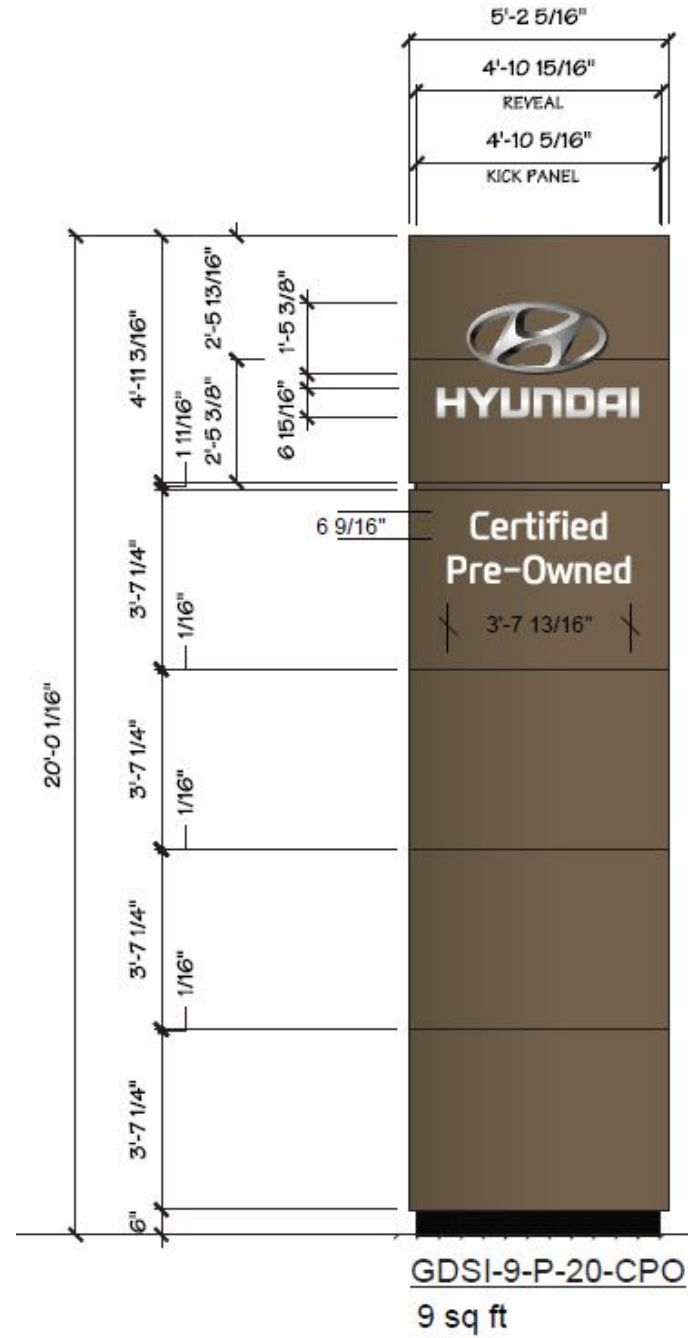
Scale: NTS

Drawn By: N/A

Date: 11/24/2021



Art represents approximation of sign appearance.
 Dealer to provide 120 volt, 20 amp dedicated circuit to sign.
 If an engineer alters quoted signage a change order will be provided to the dealer.
 Copy on and placement of any signs, including directional signs, to be verified by dealer.
 Dealer to supply above to GC, architect, and other construction team members.

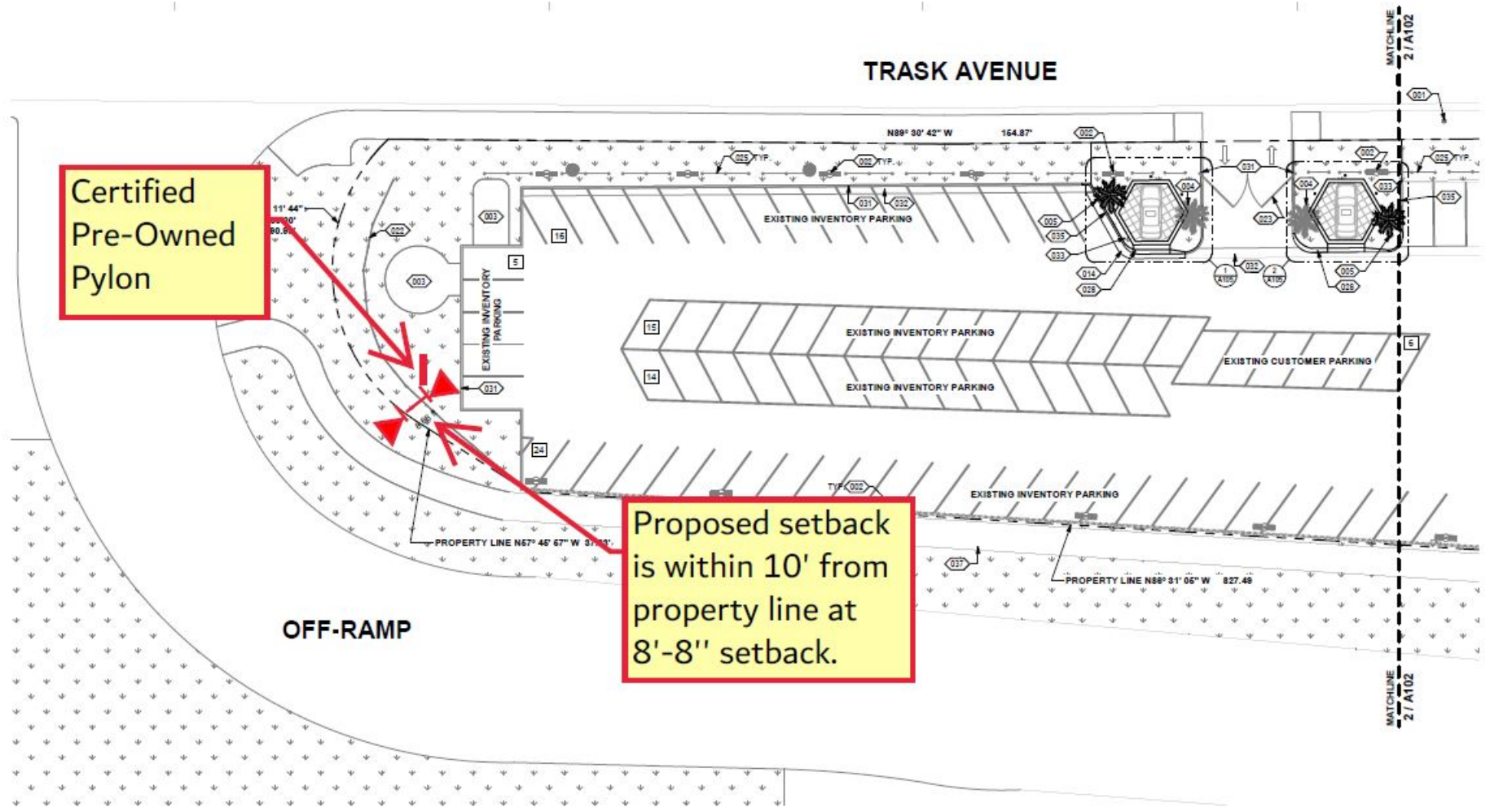


CA375 Garden Grove Hyundai
 9898 Trask Avenue
 Garden Grove, CA 92844

| | |
|--------------------------------------|------------------|
| Location: CA375 Garden Grove Hyundai | |
| AGI Rep: NSA / P Petkov | Scale: NTS |
| Drawn By: N/A | Date: 11/24/2021 |



Rendering based on Goree, David Yao drawings received 11.22.21. Dealer is responsible for verifying that this brandbook matches final architectural plans.
 Dealer to provide 120-volt, 20-amp dedicated circuit to signage.
 If an engineer alters quoted signage a change order will be provided to the dealer.
 Copy on and placement of any directional signs to be verified by dealer.
 Dealer to supply above to GC, architect, and other construction team members.



1 NOTED SITE PLAN - AREA A
 1" = 20'-0"



CA375 Garden Grove Hyundai
 9898 Trask Avenue
 Garden Grove, CA 92844

| | | | |
|------------------|----------------------------|---------------|------------|
| Location: | CA375 Garden Grove Hyundai | | |
| AGI Rep: | NSA / B.Siljanov | Scale: | NTS |
| Drawn By: | N/A | Date: | 11/24/2021 |



SITE PLAN KEYNOTES

- 001 EXISTING FIRE HYDRANT
- 002 EXISTING SITE LIGHTING TO REMAIN
- 003 EXISTING VEHICLE DISPLAY PAD TO REMAIN
- 004 EXISTING TREE TO REMAIN
- 005 RELOCATED EXISTING TREE
- 006 NEW CONCRETE WHEEL STOP REF. CIVIL
- 008 RE-PAINT ACCESSIBLE ROUTE AND ACCESSIBLE PARKING STRIPES
- 009 HYUNDAI DIRECTIONAL SIGNAGE (GDSI-DIR-48), GC TO PROVIDE CONDUITS AND COORDINATE INSTALLATION WITH VENDOR
- 010 HYUNDAI MONUMENT SIGNAGE (GDSI-M-5) BY OWNER GC TO PROVIDE CONDUITS AND COORDINATE INSTALLATION WITH VENDOR
- 011 EXISTING ELECTRONIC MESSAGE BOARD PYLON TO BE PAINTED, REF. AGI HYUNDAI GDSI 2.0 BRAND BOOK FOR SCOPE OF WORK
- 012 EXISTING UTILITY HATCH
- 013 EXISTING SIGNAGE
- 014 CONCRETE CURB GUTTER, REF. CIVIL
- 015 EXISTING UTILITY CLOSET
- 016 EXISTING TRANSFORMER AND VAULT ON CONCRETE PAD
- 017 EXISTING ELECTRICAL BREAKER
- 018 EXISTING ELECTRICAL PANEL
- 019 EXISTING EV CHARGING STATION
- 020 EXISTING DRAIN GRATE
- 021 EXISTING UTILITY RISERS
- 022 EXISTING CHAINLINK FENCE
- 023 EXISTING SWING GATE
- 024 EXISTING DUMPSTER ENCLOSURE
- 025 EXISTING PIPE RAIL
- 026 EXISTING UTILITY POLE
- 027 EXISTING CONCRETE ROLLED CURB TO REMAIN
- 028 CONCRETE ROLLED CURB AND GUTTER, REF. CIVIL & GARDEN GROVE STANDARD NO. B-116
- 029 ADA RAMP, REF. CIVIL
- 030 NEW CONCRETE PAVING, REF. CIVIL
- 031 EXISTING CONCRETE CURB TO REMAIN
- 032 EXISTING CONCRETE GUTTER TO REMAIN
- 033 NEW LANDSCAPE TO MATCH EXISTING, REF. CIVIL
- 034 EXISTING SIDEWALK ACCESS
- 035 6" CONCRETE CURB, REF. CIVIL & GARDEN GROVE STANDARD NO. B-112
- 036 CONCRETE ROLLED CURB TRANSITION TO 6" CONCRETE CURB, REF. CIVIL
- 037 EXISTING CONCRETE BROW DITCH
- 038 CONCRETE SIDEWALK REF. CIVIL & GARDEN GROVE STANDARD NO. B-116
- 039 8" CONCRETE CURB, REF. SITE DETAIL 7/A105 & CIVIL
- 040 4" WIDE PAINT STRIPE
- 041 PROVIDE CONDUIT FOR FUTURE EV CHARGING STATION

SITE WORK GENERAL NOTES:

1. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND SCOPE OF WORK REQUIREMENTS.
2. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF CURBS, PAVING AND PLANTERS ADJACENT TO BUILDINGS.
3. CONTRACTOR SHALL EXECUTE THE WORK IN STRICT ACCORDANCE WITH THESE DRAWINGS, LOCAL GOVERNING BUILDING, FIRE, MECHANICAL AND PLUMBING CODES, THE CURRENT ACCESSIBILITY STANDARDS AND ALL OTHER AUTHORITIES HAVING JURISDICTION OVER THIS PROJECT. THE CONTRACTOR SHALL REPORT CONFLICTING REQUIREMENTS TO THE ARCHITECT FOR INTERPRETATION.
4. DEALER SITE SIGNS AND THEIR REQUIRED FOUNDATIONS ARE NOT IN CONTRACT UNLESS NOTED OTHERWISE. GENERAL CONTRACTOR SHALL PROVIDE / COORDINATE POWER REQUIREMENTS CONDUITS, AND PROVIDE HOOD-UPS FOR POWER.
5. PARKING AND CURB DIMENSIONS ARE TAKEN FROM FACE OF CURB UNLESS NOTED OTHERWISE.
6. ACCESSIBLE PARKING SPACES SHALL COMPLY WITH APPLICABLE ACCESSIBILITY CODES. PROVIDE SIGNS SHOWING SYMBOL OF ACCESSIBILITY AT EACH SPACE. PROVIDE "VAN ACCESSIBLE" SIGN AT VAN SPACE. REFERENCE ACCESSIBILITY SHEETS FOR COUNTING STANDARDS.
7. POST SITE ADDRESS DURING CONSTRUCTION AND AFTER THE BUILDING IS OCCUPIED IN ACCORDANCE WITH FIRE MARSHALL REQUIREMENTS.
8. REFER TO CIVIL FOR FIRE AND SITE YARD HYDRANTS INFORMATION.
9. REFER TO LANDSCAPE & IRRIGATION PLANS FOR APPROXIMATE LOCATIONS AND QUANTITIES.
10. REFER TO ELECTRICAL PLANS FOR POWER.

PARKING ANALYSIS

CITY OF GARDEN GROVE
 GARDEN GROVE MUNICIPAL CODE, TITLE 9 LAND USE, SECTION 9.16.040 COMMERCIAL OFFICE, INDUSTRIAL DEVELOPMENT STANDARDS, SECTION 9.16.040.150 PARKING SPACES REQUIRED

| USE CLASSIFICATION | MIN. OFF-STREET PARKING REQ. | GSF | PARKING REQUIRED |
|------------------------------|---|--|------------------|
| AUTOMOBILE SALES AND LEASING | 1 SPACE PER 400 GSF OF INSIDE DISPLAY | 2,395 GSF INSIDE DISPLAY | 6 |
| | 1 SPACE PER 2,000 GSF OF OUTSIDE DISPLAY | 1,965 GSF OUTSIDE DISPLAY | 1 |
| | 1 SPACE PER 500 GSF OF REPAIR | 16,300 GSF REPAIR | 33 |
| GENERAL BUSINESS OFFICE | 1 SPACE PER 300 GSF OF PARTS STORAGE AND SALES AREA | 7,633 GSF PARTS STORAGE AND SALES AREA | 26 |
| | 1 SPACE PER 250 GSF OF FLOOR AREA | 5,190 GSF OFFICE | 21 |
| TOTAL: | | | 87 |

| | | |
|-----------------------|--------------|---|
| TOTAL PARKING: | REQUIRED: 87 | PROVIDED: 87 |
| | | (196 ADDITIONAL PARKING PROVIDED FOR INVENTORY) |

| | |
|---|---|
| ACCESSIBLE PARKING SPACES (PER CBC 2019 TABLE 11B-208.2) | ACCESSIBLE SPACE REQUIRED: 2 |
| | (119-208.2.4 VAN SPACES, FOR EVERY SIX OR FRACTION OF SIX ACCESSIBLE PARKING SPACES, AT LEAST ONE SHALL BE A VAN ACCESSIBLE PARKING SPACE). |
| | ACCESSIBLE SPACE PROVIDED: 1+1 VAN ACCESSIBLE |

PROJECT NAME

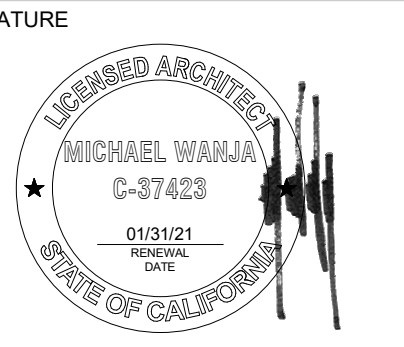
**RUSSELL WESTBROOK
 HYUNDAI GARDEN
 GROVE**

PROJECT DESCRIPTION
 AN EXISTING FACILITY IMAGE REMODEL

PROJECT ADDRESS
 9898 TRASK AVE.
 GARDEN GROVE, CA 92844

OWNER INFORMATION

GOREE PROJECT NUMBER
 A2042

STAMP / SIGNATURE


ISSUE DATE
 12/21/2020

| DATE | MARK | DESCRIPTION |
|------------|--------------|-------------|
| 12/21/2020 | PERMIT ISSUE | |

KEY PLAN

SHEET NAME
 NOTED SITE PLAN

SHEET NUMBER
A102

**Certified
 Pre-Owned
 Pylon**

**Proposed setback
 is within 10' from
 property line at
 8'-8" setback.**

**Install new Hyundai and Dealer Name
 cabinet on existing pylon.**

1 NOTED SITE PLAN - AREA A
 1" = 20'-0"

2 NOTED SITE PLAN - AREA B
 1" = 20'-0"

3 NOTED SITE PLAN - PARKING DECK
 1" = 20'-0"

- FOR ADDITIONAL INFORMATION:**
1. REFER TO A120 SERIES FOR DIMENSIONED FLOOR PLANS.
 2. REFER TO A130 SERIES FOR NOTED FLOOR PLANS.
 3. REFER TO A140 SERIES FOR POWER AND COMMUNICATIONS FLOOR PLANS.
 4. REFER TO A150 SERIES FOR FINISH FLOOR PLANS.
 5. REFER TO A160 SERIES FOR FURNITURE, FIXTURE, EQUIPMENT FLOOR PLANS.
 6. REFER TO A170 SERIES FOR GRAPHICS FLOOR PLANS.
 7. REFER TO A180 SERIES FOR REFLECTED CEILING PLANS.
 8. REFER TO A190 SERIES FOR ROOF PLAN.
 9. REFER TO A200 SERIES FOR BUILDING ELEVATIONS.
 10. REFER TO A300 SERIES FOR SECTIONS.
 11. REFER TO A400 SERIES FOR ENLARGED PLANS, ELEVATIONS, SECTIONS.
 12. REFER TO A500 SERIES FOR DETAILS.
 13. REFER TO A600 SERIES FOR SCHEDULES.

ORDINANCE NO. 2369

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-110-96: A REZONE FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF TRASK AVENUE, EAST AND WEST OF BROOKHURST STREET, AT 9898 AND 10150 TRASK AVENUE, AND 13502, 13512, 13521, AND 13522 BOWEN STREET, PARCEL NOS. 098-090-57 AND 58, 099-306-01 THROUGH 13, 099-307-01 THROUGH 03, 099-311-11, 12, 20, 21, 23, 24, AND 25, 099-313-14, 29, 31, 32, AND 36

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

WHEREAS, the case, initiated by the Garden Grove Agency for Community Development, proposes to rezone an approximately five-acre site and an approximately two-acre site from the Planned Unit Development No. PUD-103-95 and PUD-106-96 zones to the PUD-110-96 zone in order to modify the Garden Grove Auto Center Design Standards to allow the construction of two new entry signs at the southeast and southwest corners of Brookhurst Street and Trask Avenue and to allow overflow employee parking and the storage of vehicles as an interim use.

WHEREAS, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the City Council finds a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 4677, the Planning Commission, at a public hearing held on August 8, 1996, recommended approval of Planned Unit Development No. PUD-110-96; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on August 27, 1996, and all interested persons were given an opportunity to be heard; and

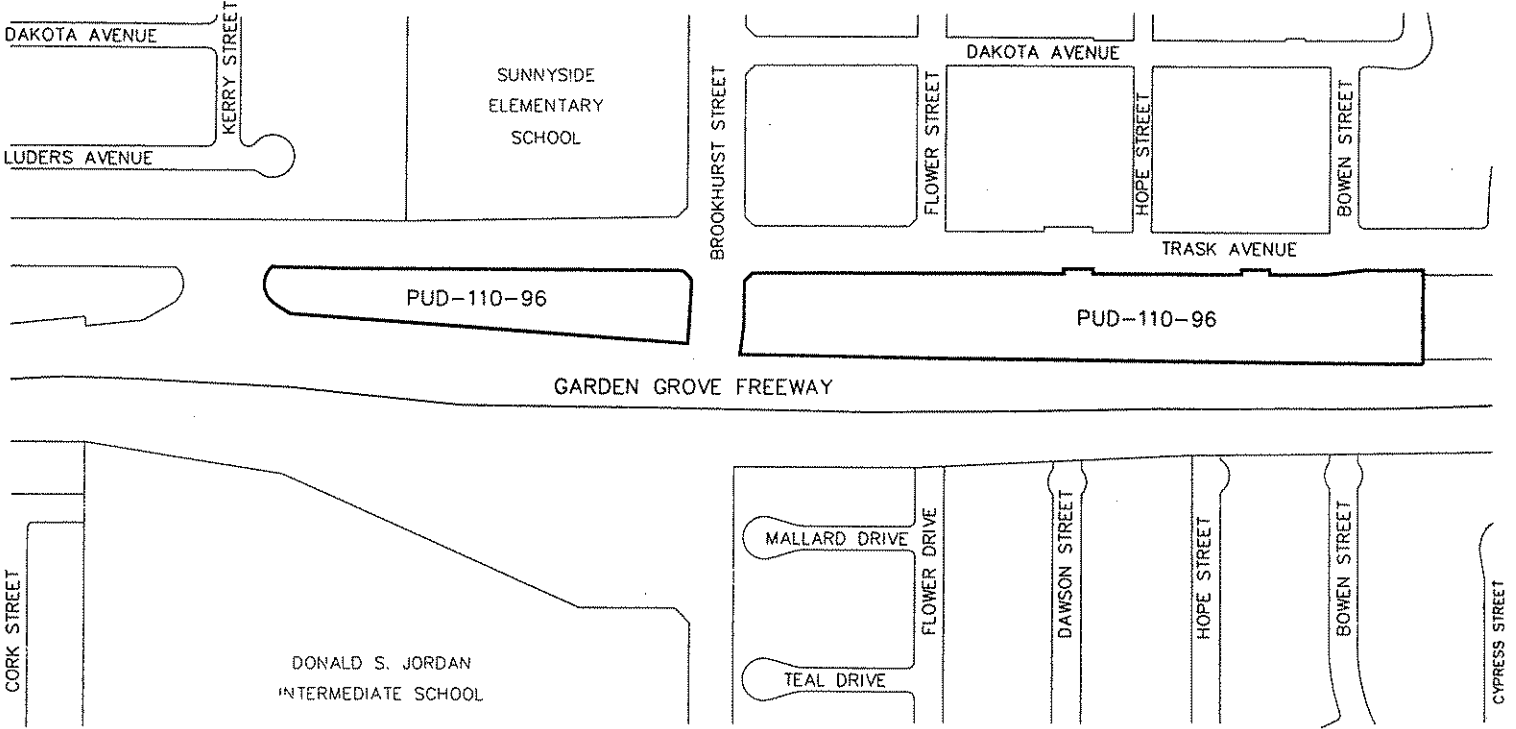
WHEREAS, the City Council gave due and careful consideration to the matter.

NOW, THEREFORE, BE IT RESOLVED:

1. Planned Unit Development No. PUD-110-96 is hereby approved pursuant to the facts, reasons, and Standards of Development stated in Planning Commission Resolution No. 4677, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.



NOT TO SCALE



REZONED FROM PUD-103-95 AND PUD-106-96
TO PUD-110-96
ZONE MAP PART D-8 AND D-9

RESOLUTION NO. 4677

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-110-96; A REZONE FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF TRASK AVENUE, EAST AND WEST OF BROOKHURST STREET, AT 13521 BROOKHURST STREET, 9898 AND 10150 TRASK AVENUE, 13502, 13512, 13521, AND 13522 BOWEN STREET, PARCEL NOS. 098-090-57 AND 58, 099-306-01 THROUGH 13, 099-307-01 THROUGH 03, 099-311-11, 12, 20, 21, 23, 24, AND 25, 099-313-14, 29, 31, 32, AND 36

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 8, 1996, does hereby recommend approval of Planned Unit Development No. PUD-110-96.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-110-96, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the Garden Grove Agency for Community Development.
2. The Agency is proposing to rezone an approximately seven acre site from the Planned Unit Development No. PUD-103-95 and PUD-106-96 zones to the PUD-110-96 zone in order to modify the Garden Grove Auto Center Design Standards to allow the construction of two new entry signs at the southeast and southwest corners of Brookhurst Street and Trask Avenue and to allow overflow employee parking and the storage of vehicles as an interim use.
3. The project will not have a significant adverse effect on the environment, therefore the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. The Negative Declaration reflects the independent judgment of the City. As evidenced by the Negative Declaration documents, there is no impact on fish and wildlife resources.
4. The properties have a General Plan Land Use designation of Heavy Commercial and are currently zoned PUD (PUD-103-95 and PUD-106-96). The sites are improved with motor vehicle sales dealerships.
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 legal notice, public hearing was scheduled for August 8, 1996, 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 August 8, 1996; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.12.020, are as follows:

FACTS:

In August 1995, the Commission recommended approval of PUD-103-95 for a five acre expansion of the Garden Grove Auto Center at the southeast corner of Brookhurst Street and Trask Avenue to accommodate the Nicholas Chevrolet Dealership, which is currently under construction. The dealership occupies four acres of the site and the remaining one acre is improved with two single family homes bisected by a public street (Bowen Street).

In April 1996, the Commission recommended approval of PUD-106-96 to incorporate a 20,896 square-foot site (formerly a service station) at the southwest corner of Brookhurst Street and Trask Avenue into the Auto Center as part of the Union Dodge Dealership.

The new PUD (PUD-110-96) will consolidate PUD-103-95 (Nicholas Chevrolet) and PUD-106-96 (Union Dodge).

The Garden Grove Agency for Community Development is proposing to amend the existing PUD standards to accommodate new entry signs that will identify the auto center. Additionally, the remnant residential parcels to the east of the Nicholas Chevrolet site, bisected by Bowen Street, are proposed to be utilized as vehicle storage and employee parking.

FINDINGS AND REASONS:

ZONE CHANGE:

1. The proposed zone change is consistent with the City's General Plan.

The zone change from PUD-103-95 and PUD-166-96 to PUD-110-96 is consistent with the Goals and Policies as outlined in the City's General Plan which encourage measures designed to insure the economic vitality of the Garden Grove Auto Center.

- 2. The proposed zone change will insure a degree of compatibility with surrounding properties and uses.

The surrounding properties and uses within the area are primarily auto-related and are regulated by the Garden Grove Auto Center Standards of Development. These standards, which are also being modified for this rezoning, will insure compatibility between the subject site and surrounding properties and uses.

PLANNED UNIT DEVELOPMENT:

- 1. The quality of the project achieved through the Planned Unit Development zoning is greater than could be achieved through traditional zoning.

The project will exceed City Code standards, insuring that the overall quality of the Auto Center improvements is greater than could be achieved through the Title 9 regulations.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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 Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.12.020 (Planned Unit Development).
- 2. The following Standards of Development shall apply to PUD-110-96:

STANDARDS OF DEVELOPMENT:

PUD-110-96 consolidates PUD-103-95 and PUD-106-96 in the Garden Grove Auto Center. All standards of development as specified in Exhibit "A" (Standards of Development - Garden Grove Auto Center) shall apply. Deviations from the development standards contained in Exhibit "A" shall be approved by the Planning Commission through the Site Plan process. Wherever a development standard is not specified in the PUD, the provisions of the Garden Grove Municipal Code shall apply.

ADOPTED this 8th day of August, 1996.

/s/ BARBARA BEATTY
VICE CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on August 8, 1996, and carried by the following votes:

AYES: COMMISSIONERS: BEATTY, BUTTERFIELD, HESKETT, SCOVILLE,
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: ROSEN, HUTCHINSON, WILKINS

/s/ SALLY EVERLOVE
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 August 29, 1996.

EXHIBIT "A"

PLANNING COMMISSION RESOLUTION NO. 4677

STANDARDS OF DEVELOPMENT, GARDEN GROVE
AUTO CENTER, GARDEN GROVE, CALIFORNIA

SECTION I. DEFINITIONS

"Agency" shall mean the Garden Grove Agency for Community Development.

"Automobile" shall mean car, auto, pickup truck, van, recreational vehicle, or any other motor vehicle having at least four wheels and weighing less than 6,000 pounds.

"Auto Center" shall mean the retail automobile sales and service complex on the Auto Center Property.

"Auto Center Identification Sign" shall mean a display sign(s) identifying the Garden Grove Auto Center and including appurtenant materials and facilities for the support, protection, lighting, and landscaping of said sign. It shall be the prerogative of the Garden Grove Agency for Community Development as to whether to erect an Auto Center Identification Sign(s).

"Auto Center Property" shall mean all that certain real property incorporated by reference herein.

"Building" shall mean a permanently located structure having a roof.

"Bulk Car Storage" shall mean the temporary storage of automobiles which have not been prepared for sale.

"City" shall mean the City of Garden Grove, California.

"Dealer" shall mean a business operating a franchise for the sale of new and used automobiles on a Site.

"Dealers Association" or "Association" shall mean a nonprofit corporation, created and functioning for the purposes of administering the Auto Center, and promoting, managing and controlling activities and public relations in and for the Auto Center.

"Mortgage" shall mean and include a deed of trust as well as a mortgage in the conventional sense.

"Owner" shall mean the record owner, whether one or more persons or entities, of a fee simple title to any Site in the Auto Center Property, with the exception of the Agency.

"Service Center Storage" shall mean the temporary storage of automobiles which have been brought in for repair or servicing.

"Site or Sites" shall mean any parcel or parcels of land on the Auto Center Property.

SECTION II. APPLICABILITY

The provisions contained in this Planned Unit Development (PUD) supplemental text shall apply as specified to all uses permitted. Deviations from the Development Standards contained herein shall be approved by the Garden Grove Planning Commission through the site plan process described below. Except as otherwise stated in this text, the requirements of the City development standards and zoning ordinances shall apply.

SECTION III. GENERAL DEVELOPMENT STANDARDS

A. Purpose and Intent

The Garden Grove Auto Center is designed to accommodate several new automobile dealerships in an attractive and architecturally compatible environment adjacent to the Garden Grove Freeway in an effort to maximize the retail sale of new automobiles in the City of Garden Grove. Due to the limited area of each site and the elevation of the adjacent freeway, it is desirable for showroom structures to be multi-story. All buildings shall be of high architectural quality, both individually as well as in the context of the total complex, and Sites shall be landscaped in an aesthetically designed manner. The shape, scale, exterior design, and exterior finish of each building must be consonant with, visually and physically related to, and an enhancement to adjacent buildings. Care shall be taken to ensure that the Auto Center Property is developed so as to be compatible with the residential neighborhood located to the north of Trask Avenue. Any windows or openings above the first floor of any structure facing Trask Avenue shall be designed to be aesthetically and architecturally compatible with the entire building.

All proposals for development on the Auto Center Property shall be made in the form of a Site Plan application to the City of Garden Grove in accordance with all City zoning ordinances, standards and procedures.

B. Permitted Uses

Retail sales and display of new and used automobiles, as defined herein, and the customary activities involved in the retail sale, servicing and repair of automobiles. No ~~Bulk Car Storage~~ or auto body repair or painting shall be permitted on the Auto Center Property. Overflow employee parking and the interim storage of new or used automobiles sold by the dealerships within the Auto Center are permitted on the remnant parcels east of the Nicholas Chevrolet Auto Dealership.

C. Site Area Requirements

1. Minimum Site size for each Site shall be one acre.
2. Structures shall not cover more than 50 percent of the net Site area.

D. Setbacks

All setbacks shall be measured from the property lines. For the purpose of these supplemental regulations, a street side property line is that line created by the ultimate right-of-way of Trask Avenue.

1. Setback from Streets

No buildings shall be constructed upon any site within ten (10) feet of the property line along Trask Avenue.

2. Side Yard

None.

3. Rear Yard

None.

4. Architectural Projections

- a. Rooflines and eaves may project six (6) feet into setback areas subject to the specific approval by the Planning Commission.
- b. Steps and open and unenclosed staircases may project six (6) feet into setback areas.

E. Maximum Building Height

Sixty (60) feet.

F. Minimum Building Height

No building used for automobile display shall be less than two stories in height.

G. Landscaping

1. General Statement

Landscaping shall consist of an effective combination of trees, ground cover, and shrubbery provided with an automatically controlled sprinkler system all in conformity with the overall landscaping of the Auto Center. All unpaved areas shall be landscaped.

2. Street Landscape Areas

The entire area between the Trask Avenue property line and a point ten (10) feet in back of the front property line shall be landscaped, except for any vehicular or pedestrian accessways in said area. If the street landscaping area is bermed with

a minimum height of forty-two (42) inches at the rear of the setback, the front landscaping may be reduced to five (5) feet. One (1) twenty-four (24) inch box tree of a two and one-quarter (2-1/4) inch caliper trunk diameter, ten (10) foot in height and five (5) foot head is required for every thirty (30) feet of frontage (which may be grouped or clustered).

3. Boundary Areas

Boundary landscaping is required on all side property lines unless a zero building setback is utilized. Said boundary landscape areas shall be placed along the entire length of side property lines. Trees, equal in number to one (1) twenty-four (24) inch box tree of a two and one-quarter (2-1/4) inch caliper trunk diameter, ten (10) foot in height and a five (5) foot head are required per thirty (30) lineal feet of side property line, shall be planted in the boundary area in addition to required ground cover and shrub material.

4. Parking Areas and Automobile Display Pads

- a. Parking areas shall be landscaped in accordance with City zoning ordinances.
- b. Walkways and new car display pads shall consist of exposed aggregate, bomanite, or colored concrete compatible and related to the style and color of such materials used in the total Site design concept.
- c. Driveway approaches to each Site from Trask Avenue shall consist of colored enhanced concrete treatment or brick pavers. The type and style of the entry paving shall be subject to the approval of the Development Services Department. Said treatment shall extend the full width of the driveway from the sidewalk to at least twenty-five (25) feet behind the sidewalk on each Site.

5. Landscaping Maintenance

- a. Periodic inspections shall be made by the City of Garden Grove noting conditions which are in non-compliance with the requirements of this section. Correction to bring an area into compliance with the standards shall be accomplished by the offender within thirty (30) days of receipt of written notification.
- b. Lawn and ground covers shall be kept trimmed and/or mowed regularly. All planting areas shall be kept free of weeds and debris.
- c. All plantings shall be kept in a healthy and growing condition, and any destroyed or diseased trees, shrubs or other vegetation shall be replaced as necessary.
- d. Irrigation systems shall be kept in working condition. Adjustments and cleaning shall be a part of regular maintenance.

H. Parking Requirements

1. Site parking shall comply with all applicable Title 9 requirements. Each parking site shall be striped in accordance with City standards.
2. Parking of employee vehicles shall be on-site at all times. No parking of employee vehicles in adjacent residential areas shall be permitted.

I. Sign and Graphic Standards

1. General

All signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each Site shall be shown in detail and submitted as part of the required Site Plan for the Site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall have external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center except as expressly provided herein. All signs conforming to these criteria and applicable City sign ordinances shall be permitted as a matter of right upon the issuance of a City sign permit. No sign shall exceed the standards of this criteria or the City sign ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobile sold by the dealer is permitted for each Site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed five (5) feet in height above the finished grade.

3. Freeway Signs

a. Dealer Signs

One freestanding pole sign containing the manufacturer's logo only of the principal make or makes of new automobile sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobile on the Site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobile are identified.

b. Auto Center Identification Sign - Pole Sign

One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not

exceed fifty (50) feet and the total sign area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.

c. Auto Center Identification Sign - Monument Sign

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration. Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center", identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Services Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III(I. 2) above.

4. Temporary Identification Signs

a. Construction Sign

A sign not to exceed twenty (20) square feet in area denoting the architects, engineers, contractor, and other related subjects will be allowed at the commencement of construction. Said sign shall be removed at the time the Site is fit for occupancy.

b. Future Tenant Signs

Signs allowing identification for the future tenants are not to exceed two (2) signs per Site and one hundred (100) square feet in sign surface area per sign. Said signs shall be removed at the time the Site is fit for occupancy.

5. Temporary Advertising Devices

Temporary advertising devices including, but not limited to, banners, flags and pennants shall conform to the requirements of the City sign ordinances.

J. Display Area Lighting

All display and security lighting in the Auto Center shall be designed for uniformity of lighting poles, fixtures and intensity in the following manner:

1. Except as otherwise provided, all luminaries shall be one thousand (1000) watt metal halide rectangular type mounted on square metal poles at a height of twenty (20) feet.
2. Each owner shall install display lighting in the interior of each site by means of dual or quad luminaries on poles spaced approximately fifty feet apart and along the Trask Avenue frontage on poles spaced approximately thirty (30) to forty (40) feet apart.
3. All lighting shall be designed to prevent glare to adjacent properties and streets.
4. The Development Services Department shall establish specifications for luminaries and poles installed by the owner pursuant to this section. Each owner shall submit a lighting plan to the Development Services Department for approval prior to installation.

K. Telephone and Electrical Service

All "on-site" telephone and electrical lines shall be placed underground. Transformer or terminal equipment shall be screened from view of adjacent streets, the freeway, and properties.

L. Storage and Refuse Collection Areas

1. All outdoor storage areas and refuse collection areas shall be visually screened so that materials stored within these areas shall not be visible from streets, the freeway, and adjacent property.
2. Storage or refuse collection shall not be permitted within the ten (10) foot setback along Trask Avenue.

M. Roof-mounted Equipment

No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Development Services Department prior to issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets, the freeway, and surrounding properties.

N. Maintenance

All Sites, structures and permitted signs shall be maintained in a neat and orderly manner.

O. Performance Standards

No use shall be permitted on the Auto Center Property which creates or involves any of the following effects:

1. Any noise or vibration, other than that related to temporary construction work, which is discernible without instruments at any lot line of the site. Any noise exceeding seventy (70) dBA's at any time.
2. Any electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
3. The emission of odorous gasses or matter in quantities such as to be perceptible at any lot line of the Site.
4. The discharge into any sewer or stream or into the ground, except in accordance with standards approved by the State Department of Health, of any materials of such nature as to contaminate any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offense elements.
5. No exterior storage of materials, supplies, equipment, or machinery shall be permitted whether open or in tanks, bins or other container devices.

P. Test Driving of Vehicles

1. At no time shall test driving of vehicles be conducted within the adjacent residential areas.

Q. Employee Parking and Interim Storage of Vehicles

1. The remnant parcels to the east of the Nicholas Chevrolet Dealership may be used for employee parking and the interim storage of new and used cars sold within the Auto Center. The parking and storage area shall be screened from Trask Avenue by a decorative fence or wall and shall be landscaped per the provisions of Section III(G).

SECTION IV. DEVELOPMENT STANDARDS

The size and nature of the Garden Grove Auto Center precludes the development and submission at the time of PUD approval of specific development plans for individual Sites within the project. The following procedure, therefore, will be adhered to regarding future submission of precise Site development plans to the City for approval.

Each applicant desiring to secure approval of development plans shall submit to the City of Garden Grove a formal Site Plan application as prescribed by City zoning ordinances. Said Site Plan shall also include all plans for structures, signs, landscaping, trash collection facilities and all other requirements contained herein.

SECTION V. OPERATIONS STANDARDS

- A. The daily hours of operation for the Auto Center shall begin no earlier than 7 a.m. and shall not go beyond 10 p.m.

- B. No loudspeakers, which can be heard beyond the subject site, shall be permitted. A lighting or beeper paging system is an appropriate alternative to the loudspeaker paging system.

SECTION VI. DEALERS ASSOCIATION

A Dealers Association shall be formed for the purpose of, but not limited to, maintaining the Auto Center Identification Sign, advertising, security of grounds, bulk storage, maintenance of freeway landscaping (if appropriate), and any other mutually beneficial purpose of the dealers in the Garden Grove Auto Center. Bylaws for the dealers Association shall be submitted to and approved by the Agency prior to the Association becoming operational.

Every owner of a Site shall be a member of the Dealers Association, provided, however, that if the owner is not a dealer and the assignee, lessee, sublessee, or other lawful occupant of said Site is a dealer, said assignee, lessee, sublessee or other lawful occupant of the Site shall be a member of the Dealers Association in the place of the owner and shall exercise all the rights, privileges and obligations of memberships. Except as otherwise provided herein, membership shall be appurtenant to and may not be separated from ownership of any Site.

ORDINANCE NO. 2823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12), AMENDING SECTION I, SIGN AND GRAPHIC STANDARDS, OF PLANNED UNIT DEVELOPMENT NO. PUD-110-96 TO INCREASE THE HEIGHT OF PERMITTED STREET SIGNS FROM 5 TO 8 FEET AND TO ALLOW A 59-FOOT HIGH FREEWAY-ORIENTED ELECTRONIC READERBOARD SIGN FOR AN AUTO DEALERSHIP, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

City Attorney Summary

This Ordinance approves an amendment to the existing Sign and Graphic Standards applicable to Planned Unit Development No. PUD-110-96, which covers property located on the southeast and southwest corners of Trask Avenue and Brookhurst Street at 9898 and 10150 Trask Avenue and including Assessor Parcel Nos. 09- 090-57 and 58; 099-681-01 and 02; and 099-682-01, 02, and 03. The amendment increases the allowable height of permitted street signs from 5 to 8 feet and replaces the provision permitting a maximum 50-foot high auto center identification pole sign with a provision allowing for a maximum 59-foot high freeway-oriented readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval.

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

WHEREAS, the case, initiated by Jared Hardin, proposes to modify the Sign and Graphic Standards section of Planned Unit Development No. PUD-110-96 to allow a 59-foot high freeway-oriented readerboard sign for an automobile dealership on a minimum two-acre site, subject to Conditional Use Permit approval, and to increase the allowable height of the permitted street monument sign from 5 to 8 feet, on property located on the southeast and southwest corners of Trask Avenue and Brookhurst Street at 9898 and 10150 Trask Avenue and including Assessor Parcel Nos. 098-090-57 and 58; 099-681-01 and 02; and 099-682-01, 02, and 03;

WHEREAS, the City Council finds that this amendment to Planned Unit Development No. PUD-110-96 is exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Article 19, Section 15311, Accessory Structures, and Article 5, Section 15061, Review for Exemption, of the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.);

WHEREAS, pursuant to the Planning Commission Resolution No. 5759-12, at a Public Hearing on March 1, 2012, recommended approval of the amendment to Planned Unit Development No. PUD-110-96;

WHEREAS, pursuant to legal notice a Public Hearing was held by the City Council on November 13, 2012, and all interested parties were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Planned Unit Development No. PUD-110-96 (Rev. 12):

A. The amendment is internally consistent with the goals, policies, and elements of the General Plan. Auto dealerships and associated signs are consistent with the Heavy Commercial General Plan Land Use Designation, which is intended to provide a variety of more intensive commercial uses, including automotive sales uses. The proposed amendment is also consistent with Goal LU-5 of the General Plan's Land Use Element, which encourages economically viable, vital and attractive commercial centers throughout the city, in that it will help enable the commercial uses on the subject site to remain commercially viable through the use of visible and effective signage. Increasing the allowable height of permitted street monument signs and permitting the installation of freeway-oriented electronic readerboard signs within the subject Planned Unit Development is also consistent with Policy LU-6.6 of the Land Use Element, which seeks to ensure that appropriate and compatible signage is provided within commercial centers. The requirement that any freeway-oriented readerboard sign installed within the Planned Unit Development be subject to Conditional Use Permit approval will also ensure there is a reasonable degree of compatibility between the proposed use and surrounding properties.

B. The amendment will promote the public interest, health, and welfare. Increasing the allowable height of the permitted street monument sign for the automobile dealerships within the Planned Unit Development will increase visibility of such signs from the freeway off-ramp and Trask Avenue, without impairing the visual integrity of the area. The amendment only permits a freeway-oriented electronic readerboard sign for an automobile dealership on a minimum two (2) acre site, subject to a Conditional Use Permit. Accordingly, a maximum of two (2) such signs could be constructed within the Planned Unit Development. Further, the total number of signs allowed is not increased, since the freeway-oriented electronic readerboard sign is allowed only in lieu of the previously permitted automobile dealership identification pole sign. Further, requiring that individual proposals for such a freeway-oriented electronic readerboard sign be reviewed through the Conditional Use Permit process will allow for discretionary review and tailoring of Conditions of Approval unique to each site, adherence to which will ensure the maintenance of the public interest, health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. Planned Unit Development No. PUD-110-96 (Rev. 12) is hereby approved, pursuant to the facts and reasons stated in the Planning Commission Resolution No. 5759-12, a copy of which is on file in the City Clerk's Office and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Pursuant to this approval of Planned Unit Development No. PUD-110-96 (Rev. 12), Section I (Sign and Graphic Standards) of Planned Unit Development No. PUD-110-96 is amended to read as follows (new text in bold and deleted text in strike-through):

"I. Sign and Graphic Standards

1. General

Except as otherwise expressly provided herein, all signs shall be for the purpose of identification or direction only and shall contain no advertising. All signs proposed for each site shall be shown in detail and submitted as part of the required Site Plan for the site. Signs visible from the exterior of any building may be lighted provided said illumination is internal to the sign, but no signs or any other contrivance shall be external illumination or shall be devised or constructed so as to rotate, gyrate, blink or move in any fashion. No roof or wall signs shall be permitted in the Auto Center, except as expressly provided herein. All signs conforming to these criteria and applicable City Sign Ordinance shall be permitted as a matter of right upon issuance of a City sign permit, **with the exception of auto dealership readerboard signs, which shall require a Conditional Use Permit.** **Except as otherwise expressly authorized herein**, no sign shall exceed the standards of this criteria or the City Sign Ordinances, whichever is the most restrictive.

2. Street Signs

One monument sign containing the manufacturer's logo and the dealer's name and principal make or makes of new automobiles sold by the dealer is permitted for each site along Trask Avenue. The maximum size of the monument sign shall not exceed fifty (50) square feet per sign face. No sign shall exceed ~~five~~ **eight (8)** feet in height above the finished grade.

3. Freeway Signs

a. Dealer Signs

One freestanding pole sign containing the manufacturer's logo only of the principal make or makes of new automobiles sold by the dealer is permitted for each site adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed the height of the building it identifies, but shall not be higher than fifty (50) feet, and the total sign area shall not exceed 150 square feet per sign face. Said sign shall be internally illuminated. In the event a dealer is franchised to sell more than one make of new automobiles on the site, the amount of sign area may be increased to two hundred fifty (250) square feet on the single pole sign, as long as both makes of automobiles are identified.

~~b. Auto Center Identification sign – Pole Sign~~

~~One freestanding pole sign identifying the Garden Grove Auto Center may be permitted on the Auto Center property adjacent to and within ten (10) feet of the Garden Grove Freeway right-of-way. The maximum height of said sign shall not exceed fifty (50) feet and the total area shall not exceed 220 square feet per sign face. Said sign shall be internally illuminated.~~

b. Auto Dealership Freeway-Oriented Electronic Readerboard Sign

In lieu of a "Dealer sign," one (1) freeway-oriented automobile dealership electronic readerboard sign that identifies the make(s) of, and advertises, automobiles being sold by the dealer, and/or provides the public with information from the City relating to events affecting the community may be permitted for each automobile dealership located on a minimum 2-acre size site, subject to a Conditional Use Permit. Said readerboard sign shall be located within ten (10) feet of the Garden Grove Freeway and shall be in compliance with all state and federal laws. The maximum height of the sign shall not exceed 59 feet. All readerboard signs shall be consistent in design with an arched top feature that includes "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8) feet in height.

c. Auto Center Identification Sign – Monument

Two freestanding monument signs, not to exceed five (5) feet in height, identifying the Garden Grove Auto Center, shall be permitted; one at the southeast corner and one at the southwest corner of Trask Avenue and Brookhurst Street. Both signs shall be of the same design and configuration.

Each sign shall be constructed of a durable material such as concrete or masonry. Each sign shall have "Garden Grove Auto Center" identified in letters not to exceed a height of 14 inches, along with a maximum of two (2) recessed panels for the auto dealer signs. The recessed sign panels shall be treated to match the surrounding sign, and the illumination shall be limited to letters and logos. The sign panels for the auto dealer signs shall not exceed 21 square feet of sign area. Only the auto dealer occupying the site on which the sign is located shall be identified on the sign, and no additional freestanding monument signs shall be permitted. The final sign design and any future modifications shall be approved by the Planning Division.

If the above-described signs are not installed, or do not include panels for auto dealer signs, each of the dealers located on these corner sites shall be permitted to construct a monument sign on their site at or near the street intersection. Said signs will be governed by the existing standards as described in Section III (1.2) above."

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 27th day of November 2012.

ATTEST:

/s/ WILLIAM J. DALTON

MAYOR

/s/ KATHLEEN BAILOR, CMC

CITY CLERK

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

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

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

and was passed on November 27, 2012, by the following vote:

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

/s/ KATHLEEN BAILOR, CMC
CITY CLERK

EXHIBIT "A"

Conditional Use Permit No. CUP-347-12
9898 Trask Avenue

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The property owner shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office. Proof of such recordation is required prior to the issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Hearing Body.
2. Conditional Use Permit No. CUP-347-12 shall not become effective until and unless an Ordinance adopted by the City of Garden Grove City Council approving an amendment to Planned Unit Development No. PUD-110-96 in substantially the same form as recommended by the Planning Commission becomes effective. Approval of this Conditional Use Permit shall be contingent upon approval of Planned Unit Development No. PUD-110-96 (Rev. 12) and shall not be construed to mean any waiver of applicable and appropriate zoning regulations or any Federal, State, County and City laws and regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. All modifications shall be approved by the Community Development Department. If other than minor changes are proposed, the appropriate entitlements shall be submitted, such as a new application, containing all proposed revisions, shall be required.
4. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.

Community Development Department

5. This approval shall be for the installation of a 59-foot high freeway-oriented electronic readerboard sign in substantial compliance with the approved set of plans submitted with the subject Conditional Use Permit request and the requirements of PUD-110-96 (Rev. 12), except as modified herein.
6. The maximum height of the readerboard sign shall be 59 feet, measured from grade to top of sign.
7. The design of the sign shall be consistent with other Auto Center signs along Trask Avenue and shall include an arched top with "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The top feature shall be a minimum of eight (8)-feet in height.

The entire sign structure, including supports shall be painted blue to match the blue accents on the building. Color samples shall be submitted along with plans submitted for Building permits.

8. The sign illumination, including the LED screen, shall be dimmed to the level of the ambient light level within the area at dusk and shall not cause light and glare on adjacent residential properties, streets, and freeway right-of-way. Maximum output of light during nighttime hours shall not exceed 15 percent. The readerboard images shall maintain one image between the hours of 10:00 p.m. to 7:00 a.m. in order to reduce light and annoyance impacts to the adjacent residential neighborhoods. During all other times the image on the readerboard shall not change less than every 8 seconds.
9. The proposed freeway-oriented electronic readerboard sign shall comply with the Caltrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.
10. The applicant shall allow the advertising of community events, as approved by the City Manager. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.
11. Hours and days of construction 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.
12. The applicant and the property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-347-12, and their agreement with all Conditions of the Approval.
13. 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 Conditional Use Permit No. CUP-347-12. The applicant shall pay the City's defense costs, including attorney fees and all 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 challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

Fire Department

The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times. All access gates shall be equipped with a Knox rapid entry keyed access system subject to approval of the Garden Grove Fire Department. Manual gates shall have Knox padlocks.

EXHIBIT "A"

Site Plan No. SP-128-2023

Conditional Use Permit No. CUP-347-12 (REV. 2023)

9898 Trask Avenue

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The applicant and each property owner shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Hearing Body.

~~1. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Kasey Clark for AKC Permit Co., the developer of the project, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community Development Director pursuant to Condition No. 4, any changes to these Conditions of Approval require approval by the appropriate City hearing body.~~

2.

~~3. Conditional Use Permit No. CUP-347-12 shall not become effective until and unless an Ordinance adopted by the City of Garden Grove City Council approving an amendment to Planned Unit Development No. PUD-110-96 in substantially the same form as recommended by the Planning Commission becomes effective. Approval of this Conditional Use Permit shall be contingent upon approval of Planned Unit Development No. PUD-110-96 (Rev. 12) and shall not be construed to mean any waiver of applicable and appropriate zoning regulations or any Federal, State, County and City laws and regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.~~

3. Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023) only authorize approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign on a site located at 9898 Trask Avenue (APN: 098-090-57, 58), as depicted on the plans submitted by the applicant and made part of the record of the October 5, 2023 Planning Commission

Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023)
 Conditions of Approval

proceedings. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.

4. Minor~~All~~ modifications to the Site Plan, the Conditional Use Permit, and/or these Conditions of Approval may~~shall~~ be approved by the Community Development Department Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body. If other than minor changes are proposed, the appropriate entitlements shall be submitted, such as a new application, containing all proposed revisions, shall be required.

~~5. The approved plans are an integral part of the decision approving this Site Plan and Conditional Use Permit. There shall be no additional changes in the design without the approval of the Community Development Department, Planning Services Division. Any additional changes in the approved plans, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).~~

~~5.~~

- ~~5. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.~~

6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Community Development Department

~~6-7.~~ This approval shall be for the installation of a 55'-5" ~~59-foot~~ high freeway-oriented electronic readerboard sign, and a 20'-0" high secondary dealer sign to be located within 10'-0" of the Garden Grove freeway in substantial compliance with the approved set of plans submitted with the subject Site Plan and Conditional Use Permit request and the requirements of PUD-110-96 (Rev. 12), except as modified herein.

~~7-8.~~ The maximum height of the freeway-oriented electronic readerboard sign shall be 59 feet, and 50'-0" for the secondary dealer sign, measured from grade to top of sign. The sign area for the secondary dealer sign shall not exceed 150 square feet per face.

~~8-9.~~ The design of the freeway-oriented electronic readerboard sign shall be consistent with other Auto Center signs along Trask Avenue and shall include an arched top with "Garden Grove" copy cabinet and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy.

Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023)
Conditions of Approval

- ~~The top feature shall be a minimum of eight (8)-feet in height.~~ The entire sign structure, of the electronic readerboard and the secondary freeway sign, including the supports, shall be painted ~~blue~~ to match the ~~blue~~ accents on the building. Color samples shall be submitted along with plans submitted for Building permits. Both signs shall contain the manufacturer's logo only of the principal make or makes of new automobiles sold by the dealer.
- ~~9-10.~~ The sign illumination of the freeway-oriented electronic readerboard, including the LED screen, shall be dimmed to the level of the ambient light level within the area at dusk and shall not cause light and glare on adjacent residential properties, streets, and freeway right-of-way. Maximum output of light during nighttime hours shall not exceed 15 percent. The readerboard images shall maintain one image between the hours of 10:00 p.m. to 7:00 a.m. in order to reduce light and annoyance impacts to the adjacent residential neighborhoods. During all other times the image on the readerboard shall not change less than every 8 seconds.
- ~~10-11.~~ The ~~proposed~~ freeway-oriented electronic readerboard sign shall comply with the Caltrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.
- ~~11-12.~~ The applicant shall allow the advertising of community events, as approved by the City Manager, on the freeway-oriented electronic readerboard sign. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.
- ~~13.~~ Hours and days of construction 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.
- ~~14.~~ The Conditional Use Permit CUP-347-12 previously governing the site shall become null and void, and superseded in its entirety, by approval of Site Plan No. SP-128-2023 and CUP-347-12 (REV. 2023).
- ~~12-15.~~ A copy of the decision and the conditions of approval for Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023) shall be kept on the premises at all times.
- ~~13-16.~~ The ~~permittee applicant and the property owner~~ shall submit a signed letters acknowledging receipt of the decision approving Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023), and ~~his/her~~ their agreement with all Conditions of the Approval.
- ~~14-17.~~ 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,

Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023)
Conditions of Approval

Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023). The applicant shall pay the City's defense costs, including attorney fees and all 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 challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

~~Fire Department~~Orange County Fire Authority

~~15-18.~~The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times. All access gates shall be equipped with a Knox rapid entry keyed access system subject to approval of the Orange County Fire Authority~~Garden Grove Fire Department~~. Manual gates shall have Knox padlocks.

RESOLUTION NO. 6067-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-128-2023 AND CONDITIONAL USE PERMIT NO. CUP-347-12 (REV. 2023) FOR A PROPERTY LOCATED AT 9898 TRASK AVENUE, ASSESSOR'S PARCEL NOS. 098-090-57 and 58.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on October 5, 2023, hereby approves Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023) for the property located on the south side of Trask Avenue between Brookhurst Street and Magnolia Street, at 9898 Trask Avenue, Assessor's Parcel Nos. 098-090-57, 58.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kasey Clark for AKC Permit Co., with the authorization of the property owner, BTAA Property Investment VII LLC.
2. The applicant requests approval of a Site Plan and Conditional Use Permit Modification in order to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) in order to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign. In addition, the applicant is requesting a Modification to the Conditions of Approval of Conditional Use Permit No. CUP-347-12 to remove conditions related to the arched cap feature on the existing freeway dealer electronic readerboard sign.
3. The Planning Commission hereby determines that the proposed Project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15311 (Accessory Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15311).
4. The site has a General Plan Land Use designation of Heavy Commercial (HC) and is zoned PUD-110-96 (REV. 12) (Planned Unit Development). The site is improved with the Garden Grove Hyundai auto dealership.
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 5, 2023 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 October 5, 2023; and

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 9.32.030 are as follows:

FACTS:

The subject site is approximately 2.5 acres and is located on the south side of Trask Avenue between Brookhurst Street and Magnolia Street, at 9898 Trask Avenue. The site has a General Plan Land Use designation of Heavy Commercial (HC) and is zoned Planned Unit Development No. PUD-110-96 (REV. 12). The subject site is currently improved with the Garden Grove Hyundai auto dealership. New vehicles are displayed to the east of the site, and certified pre-owned vehicles are display to the west. The auto dealership also consists of a showroom, a servicing shop, storage areas for vehicle parts, and sales offices. The property abuts the Garden Grove 22 Freeway on the south, the Brookhurst Street freeway off-ramp to the west, R-1 (Single-Family Residential) and O-S (Open Space) zoned properties to the north, across Trask Avenue, improved with single-family dwellings, a church, and an elementary school, and an auto dealership, Simpson Chevrolet, to the east, across Brookhurst Street, that is also zoned PUD-110-96.

The subject site was previously occupied by Union Dodge and was zoned PUD-106-96. In 1996, the City approved PUD-110-96, which consolidated two PUD's into one: PUD-106-96 for Union Dodge, and PUD-103-95 for Simpson Chevrolet (formerly Nicholas Chevrolet). The purpose of the rezone was to modify the Standards of Development for the Garden Grove Auto Center to allow the construction of two new entry signs at the southeast and southwest corners of Trask Avenue and Brookhurst Street which identified the Auto Center and the adjoining auto dealerships.

In 2012, the Sign and Graphic Standards section of the Standards of Development for PUD-110-96 was amended to allow for a freeway dealer electronic readerboard sign in lieu of a regular dealer sign subject to Conditional Use Permit (CUP) approval. In addition, the amendment required that freeway dealer electronic readerboard signs be located within 10'-0" of the Garden Grove 22 Freeway with a height not to exceed 59'-0", and that they be in compliance with all State and Federal laws. In addition, the amendment provided that all freeway dealer electronic readerboard signs are required to be consistent in design consisting of an arched top feature that is no more than 8'-0" tall that includes a "Garden Grove" copy and a grouping of strawberries on a lattice background graphic under the "Garden Grove" copy. The amendment also removed the Auto Center Identification Sign (Pole Sign) option, and increased the maximum height from 5'-0" to 8'-0" for street signs.

Garden Grove Hyundai initiated the request to amend the PUD along with a request for CUP approval under CUP-347-12 for a 58'-5" tall freeway dealer electronic

readerboard sign located at the southernmost portion of the site, adjacent to the southwest corner of the auto dealership structure, and adjacent to the freeway. The design of the sign consisted of a blue arched cap feature that included the "Garden Grove" copy and a strawberry graphic on a lattice background on the top of the sign structure. The sign included a 393 square foot full color LED display cabinet under a 4'-3" tall by 24'-0" wide internally illuminated cabinet sign with the "Hyundai" copy and logo. The auto dealership had an existing freeway dealer sign on the southwest portion of the site to advertise their certified pre-owned vehicle sales lot, which is located on the western portion of the lot. However, the sign was not removed after installation of the freeway dealer electronic readerboard sign and has been rendered nonconforming.

The applicant is proposing to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and to replace the existing certified pre-owned vehicle sales lot dealer sign with a secondary 20'-0" tall freeway dealer sign within 10'-0" of the freeway. PUD-110-96 (REV. 12) allows for deviations from the Standards of Development subject to Planning Commission approval of a Site Plan, including deviations from the Sign and Graphic Standards section. The applicant is proposing to deviate from the Standards of Development that limit one (1) freeway dealer sign per site, and that require the arched cap feature on freeway dealer electronic readerboard signs. Since the Condition of Approval per CUP-347-12 included conditions that required an arched cap feature, indicated specific colors, and established the overall permitted height for the freeway dealer electronic readerboard sign, the applicant is also requesting modification of the CUP to modify these conditions. In addition, Staff is proposing to incorporate new conditions of approval for the secondary freeway dealer sign, as well as to update the standard conditions of approval.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan is consistent with the General Plan and complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

The subject site is located within the Garden Grove Auto Center and is currently improved with the Garden Grove Hyundai auto dealership. The site is zoned Planned Unit Development No. PUD-110-96 (REV. 12) and has a General Plan Land Use designation of Heavy Commercial (HC). The HC Land Use designation is intended to provide for a variety of more intensive commercial uses, some of which may be compatible with residential neighborhoods, including automotive repair, sales, and services, wholesaling, automotive body work, or contractors' storage yards. The auto dealership is consistent with the HC General Plan Land Use designation. The applicant is requesting Site Plan approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the

following: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign. PUD-110-96 (REV. 12) allows for deviations from the Standards of Development subject to Planning Commission approval of a Site Plan, including deviations from the Sign and Graphic Standards section. Aside from the deviations, the proposal is designed to comply with the Sign and Graphic Standards section of the Standards of Development of the PUD.

In addition, the proposed Project is consistent with the goals and policies of the General Plan, including:

- a. *Goal LU-6 – Revitalization of aging, underused, or deteriorated commercial corridors, centers, and properties.*

The arched cap feature on the existing freeway dealer electronic readerboard sign is dated and the proposed sign is more modern and consists of a cleaner design that is more appropriate for the auto dealerships. Additionally, the applicant has included the "Garden Grove" copy in order to maintain the Garden Grove Auto Center identity. The secondary freeway dealer sign will replace an existing dated sign for the certified pre-owned vehicles sales lot with a modern design that is consistent with the dealership building and the proposed modifications to the freeway dealer electronic readerboard sign. Therefore, the proposal will revitalize the auto dealership and overall improve the Garden Grove Auto Center.

- b. *Policy LU-6.6 – Ensure appropriate and compatible signage is provided within commercial centers.*

The proposed sign improvements to the existing freeway dealer electronic readerboard sign will be consistent with the auto dealership in terms of design, materials, and color. The proposal will also be consistent with the more modern design of signs of the surrounding auto dealerships located within the Garden Grove Auto Center. The proposal will remove a dated arched cap feature on the existing freeway dealer electronic readerboard sign and the secondary freeway dealer sign will replace a dated sign. Therefore, approval of the Site Plan will ensure that appropriate and compatible signage be provided within the site and the overall identity of the Garden Grove Auto Center.

- c. *Goal CD-2 - Provide attractive and appropriate signage throughout the City of Garden Grove.*

The proposal will remove a dated arched cap feature on the existing freeway dealer electronic readerboard sign and the secondary freeway dealer sign will replace a dated sign. The existing freeway dealer

electronic readerboard signs for Simpson Chevrolet and Toyota Place auto dealerships do not provide an arched cap feature with a grouping of strawberries. Therefore, the proposed sign improvements will be consistent with the more modern design of signs of the surrounding auto dealerships located within the Garden Grove Auto Center which will improve the overall aesthetic of the City of Garden Grove. Furthermore, approval of the Site Plan will ensure that attractive and appropriate signage be provided throughout the City of Garden Grove.

- d. *Policy ED-3.5 – Continue to retain, expand and support the auto-related uses along Trask Avenue.*

The Garden Grove Auto Center has frontage along Trask Avenue to the north, and the properties about the Garden Grove 22 Freeway to the south. The Garden Grove Auto Center has proven to be an economic benefit that generates significant sales tax revenue for the City and attracts many visitors from within and outside of the City. Therefore, attractive and appropriate signage within the Garden Grove Auto Center is vital for its success. Approval of the proposal, which includes modifications to an existing freeway dealer electronic readerboard sign with an improved modern design, and replacement of a dated sign for the certified pre-owned vehicle sales lot, will ensure that the City continues to retain and support the auto dealership businesses along Trask Avenue.

2. The proposed development does 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.

As part of this request, no changes are proposed to on-site facilities, such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will not adversely affect essential on-site facilities.

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

The streets in the area are adequate to accommodate the development. Existing utilities and drainage channels in the area are adequate to accommodate the existing development, the proposed freeway dealer sign, and the modifications to the freeway dealer electronic readerboard sign. The proposal will not affect the drainage of storm water and existing landscaping areas will remain unaffected. The Public Works Department has reviewed the project and is in support of the request.

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

The Public Works Department has reviewed the project and does not have any concerns with the proposal. Therefore, they have not incorporated any conditions of approval for the request. Furthermore, the project will not adversely impact the Public Works Department's ability to perform its required function(s).

5. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The subject site is currently improved with the Garden Grove Hyundai auto dealership that consists of a showroom, a servicing shop, storage areas for vehicle parts, and sales offices. The site is also improved with outdoor vehicle display areas for new and used vehicles. The site is located within the Garden Grove Auto Center adjacent to multiple other auto dealerships along Trask Avenue, north of the Garden Grove 22 Freeway.

The applicant is requesting Site Plan approval to deviate from two (2) development standards of PUD-110-96 (REV. 12): (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary freeway dealer sign. The proposed improvements to the existing freeway electronic readerboard dealer sign, which consist of the installation of rectangular cabinets that display the "Garden Grove" and "Hyundai" copies in place of the arched cap feature with a grouping of strawberries, are consistent with other freeway-oriented electronic readerboard signs within the Garden Grove Auto Center, including the freeway dealer electronic readerboard sign at the Simpson Chevrolet site directly to the east, across Brookhurst Street, which is located within the same PUD zoning. Simpson Chevrolet obtained approval of a similar deviation from the Sign and Graphic Standards in order to install a freeway dealer electronic readerboard sign that did not include the arched cap feature. In addition, the Toyota Place auto dealership, located at 9444-9670 Trask Avenue along the western portion of the Garden Grove Auto Center within PUD-103-82 (REV. 2018), was not required to provide an arched cap feature with a grouping of strawberries. Therefore, the proposed improvements to the electronic sign at the Garden Grove Hyundai auto dealership will be consistent with the surrounding area.

The secondary freeway dealer sign will replace a dated nonconforming sign with a sign that has a consistent design with the existing auto dealership improvements to advertise the certified pre-owned vehicle sales lot. The design of the secondary freeway dealer sign will also be consistent with the proposed modifications to the existing freeway dealer electronic readerboard sign. Therefore, the secondary freeway dealer sign will be consistent in

design with the onsite improvements, and the adjacent auto dealerships, resulting in visual compatibility with the neighboring uses and neighborhood characteristics.

The City's Community Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the project's surroundings.

6. 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 subject site is currently improved with the Garden Grove Hyundai auto dealership. New vehicles are displayed to the east of the site, and certified pre-owned vehicles are displayed to the west. The auto dealership also consists of a showroom, a servicing shop, storage areas for vehicle parts, and sales offices. The request includes Site Plan approval to deviate from two (2) development standards of PUD-110-96 (REV. 12): (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary freeway dealer sign. The location of all existing buildings on the site will not be affected by the request. All landscaping areas and other site amenities will remain as existing as well. Therefore, existing landscaping areas and other site amenities will not be affected by the proposed improvements.

The proposed modifications to the freeway dealer electronic readerboard sign consist of removal of the arched cap feature to replace it with two cabinets that will display the "Hyundai" copy and logo, and "Garden Grove" copy. As a result of these modifications, the proposed overall height will be reduced to 55'-5". The sign will also be painted to match the new exterior colors of the auto dealership, which are brown tones. The size of the freeway dealer electronic readerboard sign LED display will remain as existing. The secondary freeway dealer sign will replace a dated sign with a new sign that will have a consistent design and match the materials and colors of the freeway dealer electronic readerboard sign and the auto dealership building. Thus, the proposal will attain an attractive environment for the occupants of the site.

The City's Community Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure the attractiveness of the site.

Conditional Use Permit:

1. The proposed use will be consistent with the City's adopted General Plan.

The subject site is located within the Garden Grove Auto Center and is currently improved with the Garden Grove Hyundai auto dealership. The site is zoned Planned Unit Development No. PUD-110-96 (REV. 12) and has a General Plan Land Use designation of Heavy Commercial (HC). The HC Land Use designation is intended to provide for a variety of more intensive commercial uses, some of which may be compatible with residential neighborhoods, including automotive repair, sales, and services, wholesaling, automotive body work, or contractors' storage yards. The auto dealership is consistent with the HC General Plan Land Use designation. The applicant is requesting modification to CUP-347-12 to modify the Conditions of Approval for an existing freeway dealer electronic readerboard sign to remove the requirement for an arched cap feature with a grouping of strawberries, to reduce the overall sign height, and to remove the requirement for the sign to be painted a blue color. The auto dealership use will not be affected by the CUP modification request. Therefore, the auto dealership use will continue to be consistent with the City's General Plan.

In addition, the proposed Project is consistent with the goals and policies of the General Plan, including:

- a. *Goal LU-6 – Revitalization of aging, underused, or deteriorated commercial corridors, centers, and properties.*

The arched feature on the existing freeway dealer electronic readerboard sign is dated and the proposed sign is more modern and consists of a cleaner design that is more appropriate for the auto dealerships. Additionally, the applicant has included the "Garden Grove" copy in order to maintain the Garden Grove Auto Center identity. The new brown color will be in matching with the color of the auto dealership. Therefore, removal of the conditions of approval to require an arched cap feature and blue color will revitalize the auto dealership and be an overall improvement to the site and the overall identify of the Auto Center.

- b. *Policy LU-6.6 – Ensure appropriate and compatible signage is provided within commercial centers.*

The proposed sign improvements will be consistent with the auto dealership in terms of design, materials, and color. The existing freeway dealer electronic readerboard signs for Simpson Chevrolet and Toyota Place auto dealerships do not provide an arched cap feature with a grouping of strawberries. Therefore, the proposal will also be consistent with the more modern design of signs of the surrounding auto dealerships located within the Garden Grove Auto Center. The proposal will remove a dated arched cap feature on the existing freeway dealer electronic readerboard sign and the requirement for the sign to be painted a blue color. Therefore, approval of the modification

to the CUP will ensure that appropriate and compatible signage be provided within the Garden Grove Auto Center.

- c. *Goal CD-2 - Provide attractive and appropriate signage throughout the City of Garden Grove.*

Approval of the modification to the CUP will remove conditions of approval that require a dated arched cap feature on the existing freeway dealer electronic readerboard sign to replace it with a more modern design that will be painted to match the existing auto dealership. The existing freeway dealer electronic readerboard signs for Simpson Chevrolet and Toyota Place auto dealerships do not provide an arched cap feature with a grouping of strawberries. Therefore, the proposed sign improvements will be consistent with the design of signs of the surrounding auto dealerships located within the Garden Grove Auto Center, which will improve the overall aesthetic of the City of Garden Grove. Furthermore, approval of the CUP modification will ensure that attractive and appropriate signage be provided throughout the City of Garden Grove.

- d. *Policy ED-3.5 – Continue to retain, expand and support the auto-related uses along Trask Avenue.*

The Garden Grove Auto Center has frontage along Trask Avenue to the north, and the properties abut the Garden Grove 22 Freeway to the south. The Garden Grove Auto Center has proven to be an economic benefit that generates significant sales tax revenue for the City and attracts many visitors from within and outside of the City. Therefore, attractive and appropriate signage within the Garden Grove Auto Center is vital for its success. Approval of the modification to the CUP, which includes conditions that require a dated arched cap feature for the freeway dealer electronic readerboard sign to replace it with an improved modern design, will ensure that the City continues to retain and support the auto dealership businesses along Trask Avenue.

2. The requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The site has been improved with an auto dealership since 1996. In addition, the freeway dealer electronic readerboard sign was installed in 2012. The proposal includes modifying the sign to remove an arched cap feature to replace it with new

cabinets which will result in a reduced overall height. All other aspects of the sign, including the electronic LED display, will not be modified as part of the request. Secondly, the request includes approval of a secondary freeway dealer sign that will replace a dated sign that advertises the certified pre-owned vehicle sales lot that is well within the height and sign area limitations of the PUD. The sign is designed to match the color of the existing auto dealership. The sign will continue to comply with the conditions of approval of CUP-347-12, which intend to minimize impacts to nearby residents and surrounding properties. The conditions of approval will continue to require that the lighting of the sign be directed and shielded to not cause light and glare on any adjacent residential properties, that the sign meet the requirements of CalTrans for lighted signs adjacent to freeways, and that the applicant allow the advertising of community events on the sign, as approved by the City Manager. Therefore, the auto dealership will not unreasonably interfere with the use, enjoyment, or valuation of other properties located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The site, with the existing site improvements, is of adequate size to accommodate the proposed modifications to the existing freeway dealer electronic readerboard sign. As a part of this request, no changes are proposed to the exterior of the building, including site design features, such as the yards, walls, fences, parking, loading facilities, and landscaping. Therefore, provided the conditions of approval are adhered to for the life of the project, the use will continue to be integrated with the uses in the surrounding area.

4. The proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is located along Trask Street and is sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed to the exterior of the building, or the overall function of the auto dealership. All proposed work resulting from the subject request will be limited to signage improvements only that will not interfere with the existing streets and public utilities. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

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. Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023) do possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached revised Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023).

EXHIBIT "A"

Site Plan No. SP-128-2023

Conditional Use Permit No. CUP-347-12 (REV. 2023)

9898 Trask Avenue

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The applicant and each property owner shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Hearing Body.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Kasey Clark for AKC Permit Co., the developer of the project, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community Development Director pursuant to Condition No. 4, any changes to these Conditions of Approval require approval by the appropriate City hearing body.
3. Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023) only authorize approval to deviate from two (2) development standards of Planned Unit Development No. PUD-110-96 (REV. 12) to allow for the following at a site currently improved with an auto dealership, Garden Grove Hyundai: (i) to remove the arched cap feature on the existing freeway dealer electronic readerboard sign and, (ii) to install a secondary 20'-0" tall freeway dealer sign on a site located at 9898 Trask Avenue (APN: 098-090-57, 58), as depicted on the plans submitted by the applicant and made part of the record of the October 5, 2023 Planning Commission proceedings. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Site Plan, the Conditional Use Permit, and/or these Conditions of Approval may be approved by the Community Development Department Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. The approved plans are an integral part of the decision approving this Site Plan and Conditional Use Permit. There shall be no additional changes in the design without the approval of the Community Development Department, Planning Services Division. Any additional changes in the approved plans, which have the effect of expanding or intensifying the present use, shall require obtaining the proper entitlement(s).
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Community Development Department

7. This approval shall be for the installation of a 55'-5" high freeway-oriented electronic readerboard sign, and a 20'-0" high secondary dealer sign to be located within 10'-0" of the Garden Grove freeway in substantial compliance with the approved set of plans submitted with the subject Site Plan and Conditional Use Permit request and the requirements of PUD-110-96 (REV. 12), except as modified herein.
8. The maximum height of the freeway-oriented electronic readerboard sign shall be 59 feet, and 50'-0" for the secondary dealer sign, measured from grade to top of sign. The sign area for the secondary dealer sign shall not exceed 150 square feet per face.
9. The design of the freeway-oriented electronic readerboard sign shall be consistent with other Auto Center signs along Trask Avenue and shall include a "Garden Grove" copy cabinet. The entire sign structure of the electronic readerboard and the secondary freeway sign, including the supports, shall be painted to match the accents on the building. Color samples shall be submitted along with plans submitted for Building permits. Both signs shall contain the manufacturer's logo only of the principal make or makes of new automobiles sold by the dealer.
10. The sign illumination of the freeway-oriented electronic readerboard, including the LED screen, shall be dimmed to the level of the ambient light level within the area at dusk and shall not cause light and glare on adjacent residential properties, streets, and freeway right-of-way. Maximum output of light during nighttime hours shall not exceed 15 percent. The readerboard images shall maintain one image between the hours of 10:00 p.m. to 7:00 a.m. in order to reduce light and annoyance impacts to the adjacent residential neighborhoods. During all other times the image on the readerboard shall not change less than every 8 seconds.
11. The freeway-oriented electronic readerboard sign shall comply with the Caltrans standards for lighted and readerboard signs that are adjacent to the freeway right-of-way.

Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023)
Conditions of Approval

12. The applicant shall allow the advertising of community events, as approved by the City Manager, on the freeway-oriented electronic readerboard sign. Said advertising shall not exceed ten (10) percent of the overall advertising time the readerboard is changing copy.
13. Hours and days of construction 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.
14. The Conditional Use Permit CUP-347-12 previously governing the site shall become null and void, and superseded in its entirety, by approval of Site Plan No. SP-128-2023 and CUP-347-12 (REV. 2023).
15. A copy of the decision and the conditions of approval for Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023) shall be kept on the premises at all times.
16. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023), and his/her agreement with all Conditions of the Approval.
17. 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-128-2023 and Conditional Use Permit No. CUP-347-12 (REV. 2023). The applicant shall pay the City's defense costs, including attorney fees and all 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 challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

Orange County Fire Authority

18. The proposed sign shall not encroach into any required fire lane. Adequate emergency vehicle access shall be maintained at all times. All access gates shall be equipped with a Knox rapid entry keyed access system subject to approval of the Orange County Fire Authority. Manual gates shall have Knox padlocks.