

ORDINANCE NO. 04-2019

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE AUTO MALL SPECIAL PLANNING AREA
(PLNG18-080) (CEQA EXEMPT)**

WHEREAS, the City of Elk Grove received an application on August 17, 2018, from F. Radich Motors, Inc (dba Elk Grove Honda) (Applicant) requesting an amendment to the Elk Grove Auto Mall Special Planning Area (SPA), as generally described in Exhibit A, including the associated conditions of approval; and

WHEREAS, the SPA is located on real property in the incorporated portions of the City of Elk Grove; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000 et seq., but is exempt; and

WHEREAS, State CEQA Guidelines Section 15301 (Existing Facilities) applies to projects that consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

WHEREAS, the Project involves modifications to the SPA and conditions related to advertising on an existing 80-foot tall sign with an electronic display. The condition proposed for modification will only affect the types of advertising displayed on the existing billboard. The modifications do not physically affect the existing sign nor do they modify the hours that the sign is allowed to operate; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that approving the amendment to the SPA would create a significant adverse effect on the environment; and

WHEREAS, the Planning Commission considered the Project request pursuant to the Elk Grove General Plan, the SPA, the Elk Grove Municipal Code (EGMC), and all other applicable State and local regulations and voted 5-0 to recommend City Council approval.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Elk Grove Auto Mall SPA as shown on the attached Exhibit B.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The Elk Grove Auto Mall Special Planning Area Amendment is categorically exempt pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

Evidence: The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Project is a project under CEQA.

The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities). Section 15301 applies to projects that consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Project involves modifications to the SPA and an associated condition of approval related to the display of advertising on an existing 80-foot tall sign with an electronic display. The amendments will only affect the off-site advertising displayed on the existing billboard. The modifications do not physically affect the existing sign nor do they modify the hours that the sign is allowed to operate. No special circumstances exist that would create a reasonable possibility that modifying the signage conditions would create a significant adverse effect on the environment

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby approves the Elk Grove Auto Mall Special Planning Area Amendment based on the following findings.

Finding #1: That the proposed special planning area is consistent with the goals, policies, and objectives of the General Plan;

Evidence #1: Properties located within the Elk Grove Auto Mall SPA are zoned either Shopping Center (SC) or Auto Center (AC) which are zones that are consistent with their General Plan Commercial (C) designation. The existing 80-foot tall sign with an electronic reader board is an allowed sign pursuant to the SPA Sign Criteria. The proposed condition modification continues to comply with the standards set forth in the SPA, therefore, the SPA amendment is consistent with the General Plan.

Finding #2: That the proposed special planning area meets the requirements set forth in this title;

Evidence #2: The SPA was originally approved by the Sacramento County Board of Supervisors in 1999 and subsequently amended, in accordance with the EGMC, in 2006 and again in 2016. The proposed amendment modifies the conditions related to the advertising displayed on the reader board and amends the text of the SPA to be consistent with the modified conditions. The amendment does not increase the amount, intensity, or physical characteristics of the signage within the SPA.

Finding #3: That the proposed special planning area is needed because the project is not possible under the existing zoning requirements.

Evidence #3: The SPA was originally approved by the Sacramento County Board of Supervisors in 1999 and subsequently amended, in accordance with the EGMC, in 2006 and again in 2016. Due to the unique nature of sales and service associated with Auto Mall related businesses, the SPA Sign Criteria was created to allow signage above and beyond what is allowed pursuant to the EGMC. The proposed amendment modifies the text of the SPA and the associated conditions of approval to provide flexibility in the advertising and messaging displayed on the reader board while still complying with the intent of the SPA.

Section 3: Action

The City Council hereby amends the Elk Grove Auto Mall Special Planning Area-Sign Criteria as shown on the attached Exhibit B subject to the findings contained in this Ordinance.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

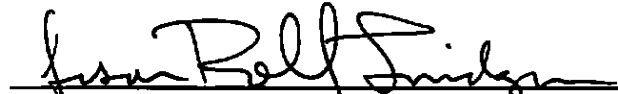
ORDINANCE: 04-2019
INTRODUCED: February 27, 2019
ADOPTED: March 13, 2019
EFFECTIVE: April 12, 2019



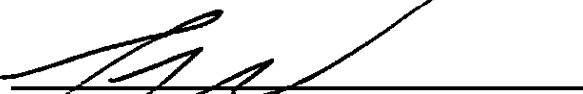
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: March 18, 2019

Exhibit A
Elk Grove Auto Mall Special Planning Area Amendment (PLNG18-080)
Project Description

PROJECT DESCRIPTION

The Project consists of an amendment to the Elk Grove Auto Mall Special Planning Area (SPA) Sign Criteria (EG-15-041) and associated conditions of approval. The requested amendments address advertising displayed on the existing electronic billboard. No physical modifications to signage are proposed.

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Exhibit B
 Elk Grove Auto Mall Special Planning Area Amendment (PLNG18-080)
 Conditions of Approval

Additions are shown as bold/underline; deletions are shown in strikethrough.

Conditions of Approval	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
On-Going			
1. The Project approved by this action is for a Special Planning Area (SPA) Amendment to modify the previously-approved Elk Grove Auto Mall SPA Sign Criteria, as specifically described in Exhibit A and as illustrated in the Project plans in Exhibit B. Deviations from the approved SPA shall be reviewed by the City of Elk Grove (City) for substantial compliance and may require amendment by the appropriate hearing body.	On-Going	Planning	
2. This action does not relieve the Applicant or the Property Owner of the obligation to comply with all codes, laws, statutes, regulations, and procedures.	On-Going	Planning	
3. The Applicant/Property Owner and any Successors in Interest (hereby referred to as the "Applicant") shall indemnify, protect, defend, and hold harmless the City, its officers, officials, agents, employees, and volunteers from and against any and all claims, damages, demands, liability, costs, losses or expenses including without limitation court costs, reasonable attorney's fees and expert witness fees arising out of this Project including challenging the validity of this approval or any environmental or other documentation related to approval of this Application.	On-Going	Planning	
4. Except as otherwise specified or provided for in the Project plans or in these conditions, the Project shall conform to the development standards and design requirements adopted by the City of Elk Grove, specifically including but not limited to the following: <ul style="list-style-type: none"> • The Elk Grove Zoning Code (Title 23 of the EGMC) 	On-Going	Planning Engineering	
5. The Applicant shall pay all applicable plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento Area Sewer District (SASD), Elk Grove Water District (EGWD), or other agencies or services providers as established by law.	On-Going	Planning, Engineering, Building Finance, CCSD, EGWD, SASD	

	<u>Conditions of Approval</u>	<u>Timing/Implementation</u>	<u>Enforcement/Monitoring</u>	<u>Verification (date and Signature)</u>
6.	<p>Approval of this Project does not relieve the Applicant from the requirements of applicable, subsequent permits and approvals, including but not limited to the following:</p> <ul style="list-style-type: none"> • Grading Permit and Improvement Plan • Building Permit and Certificate of Occupancy • Requirements of the Sacramento Metropolitan Air Quality Management District • Fire permit • SASD Design Standards for on-site and off-site sewer construction. 	On-Going	Planning, Engineering, Building, CCSD, EGWD, SASD, EGWD SMAQMD	
7.	<p><u>A majority of the advertising on the electronic reader board sign shall be limited to goods and services related to on-site businesses. All advertising shall be for businesses located within the City of Elk Grove. Advertising shall be limited to products and services located within the Elk-Grove Auto-Mall only. No offsite advertising shall be allowed on the electronic reader board sign, with the exception of Notwithstanding the foregoing, up to 10% of the operating time, which may shall be dedicated to community event advertising at the discretion of the City.</u></p>	On-Going	Planning	
8.	<p>The electronic reader board sign shall be turned off between the hours of 12:00 a.m. through 6:00 a.m.</p>	On-Going	Planning	
9.	<p>Illumination levels of the sign must comply with the "Recommended Brightness Levels for On-Premise Electronic Message Centers", which is included as Exhibit E.</p>	On-Going	Planning	

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 04-2019

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on February 27, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 13, 2019 by the following vote:

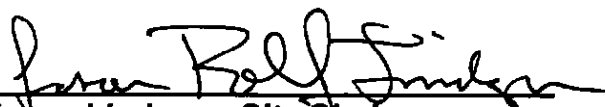
AYES : **COUNCILMEMBERS:** ***Ly, Hume, Nguyen, Suen***

NOES: **COUNCILMEMBERS:** ***None***

ABSTAIN: **COUNCILMEMBERS:** ***None***

ABSENT: **COUNCILMEMBERS:** ***Detrick***

A summary of the ordinance was published pursuant to GC 36933(c) (1).


Jason Lindgren, City Clerk
City of Elk Grove, California