

ORDINANCE NO. 03-2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE AUTO MALL SPECIAL PLANNING AREA-SIGN
CRITERIA PROJECT NO. EG-15-041**

WHEREAS, the Development Services Department of the City of Elk Grove received an application on September 29, 2015, from YESCO Signs, LLC (the Applicant), in cooperation with the Elk Grove Auto Mall, LLC (the Agent) requesting an SPA Amendment to the Elk Grove Auto Mall SPA Sign Criteria; and

WHEREAS, the Elk Grove Auto Mall SPA is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APNs: 132-0410-008, -011, -012, -013, -019, -021, -024, -025, -027, -036, -037, -038, -040, -041, -042, -043, -044; and 132-1100-001, -003, -005, -022, -023, -025, -026, -052, -054, and -055; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §21000-§21189.3, but is exempt; and

WHEREAS, Section 15162 (Subsequent EIRs and Negative Declarations) of Title 14 of the California Code of Regulations, (State CEQA Guidelines) provides an exemption from CEQA for projects which have been previously analyzed; and

WHEREAS, Planning staff recommended the Planning Commission recommend to the City Council consideration of an SPA Amendment to amend the Sign Criteria of the Elk Grove Auto Mall SPA; and

WHEREAS, Planning has considered the project request pursuant to the Elk Grove City Zoning Code, and all other applicable state and local regulations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 4, 2016, as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony at the meeting and voted 5-0 to recommend approval of the Project to the City Council; and

WHEREAS, the City Council held a duly noticed public hearing on February 24, 2016, as required by law to consider all of the information presented by staff, information presented by the Applicant, recommendation by the Planning Commission, and public testimony at the meeting and voted 4-0 (Mayor Davis absent) to approve the Project.

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 Special Planning Area-Sign Criteria (Auto Mall SPA) as shown on attached Exhibit A.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations).

Evidence: The City has reviewed the Project and analyzed it based upon the provisions of the State CEQA Guidelines. In January 2004, the Planning Commission considered an amendment to the Elk Grove Auto Mall SPA that would allow a 75-foot tall freeway sign with electronic reader board. A Mitigated Negative Declaration (MND) was prepared for the Project, which evaluated an 80-foot tall freeway sign and found that the project-related impacts of an 80-foot tall sign would be less than significant.

With respect to changes in the Project from impacts which were analyzed by the MND, the proposed sign would be larger than previously assumed (672 square feet versus 480 square feet). However, given the scale of the buildings in the Project vicinity, the size of the proposed sign would not substantially change the character of the area, though lighting of a larger sign could change effects related to light and glare. The proposed sign is of higher resolution than the existing sign with six times as many pixels, so the images would be more legible than the existing sign at lower light levels. Further, the 0.3 foot-candle limit is supported by research, which found that an eye illuminance limit of 0.3 foot-candles in areas of low ambient light is a level that is unlikely to be objectionable to most persons. Thus, with light limits proposed by the applicant, the proposed sign would not generate light levels that would adversely affect daytime or nighttime views in the area.

The MND analyzed a sign height of 80 feet and included Mitigation Measure Aesthetics-1, which called for a reduction of height in the sign so that it would not dominate views along Highway 99, subject to review and acceptance by the Planning Director. The mitigation measure did not specify the ultimate height required to achieve this requirement. Although the pylon for the currently-proposed sign would be 80 feet, the proposed sign face would top out at 68 feet, which is 12 feet shorter than the sign which was analyzed by the MND. Therefore, this design would comply with Mitigation Measure Aesthetics-1.

The Project is consistent with assumptions contained in the Elk Grove Auto Mall SPA Sign Criteria MND, and the circumstances under which the Project will be undertaken have not substantially changed such that new or more severe impacts would occur. Therefore, no further environmental analysis is required.

General Plan

Findings: The proposed amendments to the Auto Mall SPA regarding the freeway-oriented sign are consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The Auto Mall SPA project has been reviewed and the action proposed is consistent with the adopted General Plan. The proposed amendments to the Elk Grove Auto Mall Special Planning Area-Sign Criteria are consistent with state law and Zoning Code. The Zoning Code allows Special Planning Areas to provide certain unique and imaginative provisions to land use regulations and development standards. The Auto Mall SPA will not conflict with the General Plan.

Elk Grove Auto Mall Special Planning Area-Sign Criteria

Finding: The amendments to the Auto Mall SPA are appropriate for the type of sign being proposed.

Evidence: The approval includes amending the Auto Mall SPA to establish new sign standards for the Freeway Visible Signage as established in Section 5 of the Auto Mall SPA. The Auto Mall SPA is applicable to all uses within the Auto Mall. The purpose of the Auto Mall SPA was to create a uniform sign program for the entire Auto Mall that each dealership would have to adhere to. The freeway sign will provide project identification to the entire Auto Mall.

Finding: The establishment, maintenance or operation of the structure applied for will, under the circumstances of the particular case, not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed structure or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Evidence: Amending the Auto Mall SPA for the freeway sign would not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed structure or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. The proposed sign would all be located out of visibility requirements from the public right-of-way.

Section 3: Action

The City Council hereby amends the Elk Grove Auto Mall Special Planning Area-Sign Criteria as shown on attached Exhibit A 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: **03-2016**
INTRODUCED: February 24, 2016
ADOPTED: March 9, 2016
EFFECTIVE: April 8, 2016




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: March 24, 2016

Elk Grove Auto Mall Special Planning Area - Sign Criteria

*Prepared for
Elk Grove Auto Mall Dealers Association*

*May 24, 2006
Revised May 9, 2016*

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Purpose

The purpose of this Signage Program is to insure that the character of signage for the Elk Grove Auto Center is presented with integrity and creativity while maintaining a congruent appearance throughout the project. These guidelines establish standards that will insure consistency while providing sufficient flexibility for tenants to identify themselves with creativity and diversity, and to provide overall project identification that is visible, adequate, safe, and noticeable to the motoring public from surface streets and the highway. Pursuant to Section 6.2 of the Elk Grove Auto Mall Design Guidelines, this Program will supersede the Signage provisions of Section 6 of said Guidelines.

Scope

These Criteria apply to AC-zoned of the Elk Grove Auto Mall in Phase I, II, and III. Business identification signs located in the LC Zone on Lots 1-4 shall be submitted to and approved by the Association and the City and are subject to the sign regulations set forth in Zoning Code section 335-20. Any such signs are encouraged to be architecturally compatible with and utilize building materials similar to the signs and buildings within the Auto Mall.

1.1 Owner/Tenant Responsibility

It is the responsibility of the tenants in the auto mall to present to the Elk Grove Auto Mall Owners Association ("Association," hereinafter) and the City design drawings for approval prior to installation of any sign. Owners/tenants must obtain proper sign permits before installation of any exterior identification signs.

1.2 Indemnification

The Association or Successors in Interest shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to any plaintiff in an action challenging new signs, illuminated signs, renovations or any environmental or other documentation related to approval of the Elk Grove Auto Mall Special Planning Area–Sign Criteria. Applicant further agrees to provide a defense for the City in any such action.

1.3 Design Goals

- A. Provide clear identification of the existence of an appropriate access route for the Auto Mall to potential customers traveling on Highway 99 and Elk Grove Boulevard.**
- B. Provide entry signage that identifies the entries and contributes to an inviting and dramatic entry matching the unique nature and scale of the Auto Mall.**
- C. Provide the opportunity for tasteful, controlled, but reasonable, identification of vehicle dealers and vehicles offered for sale within the Auto Mall, while minimizing visual impacts on adjacent perimeter streets.**
- D. Provide a thoughtful, integrated system of internal direction signs for the convenience and safety of customers and employees.**
- E. Meet all factory signage requirements, including use of logs and trademarks.**
- F. Provide for adequate internal dealership signage and on the dealership building fasciae, allowing for proper identification of dealership name/names, vehicle make, franchise logos, service entries, parts departments, sales entries, etc.**
- G. Minimize potential for future uncertainty or dispute regarding application or interpretation of the applicable ordinances, rules, design standards, or guidelines.**
- H. Provide for an integrated system of type styles, logos and motifs for Auto Mall sign elements. Keep in mind that the Dealers are mandated by their manufacturer to use their logos and colors.**
- I. Utilize construction materials that reduce sign maintenance requirements.**

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Sign Permits and Installation

Owner/tenant shall submit to the Association for approval three sets of detailed drawings indicating the location, size, copy layout, materials, colors, illumination, and method of installation. The plans must also include building elevations showing the location of signs or any building and a plot plan showing the location of the tenant in the project, as well as any freestanding signs proposed.

The Association has the right to refuse or ask for revisions of the Owner/tenant's submittal. Owner/tenant will need to resubmit unless plans are approved with conditions.

2.1 City Approval

Owner/tenant shall submit the required number of sets of plans to the City, including one set of Association approved plans.

2.2 Permits

All City required permits shall be obtained by Owner/tenant prior to installation.

2.3 Installation

All Owner/tenant signs shall be permitted, constructed, and installed at Owner/tenant's expense. Tenants shall be responsible for proper installation and maintenance of their signs. Owner/tenant's sign contractor shall be licensed by the State of California and shall carry Workman's Compensation and Public Liability insurance for damage or injury to any person or property while engaged in the construction or installation of any signage.

A. Construction Specifications

- All signs shall meet or exceed all applicable codes and City requirements.
- These guidelines notwithstanding, Owner/tenants may utilize corporate logo or trademarks and/or prototypical signs and graphics.
- All electrical signage shall bear the Underwriters Laboratories (UL) label of approval.

- **Electrified signage shall be connected to the Owner/tenant/s house panel and be controlled by a time clock or energy photocell.**
- **All building penetrations required for sign installation shall be neatly sealed and watertight. Color and finish of attachments and sealants shall match adjacent exterior finishes as closely as possible.**
- **Sign surfaces shall be flat without bulges or other deformities, except where raised lettering or patterns are incorporated into logo or trademark signs. Welded seams on sign faces shall be finished smooth.**

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Dealership Sign Guidelines

3.1 *Prohibited Signs*

- Roof signs erected on the roof of the building and supported by the roof structure
- Portable signs
- Animated signs, other than electronic message centers, unless approved by the City
- Signs which simulate any traffic or signal sign
- Signs erected without approval from the Association or City
- Single pole dealership identification signs
- Signs, the lettering of which is intended to be read vertically

3.2 *Miscellaneous Owner/Tenant Signage*

In addition to other signs allowed by these guidelines, Owner/tenants shall provide all required address, entry, exit and disabled accessibility signs required by code and local ordinance. A standard format shall be used for permanent identification signage for hours of operation, street address, open/closed, etc.

A. Temporary Promotional Signs

The intensely competitive nature of the automobile business involves periodic and seasonal promotions, including new model introductions and factory incentives, etc. By locating in the auto mall, which is well-screened from the general public's view, dealers' promotional goals can be achieved while minimizing visual impact. Toward this end, banners, flags, and other promotional materials are permitted, provided they meet the following criteria:

1. Materials shall be limited in height so as not to be visible to motorists or pedestrians outside the mall along surface streets. In any case, no temporary promotional display shall exceed 20 feet in height, nor shall any tent, tent signs, or sandwich board-type signs be allowed.
2. Temporary displays shall be in keeping with the goals of providing an exciting, attractive, and tasteful environment for the sale of automobiles.

3. No flying inflatable displays or signs shall be allowed, except that balloons no greater than 18" in diameter may be affixed to vehicles on display.
4. No signs which emit odor, noise, or visible matter (other than light) shall be permitted.
5. Grand opening signage shall not exceed 30 days within the first 180 days of business.
6. Sales event signage is permitted for a period of 30 days per calendar year.

B. Construction and Real Estate Signs

Temporary construction and real estate for lease and for sale signs shall be permitted in accordance with City code, not to exceed 32 square feet in area per sign. See Zoning Code sections 335-01 and -02.

C. LC Zone Signs

Business Identification signs located in the LC Zone on Lots 1-4 shall be submitted to and approved by the Association and the City and are subject to the sign regulations set forth in Zoning Code section 335-20. Any such signs are encouraged to be architecturally compatible with and utilize building materials similar to the signs and buildings within the Auto Mall.

3.3 Sign Setback

Dealer monument signs in the AC zone shall be set back from the street no closer than 10' measured from back of curb and shall be located in the landscaped maintenance easement for each parcel.

3.4 Dealership Identification Signs

Each dealership may have one monument sign and one fascia sign per street frontage containing the manufacturer's name, logo(s) and/or dealer's name, e.g., Super Deal Dodge/Chevrolet/Mazda/GMC, etc.

Monument signs shall be:

- Located within the landscaped Setback zone described above, no closer than 75' to any other dealership identification sign, and no closer than 40' to the common boundary between dealerships.
- Ten (10) feet in height (including the base) and twelve (12) feet in width.
- Architecturally compatible in design with and utilize building materials similar in appearance to the buildings for that dealership.

Fascia signs shall:

- Be internally illuminated channel letters with a maximum height of 36” per letter except for a manufacturer’s logo sign.
- Be consistent with and use the dealer’s manufacturer’s logo identity and colors.
- Include corporate logos or trademarks where appropriate.
- Not extend beyond the roof line or top of the parapet of any building.
- Maximum sign area allowed shall not exceed the underlying zoning code.

3.5 Secondary Dealership Signage

Owners/tenants may also install the following signs.

A. Accessory Signs

Accessory signs and uses are those which are accessory to and supportive of a car dealership. Accessory signs identifying Parts and Service departments, Body and Detail shops, New and Used Auto Sales, and other similar accessory products and services available on the site, etc., are allowed, provided there shall be no more than one such identification sign per use, not to exceed to 36” in height per letter. Accessory signs shall be wall-mounted and may be flat, channel letters, vinyl, metal, plastic, acrylic, wood, or other permanent sign material, except for banners, and shall be mounted appropriately, but may not be painted on walls.

- Maximum sign area allowed shall not exceed the underlying zoning code.

B. Rear Wall Signs

One rear wall building sign is permitted for each dealership. Rear wall signs shall be constructed as fascia signs as set forth in Section 3.4 above.

- Maximum sign area allowed shall not exceed the underlying zoning code.

C. Directional Signs

Directional signs, not to exceed one per entry, are allowed within the Setback area, as required by the dealer for the purpose of providing directions to the location of new cars, used cars, truck sales, parts or service departments or for other uses on the site.

Signs may include the name(s) or logos of the manufacturer(s) as needed to provide clear directional information to the public. Directional signs shall be monument-style signs, not to exceed 4’ in height and 5’ in width, and shall be designed so as to be complementary to dealership identification signs.

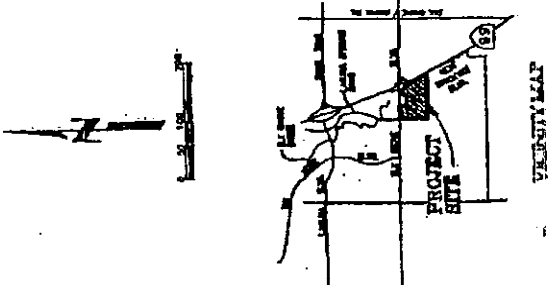
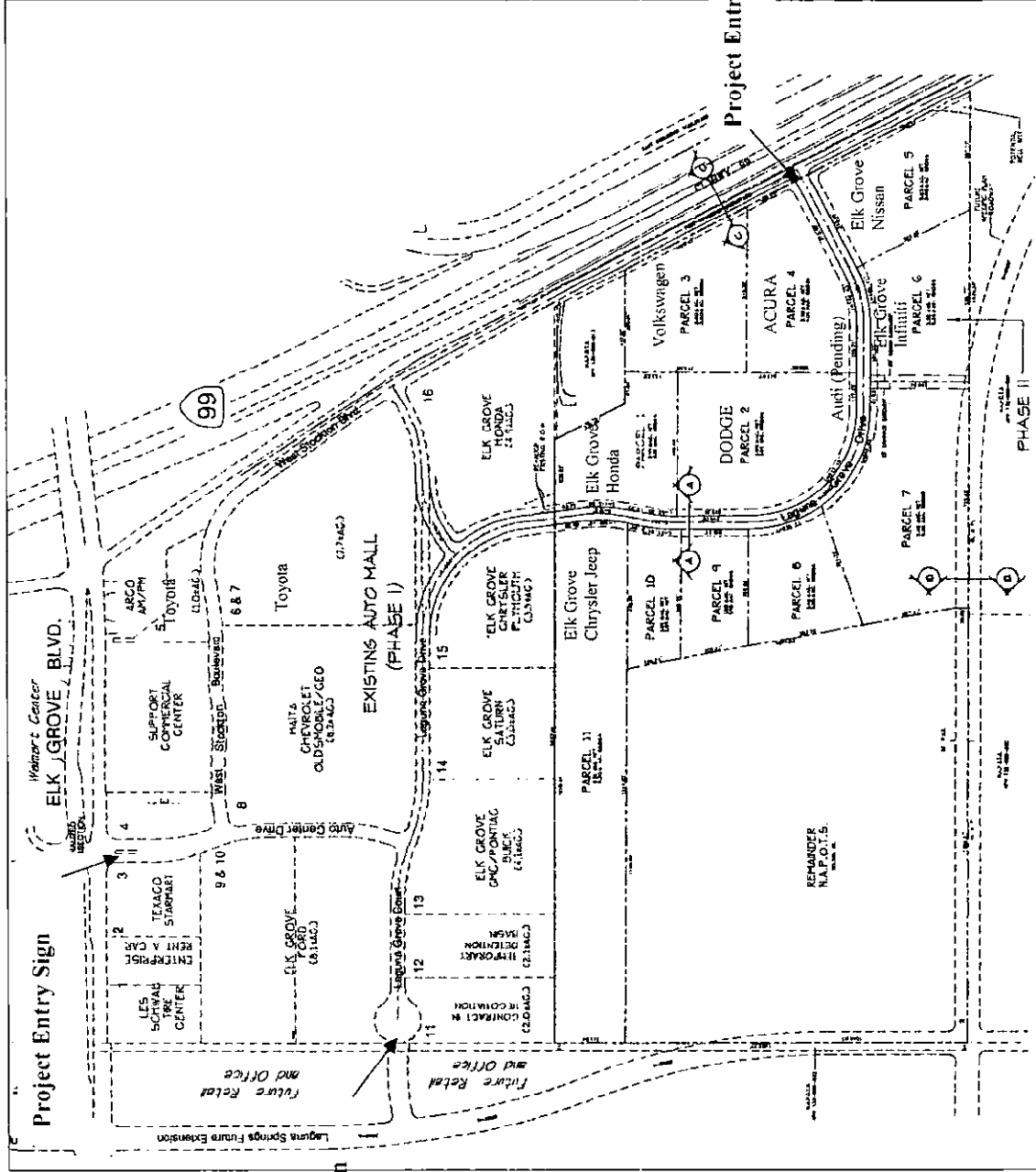
4

Project Entry Signage

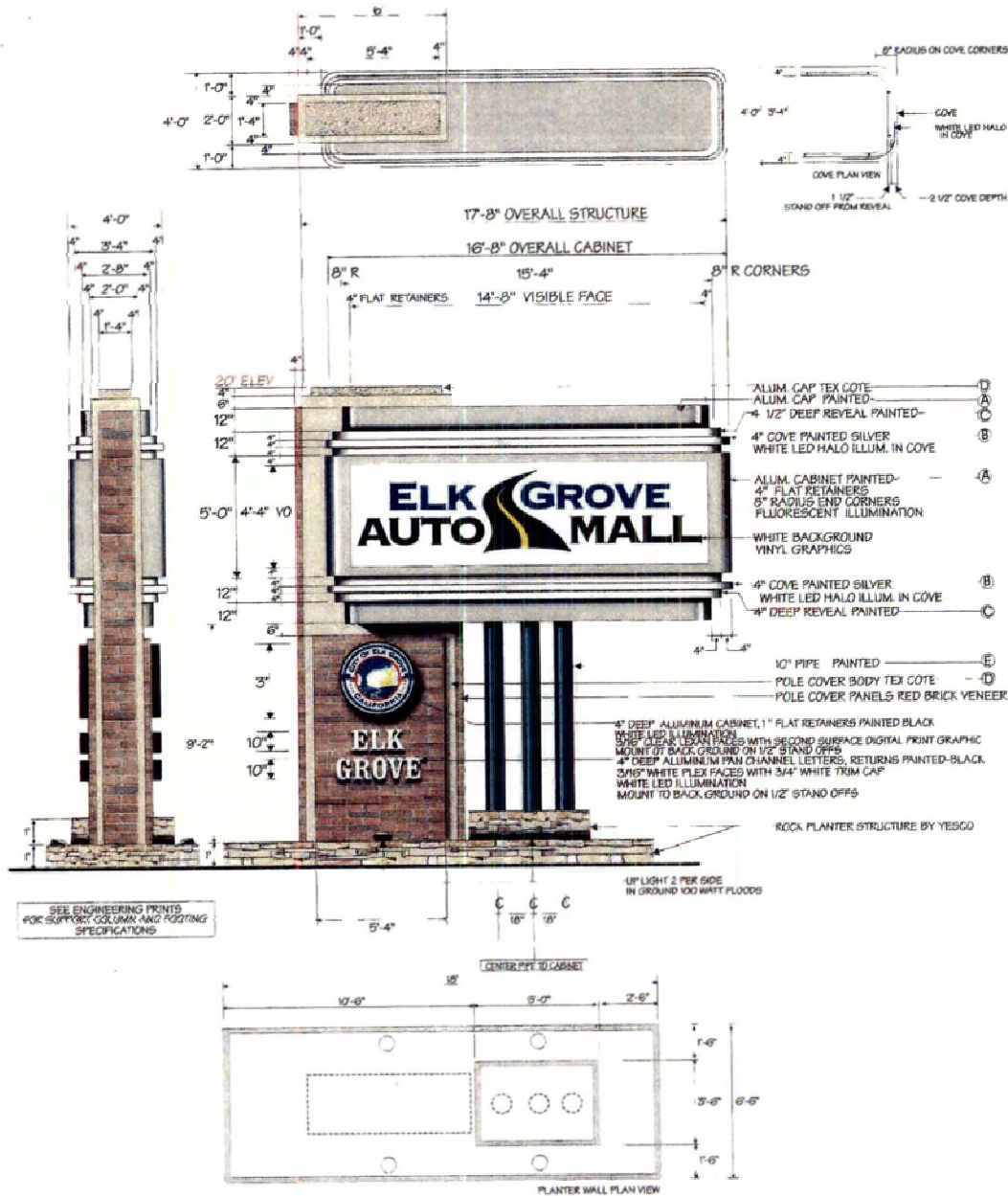
Three project entry signs are permitted to be located in a landscaped “island” median as shown on Exhibit A. One sign shall be installed in the main entryway to the project on Auto Center Drive south of Elk Grove Boulevard; one sign may be installed at the southeastern entry to the Auto Mall (West Stockton Boulevard.); and the other may be constructed in Laguna Grove Court, east of Laguna Springs Drive, if and when access to the Auto Mall via Laguna Springs Drive occurs. The signs shall have a maximum height of 20 feet. The signage design for the entry monument signs shall match the sign elevation as shown in Exhibit B.

Prior to the issuance of any building permit for either the freeway or entryway monument signs, whichever occurs first, any Auto Mall dealership utilizing a public address (PA) system shall submit an acoustical analysis to the Planning Department for review and approval. If the PA system exceeds ten decibels (10dB) in excess of the local ambient noise level at any point outside of the perimeter of the Auto Mall plane, the use of the PA system shall cease.

4.1 - Exhibit A: Project Entry Sign Location



4.2 - Exhibit B: Auto Center Drive Entry Monument Sign



MANUFACTURE AND INSTALL 1 DOUBLE FACED ILLUMINATED MAIN ENTRY SIGN

PAINT SCHEDULE

- (A) DUPONT- GREY METALLIC #14163
- (B) DUPONT- SILVER METALLIC #43859
- (C) SHERWIN WILLIAMS#6098, SATIN
- (D) SHERWIN WILLIAMS#8101, SATIN
- (E) SHERWIN WILLIAMS#2250, SEMI GLOSS

SACRAMENTO BRANCH MOUND ELECTRIC SIGN COMPANY 1813 NORTH MARKET BLVD. SUITE 2 (P.O. BOX 398-21480)	PROJECT NO. DATE DRAWN BY CHECKED BY APPROVED BY	SHEET NO. TOTAL SHEETS CONTRACT NO. CLIENT NAME PROJECT NAME	ELK GROVE AUTO MALL 02-2113B 1 OF 2 SHEETS ELK GROVE, CALIF. PROJECT NO. 10011001
	THIS DRAWING HAS BEEN DESIGNED BY MOUND ELECTRIC SIGN COMPANY. THE ORIGINAL CONTRACT SHALL BE THE AUTHORITY IN ALL DISPUTES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SPECIAL INSPECTIONS ARE NOT INCLUDED IN SIGN PROPOSAL. CALIFORNIA CONTRACTOR LICENSE NO. C-45250000739 NOTE: COST FOR PROVIDING ELECTRICAL WIRING TO SIGN AREA / ALL REQUIRED PERMITS AND SPECIAL INSPECTIONS ARE NOT INCLUDED IN SIGN PROPOSAL.		

5

Freeway Visible Signage

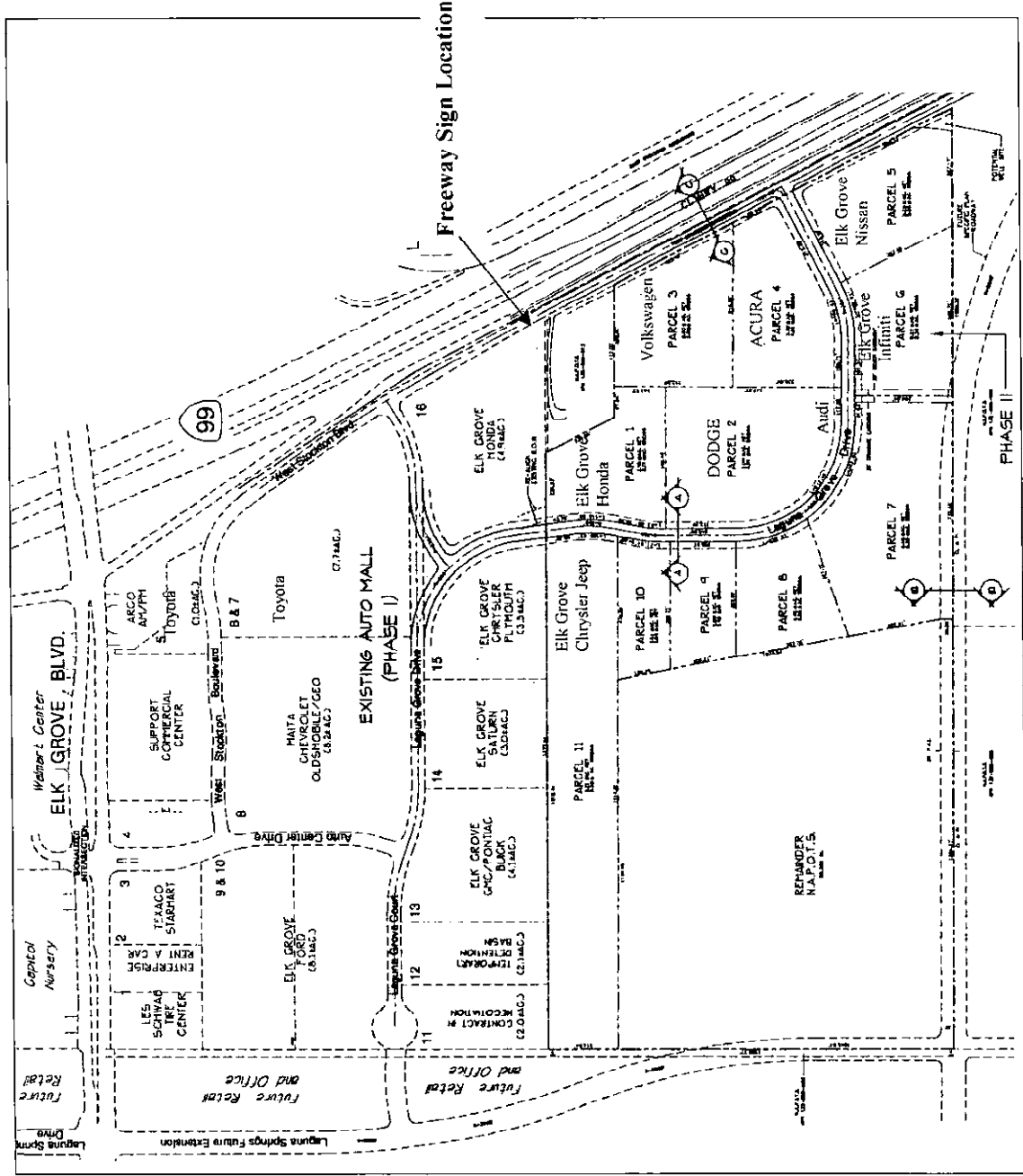
One freestanding freeway project identification sign is permitted and shall be located at the southeast corner of the Honda Dealership site as shown in Exhibit C. The signage design for the freeway project identification sign shall match the sign elevation as shown in Exhibit D. The sign shall not exceed ~~55~~ 80 feet in height.

The electronic reader board associated with the freeway project identification sign shall be turned off between the hours of 12:00 a.m. through 6:00 a.m. As volunteered by the Applicant, ten percent (10%) of the operating time of the electronic reader board shall be dedicated to community event advertising.

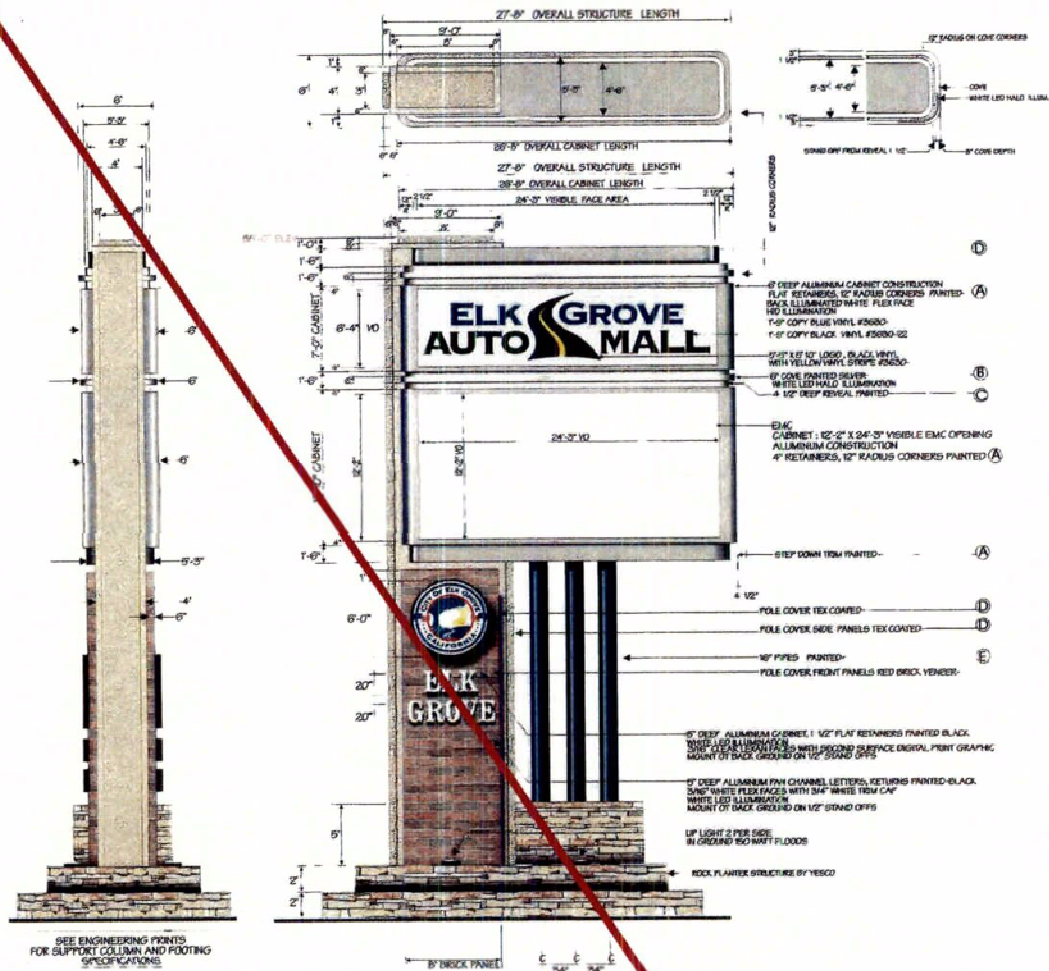
New technology for the electronic reader board may be reviewed and approved by the City with staff recommendations. No further amendments to the Elk Grove Auto Mall Special Planning Area-Sign Criteria will be required.

Prior to the issuance of any building permit for either the freeway or entryway monument signs, whichever occurs first, any Auto Mall dealership utilizing a public address (PA) system shall submit an acoustical analysis to the Planning Department for review and approval. If the PA system exceeds ten decibels (10dB) in excess of the local ambient noise level at any point outside of the perimeter of the Auto Mall plane, the use of the PA system shall cease.

5.1 - Exhibit C: Freeway Sign Location



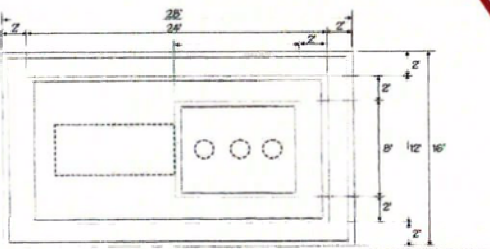
5.2 - Exhibit D: Freeway Sign



MANUFACTURE AND INSTALL 1 DOUBLE FACED ILLUMINATED FREEWAY SIGN

PAINT SCHEDULE

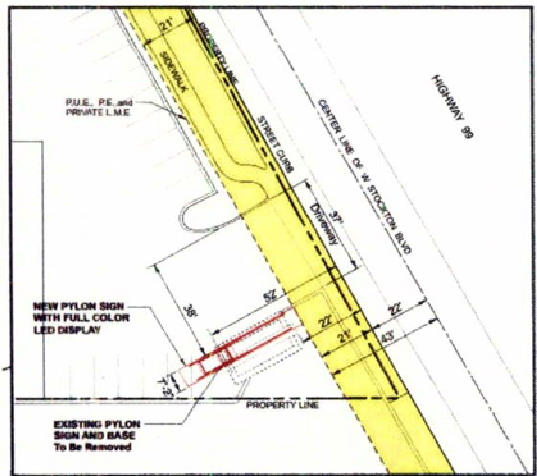
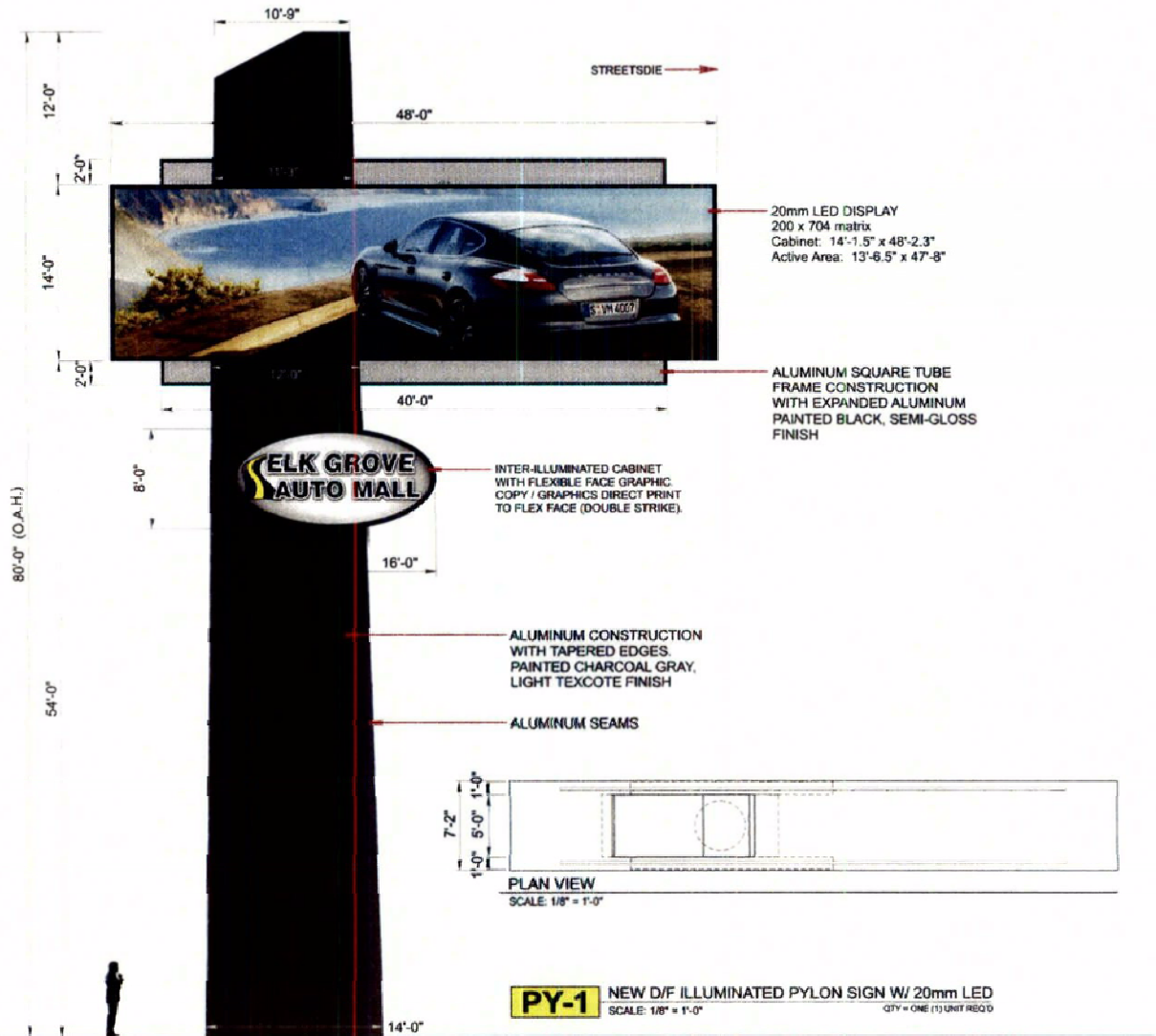
- (A) DUPONT GREY METALLIC #14163
- (B) DUPONT SILVER METALLIC #428559
- (C) SHERWIN WILLIAMS #6098, SATIN
- (D) SHERWIN WILLIAMS #6101, SATIN
- (E) SHERWIN WILLIAMS #2225, SEMI GLOSS



PLANTER WALL PLAN VIEW

SACRAMENTO BRANCH			ELK GROVE AUTO MALL						02-13A		
ROUND ELECTRIC SIGN COMPANY 1015 NORTH MARKET BLVD SUITE B TRUCKEE, NV 89418			THIS DRAWING HAS BEEN REVIEWED FOR CONFORMANCE WITH THE CALIFORNIA SIGN REGULATIONS AND THE NATIONAL ELECTRICAL CODE. THE SIGN COMPANY ASSUMES NO LIABILITY FOR THE PROPERITY OF THE ELECTRICAL CODE OR THE SIGN REGULATIONS. THE SIGN COMPANY ASSUMES NO LIABILITY FOR THE PROPERITY OF THE ELECTRICAL CODE OR THE SIGN REGULATIONS. THE SIGN COMPANY ASSUMES NO LIABILITY FOR THE PROPERITY OF THE ELECTRICAL CODE OR THE SIGN REGULATIONS.						ELK GROVE AUTO MALL 1015 NORTH MARKET BLVD TRUCKEE, NV 89418		
<small>CALIFORNIA CONTRACTOR LICENSE NO. C-452500000739</small>			<small>NOTE: COST FOR PROVIDING ELECTRICAL WIRING TO SIGN AREA / ALL REQUIRED PERMITS AND SPECIAL INSPECTIONS ARE NOT INCLUDED IN SIGN PROPOSAL.</small>								

5.2 – Exhibit D: Freeway Sign



6

Amendments

Amendments to these criteria may be made as approved by the Association and shall be submitted to the City for approval.

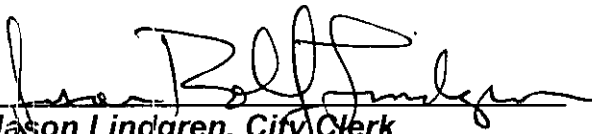
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 03-2016**

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 24, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 9, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Ly, Detrick, Hume, Suen*
NOES: **COUNCILMEMBERS:** *None*
ABSTAIN: **COUNCILMEMBERS:** *None*
ABSENT: **COUNCILMEMBERS:** *None*

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



*Jason Lindgren, City Clerk
City of Elk Grove, California*