

RESOLUTION NO. 2014-193

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A MAJOR DESIGN REVIEW FOR STATE ROUTE 99/LAGUNA/BOND
NORTHBOUND BUSINESS CENTER SIGN PROJECT NO. EG-13-073A
ASSESSOR PARCEL NUMBER: 116-0090-022**

WHEREAS, the Planning Division of the City of Elk Grove received an application on December 12, 2013 from Monument Partners Laguna (the Applicant) requesting a Major Design Review for a business center sign; and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN: 116-0090-022; and

WHEREAS, the Planning Commission is the appropriate approving authority for a Major Design Review; and

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Project proponent, and public testimony presented in writing and at the meeting; and

WHEREAS, on July 17, 2014, the Planning Commission denied the project; and

WHEREAS, the City Clerk received a Notice of Appeal on July 25, 2014, from the Monument Partners Laguna, requesting an appeal of the Planning Commission's denial of the Major Design Review; and

WHEREAS, the City Council is the appropriate authority to hear and take action on an appeal of a Planning Commission decision; and

WHEREAS, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21178 but is exempt; and

WHEREAS, Section 15303 (New Construction or Conversion of Small Structures) of Title 14 of the California Code of Regulations, (State CEQA Guidelines) provides an exemption from CEQA for the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure; and

WHEREAS, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a Major Design Review for this Project will have a significant effect on the environment; and

WHEREAS, on August 27, 2014, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the project proponent, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds the proposed Project exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14 (State CEQA Guidelines), based on the following findings:

CEQA

Finding: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Evidence: The Class 3 exemption applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of small structures from one use to another where only minor modifications are made in the exterior of the structure. The project consists of a Major Design Review to construct a 76'-6" freeway sign within a 900 sq. ft. lease area. The visual characteristic of the area is urban with commercial and industrial light sources such as parking lot lights, street light poles, and traffic signal poles. Additionally, a 95-foot communications lattice tower and a 70-foot tall stealth flag pole are located on adjacent properties. The area is not designated as scenic. Visual simulations show that the proposed colors and materials are complementary to existing surrounding commercial and industrial development along State Route 99. All public services and facilities (e.g., electrical service) are available and the area is not considered environmentally sensitive. Staff reviewed the proposed project and did not find any evidence that special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. Therefore, the proposed Project qualifies for the exemption under CEQA Guidelines Section 15303.

AND, BE IT FURTHER RESOLVED, that the City Council of the City of Elk Grove hereby approves a Major Design Review for the State Route 99/Laguna/Bond Northbound Business Center Sign Appeal Project (EG-13-073A) subject to the Conditions of Approval provided in Exhibit A, incorporated herein by this reference, and as illustrated in Exhibits B and C, incorporated herein by this reference, based upon the following findings:

Design Review

Finding #1: The proposed Project is consistent with the objectives of the General Plan, complies with applicable zoning regulations and Development Guidelines.

Evidence: The proposed sign is consistent with the development standards contained in Section 23.42.080 of the Zoning Code. The proposed location, height, sign area, distribution plan and materials and design, as shown in Table 2 of the June 5 Staff Report, comply with all Zoning Code requirements. Additionally, the Project is subject to conditions of approval that will ensure consistency with all standard requirements.

Finding #2: The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The proposed sign is located within an undeveloped area in the rear of the property adjacent to the freeway, consistent with Zoning Code requirements. The visual simulations demonstrate that proposed height allows visibility from both southbound and northbound traffic while allowing motorists adequate time to exit the freeway. Additionally, the proposed colors and materials are complementary to existing surrounding commercial and industrial development along State Route 99.

Finding #3: The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties.

Evidence: The proposed sign includes a cultured stone base and tan/brown painted aluminum poles with a three-dimensional elk located on the top of the sign. The faux stone design is consistent with the stone on the monument sign located at the Marketplace 99 shopping center at the northeast corner of the intersection of Bond and East Stockton Boulevard. The three dimensional elk, a branding element, will be indirectly illuminated to be visible at night.

Finding #4: The proposed Project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

Evidence: The proposed sign is located in the rear of the Project site, adjacent to Highway 99 in an area that will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation. The proposed location will not affect the current access through the site for the primary use of the property (assembly use) because the sign will be located in an undeveloped area behind the buildings where vehicles, pedestrians, and bicycles would not normally occur.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 27TH day of August 2014.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

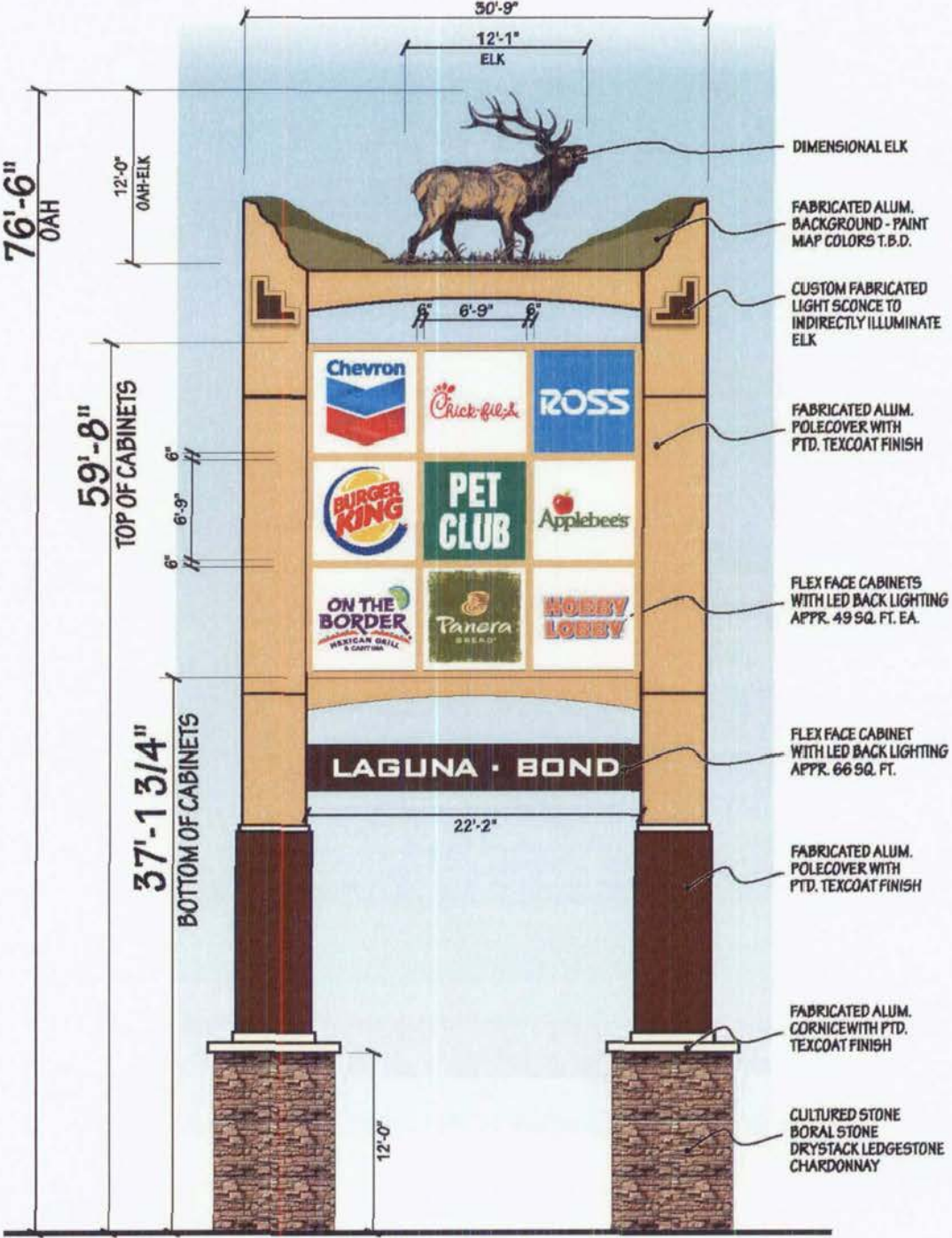


JONATHAN P. HOBBS,
CITY ATTORNEY

	<u>Conditions of Approval</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
On Going				
1.	<p>The development approved by this action is for a Major Design Review as illustrated in the approved plans (Exhibit B) and Distribution plan (Exhibit C) as follows:</p> <ul style="list-style-type: none"> • Alternative A • Site Plan dated May 1, 2014 • Distribution Plan dated December 12, 2013 <p>Deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.</p>	On-Going	Planning	
2.	<p>The Applicant/Owner or 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 application/permit or any environmental or other documentation related to approval of this Application.</p>	On-Going	Planning	
3.	<p>This action does not relieve the Applicant of the obligation to comply with all codes, statutes, regulations, and procedures.</p>	On-Going	Planning	
4.	<p>Except as otherwise specified or provided in these conditions, the Project shall conform to the development standards and design requirements adopted by the City, specifically including but not limited to the following:</p> <ul style="list-style-type: none"> • The City Zoning Code (Title 23 of the EGMC) • EGMC Chapter 19.12 (Tree Preservation and Protection) • EGMC Chapter 14.10 (Water Efficient Landscape Requirements) • EGMC Title 16 (Building and Construction) 	On Going	Planning Public Works Building	

5.	The Applicant shall pay all plan check fees, impact fees, or other costs as required by the City, the Cosumnes Community Services District (CCSD), Sacramento Area Sewer District (SASD), Sacramento County Water Agency (SCWA), or other agencies or services providers as established by law.	On-Going	Planning Public Works CCSD SCWA SASD	
6.	Approval of this Project does not relieve the Applicant from the requirements of subsequent permits and approvals, including but not limited to the following: <ul style="list-style-type: none"> • Building Permit • Section 404, 401, 1602, or other State or Federal environmental permit • Requirements of the Sacramento Metropolitan Air Quality Management District • Fire permit 	On-Going	Planning Public Works Building CCSD SCWA SASD	
Building Permit				
7.	The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action. A note stating the above shall be placed on the Building Permit Plans.	Building Permit	Planning	
8.	All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5 (d) and (e) shall be followed. A note stating the above shall be placed on the Building Permit Plans	Building Permit	Planning	
9.	The sign shall be located outside of all existing easements.	Building Permit	Public Works	
10.	The sign shall not block the existing drainage pattern. If construction of the project results in substantive changes to existing drainage patterns, City review and approval of grading plans will be required.	Building Permit	Public Works	

EXHIBIT B



ALTERNATIVE A



9286 E. STOCKTON BLVD. - SITE PLAN

EXISTING IMPROVEMENTS

6000 SQ. FT. CHURCH STRUCTURE

109 ON SITE PARKING SPACES

**9286 E. Stockton Boulevard
Elk Grove, California
Pylon Signage Distribution Plan**

The signage distribution plan for Monument Partners Laguna’s freeway oriented pylon sign containing nine (9) two-sided signage positions to be located at 9286 E. Stockton Boulevard in Elk Grove, CA (the “Pylon”) shall be as follows:

1. Except as set forth in Paragraph 3 below, any retail and other qualifying business located within the City of Elk Grove’s Business Center Overlay District for the Laguna/Bond interchange east of Highway 99 shall have the equal opportunity to negotiate a lease with Monument Partners Laguna for any two-sided sign position upon the Pylon;
2. Monument Partners Laguna warrants that neither it nor any its partners or affiliates has any interest in or to any parcel, business or entity within the Business Center Overlay District described in Paragraph 1 above; and
3. Monument Partners Laguna has agreed to and will enforce a provision in its ground lease for the Pylon which prohibits any business to display its signage upon the Pylon if such business is (a) a store which receives more than 50% of its gross sales from the sale of alcoholic beverages for off-premises consumption (e.g. a liquor store) or (b) an establishment which receives more than 50% of its gross sales from the sale of alcoholic beverages for on-premises consumption (e.g. a bar or tavern).

I certify the foregoing constitutes the full and complete Signage Distribution Plan for the aforementioned Pylon.

**Monument Partners Laguna, a
California general partnership**

By: *Bruce L. Bishop*

Its: **Bruce L. Bishop
General Partner**

Date: **December 9, 2013**

RECEIVED
DEC 13 2013
CITY OF ELK GROVE
PLANNING

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-193**

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 resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 27, 2014 by the following vote:

AYES : COUNCILMEMBERS: Davis, Cooper, Detrick, Hume, Trigg

NOES: COUNCILMEMBERS: None

ABSTAIN : COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


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