

ORDINANCE NO. 34-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE OLD TOWN SPECIAL PLANNING AREA TO ALLOW NEON SIGNS

WHEREAS, the Elk Grove Old Town Special Planning Area Design Standards and Guidelines (Old Town SPA) was adopted by the City Council on August 10, 2005, thus superseding the original Old Town SPA that was originally adopted by the County of Sacramento in 1985; and

WHEREAS, the Old Town SPA requires regular review to keep the regulations current and relative to City objectives for the area and responsive to market conditions; and

WHEREAS, staff recommends that certain modifications be made to the signage standards in the Old Town SPA; and

WHEREAS, Section 15162 of Title 14 of the California Code of Regulations (State CEQA Guidelines) provides that when a Negative Declaration has been adopted for a project, no subsequent analysis shall be prepared unless, on the basis of substantial evidence in light of the whole record, one or more conditions apply; and

WHEREAS, the Planning Commission held duly-noticed public hearings on October 7, 2021, and October 25, 2021, as required by law, to consider all of the information presented by staff and public testimony presented in writing and at the meetings and voted 4-0 (Commissioner Robles absent) to recommend approval to the City Council; and

WHEREAS, the City Council held a duly-noticed public hearing on November 10, 2021, as required by law, to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

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

Section 1: Purpose

The purpose of this Ordinance is to amend the Old Town Special Planning Area to allow the application of neon lighting to signage.

Section 2: (Findings)

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under CEQA pursuant to State CEQA Guidelines section 15162.

Evidence: The Old Town SPA was analyzed in a prior Negative Declaration adopted by the City Council on July 27, 2005. That document considered development within the SPA pursuant to the standards proposed at that time, including but not limited to density and intensity of development, setbacks, building height, allowed uses, signage, and landscaping. The Negative Declaration concluded that the proposed 2005 changes would not result in any significant impacts to noise, utilities, land use, traffic, and public services, among others. Specifically, the Negative Declaration noted that the SPA includes standards that address the potential noise impacts from outdoor activities and that there would be no significant impacts related to utilities and service systems.

CEQA Guidelines Section 15162 provides that when a Negative Declaration has been adopted for a project, no subsequent analysis shall be prepared unless, on the basis of substantial evidence in light of the whole record, one or more of the following apply:

1. Substantial changes are proposed in the project which will require major revisions of the previous CEQA analysis due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous CEQA analysis due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous CEQA analysis was adopted as complete shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous CEQA analysis;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous CEQA analysis;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous CEQA analysis would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

Staff has reviewed the proposed amendments relative to neon signage against the 2005 Negative Declaration. While the proposed changes would provide opportunities for the development of neon signage, the changes would not alter the density or intensity of development considered in the prior Negative Declaration. Standards remain to address issues relative to glare and other factors, as documented in the Negative Declaration. There have been no substantial changes to the SPA or the surrounding environment since the approval of the Negative Declaration, and no substantial changes have occurred with respect to the circumstances under which the SPA was adopted in 2005. Further, no new information has been identified. Therefore, pursuant to CEQA Guidelines Section 15162, no further environmental review is required.

Old Town SPA Amendments

Finding: The proposed Old Town SPA amendments are consistent with the goals, policies, and objectives of the General Plan.

Evidence: The proposed amendments will not require any change to the General Plan Land Use Designation Map. The revisions would maintain and improve the aesthetic quality and architectural diversity of Old Town as provided in General Plan Policy LU-6-1 as it would allow for a new signage type that could complement existing and future structures. The change would also further General Plan Policy

LU-5-2, which provides for signage regulations that encourage high-quality signage and that provide mechanisms for businesses and organizations to effectively communicate through sign displays in ways that promote wayfinding, achieve visually vibrant streetscapes, and control excessive visual clutter.

Finding: The proposed Old Town SPA amendments meet the requirements set forth in this title.

Evidence: The proposed amendments to the Old Town SPA will satisfy and maintain the requirements of Elk Grove Municipal Code Chapter 23.16 (Permit Requirements), Section 23.16.100 (Special Planning Area), as well as Section 23.40.020 (Special Planning Area District). All development standards established within the Old Town SPA will apply to any future development within the boundaries of the SPA.

Finding: The Old Town SPA Amendment is needed because the existing regulations do not allow for neon signs.

Evidence: The establishment of the Old Town SPA is merited as the Zoning Code's development regulations are not compatible nor suited in preserving the existing development layout, historical character, and small-town atmosphere of Old Town. Old Town Elk Grove is unique as it is one of the oldest western settlements in the greater Sacramento region. The influence of Old Town's distinctive development pattern is reflected in the completion of the Sacramento-Stockton line of the Central Pacific Railroad in 1868. The continual preservation of the historical buildings and architecture have been recognized, which resulted in the original adoption of the SPA by Sacramento County in 1985, with subsequent amendments in 1989, 1991, 1994, and 1997. The City of Elk Grove updated the Old Town SPA in 2005 for the continual preservation and enhancement of existing historical resources of Old Town Elk Grove by establishing and maintaining development standards and guidelines that are tailored to preserving the historical layout, character, and small-town atmosphere.

The proposed amendment to allow neon signage is consistent with the Old Town SPA's goal to preserve the development layout, historical character, and small-town atmosphere of Old Town. The use of neon may be appropriate to the structure given its age (i.e., time period of development) or design characteristics. As an illumination method, neon is similar in characteristic to other forms of external illumination allowed under the existing Old Town SPA, including pendent lighting and halo lighting, neither of which internally illuminate the sign.

Section 3: Action

The Old Town Special Planning Area is amended as provided in Exhibit A, attached hereto and incorporated herein by this reference.

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: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: 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 fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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: 34-2021
INTRODUCED: November 10, 2021
ADOPTED: December 8, 2021
EFFECTIVE: January 7, 2022


BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: December 9, 2021

Exhibit A Old Town Special Planning Area Amendments

Section IV (Site Design Standards & Guidelines), Part E (Signs), Subpart 3 (Standards) of the Old Town Special Planning Area is amended to read as follows. Changes are shown in track changes with deletions in ~~strikeout~~ and additions in underline.

3. Standards

- a. Sign sizes shall not exceed the maximum dimensions defined in Table 7.
- b. Prohibited signage in the SPA shall include the following sign types.
 - Roof signs, pole signs, inflatable signs, ~~exposed neon signs~~, mobile signs, and flat plastic back-lit signs.
 - No flashing, moving, or animated illumination signs with the exception to barber poles and clock faces.
 - Back-lit awnings are prohibited if they illuminate signage that is mounted or attached on the awning.
 - New and mobile billboards.
- c. Signs shall be constructed from wood, material with a natural wood appearance, concrete, metal, canvas/canvas-like fabric, or painted graphics on building surfaces. Other materials may be approved by the ~~Planning Director~~ Development Services Director on a case-by-case basis.
- d. Lighting
 1. Signs shall be illuminated by means of either external lighting with (e.g., fixtures that complement the sign and shield pedestrians pendant or facia, including neon) or by halo lighting, which (lighting which individually illuminates opaque letters from behind, reflecting the light off the sign backing or wall to create a halo effect, e.g., reverse channel letters). Internal illumination of signs is prohibited in all circumstances (e.g., no can signs or channel letter signs). Neon signs shall only be allowed for establishments that are not along Elk Grove Boulevard.
 2. Lighting shall be directed or minimized to reduce glare to adjoining properties or the right-of-way. Examples include, but are not limited to, the use of dimmer controls and shielding. Lighting shall not have a strobing or flickering effect, nor shall signs be animated (except for barber poles and clock faces).
 3. Signs shall only be illuminated during the business's open hours. The use of automatic timers/controllers is required.
 4. Neon (including both traditional and LED neon) shall only be allowed on the primary wall sign (limited to one sign per establishment). Except as provided in Section IV(E)(3)(f), neon shall not be applied to any window sign. When used as part of a wall sign, neon shall be limited to outlining the graphic elements of the sign, such as letters, logos, and other illustrations. Freestanding neon with no background graphic is prohibited.

- e. All conductors, transformers, and other equipment necessary for signs shall be concealed. Mounting hardware for signs shall be made inconspicuous. Fasteners, bolts, and clips for signs shall be made of non-corroding and stain-free materials.
- f. Non-flashing neon or LED illuminated "Open" signs placed behind the business window are permitted with a maximum dimension of twenty (20) inches by thirty-six (36) inches.
- ig. Sidewalk signs (A-frame, sandwich boards, and menu signs) placed in front of buildings within the public right-of-way on Elk Grove Boulevard are permitted on limited portions of the public sidewalk within Old Town. Only those buildings located in the Commercial Zone and having full or partial street frontage along Elk Grove Boulevard may maintain a sidewalk sign. All sidewalk signs are subject to compliance with the following application procedures and performance standards:

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CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 34-2021

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 November 10, 2021, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 8, 2021, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Suen, Hume, Nguyen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Spease*

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



Jason Lindgren, City Clerk
City of Elk Grove, California