

**RESOLUTION NO. 2019-034**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING AN AMENDMENT TO THE ELK GROVE AUTO MALL SPECIAL  
PLANNING AREA CONDITIONS OF APPROVAL (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) including the associated conditions of approval, as generally described at Exhibit A; 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 advertisements 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 conditions amendment 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 recommended 5-0 to approve the Project..

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Elk Grove hereby finds the proposed Elk Grove Auto Mall Special Planning Area Amendment (PLNG18-080) exempt from the provisions of CEQA pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines based upon the following finding:

**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 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. 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 amended Elk Grove Auto Mall Special Planning Area Conditions of Approval (PLNG18-080), as described in Exhibit A and illustrated in Exhibit B, 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 conditions 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.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of February 2019

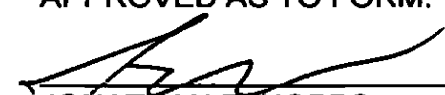


STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**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.

**###**

**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.**

On-Going	Conditions of Approval	Timing/Implementation	Enforcement/Monitoring	Verification (date and Signature)
1.	<p>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.</p>	On-Going	Planning	
2.	<p>This action does not relieve the Applicant or the Property Owner of the obligation to comply with all codes, laws, statutes, regulations, and procedures.</p>	On-Going	Planning	
3.	<p>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.</p>	On-Going	Planning	
4.	<p>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:</p> <ul style="list-style-type: none"> <li>The Elk Grove Zoning Code (Title 23 of the EGMC)</li> </ul>	On-Going	Planning Engineering	
5.	<p>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.</p>	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>
<p>6. 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"> <li>• Grading Permit and Improvement Plan</li> <li>• Building Permit and Certificate of Occupancy</li> <li>• Requirements of the Sacramento Metropolitan Air Quality Management District</li> <li>• Fire permit</li> <li>• SASD Design Standards for on-site and off-site sewer construction.</li> </ul>	On-Going	Planning, Engineering, Building, CCSD, EGWD, SASD, EGWD SMAQMD	
<p>7. <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 limited to products and services located within the City of Elk Grove. Advertising Auto-Mall only. No off-site 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 be dedicated to community event advertising at the discretion of the City.</u></p>	On-Going	Planning	
<p>8. 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	
<p>9. 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 RESOLUTION NO. 2019-034**

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

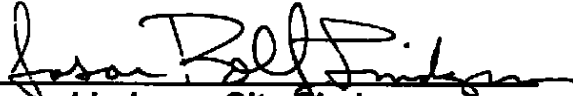
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 27, 2019 by the following vote:***

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

**NOES:           COUNCILMEMBERS:     *None***

**ABSTAIN:       COUNCILMEMBERS:     *None***

**ABSENT:        COUNCILMEMBERS:     *Nguyen***

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