

RESOLUTION NO. 2012-182

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CONDITIONS OF APPROVAL FOR OLD TOWN SHELL REBUILD
(EG-11-051)**

WHEREAS, on February 2, 2012, the Planning Commission approved a Type III Old Town Design Review, pursuant to the Old Town Special Planning Area (OTSPA), for the reconstitution of a Restricted Commercial Use consisting of a fueling station and auto repair facility at 8901 Elk Grove Boulevard (Assessor's Parcel Number 125-0151-030) (the "Project"); and

WHEREAS, approval of the Project was predicated on several Conditions of Approval, including condition 3b relating to the design of the fuel pump canopies; and

WHEREAS, on July 19, 2012 the Applicant, Town and Country Contractors, representing property owner Mendoza-Haro Enterprises, LLC, filed for an amendment to the Conditions of Approval to remove condition 3b; and

WHEREAS, on September 6, 2012, the Planning Commission voted 4-0 to deny the request as evidenced by Planning Commission Resolution 2012-16; and

WHEREAS, on September 12, 2012, the Applicant filed an appeal from the Planning Commission's action with the Office of the City Clerk; and

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

WHEREAS, on October 10, 2012, the City Council, sitting as the appeal authority, 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 grants the appeal of the Old Town Shell Station Condition Amendment and approves the amendment to the conditions of approval to eliminate condition number 3b based on the following findings:

California Environmental Quality Act (CEQA)

Finding: The project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15302 (b) (Replacement or Reconstruction) of Division 6 of Chapter 3 of Title 14 of the California Code of Regulations (State CEQA Guidelines).

Evidence: State CEQA Guidelines Section 15302 provides an exemption from CEQA for projects consisting of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Section

(b) states that this provision applies to the replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

The project proposes to rebuild the service center and snack shop on the existing building pad, reconstruct the fuel canopies at their existing locations, and would stripe new parking stalls and handicap path of travel. The project would therefore be exempt under Section 15302(b), as the proposed rebuilding and reconstructing of the Shell station would be located on the same site as the replaced commercial structure and have substantially the same size, purpose and capacity as the structure replaced. No other special circumstances exist that would create a reasonable possibility that the proposed project will have a significant adverse effect on the environment. Therefore the project qualifies for this exemption and no further environmental review is required.

Condition Amendment

Finding #1: The proposed project is compatible with the historical character of the community.

Evidence: The proposed reconstruction of the Shell Station complies with the Old Town Special Planning Area Design Standards and Guidelines because the size and layout of the improvements, colors and materials complement the existing surroundings and replace the previously existing use. The Old Town SPA allows for RC uses to be reestablished provided that the square footage is not increased and the same use continues. The project reconstitutes a previously existing use at the same square footage as the previous use. Therefore, the layout and changes do not alter the historical character of the community, and the project is compatible with the historical character of the community.

Finding #2: The proposed project is consistent with the objectives of the General Plan, the Zoning Code, and the Elk Grove Old Town Special Planning Area Design Standards and Guidelines.

Evidence: The General Plan, Zoning Code, and Old Town Special Planning Area Design Standards and Guidelines require development to respect the historic and pedestrian character of Old Town and historic resources in general. The project constitutes reestablishing a RC use that is consistent with the previous use on the property and the stringent application of the Site Design Standards contained in the SPA would be inappropriate because they apply to new uses. The project reestablishes the previous RC use.

Finding #3: The proposed architecture, site design and landscaping are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.

Evidence: The building façade improvements enhance the character of the neighborhood and community. The Old Town SPA allows for RC uses to be

reestablished provided that the square footage is not increased and the same use continues. The project reconstitutes a previously existing use at the same square footage as the previous use. The proposed service station enhances the architecture compared to the previous building by wrapping brick around the structure. The service station and canopies of the previous use were dated while the new use updates the features while respecting the historic character of the neighborhood and community.

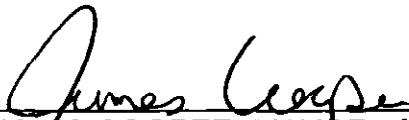
Finding #4: The architecture, the character, scale and quality of the design, the relationship with the site and other buildings, building materials, colors, the screening exterior appurtenances, exterior lighting and signing, and similar elements establish a clear design concept and are compatible with the character of buildings on adjoining and nearby properties.

Evidence: The elements of the building establish a clear design concept that is compatible with the character of building adjoining and nearby properties. The brick wrapping and beige color are similar to the library across Elk Grove Blvd. The exterior lighting of the Shell pecten replicate the lighting found on the previous canopy. Further, the canopy color scheme and building color scheme match thereby providing a clear design concept. Because the proposed use replicates and improves upon the previous use, there is a clear design concept that is compatible with the character of the buildings on the adjoining properties.

Finding #5: The proposed project will not create conflicts with vehicular, bicycle or pedestrian transportation modes of circulation.

Evidence: The project itself does not propose changes to Elk Grove Boulevard or Elk Grove-Florin Road. Therefore, the proposed project does not create any conflicts for vehicular, bicycle or pedestrians that use the site or surrounding uses. The project however is conditioned to provide a 10-foot right-of-way along Elk Grove-Florin Road. Evaluating any changes to vehicular, bicycle or pedestrian as a result of the dedication will occur at the time any proposal. This project proposes no such changes.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of October 2012.




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-182**

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

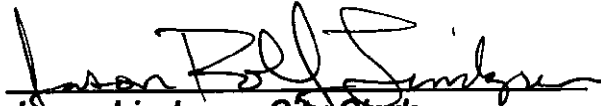
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 10, 2012 by the following vote:

AYES : **COUNCILMEMBERS:** *Cooper, Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



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