

**ORDINANCE NO. 04-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING THE ELK GROVE AUTO MALL SPECIAL PLANNING AREA  
(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), as generally described in Exhibit A, including the associated conditions of approval; 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 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; and

**WHEREAS**, based on staff's review of the Project, no special circumstances exist that would create a reasonable possibility that approving the amendment to the SPA 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 voted 5-0 to recommend City Council approval.

**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 SPA as shown on the attached Exhibit B.

**Section 2: Findings**

**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 off-site 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 Elk Grove Auto Mall Special Planning Area Amendment 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 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.

### Section 3: Action

The City Council hereby amends the Elk Grove Auto Mall Special Planning Area-Sign Criteria as shown on the attached Exhibit B 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).

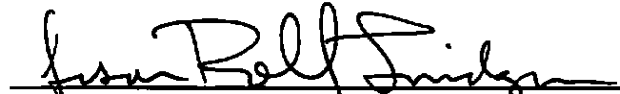
**ORDINANCE:** 04-2019  
**INTRODUCED:** February 27, 2019  
**ADOPTED:** March 13, 2019  
**EFFECTIVE:** April 12, 2019



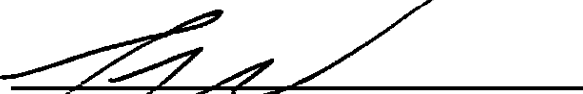
\_\_\_\_\_  
STEVE LY, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
JASON LINDGREN, CITY CLERK



\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: March 18, 2019

**Exhibit A  
Elk Grove Auto Mall Special Planning Area Amendment (PLNG18-090)  
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.

**###**

# 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 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, up to ten percent (10%) of the operating time of the electronic reader board shall be dedicated to community event advertising at the discretion of the City.

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.

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 04-2019**

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 27, 2019 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 13, 2019 by the following vote:***

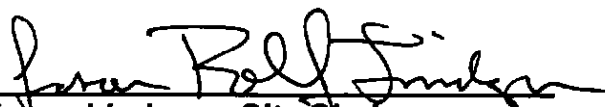
**AYES :**                   **COUNCILMEMBERS:**    ***Ly, Hume, Nguyen, Suen***

**NOES:**                   **COUNCILMEMBERS:**    ***None***

**ABSTAIN:**               **COUNCILMEMBERS:**    ***None***

**ABSENT:**               **COUNCILMEMBERS:**    ***Detrick***

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

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