

**Agenda of:** September 22, 2005

**Item No.:** 7.a.

**Staff:** Lillian MacLeod

## **STAFF REPORT - SPECIAL USE PERMIT**

**FILE NUMBER:** S89-0014R

**APPLICANT:** Rod Posner, Owner  
Autotronics Automotive Repair

**AGENT:** Jon Westphal

**REQUEST:** Special use permit to allow an existing 20-foot high pole sign facing U.S. Highway 50 to remain on the project parcel.

**LOCATION:** On the north side of U.S. Highway 50, approximately 1/4 mile west of the intersection with Cambridge Road, in the Cameron Park area. (Exhibit A)

**APN:** 082-421-10

**ACREAGE:** 0.73 acre

**GENERAL PLAN:** Commercial (C) (Exhibit B)

**ZONING:** Planned Commercial - Design Review District (CP-DC) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15311 of the CEQA Guidelines.

**SUMMARY RECOMMENDATION:** Conditional approval

**BACKGROUND:** The original special use permit, S89-14, was approved by the Planning Commission on June 8, 1989, allowing a quick-lube and light automotive repair facility on Assessor's Parcel Number 082-421-04. The light automotive repair was limited to replacing filters, hoses, and wiper blades. A Negative Declaration was prepared and the Notice of Determination filed June 19, 1989.

A revision to the special use permit was filed in February 1995 requesting the addition of a 3,360 square foot structure to serve as a discount tire center. The revision was heard before the Planning Commission and approved as Categorically Exempt pursuant to §15303 on May 25, 1995. The

structure is now in use by the applicant as *Autotronics Automotive Repair*. Conditions of approval relevant to the subject project are as follows:

5. *Roof-mounted items shall not be visible from Merrychase Drive or U.S. Highway 50.*
6. *Lighting shall not shine or glare onto adjacent properties.*
7. *The eighty square foot sign shall be limited to a height of twelve (12) feet.*
8. *Additional signage shall comply with the sign and zoning ordinances.*

Under Parcel Map P00-0005, approved by the Zoning Administrator on December 20, 2000, Assessor's Parcel Number 082-421-04 was subdivided into two parcels. The parcel map was finalized and recorded on November 27, 2001. As part of the conditions of approval, a reciprocal easement was recorded for access, parking, and maintenance. The original quick-lube building exists on what is now Assessor's Parcel Number 082-421-11 while the project parcel contains the *Autotronics Automotive Repair* facility which the above referenced conditions apply to.

Condition 7 allowed for one pole sign, which was never constructed. The subject pole sign has existed on the site since approximately July 2004. On August 26, 2004, Code Enforcement file 159214 was opened on a complaint of "electric sign installed without permit." Besides being in violation of building codes, the sign is also in violation of Condition 8 referenced above as it stands at 20 feet high. The subject special use permit revision is required to address the code enforcement action. A Planning Commission hearing is necessary due to the location of the sign adjacent to U.S. Highway 50.

## **STAFF ANALYSIS**

**Project Description:** The proposed project consists of a 20-foot pole sign located approximately 12 feet from the southeastern property line. The double-sided sign measures 50-square feet in area and is situated to be visible from both eastbound and westbound highway traffic. The sign copy reads "Autotronics" in blue lettering on a white background, and "Automotive Repair" in white lettering on a blue background. A graphic of three, multi-colored vehicles, is sandwiched between the texts.

An existing, unapproved, 9 foot high monument sign located on Merrychase Drive has been refaced to conform to the pole sign graphics. The double-sided sign measures approximately 25 square feet. The monument sign will be considered in the subject special use permit revision, as it should have been subject to design review and a building permit before construction.

**Site Description:** The property has been fully developed and paved. Landscaping, consisting primarily of low growing shrubs, has been installed along Merrychase Drive within a landscape area that includes the monument sign. The topography slopes down moderately from U.S. Highway 50 to Merrychase Drive. The pole sign, at 20 feet high, is clearly visible from both directions of travel on the highway.

## **Other Non-compliance Issues:**

Below the pole sign is an 8-foot long by 14-inch high, programmable LED sign consisting of red lettering on a black background. The programmable LED is significantly brighter than the pole sign. The programmed messages were changed several times since installation. A similar programmable LED sits above the monument sign, which alternated between time and temperature readings at a significantly brighter intensity than the monument sign. The applicant was informed that both signs were in violation of the Zoning Ordinance, §17.16.070 and §17.16.080, and were not permitted. In a letter dated December 21, 2004, staff allowed the applicant to hold off on removing the LED's for the sake of cost effectiveness, in case other changes to the pole and monument signs were required at hearing. The applicant complied with staff's request to turn both sets of signs off in the interim.

A tent-like structure used as a temporary service bay had been installed at the southern end of the building. No building permit existed for this structure, which was visible from U.S. Highway 50.

A large floodlight has been placed on the southwestern rooftop of the building and was directed in a 90 degree direction toward U.S. Highway 50 in violation of Conditions 5 and 6 referenced in the Background section and §17.14.170 of the Zoning Ordinance, which states:

- A. *It is the policy of the County that the creation of artificial light and glare be controlled to the extent that unnecessary and unwarranted illumination of an adjacent property be prohibited. The creation of light or glare by any person in violation of this Section shall constitute a public nuisance and shall be subject to abatement proceedings in accordance with Chapter 17.12.*
- C. *4. Lights that shine onto a road in a manner which causes excessive glare and may be considered to be a traffic hazard shall be prohibited.*
- 5. Outdoor floodlights shall not project above 20 degrees below the horizontal plane.*

The applicant has removed the tent structure as well as the floodlight, which has been replaced with a video camera mounted below the roofline for security purposes. In a further effort to be totally compliant, the applicant erected a parapet around the existing roof-mounted heat pump unit visible from U.S. Highway 50.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	CP-DC	C	Auto repair facility (Autotronics)
<b>North</b>	CP-DC	C	Undeveloped
<b>South</b>	TC	C	US Highway 50
<b>East</b>	CP-DC	C	Auto repair facility (European Performance)
<b>West</b>	CP-DC	C	Auto repair facility (Jiffy Lube)

**General Plan:** The General Plan designates the subject site as Commercial (C). This designation permits a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County . . . Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. Additionally, the following General Plan policies also apply to this project:

*Policy 2.4.1.2:* The County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project site review of all discretionary project permits. . . The guidelines shall include, but not be limited to the following criteria: C. Signage.

*Policy 2.6.1.3:* At a minimum, all permits and discretionary applications, with the exception of single-family residential units and agricultural uses and structures, located adjacent to a State highway shall be subject to design review.

*Policy 10.1.7.2:* Assist small business in the County.

**Discussion:** The project parcel is located in the Community Region of Cameron Park and, as such, is consistent with the General Plan policy for commercial land use. The subject revision to the existing special use permit incorporates the design review process required under Policy 2.6.1.3. The project will be reviewed against the Community Design Guide that was developed in accordance with the General Plan. By approving the sign permit, the County will be assisting the property owner in competing with the three adjacent, auto service facilities that have a variety of pole, wall, and roof-mounted signage.

**Conclusion:** As discussed above, staff finds that the project, located within the Community Region of Cameron Park and subject to community design guidelines under the design review process inherent with this special use permit revision, conforms to the General Plan.

**Zoning:** The proposed use is permitted through site plan approval in the Planned Commercial Zone District, pursuant to Section 17.32.140 stating: *The following uses are allowed without special use permit or variance, but only after obtaining approval of the site plan therefore from the planning director: D. Two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area, advertising authorized activities on the premises.* As the project parcel is located in a Design Control overlay district along a State highway, Planning Commission review is also required. Since the existing facility was originally approved under a special use permit, the design review will be processed as a revision to the special use permit in order to establish a clear pattern of development on the project parcel.

Under §17.74.040(C), *the architectural styling for new construction permitted in the Sierra design and the community design districts shall be that which is exemplified and meets the intent of the community design guide or the Sierra design guide which shall be adopted by the board of supervisors.* The Community Design Guide establishes criteria for signage. Among those applicable to the project are: consistency in location and design throughout a development, simplicity and restraint in appearance, and subtle lighting. Excessive numbers of signs are discouraged as well.

Discussion: The applicant has two freestanding signs on site: the monument sign facing Merrychase Drive and the pole sign facing U.S. Highway 50. The sign on Merrychase Drive has existed for several years and was re-faced to match the subject pole sign with the same multi-colored copy and graphics.

Under this latter section, the Deputy Director of Planning is required to submit the application to the design review committee established within the community region. In this case, the Cameron Park Design Review Committee reviewed the application at their meeting on December 13, 2004, and recommended the following:

1. The pole sign is not to exceed 20 feet in height.
2. Programmable LED's on both the pole sign and monument sign are to be removed.
3. Both signs are to have low illumination.

Staff will condition the project accordingly. However, without strict specifications in the ordinance, intensity of illumination is subjective. Staff will condition this requirement so that the optimum illumination level will be determined by a member of the Design Review Committee (DRC) through a subsequent site visit. The applicant will be required to obtain a letter of approval from the DRC indicating an acceptable illumination level expressed as maximum wattage. A copy of the letter will be submitted to Planning Services by the applicant and will be subject to approval by the Deputy Director of Planning as a minor revision to the use permit prior to building permit signoff.

Conclusion: In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood. Staff has reviewed the project against General Plan policies and has found it to be consistent, as discussed in the staff report. Based on the project description and site plan, staff finds that the project, as conditioned, conforms to Zoning Ordinance requirements for sign types and sizes, as well as to community design guidelines of consistency in location and design throughout a development, simplicity and restraint in appearance, and subtle lighting, and therefore will not be detrimental to the public health, safety and welfare and or injurious to the neighborhood.

**General Plan Lawsuit/Writ:**

The proposed special use permit revision is not subject to the Writ of Mandate as determined under paragraph 5, sub-paragraph 4(c) constituting an *(vii) approval of architectural features, signs, accessory structures.*

Besides specific findings applicable to the revision which are enumerated under "Findings", all projects approved under paragraph 5 within the Final Writ requires that the County make additional findings set forth under sub-paragraph 8 as follows:

1. *The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.*

Discussion: There will be no increase in density due to the project, nor will the increased intensity of use, as conditioned, impact or impair the County's ability to adopt and implement a new General Plan.

2. *The approval or project complies with all other requirements of law;*

Discussion: The proposed special use permit conforms to the criteria and policies set forth in the General Plan and the Zoning Ordinance regarding these applications.

3. *The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.*

Discussion: The commercial land use designation is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From these comments, the following issues were raised:

Cameron Park Community Services District/ Design Review Committee: Recommendation was for the removal of the programmable signs on both the pole sign and freestanding monument sign, as well as for a reduction in intensity of illumination of the remaining signage. The pole sign was limited to 20 feet maximum height.

P. G. & E.: As the existing pole sign is situated within a public utility easement a site visit was performed by the utility company. It was found that the sign does not cause a safety guideline violation or constitute an unacceptable encroachment at this time. While PG&E does not usually condone a sign of this magnitude within their high voltage easement, they will allow it to remain as is.

These agencies had no specific concerns regarding the proposed special use permit: Department of Transportation and CALTRANS, District 3.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

## **ENVIRONMENTAL REVIEW**

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines stating that *Class 11 consists of construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to: (a) On-premise signs.* Pursuant to Resolution No. 240-93, a \$35.<sup>00</sup> processing fee is required by the County Recorder to file the Notice of Exemption.

## **RECOMMENDATION**

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15311.
2. Approve Special Use Permit S89-0014R based on the findings in Attachment 2, subject to the conditions in Attachment 1.

**SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Conditions of Approval  
Attachment 2 .....Findings  
Exhibit A .....Vicinity Map  
Exhibit B .....1996 & 2004 General Plan Land Use Maps  
Exhibit C .....Zoning Map  
Exhibit D .....Site Plan  
Exhibit E .....Sign Plans  
Exhibit F .....Building Elevations and Floor Plan  
Exhibit G .....Parcel Map 47/147  
Exhibit H .....Assessor’s Parcel Map

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **FILE NUMBER S89-0014R**

#### **Conditions of Approval**

This Special Use Permit approval is based upon and limited to compliance with the project description, dated September 22, 2005, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

*The following conditions supersede all former conditions.*

#### **Planning Department**

- ~~1. The project shall be in substantial compliance with the submitted site plan. Minor modifications may be approved by the Planning Director. Major modifications will be subject to an additional public hearing approval.~~
1. The special use permit, as approved, consists of the following development on Assessor's Parcel Number 082-421-10:
  - a. One existing 3,360 square foot auto repair facility.
  - b. One 20-foot pole sign located approximately 12 feet from the southeastern property line. The double-sided sign face measures 50-square feet in area and is situated to be visible from both eastbound and westbound highway traffic.
  - c. One existing 9-foot high monument sign located on Merrychase Drive. The double-sided sign face measures approximately 25 square feet in area. The sign graphics currently match that of the pole sign.
2. The applicant shall be subject to the building permit process for both the existing pole sign and the existing monument sign. Final approval shall be 60 days from the date the appeal period ends unless a written request for an extension of time has been approved by the issuing authority, based on the following:
  - a. No change in conditions or circumstances has occurred that would have been grounds for denying the original application;
  - b. The applicant has been diligently pursuing implementation of the permit, and



- c. modified conditions have been imposed as necessary which update the permit to reflect current adopted standards and ordinance requirements.
3. All site improvements shall conform to Exhibits D, E, and F with the exception of the LED apparatus mounted above both signs, which shall be removed prior to building permit final.
4. The applicant shall obtain a letter of approval from the Cameron Park Design Review Committee that limits illumination intensity to maximum allowed wattage. Said letter of approval shall be submitted to Planning Services prior to building permit final.
- ~~2.~~ 5. Landscaping shall comply with the submitted plans.
3. 6. No outside storage shall be allowed.
4. 7. New or used tires shall not be displayed within view of Merrychase Drive or U.S. Highway 50.
5. 8. Roof-mounted items shall not be visible from Merrychase Drive or U.S. Highway 50.
6. 9. Lighting shall not shine or glare onto adjacent properties.
7. ~~The eighty square foot sign shall be limited to a height of twelve (12) feet.~~
8. 10. Additional signage shall comply with the sign and zoning ordinances.
9. 11. A 12-foot x 40-foot loading space shall be clearly designated within the property.

**Department of Transportation**

- ~~10.~~ 12. A site improvement/grading plan shall be submitted to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado Design and Improvement Standards Manual the Grading, Erosion and Sediment Control Ordinance, The Off-Street Parking and Loading Ordinance, and the State of California Handicapped Accessibility Standards.
- ~~11.~~ 13. A concrete sidewalk shall be constructed at the back of the existing curb and gutter along the property frontage on Merrychase Drive.

**Air Pollution Control District**

- ~~12.~~ 14. A fugitive dust control plan shall be submitted to the APCD for review and approval prior to beginning project construction. The construction process shall comply with the APCD Rule #223 (Fugitive Dust Regulation).

- ~~13.~~ 15. Project construction is subject to APCD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
- ~~14.~~ 16. Burning of wastes that result from “Land Development Clearing” must be permitted through the APCD and/or the local fire agency depending on the time of year the burning is to take place. Only vegetative waste materials may be disposed of using an open outdoor fire.
- ~~15.~~ 17. Prior to construction/installation of point source emissions units (i.e., organic solvent cleaning/degreasing operations, particulate matter control devices, commercial boilers), authority to construct application shall be submitted to the APCD. Submittal of applications shall include facility diagrams, proposed equipment specifications, and emission factors.
18. The Deputy Director of Planning may approve minor modifications to an approved project where he finds the change:
- a. Is consistent with all applicable provisions of this Title 17;
  - b. Does not involve a feature of the project that was specifically addressed in the conditions of approval, mitigation measures, or findings for approval of the project;
  - c. Does not result in an expansion of the project; and
  - d. Does not substantially alter the original approval action.
19. Failure to comply with any of these conditions of approval shall result in a hearing before the Planning Commission to consider setting a hearing for revocation of the special use permit.

## **ATTACHMENT 2** **FINDINGS**

### **FILE NUMBER S 89-0014R**

1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15311 stating that *Class 11 consists of construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to: (a) On-premise signs.*
2. The proposed use is consistent with the policies in the El Dorado County General Plan, as amended through February 4, 1999, as discussed in the General Plan section of this staff report.
3. The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.
4. This project may be approved subject to the following findings established in Paragraph 5, Sub-Paragraph 4(c), which permits the County to approve minor projects *which do not have any significant environmental impacts and do not represent any significant change to nature, extent or intensity of use, including, but not limited to, (i) projects subject to categorical exemption under the California Environmental Quality Act, and Sub-paragraph 8 in the Final Writ issued by the Court on July 19, 1999, as follows:*
  - a. The approval or project will not significantly impair the County's ability to adopt and implement a new General Plan after complying with CEQA.
  - b. The approval or project complies with all other requirements of law.
  - c. The approval or project is consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999.