

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** April 23, 2009

**Item No.:** 8.b

**Staff:** Jason R. Hade

**SPECIAL USE PERMIT**

**FILE NUMBER:** S09-0001/Diamond Springs Retail Center Monument Sign

**APPLICANT:** Superior Electrical Advertising / Mike Rathbun

**PROPERTY OWNER:** Grado Equities II, LLC

**REQUEST:** Special Use Permit to authorize construction of one nine-foot tall three-sided internally illuminated monument sign with 150 square feet of display area for the Diamond Springs retail center.

**LOCATION:** The property is located on the north side of Pleasant Valley Road at the intersection with State Route 49 in the Diamond Springs area, Supervisorial District III (Exhibit A).

**APN:** 054-342-35 (Exhibit B)

**ACREAGE:** 1.1 acres

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

**ZONING:** Commercial- Design Control (C-DC) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically exempt pursuant to Section 15303(c) of the CEQA Guidelines

**SUMMARY RECOMMENDATION:** Conditional Approval

**STAFF ANALYSIS:** Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Planning Commission consideration are provided in the following sections.

**BACKGROUND:** Design Review application DR05-0005 was approved for the subject site by the Planning Commission on May 25, 2006 and authorized the construction of a 12-pump fueling station with an 8,628 square foot retail center to include: a 5,628 square foot retail shop; 1,200 square foot fast-food restaurant within the retail shop; 3,000 square foot convenience market; drive-through automated car wash; and fueling station canopy. The approved sign plan included a tenant monument sign and fuel price monument sign at a height of nine feet with 50 square feet of sign area for each sign, wall signs for both buildings, and gas station canopy signs. On February 4, 2009, staff reviewed the final sign program and found it to be in substantial compliance with the previously approved sign program with the exception of the proposed three-sided monument sign attached as Exhibit E. The proposed monument sign features 150 square feet of display area which exceeds 80 square feet of display area per sign permitted within the Commercial zone district (Section 17.32.020.D.). As such, a Special Use Permit is required subject to review and approval by the Planning Commission.

**Project Description:** A request to authorize construction of one nine-foot tall three-sided internally illuminated monument sign with 150 square feet of display area for the Diamond Springs retail center. As shown in Exhibit E, design features of the sign would include a cultured stone base, fabricated aluminum cornice, and fabricated aluminum roof with asphalt shingles.

**Site Description:** The project site lies at an elevation of approximately 1,800 feet above mean sea level and is currently being developed in accordance with approved Design Review application DR05-0005. Site access will be provided via Pleasant Valley Road and State Route 49.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	C-DC	C	Commercial/Diamond Springs Retail Center
<b>North</b>	C-DC	C	Residential/Single-Family Residences
<b>South</b>	CP	C	Commercial/Commercial Businesses
<b>East</b>	C-DC/R1A	C	Undeveloped
<b>West</b>	CP	C	Residential/Single-Family Residences

**General Plan:** This Special Use Permit request has been reviewed in accordance with the applicable El Dorado County 2004 General Plan policies. The General Plan designates the project site as Commercial (C). The proposed monument sign would not result in any inconsistencies with applicable General Plan policies.

**Zoning:** The project is zoned Commercial-Design Control (C-DC) which allows two signs not exceeding 50 square feet or one sign not exceeding 80 square feet in total area of any one display surface. The maximum height of structures within the C zone is 50 feet.

If approved, this Special Use Permit would allow for one freestanding monument sign to be located at the southwest corner of the intersection of Pleasant Valley Road and State Route 49 (shown as sign “A” on site plan included in Exhibit E). As shown in the table below, the sign would comply with the height and setback development standards of the C zone district, but exceed the allowable sign face area by 70 square feet requiring a Special Use Permit.

	Proposed Signage Dimensions	Zoning Ordinance Requirements
Height:	9 feet	50 feet
Sign Face Area:	150 square feet	80 square feet for one sign
Setback:	12 feet	10 feet

The proposed project meets the applicable standards contained in Section 17.16 and Section 17.32.040 of the Zoning Ordinance. As proposed and conditioned, the proposed monument sign would be consistent with the Zoning Ordinance with an approved Special Use Permit.

**Special Use Permit:** The development currently under construction was subject to review and approval of a Design Review application because of its adjacency to State Route 49. The proposed monument sign would not conflict with the approved conditions of approval and would not nullify the findings previously adopted by the Planning Commission. Section 17.32.030.E of the Zoning Ordinance allows for approval of signage exceeding the development standards. This SUP would allow for new signage and would not result in additional environmental impacts previously analyzed in the adopted Mitigated Negative Declaration prepared by Planning Services staff. Although the proposed monument sign is three-sided, staff has determined that only one side of the monument sign would be visible at a time from Pleasant Valley Road or State Route 49. Staff believes the sign would be compatible with existing surrounding signage and the proposed sign design features are consistent with those of the previously approved retail center. Accordingly, Special Use Permit findings of approval have been included in Attachment 2 of the staff report.

## ENVIRONMENTAL REVIEW

The Special Use Permit request has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which states that “construction and location of limited numbers of new, small facilities or structures” are exempt from further environmental review. Pursuant to Resolution No. 240-93, a \$50.00 proceeding fee is required by the County Recorder to file the Notice of Exemption.

## RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is categorically exempt from CEQA pursuant to Section 15303(c) of the CEQA Guidelines; and
2. Approve Special Use Permit application S09-0001 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report:**

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Map Page
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E .....	Proposed Monument Sign

**ATTACHMENT 1  
CONDITIONS OF APPROVAL  
SPECIAL USE PERMIT**

**File Number S09-0001  
Planning Commission  
Hearing Date: April 23, 2009**

**El Dorado County Planning Services**

1. This Special Use Permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibit marked Exhibit E, dated April 23, 2009 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 project description is as follows:

Special Use Permit authorizing the construction of a three-sided internally illuminated monument sign at the southwest corner of Diamond Springs Retail Center site, as shown on Exhibit E, site plan.

The sign shall conform to Exhibit E, "Proposed Monument Sign." The sign shall be constructed as follows:

Maximum Height: 9 feet  
Sign area: 150 square feet  
Sign height: 6 feet 3 inches  
Sign width: 8 feet

The text, design materials, and colors shall conform to Exhibit E.

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

3. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
4. The sign shall be setback a minimum of 10 feet from the Pleasant Valley Road and State Highway 49 right-of-way. Planning Services shall verify the setbacks on project plans prior to issuance of a building permit.
5. No lighting shall be permitted as part of this Special Use Permit.
6. No additional advertising sign copy shall be permitted without prior approval by Planning Services.
7. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
8. The applicant shall ensure the sign is properly maintained at all times. Any maintenance problems shall be addressed immediately.

**El Dorado County Department of Transportation**

9. The placement of this proposed sign shall not be within the existing right-of-way of Pleasant Valley Road.

**California Department of Transportation (Caltrans)**

10. An encroachment permit will be required for any work conducted in the State's right-of-way such as sign placement, traffic control, light installation, culvert maintenance, or drainage pattern changes.

# **ATTACHMENT 2 FINDINGS**

**File Number S09-0001  
Planning Commission  
Hearing Date: April 23, 2009**

Based on the review of this project by staff and affected agencies, and supported by the staff report and evidence in the record, the following findings can be made:

## **FINDINGS FOR APPROVAL**

### **1.0 CEQA FINDING**

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15303(c) of the CEQA Guidelines which states that “construction and location of limited numbers of new, small facilities or structures” are exempt from further environmental review.

### **2.0 SPECIAL USE PERMIT FINDINGS**

#### **2.1 The issuance of the permit is consistent with the General Plan;**

There are no specific policies that apply directly to the requested Special Use Permit for the monument sign; however, the absence of any policy that would restrict or prohibit the use implies consistency, provided that the required findings of Chapter 17.22, Special Use Permits, of the Zoning Ordinance can be made.

#### **2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;**

The proposed three-sided monument sign will comply with the development standards of the Commercial zone and will comply with the signage requirements of the Zoning Ordinance. Although the proposed monument sign is three-sided, only one side of the monument sign will be visible at a time from Pleasant Valley Road or State Route 49. The sign will be compatible with existing surrounding signage and the proposed sign design features are consistent with those of the previously approved retail center. The Special Use Permit has been 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, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

#### **2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The proposed use is specifically permitted by Special Use Permit pursuant to Section 17.32.030.E of the Zoning Ordinance as the required findings detailed above may be made

by the Planning Commission. The Special Use Permit will not nullify the conditions of approval or the findings of approval of the approved Design Review application DR05-0005.

### **3.0 ADMINISTRATIVE FINDINGS**

- 3.1 The proposed use conforms to the Zoning Ordinance because the project meets all applicable development standards for a monument sign within the C zone district. The approval of this Special Use Permit will not nullify any of the conditions of approval or objectives of the approved Design Review application DR05-0005.