

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



Agenda of:	November 18, 2010
Item No.:	9.a
Staff:	Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S10-0003/Hotshot Imaging Roof Sign

APPLICANT: Hotshot Imaging Inc./Eric Kromps

PROPERTY OWNER: Gary and Trisha Dovenberg

REQUEST: Special Use Permit authorizing a 54 square-foot unlit roof sign. (Exhibit F).

LOCATION: The property is located on the south side of State Route 49, approximately 800 feet west of the intersection with Lotus Road, in the Lotus/Coloma area, Supervisorial District IV (Exhibit A).

APN: 006-550-37 (Exhibit B)

ACREAGE: 1.29 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

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 S10-0003 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

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 DR87-0005 was approved for the subject site by the Planning Commission on March 12, 1987. The approved site plan is attached as Exhibit E. No signs were authorized as part of the approval of DR87-0005 and any subsequently proposed signage was to be submitted as a Design Review revision application.

Building permit application numbers 192911 and 192912 were submitted on April 28, 2009 for the construction of two monument signs at the subject site. However, Planning Services was not able to approve the building permit applications because the proposed signage was inconsistent with the previously approved design review application which did not authorize any signage. The property owner was directed to submit a Design Review revision application for further consideration by the Planning Commission. The two existing monument signs shown in Exhibit G were later illegally constructed without an approved Design Review application or building permit.

The existing roof mounted sign on the roof of the building currently leased by Hotshot Imaging to be authorized under this Special Use Permit (SUP) application was also constructed without a permit approximately 20 years ago (according to the applicant). As a result, code enforcement case number 193681 was initiated on July 1, 2009 because the existing signage exceeds that which is authorized under the Zoning Ordinance, and because roof signs require a Special Use Permit. The code enforcement case is now “inactive” pending the outcome of the SUP application process.

The subject SUP application was filed on April 23, 2010. Building permit number 196915 was submitted on the same date, but cannot be approved until the outcome of the SUP application process has been determined. The proposed roof sign features 54 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.) because of the two existing unpermitted monument signs and their respective display areas shown in Exhibit G. Further, roof-mounted signs are not permitted by right. As such, a Special Use Permit is required subject to review and approval by the Planning Commission.

Project Description: A request to authorize an existing unpermitted unlit roof sign measuring 3 feet tall by 18 feet wide for a total of 54 square feet of display area as shown in Exhibit F. The sign is proposed to be non-illuminated with a metal framed with a vinyl copy surface.

Site Description: The project site lies at an elevation of approximately 1,000 feet above mean sea level and was developed in accordance with DR87-0005 as a retail center (River Park commercial retail center). Site access will continue to be provided via two existing driveways connecting to State Route 49.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DC	C	Commercial/River Park Retail Center
North	C-DC	C	Commercial/Retail Stores
South	C	C	Commercial/Undeveloped
East	C-DC	C	Commercial/River Park Retail Center
West	C-DC	C	Commercial/Retail Stores

General Plan: This project is consistent with the applicable policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

Policy 2.6.1.3 directs that *discretionary projects reviewed prior to the adoption of the Scenic Corridor Ordinance, that would be visible from any of the important public scenic viewpoints identified in Table 5.3-1 and Exhibit 5.3-1 of the El Dorado County General Plan Draft Environmental Impact Report, shall be subject to design review, and Policies 2.6.1.4, 2.6.1.5, and 2.6.1.6 shall be applicable to such projects until scenic corridors have been established.*

Discussion: As the project is located within an important public scenic viewpoint pursuant to Table 5.3-1 of the General Plan Draft EIR, the design of the sign was reviewed for consistency with the *Community Design Guide* and compatibility with surrounding signage within the project vicinity. Staff found the sign consistent with the *Community Design Guide* and surrounding signage including the existing signs within the River Park retail center. Detailed sign information is provided in Exhibit F.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the applicable policies of the General Plan.

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, pursuant to Section 17.32.020.D. The maximum allowable height of any structure within the C zone is 50 feet tall. Section 17.32.030.E allows other sign sizes “only after obtaining a Special Use Permit therefore from the Planning Commission.”

If approved, this SUP would allow for one existing unlit roof sign to be located on the roof of the building currently being leased by the applicant (shown as “Hotshot Imaging Existing Building” 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 because of the two existing unpermitted monument signs. In addition to the fact the total surface area of allowable, non-wall signs has been exceeded, Zoning Code Section 17.16.030 (wall signs) states that wall signs are permitted “providing the wall is a non-projecting, integral part of the building...” A roof sign has historically been determined by the County to be projecting. Because of both stated reasons, a

Special Use Permit is required. As previously stated in the *Background* section above, the existing, unpermitted monument signs should have gone through the Design Review revision process but did not.

	Proposed Signage Dimensions	Zoning Ordinance Requirements
Height:	12 feet	50 feet
Sign Face Area:	54 square feet	80 square feet for one sign
Setback:	N/A	N/A

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 rooftop sign would be consistent with the Zoning Ordinance with an approved Special Use Permit.

Special Use Permit: The existing retail development was subject to review and approval of a Design Review application because of its adjacency to State Route 49. The proposed roof 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 not authorize the two existing unpermitted monument signs. 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. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit ALocation Map
Exhibit BAssessor’s Map
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit ESign Site Plan
Exhibit FSign Building Location Elevation
Exhibit GProposed Roof Sign
Exhibit HApplicant’s Project Narrative
Exhibit IDR87-0005 Approved Site Plan
Exhibits J-1 to J-5Site Visit Photos–May 20, 2010
Exhibit KSite Aerial Photo

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S10-0003/Hotshot Imaging Roof Sign Planning Commission/November 18, 2010

El Dorado County Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits E–G 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 an existing unpermitted unlit roof sign measuring three feet tall by 18 feet wide for a total of 54 square feet of display area as shown in Exhibit E (*Sign Site Plan*), F (*Sign Building Location Elevation*), and G (*Proposed Roof Sign*). The sign shall consist of a metal frame with a vinyl copy area.

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

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. No new lighting for the sign shall be permitted as part of this Special Use Permit. All existing outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should lighting be non-compliant with full shielding requirements, the applicant shall be

responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

5. No additional advertising sign copy shall be permitted without prior approval by Planning Services. All signs not previously authorized by County approval shall be removed prior to issuance of Final Occupancy for the subject sign. The applicant shall provide proof of compliance of the removal of all unauthorized signs prior to final sign-off for Building Permit 916915.
6. 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.
7. The applicant shall ensure the sign is properly maintained at all times. Any maintenance problems shall be addressed immediately.
8. All existing outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

ATTACHMENT 2

FINDINGS

Special Use Permit S10-0003/Hotshot Imaging Roof Sign Planning Commission/November 18, 2010

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 FINDINGS

- 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;**

The request is consistent with all applicable policies of the General Plan, such as Policy 2.6.1.3 concerning important public scenic viewpoints identified within the Draft General Plan EIR, because the sign’s design is consistent with the *Community Design Guide* and compatible with surrounding signage including the existing signs within the River Park retail center.

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

The proposed roof sign will comply with the development standards of the Commercial zone and will comply with the signage requirements of the Zoning Ordinance. 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 DR87-0005.

3.0 ADMINISTRATIVE FINDINGS

- 3.1 The proposed use conforms to the Zoning Ordinance because the project meets all applicable development standards for a roof 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 DR87-0005.