

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



Agenda of: September 13, 2012

Item No.: 9

Staff: Gina Paolini

DESIGN REVIEW REVISION/SPECIAL USE PERMIT

FILE NUMBER: DR04-0012-R/S12-0011/76 Gas Station Signage

AGENT/OWNER: Sukhbir Bhullar

REQUEST: Design Review revision and Special Use Permit for an existing 76 gasoline/service station to:

- a. Reface the existing fuel price identification sign and bring existing non-conforming signage into conformance with County Code; and
- b. Add a secondary non-illuminated fuel price identification sign to be located in one of two proposed locations, either adjacent to the eastern access driveway or the western access driveway.

LOCATION: East side of El Dorado Hills Boulevard at the intersection with U.S. Highway 50 in the El Dorado Hills area, Supervisorial District 2 (Exhibit A)

APN: 121-180-16 (Exhibit B)

ACREAGE: 0.61 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Planned Commercial-Community Design Review District (CP-DC) (Exhibit D)

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

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is exempt from CEQA pursuant to Section 15311 of the CEQA Guidelines; and
2. Approve Design Review Revision DR04-0012-R; and
3. Approve Special Use Permit S12-0011 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND:

In 1989, the existing gasoline/service station was established with approval of a Design Review permit. The service component of the station requires a Special Use Permit in accordance with Section 17.32.150. Permit background (Exhibit I) shows that a Special Use Permit has not been obtained for this site. Therefore, use of the site is considered to be non-conforming and may be continued without a Special Use Permit in accordance with Sections 17.20.030 and 17.20.040 of the County Code, as the use is not being expanded, enlarged or extended.

Review of permits for the site has shown that the existing 76 pole sign and freestanding price sign are non-conforming due to the size of the existing signage. Staff has determined that a Special Use Permit would be required to bring the site into conformance with County Code, and for any additional signage. The applicant has applied for the required Special Use Permit.

A revision to Design Review DR00-0012 was submitted on June 14, 2012 to reface the existing monument sign and add a secondary non-illuminated fuel price sign for the existing gasoline/service station.

STAFF ANALYSIS

Project Description: The project includes Design Review and Special Use Permit requests for the refacing of the existing fuel price identification sign and the addition of a new non-illuminated fuel price identification sign. The following provides details of the changes:

1. **Existing internally illuminated fuel price/identification sign with changeable numbers:** The existing price sign has a width of 6 feet 1 inch and a height of 3 feet 6 inches. The sign area is 21 square feet. The 76 corporate logo and changeable price tiering would be changed with the new refacing (Exhibit E-2).
2. **Proposed non-illuminated secondary fuel price sign:** The secondary price sign would have a width of 3 feet and a height of 7 feet. The sign area would be 21 square feet. The sign colors are to be the corporate colors, Oasis silver, Oasis white and Oasis red (Exhibit E-3). The sign is to be located in one of two proposed locations, either adjacent to the eastern access driveway (Exhibit E-1 – Location A) or the western access driveway (Exhibit E-1- Location B).

Site Description: The project site contains the 76 gasoline/service station as well as its related parking lot and landscaping (Exhibit E-1). The site backs up to Highway 50 on the south, El Dorado Hills Boulevard on the west and Saratoga Way on the North. The Village Square Shopping Center is located on the east. The site contains a service/repair building, gas fueling island/canopy and cashier/mini-mart building.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CP-DC	C	Commercial/gasoline/service station and mini mart
North	C-DC	C	Commercial/Retail Center
South	TC-DC	C	Highway 50 Corridor
East	C-DC	C	Commercial/Retail Center
West	CP-DC	C	Commercial/Retail Development

Discussion: The sign refacing project would be consistent with the commercial development in the area and would not create visual incompatibilities to the surrounding land uses.

General Plan:

The General Plan designates the subject site as Commercial (C). The purpose of the Commercial land use designation is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The existing use is consistent with the General Plan.

Zoning:

The subject site is zoned Planned Commercial-Community Design Review District (CP-DC). The use of the site as a gasoline station is allowed in accordance with Section 17.32.140.B; however, the repair service component is nonconforming and may be continued without a Special Use Permit in accordance with Sections 17.20.030 and 17.20.040 of the County Code, as the use is not to be expanded, enlarged or extended.

Section 17.74 of the County Code establishes Design Review Districts. The subject site is within the Community Design Review District and pursuant to Section 17.14.130 (Architectural Supervision) of the County Code, where a structure or building faces on a state highway; the application shall be accompanied by architectural drawings or sketches showing the elevations of the proposed building or structure.

“The drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of the buildings and structures be in keeping with the character of the neighborhood, and such as not to be

detrimental to the orderly and harmonious development of the County, or to impair the desirability of investment or occupation in the neighborhood.”

Discussion: The applicant has provided elevations of the existing signage and the proposed changes to update the signs reflecting the 76 corporate image. Based on an evaluation of the surrounding area, the refacing would be consistent with other gasoline/service stations in the immediate area and the signage would be consistent with the Village Square Shopping Center and would not be detrimental to the development of the commercial area.

Other Design Issues:

Signage:

Section 17.32.140.D of the County Code allows for 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. The maximum height of structures within the CP zone district is 50 feet.

The project proposes the following signage:

Fuel Pricing Sign No. 1	Signage Dimensions	Zoning Ordinance Requirements
Height:	3 feet 6 inches	50 feet
Sign Face Area:	21 square feet	50 square feet for two signs
Proposed Fuel Pricing Sign No. 2	Signage Dimensions	Zoning Ordinance Requirements
Height:	7 feet	50 feet
Sign Face Area:	21 square feet	50 square feet for two signs
Fascia Signage	Signage Dimensions	Zoning Ordinance Requirements
Sign Face Area:	108 square feet	20 percent of wall area
Pole Sign	Signage Dimensions	Zoning Ordinance Requirements
Height	25 feet	50 feet
Sign Face Area	79 square feet	50 square feet for two signs

The fascia signage located on the building is in compliance with Section 17.16.030 of the County Code. The existing pole sign and fuel pricing sign exceed the sign requirements specified in Section 17.32.140.D of the County Code. A Special Use Permit is requested to bring the site into conformance with County Code requirements, and allow for a second fuel price identification sign.

California Business and Professions Code (CBPC) Section 13531 states that every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall display on the premises an advertising medium which advertises the prices of the three major grades of motor vehicle fuel offered for sale. The advertising medium shall be clearly visible from the street or highway adjacent to the premises. When the place of business is situated at an intersection, the advertising medium shall be clearly visible from each street of the intersection. California Business and Professions Code Section 13531 specifies the display requirements.

Staff has reviewed the site plan to determine whether the second fuel price identification sign could be relocated closer to the intersection with El Dorado Hills Boulevard, in accordance with the CBPC. DOT staff has assisted with the review, as Cal Trans right-of-way is adjacent to the project site, limiting areas for locating the sign (Exhibit G). There is a small planter located adjacent to the western driveway. This area may be able to accommodate the proposed sign; however, there is a light pole already developed within the planter area (Exhibit H). Staff believes that the proposed sign should be relocated on the project site for increased visibility, if possible. Staff has reviewed this proposal with the applicant and he does wish to relocate the sign, if feasible. The project description allows for the sign to be located in one of two proposed locations.

Off-Street Parking and Loading (including Landscaping and Buffering):

No changes to the off-street parking or existing landscaping would be proposed with this project.

Temporary Signs:

Mini marts and gasoline stations have a tendency to have a proliferation of temporary signs. The site inspection conducted on July 23, 2012 indicated that temporary signs were being displayed at the project site advertising products for sale. As a Condition of Approval the project would be required to remove all temporary signage, including temporary banners and product signage located adjacent to pump islands. In addition, the project site would be conditioned to prohibit the use of temporary signs in the future (Condition No. 7).

Agency Comments: The project was circulated for review and comment from various affected agencies. The El Dorado Hills Area Planning Advisory Committee submitted comments dated July 29, 2012 (Exhibit J). The sub-committee has concern with the location of the secondary sign and feels that it would cause a public safety hazard. They believe the sign would prevent drivers from seeing pedestrian activity on the sidewalk. Staff has reviewed this issue with the Department of Transportation and sight-distance is not a concern with the location of the sign.

Staff has determined that the building permit for the vapor recovery system at the site was not finalized. Building Services has forward the information to code enforcement for further compliance action. Planning Services has verified through Air District staff that the facility has current air permits. As a Condition of Approval, the applicant would be required to obtain the required building permit for the vapor recovery system through Building Services (Condition No. 11).

There were no comments received from the other various agencies.

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 (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to: (a) on-premise signs.* A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E-1	Site Plan
Exhibit E-2	Sign A- Fuel Price Sign No. 1
Exhibit E-3	Sign B- Fuel Price Sign No. 2
Exhibit F-1 to F-5.....	Site Photographs
Exhibit G.....	DOT Survey
Exhibit H.....	Google Photograph
Exhibit I	Permit Background
Exhibit J	APAC Letter; dated July 29, 2012

ATTACHMENT 1

CONDITIONS OF APPROVAL

Design Review Revision DR04-0012-R/Special Use Permit S12-0011/76 Gas Station Signage
Planning Commission/September 13, 2012

CONDITIONS OF APPROVAL

El Dorado County Planning Services:

1. This Design Review revision and Special Use Permit is based upon and limited to compliance with the project description, ~~dated February 16, 2005, and Conditions of Approval set forth below~~ the exhibits:

Exhibit E-1Site Plan
Exhibit E -2Fuel Price Sign No. 1
Exhibit E -3Fuel Price Sign No. 2

~~and Conditions of Approval set forth below. Further, 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, as approved, consists of the following:

Approval of a revision to Design Review DR04-0012-R to reface the existing price identification sign and a Special Use Permit S12-0011 to bring the existing non-conforming signage into conformance with County Code and add a secondary non-illuminated price identification sign to the existing 76 gasoline/service station located at Assessor's Parcel Number 121-180-16. The following signage shall be permitted:

Fuel Pricing Sign No. 1

Sign Development	Sign Dimensions
Height	3 feet 6 inches
Width	6 feet 1 inch
Sign Face Area:	21 square feet

Fuel Pricing Sign No. 2

Sign Development	Sign Dimensions
Height	7 feet
Width	3 feet
Sign Face Area:	21 square feet

Fascia Signage

Sign Development	Sign Dimensions
Sign Face Area	108 square feet

Pole Sign

Sign Development	Sign Dimensions
Height	25 feet
Sign Face Area:	79 square feet

~~2. The project, as approved, includes re imaging the existing signage and changing existing color schemes on the existing buildings and canopy to the new Oasis Image Standards colors of Oasis red, Oasis silver, Oasis white and Phillips black and blue. The canopy includes new fascias, decals, and re painted columns and island curbs. The existing 21 square foot monument sign and footing would be removed and replaced with a new internally illuminated 22 square foot sign and footing. The existing 25 foot tall pole sign would be refaced to match the new Oasis colors. The existing light pole located on the northwest corner would remain but have the price sign removed. All existing building signage will be replaced with new Oasis Image Standards colors. All existing light standards and the trash enclosure doors are proposed to be painted Oasis white. The total size of existing signage is 208 square feet. The total size of the proposed signage is 217 square feet.~~

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

23. **Plan Modifications:** All site improvements, sign locations, paints and materials shall comply with the approved site plan(s). The approved site plan(s) shall consist of Exhibits D and E, attached. Changes not to exceed 10 percent of the square footage of buildings, minor location changes, and architectural feature changes may be approved by the Development Services Planning Director or designee. Major changes in building sizes or features shall will require an amendment to the approved Design Review application.

34. **Lighting:** All outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation. Should final, installed 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 the Development Services Director or his designee.
4. **Fuel Price Sign No. 2 Location:** Planning Services staff shall work with the applicant to locate Fuel Price Sign No. 2 within the planter area adjacent to the western access driveway, if found to be feasible, prior to issuance of a building permit. If the location cannot accommodate the proposed sign, the applicant shall be permitted to install Fuel Price Sign No. 2 adjacent to the eastern access driveway, as identified on Exhibit E-1 (Site Plan).
5. **Expiration:** The project shall be started or diligently pursued within twenty-four (24) months of approval, or the Special Use Permit and Design Review approval shall become null and void.
6. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description to Planning Services, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
7. **Temporary Signage:** Planning Services shall verify that all temporary signs have been removed from the site prior to issuance of a building permit. No additional advertising sign copy or temporary signs shall be permitted at the project site.
8. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Services processing fees for the Design Review, Special Use Permit and Building Permits prior to issuance of a Building Permit.
9. **Fish and Game Fee:** A \$50.00 administrative processing fee is required by the County Recorder to file the Notice of Exemption. This fee must be delivered to the El Dorado County Planning Services prior to the issuance of any development permit being issued on the project parcel.
10. **Hold Harmless Agreement:** 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 applicant 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 by El Dorado County.

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

- ~~5. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.~~
- ~~6. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.~~
- ~~7. Landscaping is required to meet Zoning Code Chapter 17.18.090, and General Plan Policies 7.4.5.2 and 7.4.4.4. Any change in the existing landscaping shall require that the disturbed area be re-landscaped.~~
- ~~8. The project shall comply with the requirements of El Dorado County Zoning Ordinance Sections 17.32.130-160, (Planned Commercial), and Chapter 17.74, (Design Review).~~
- ~~9. All signs shall comply with the Site Plan and Elevations and Chapter 17.74, (Design Review Districts), of the El Dorado County Zoning Ordinance.~~
- ~~10. Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption~~

Building Services

11. **Vapor Recovery System:** The applicant shall obtain a building permit for the vapor recovery system and obtain the required final building inspection for the facility.
12. **Signage:** The applicant shall obtain a building permit for the project signage prior to installation.

Air Quality Management District:

- ~~11. Project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter, (PM-10), in the form of dust. A Fugitive Dust Prevention and Control Plan shall be submitted to and approved by the District prior to the beginning of the construction~~

project.

- ~~12. Project construction may involve resurfacing of the project site and should adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials and the County ordinance concerning asbestos dust.~~
- ~~13. The project construction will involve the application of architectural coating, which shall adhere to District Rule 215 Architectural Coatings.~~
- ~~14. Prior to construction/installation of any new or existing point source emissions units or non-permitted emissions units (i.e. gasoline dispensing facility, boilers, internal combustion engines, etc.), authority to construct applications shall include facility diagram(s), equipment specifications and emission factors.~~

~~The above District rules are found on the El Dorado County Air Pollution Control District Rules and Regulations. (www.co.el-dorado.ca.us/emd)~~

~~Potential air quality impacts from the construction and operation of the re-imaging shall be required to meet the above requirements.~~

El Dorado Irrigation District:

- ~~15. The sign, (monument), or any other structure, shall not be built within an existing El Dorado Irrigation District, (E.I.D), easement. The applicant shall verify to the satisfaction of E.I.D. that the monument sign is not located within a public utility easement. A letter from E.I.D. shall be provided to the Planning Department prior to the issuance of a building permit.~~

ATTACHMENT 2

FINDINGS

**Design Review Revision DR04-0012-R/Special Use Permit S12-0011/
76 Gas Station Signage
Planning Commission/September 13, 2012**

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

1.0 CEQA FINDINGS

- 1.1 This project is Categorical Exempt from the requirements of CEQA pursuant to Section 15311 of the CEQA Guidelines. Class 11 exemptions include the construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities including but not limited to on-premise signs.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

As proposed, the project is consistent with the Commercial (C) land use designation as defined within General Plan Policy 2.2.1.2 because the land use designation provides for areas for service uses to serve the residents, businesses and visitors of the County. The mini mart/gasoline/service station provides a service to the community and would be consistent with the General Plan land use.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires development projects to be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. The proposed refacing of the existing sign and the new signage would not create a visual incompatibility with other similar gasoline stations within the vicinity, and would not create a visual incompatibility along Highway 50.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17.

The use of the site as a gasoline/service station is nonconforming and may continue without a Special Use Permit in accordance with Sections 17.20.030 and 17.20.040 of the County Code because the use is not being expanded, enlarged or extended.

3.2 The proposed signage is consistent with Title 17.

The property fronts a state highway, therefore, Design Review is required in accordance with Sections 17.74 and 17.14.130 of the County Code. The proposed changes will be consistent with the surrounding area and the existing shopping center. Approval of the Design Review would authorize the refacing of the signage and establishment of the new fuel pricing sign. A Special Use Permit is being required for the project signage, as the existing signage is nonconforming, and is being expanded with the project. The additional signage is permitted by Special Use Permit in the Planned Commercial zone district, pursuant to Section 17.32.150 of the County Code provided that the Special Use Permit findings outlined below can be made by the Planning Commission.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.2 (General Plan consistency) and 2.2.5.21 (land use compatibility) and has been found to be consistent with these policies as discussed in the General Plan findings section above and within the staff report.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The proposed signage complies with the development standards of the Planned Commercial zone district and complies with the signage requirements of the Zoning Ordinance. The signage is compatible with surrounding signage and the sign design features are consistent with those of the previously approved permits for the gasoline/service station. The proposed use will not be detrimental to the public health, safety and welfare, nor injurious to the neighborhood, because the signs have been designed to not interfere with line of sight distance and will not impair driver visibility.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed signage is specifically permitted by Special Use Permit pursuant to Section 17.32.150.E of the County Code.