

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: October 17, 2012
Item No.: 4.a
Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S12-0001/CEDAPP Pollock Pines Off-Premise Advertising Sign

APPLICANT: Community Economic Development Association of Pollock Pines (CEDAPP)

AGENT: Jeanne Harper

PROPERTY OWNER: Evan Bell

REQUEST: Special Use Permit to allow the construction of a lighted off-premise advertising sign consisting of a single wooden face 15 feet by 6.6 feet with a total sign area of 87 square feet in size and a total height of 9 feet.

LOCATION: On the east side of Sly Park Road, at the intersection with Pony Express Trail, in the Pollock Pines area, Supervisorial District 2. (Exhibit A)

APN: 009-180-08 (Exhibit B)

ACREAGE: 0.73 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Commercial-Design Sierra (C-DS) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Section 15301; and
2. Conditionally approve Special Use Permit S12-0001 subject to the Conditions in Attachment 1 and based on the Findings in Attachment 2.

STAFF ANALYSIS

Background: The Community Economic Development Association of Pollock Pines (CEDAPP) is requesting an off-premise sign. CEDAPP is an organization dedicated to preserving the heritage of Pollock Pines and to developing and maintaining an environment that will improve the economic prosperity of the Pollock Pines community and enhance the quality of life of its citizens.

Off-premise signs, or billboards, are rentable space that can be leased for commercial speech (advertising) or noncommercial speech (political or other). There are 1st Amendment implications to review the content of signs. Therefore the proposed content, including the text, the color and style of lettering, and the amount or type of art are generally not considered or evaluated by the County. Only the size, height, and materials of the structure and sign itself are evaluated in context of this Special Use Permit review.

Project Description: Construction of an off-premise advertising sign consisting of a single lighted sign face approximately 87 square feet in size, 6.6 feet by 15 feet, placed on wooden posts 2.4 feet high for a total height of 9 feet. The sign is a wood structure consisting of a ¾" plywood sign face supported by 6" by 6" wood posts which would be painted forest green, dark blue, and brown. Illumination of the sign face would be by three shielded directional lights installed at the top of the structure. Access to the sign would be directly from Sly Park Road and Pony Express Trail and is intending for viewing from that intersection which is within the main commercial center of the Pollock Pines Community Region. CEDAPP would obtain an easement for the sign and would control the content with the intention of advertising community events replacing many illegal banners that currently exist at the project site.

Site Description: The 0.73 acre site is at an average elevation of 4,000 feet above sea level and is bound by Sly Park Road to the west and Pony Express Trail to the north. The project parcel is one of four parcels that compromise the Pony Express Station Plaza commercial center. The site is developed with four commercial structures with uses including retail, food service, and a school. The proposed off-premise sign would be situated at the western end of the project parcel facing the intersection of Pony Express Trail and Sly Park Road. Three other free standing signs are located on the project site, with the largest on the project parcel. The largest freestanding sign is approximately 40 feet tall and 12 feet in width with an approved sign area of 244 square feet. Exhibit K shows the location of the largest freestanding sign and its relation to the existing structure on the project parcel. Exhibits L and M are photographs of the existing 40 foot tall sign and a street view showing the proximity to the location of the proposed sign.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	C-DS	C	Commercial/Shopping Center
North	C-DS	C/I	Pony Express Trail/Service Station
South	C-DS	C	Commercial/Shopping Center
East	C-DS	C	Commercial/Shopping Center
West	C-DS	C	Commercial/Community Shopping Center (Safeway)

Discussion: The surrounding parcels are designated for commercial use by the General Plan. The parcels are within the Pollock Pines Community Region and part of the U.S. Highway 50 corridor, however the sign would not be visible from U.S. Highway 50. The proposed off-premise sign would be placed within the main commercial and tourist services center for Pollock Pines. The off-premise sign's location, size, and design would be compatible with commercial development on adjacent parcels. This conforms to **Policy 2.2.5.21** as described in the Findings, Attachment 2.

Regulation of Off-Premise Signs: Off-premise signs are specifically regulated under two sections of the County Code within the Zoning Ordinance. Chapter 17.16 of the Zoning Ordinance, Signs, contains Section 17.16.120 *Off-Premise Signs* which states the following:

- A. Off-premises signs, not otherwise regulated by this title, may be established by special use permit upon following the procedure set forth in Chapter 17.22.*
- B. Prior to the issuance of a special use permit for off-premises signs, the zoning administrator shall consider the location, size and display of the sign for compliance with the policies of the general plan land use element.*

Section 17.16.120 of the Zoning Ordinance is the appropriate section governing the proposed sign requiring a Special Use Permit that shall be heard by the Zoning Administrator as the sign is not directly adjacent to or visible from a state highway. Based on consistency with the General Plan, and compatibility with adjacent land uses, findings required by Section 17.22.540 for conditional approval of the SUP are included in Attachment 2.

Project Issues: The primary discussion items for this project are aesthetics, location, terms of the special use permit, and tourism.

Aesthetics: The intention of the sign is to be an aid in the advertising of non-profit organizational activities and fundraisers in Pollock Pines however; off-premise advertising signs are space that may be leased for a variety of speech and only the size, height, and materials of the structure and sign itself are evaluated in context of this Special Use Permit review. The parcel is located within the Sierra design review district and must meet the intent of the Sierra Design Guide and be reviewed by the Pollock Pines Design Review Committee. The guidelines state

that *the different building materials of stone and wood are appropriate to building in the area and need to be skillfully blended with each other and with setting of forest and mountain.* Additionally the guidelines state that signs *should be simple, restrained, and subordinate to the overall project design.* The proposed off-premise sign is consistent with the Sierra Design Guide as the sign would be constructed of wood and the colors, size, and design blend with the rural forested setting. This would be consistent with General Plan **GOAL 2.7 SIGNS** which states *Regulation of the size, quantity, and location of signs to maintain and enhance the visual appearance of the County.* The Pollock Pines Design Review Committee recommended approval of the off-premise sign as proposed. The sign would not be directly adjacent to and is not visible from U.S. Highway 50. Additionally the proposed sign would not 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 Environmental Impact Report.

Location: The location of the sign is optimal for its intended use as a community off-premise sign. The location would be at the main intersection in the most developed area of the Pollock Pines Community Region just off of U.S. Highway 50. The proposed off-premise sign is out of the County road right-of-way on private property, has low potential for sight distance issues, and is not visible from U.S. Highway 50.

Term of the Special Use Permit: Staff is recommending a condition that would make this Special Use Permit valid for a period of four years with the potential for a revision to extend the life of the permit (See Condition of Approval #2). General Plan policies require the County to consider a zoning ordinance which may result in additional limitations on sign size and locations and may result in the amortization potential for removal of approved signs. Additionally, State code states “Notwithstanding Section 5408, a city or a county with land use jurisdiction over the property may adopt an ordinance that establishes standards for the spacing and sizes of advertising displays that are more restrictive than those imposed by the state”. The proposed sign, which is not permitted by right but only conditionally if appropriate findings can be made, has the potential to harm the neighborhood and as neighborhood values change they need to be reassessed as they relate to the sign. Additionally, due to the ever-changing technology of signs it is in the interest of the public and the applicant for the County to review the sign. Staff chose four years because, considering the cost to apply for and process a sign permit, and the cost to build a sign, four years seemed a reasonable amount of time for this use. In reaching this conclusion, staff reviewed the Outdoor Advertising Act, B&P Code 5494, which provides for a 2-7 years amortization of signs legally erected which becomes nonconforming depending on the cost of the sign. It is assumed that the sign has a value less than \$5,999, thus it may result in the amortization of four years.

Zoning: The parcel is zoned Commercial (C). The regulations set forth in Sections 17.32.020 through 17.32.040 shall apply to all C districts (commercial districts) and shall be subject to the provisions of Chapters 17.14, 17.16 and 17.74.

The structure of the sign would be consistent with the rural architecture associated with the west slope of El Dorado County. The sign is proposed to be no larger than 87 square feet as it would be a custom made sign with variable size features. The following sections of the Zoning Ordinance apply to development of signs:

17.14.170 C. Outdoor Lighting Standards. *All outdoor lighting shall conform to the following standards:*

- 1. All outdoor lighting, including residential outdoor lighting, shall be hooded or screened as to direct the source of light downward and focus onto the property from which it originates and shall not negatively impact adjacent properties or directly reflect upon any adjacent residential property.*
- 3. External lights used to illuminate a sign or the side of a building or wall shall be shielded to prevent the light from shining off of the surface intended to be illuminated.*
- 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.*

17.16.070 Lighting: *Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.*

17.16.080 Moving signs prohibited. *Moving signs or parts of signs shall not be allowed.*

The project applicant did not submit a photometric study to ensure light will not leave the property, but shielded lights are proposed and if approved a lighting plan would be required to be submitted with the building permit. 17.16.080 has been interpreted to include LED illuminated signs in the prohibition. The sign does not propose any of these features however; staff recommends a condition to comply with 17.16.080.

Development Standards: Section 17.32.040(A) thru (E) of the County Code requires that all structures within the Commercial zone district meet certain criteria including setbacks and heights for structures, however Section 17.16.050 states that signs may be located on the required yards or setbacks, providing they do not constitute a hazard to pedestrians or vehicular traffic, do not conceal from view any public sign or traffic signal and are not located on nor extend onto or project over public right-of-way without having first obtained a written revocable permit from the director of department of transportation to do so. The applicants have agreed to a one foot setback as they are not sure of the actual placement of the sign in relation to the property lines. At the building permit stage they will be required to verify the property lines and ensure that the sign meets the one foot setback and is located on the project parcel. The proposed sign meets the height standard contained in Section 17.32.040(E) and location requirements of Section 17.16.050.

ENVIRONMENTAL REVIEW

Staff has determined that, pursuant to Section 15301 of the CEQA Guidelines that *consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.* As proposed the off-premise sign would only be minimally expanding the structures or uses beyond what currently exists at the developed commercial site. Physical impacts would include two post holes and trenching for electrical lines within an established commercial development. The proposed sign would not have any significant aesthetic impacts

and would not interfere with line of site from the adjacent road intersection. 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 Number Map
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan Sheet 1
Exhibit F	Site Plan Sheet 2
Exhibit G	Elevation and Sign Details
Exhibit H	Electrical and Lighting Plan
Exhibit I	Parcel Map 32-94
Exhibit J	Pollock Pines Design Review Committee Minutes
Exhibit K	Location of Existing Freestanding Sign
Exhibit L	Freestanding Sign Photo
Exhibit M	Street View of Corner of Pony Express Trail and Sly Park

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S12-0001/Pollock Pines Events Off-Premise Advertising Sign
Zoning Administrator/October 17, 2012**

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit ESite Plan Sheet 1
Exhibit F.....Site Plan Sheet 2
Exhibit G.....Elevation and Sign Details
Exhibit H.....Electrical and Lighting Plan

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:

A lighted off-premise sign consisting of a single sign face not to exceed 87 square feet in size placed on wooden posts 2.4 feet high for a total height of 9 feet. The off-premise sign is a wood structure consisting of a ¾” plywood sign face painted forest green, dark blue, and brown supported by 6” by 6” wooden posts. Illumination of the sign face would be by three shielded directional lights installed at the top of the structure.

2. This Special Use Permit is valid for four years after the date of approval. If the applicant fails to apply for an extension of this permit at least 8 months prior to expiration, the Special Use Permit shall expire and be of no further force and effect. Within 60 days of expiration, the signs and structure shall be removed.
3. Expiration: Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
4. Project Conformance: The applicant shall be responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the sign are ultimately the responsibility of the sign owner (lessee) and property owner (lessor). Project improvements shall be completed in conformance with the plans submitted and in

conformance with the conditions of approval herein and shall substantially comply with Exhibits listed in Condition of Approval 1 above. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. The Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications or building permit approvals.

5. Prior to 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 for verification of compliance with applicable conditions of approval. The applicant shall pay Planning Services for the time spent reviewing the site on a time and materials basis. All future development plans shall include this condition on the submitted plans.
6. Lighting: All exterior lighting shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation and shall direct the source of light downward. External lights used to illuminate the sign shall be shielded to prevent the light from shining off of the surface intended to be illuminated. Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones.

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 Planning Services.
7. Moving signs or parts of signs including light emitting diodes (LED) shall not be allowed.
8. All improvements associated with the off-premise sign shall be properly maintained at all times.
9. Prior to permit issuance for the subject sign, applicant shall submit for DOT's review and approval of the sign location. Said approval shall include a "Corner Sight Distance" analysis of the sign location to assure that the sign will not interfere with the line of sight for the public traffic on Sly Park Road and Pony Express Trail.
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 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.

11. If human remains are discovered at any time during the subdivision improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.

ATTACHMENT 2

FINDINGS

Special Use Permit S12-0001/Pollock Pines Events Off-Premise Advertising Sign Zoning Administrator/October 17, 2012

1.0 CEQA FINDINGS

- 1.1 This project is Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines that *consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.* As proposed the off-premise sign would only be minimally expanding the structures or uses beyond what currently exists at the developed commercial site. Physical impacts include two post holes and trenching for electrical lines within an established commercial development. The proposed sign will not have any significant aesthetic impacts and would not interfere with line of site due to the proximity to an intersection
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Commercial land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because the Commercial land use designation provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. The off-premise sign is a commercial use that will serve residents, businesses, and visitors of El Dorado County.
- 2.2 The proposal is consistent with the intent of General Plan Policies 2.2.5.21 (compatibility with surroundings) and Goal 2.7 (regulation of the size, quantity, and location of signs) as the proposed off-premise sign is of a size and design that is consistent with the adjacent commercial development and rural mountain environment, was reviewed by the Pollock Pines Design Review Committee which recommended approval; and is in a visible location but is not a hazard to passing motorists.

3.0 SPECIAL USE PERMIT FINDINGS

- 3.1 **The issuance of the permit is consistent with the General Plan.**

The proposed project is consistent with the General Plan as discussed above in the General Plan Findings.

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

The proposed off-premise sign will comply, as conditioned, with the Development Standards of the C-DS zone district. The proposed Special Use Permit, as conditioned, complies with the requirements of Chapter 17.22, Special Use Permits, and 17.16.120, Off-Premise Signs, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, as the off-premise sign is consistent in design and size with existing commercial development and would not constitute a hazard as there is a low potential for line of sight issues for motorists passing the sign.

3.3 **The proposed use is specifically permitted by Special Use Permit.**

The proposed off-premise sign is specifically permitted by special use permit in a commercial zone district pursuant to Section 17.16.120, Off-Premise Signs, of the El Dorado County Code