

DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

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TO:	Planning Commission	Agenda of:	February 23, 2012
FROM:	Aaron Mount, Project Planner	Item No.:	10.d
DATE:	February 23, 2012		
RE:	Special Use Permit S11-0006/Coach Lane Off-Premise Advertising Sign – Findings for Denial		

Based on the Planning Commission's discussion and public testimony on February 23, 2012, staff has prepared the following findings for the Planning Commission's consideration:

FINDINGS FOR DENIAL

Special Use Permit S11-0006/Coach Lane Drive Off-Premise Sign Planning Commission/February 23, 2012

1.0 CEQA Findings

1.1 The Commission disagrees with the conclusions contained in the Negative Declaration prepared and presented by staff that the application as proposed and presented, a 50 foot tall sign with two sign faces of 642 672 feet has no potential to cause significant unavoidable impacts to aesthetics and land use. The Planning Commission hereby rejects the Negative Declaration prepared for the project. There was substantial evidence presented at the hearings on this application that supports a fair argument that the sign as proposed would cause a significant impact. Therefore an environmental impact report would be required before the project could appropriately be considered as proposed. While the Commission finds that this area is one where a sign of reduced size and height could be considered and potentially approved, the Commission was not provided with alternatives or mitigation that would enable it to approve the project at this time.

The Commission inquired of the applicant whether the applicant desired to continue the matter off calendar to prepare alternatives and potential mitigation measures, but the applicant declined to entertain the request to modify and reduce the size of the project.

1.2 The Commission finds that the project as proposed cannot be approved for the reasons set forth in Findings 2.0-2.3, below. Section 15270 of the CEQA Guidelines state that

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CEQA does not apply to a project that the agency rejects or disapproves. This action denying the project is hereby found to be statutorily exempt from CEQA pursuant to Section 15270(a).

2.0. Section 17.22.540.A of the County Code requires the approving authority to approve a special use permit only after making all of the following findings:

2.1 Special Use Permit Finding 1. The issuance of the permit is consistent with the General Plan (17.22.540.A.1).

Finding 1: The Planning Commission finds that the off-premise sign as proposed is inconsistent with General Plan requirements to protect the visual appearance of El Dorado County and overburdens the project parcel. The site is plainly visible from public roadways including U.S. Highway 50 and Coach Lane. It is the Planning Commissions finding, based on substantial written and verbal testimony from members of the community that the off-premise sign proposed in this application would visually dominate the immediate area. The sign is proposed for a property which is already fully developed with a restaurant, drive through, parking lot, and 80 ft square foot sign approximately 40 feet in height. The proposed sign, when added to the existing building, parking lot, drive through and sign would overburden the parcel and make the property unsightly for the neighboring properties and the traveling public. State highways, including U.S. Highway 50, are considered scenic and development proposals require consideration of a design review application, pursuant to County Code Section 17.14.130, by the Planning Commission to consider structure design, size, mass, materials, and colors.

Policy 2.2.5.21 states that development projects shall 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. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility, including reducing the scale and or height, or shall be located on a different site.

The Commission finds that there is substantial evidence that installation of an off-site advertising sign of this size would not be compatible with existing development on the subject parcel or adjoining uses because:

1. The proposed sign is 50 feet tall with two sign faces of ~~642~~ 672 square feet each in a V configuration, with the display panels not parallel to one another. It is substantially larger than the existing sign on the parcel and which, in combination with the existing sign and structure would exceed the reasonable use of the parcel. The Commission finds that the applicant is attempting to "shoe horn" too much development on this site.
2. Adjacent structures are typically low profile, one to two stories in height, painted in earth tone colors, and constructed of natural materials.

4. Staff recognized the size and height were problematic and conditioned the proposed sign to have a reduced size from 672 square feet to 200 square feet for a single sign face; however, the applicant has not accepted those restrictions and those conditions were not analyzed as potential mitigation.

5. The scale of this proposed sign (50 feet high with two ~~642~~ 672 foot faces) is not compatible with other signs in the area that are generally smaller and less obtrusive, particularly when considered in combination with the existing restaurant, drive through, parking lot and existing sign.

The Commission concludes that the sign is inconsistent with the General Plan's goals and objectives to maintain views and enhance the scenic qualities of roadways in order to preserve the County's natural beauty as well as to sustain tourism to support the local economy.

Finding 1 Conclusion: This finding cannot be made. Pursuant to County Code Section 17.22.540, all three findings are required for any approval. Therefore this Special Use Permit cannot be approved.

2.2 Special Use Permit Finding 2. The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood (17.22.540.A.2).

Finding 2: Based on the review of the application and testimony received at the hearing, the Planning Commission finds that the proposed off-site sign would be detrimental to the public welfare, and injurious to the neighborhood. The size, height, materials and location of proposed signs are evaluated when a proposed Special Use Permit for an offsite advertising sign is submitted for the County's review and approval.

The Commission finds that the off-site sign would negatively impact visibility of other on-site advertising signs in the vicinity either by directly blocking other signs or by being a distraction based on its visual dominance which would marginalize the utility of other on-site signs.

The Commission finds that the carrying capacity of the project parcel is being exceeded as proposed with inclusion of the existing structures and uses on the site.

The Commission finds that as proposed the height is excessive but that lowering the height could potentially cause safety issues as an existing drive aisle is beneath the sign.

The Commission finds that the project parcel would be overburdened with the proposed sign because there is already an existing 3,500 square foot restaurant with a drive-through, an existing pole sign with a sign face of 80 square feet, existing parking, and landscaping.

The Commission finds that the site sign may be appropriate on an adjacent site that is not as developed as the proposed project parcel.

The Commission finds that the scale of the sign is dramatically larger than the other structures on the project parcel.

The Commission finds that the sign as proposed is not compatible and out of scale with the site and what is currently there, especially the conflict with the drive-through and the attendant health and safety issues with lowering the proposed sign due to the drive through and other existing uses on the site.

The Commission finds that the impact is intensified by the topography when traveling east west bound on U.S. Highway 50 and will dominate the landscape.

The Commission finds that the sign will be detrimental to the neighborhood because of the cumulative effects of adding additional signage to an area that already has an excessive number of signs.

Substantial public testimony was received by the Planning Commission that the proposed sign has the potential to block the public's view of existing businesses when driving on U.S. Highway 50 due to the proposed sign's height and scale.

The Commission finds that a sign may be compatible in this area; however, the proposed sign is not compatible for the reasons stated herein. The Commission concludes that the scale of the sign (large size and height) is not compatible or consistent with the existing built environment and would overly dominate the landscape.

Finding 2 Conclusion: This finding cannot be made and pursuant to County Code Section 17.22.540, all three findings are required. Therefore this Special Use Permit cannot be approved.

2.3 Special Use Permit Finding 3. The proposed use is specifically permitted by special use permit (17.22.540.A.3).

Finding 3: Section 17.16.120 requires a special use permit for off-premise signs. Additionally, 17.14.130 requires all proposed structures that are within a commercial or multifamily zone district and that faces a state highway shall be considered by the planning commission in an endeavor to provide that the architectural and general appearance of the buildings or structures be in keeping with the character of the neighborhood, not to be detrimental to the orderly and harmonious development of the county, and not impair the desirability of investment or occupation in the neighborhood. Section 17.22 provides the procedure and findings for a Special Use Permit.

Finding 3 Conclusion: Although Finding 3 can be made, pursuant to 17.22.540, all three findings are required. Since Findings 1 and 2 cannot be made, this Special Use Permit cannot be approved.

3.0 Summary Finding: Pursuant to 17.22.540, denial of a special use permit requires the approving authority to specify the grounds for the denial. S11-0004 S11-0006 has been found by the Planning Commission to be inconsistent with the General Plan as described in Finding 2.1 "Finding 1" and detrimental to the public welfare and injurious to the

neighborhood as described in Finding 2.2 "Finding 2" and is therefore denied. The grounds for denial are contained within these findings.

- 4.0 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 at 2850 Fairlane Court, Placerville, CA 95667.
- 5.0 **Appeal Procedure:** The Planning Commission's decision can be appealed to the Board of Supervisors within ten working days from February 23, 2012. Contact Planning Services at (530) 621-5355 for required application form and fees.