PC 2/9/12
#10.a

File Number: S11-0004-A Receipt No.: ✓

Date Received: 1-10-12 Amount: ✓

12 JAN 10 PM 2:27
RECEIVED
PLANNING DEPARTMENT

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Dyana Anderly

ADDRESS 3484 Chasen Drive, Cameron Park, CA 95682

DAYTIME TELEPHONE 530.572.2232

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT

ADDRESS

DAYTIME TELEPHONE

APPEAL BEING MADE TO: ☐ Board of Supervisors ☑ Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Please see attached.

DATE OF ACTION BEING APPEALED January 9, 2012

Dyana Anderly
Signature

1-9-12
Date

I am appealing the contention of the applicant, Mr. Pereira, that the projects are "deemed approved" due to delays in processing the applications by El Dorado County. In Mr. Pereira's "Public Notice of Application for Special Use Permit" he indicates that a hearing must be held within 60 days of his letter because there was a determination by "Planning Services" that the projects are categorically exempt from CEQA and the final action must be made within the 60 days of his letter or they would be "deemed approved." This action on Mr. Pereira's part does not satisfy the requirements of the applicable government code which indicates that the 60 days is from the date of "determination by the lead agency that the project is exempt from the California Environmental Quality Act..." In fact, no such determination had been made by an El Dorado County decision-making body, nor has it ever been determined that the projects are categorically exempt from environmental review. It is my understanding that the planning staff will recommend that the projects are subject to environmental review and negative declarations are being or have been prepared for the projects, but the lead agency has yet to make that final determination. Furthermore, the title of Mr. Pereira's public notice is "Public Notice of Application for Special Use Permit" which is misleading since his purpose is not to advise the public of the application but to supply a notice of a "deemed approval" action.

Additionally, I disagree and appeal Mr. Pereira's claim that his proposed off-premise signs are categorically exempt from environmental review for the following reasons:

> There are inconsistencies of the projects with the El Dorado County General Plan and the adopted Cameron Park Vision Statement. If a project has a potentially significant impact due to conflicts "*with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance,*" the project is not exempt from environmental review. These inconsistencies with the El Dorado General Plan policies and guidelines are indicated below.
>
> ### ***PRINCIPLES***
>
> *The General Plan establishes a land use development pattern that makes the most efficient and feasible use of existing infrastructure and public services.*
> *The General Plan provides guidelines for new and existing development that promotes a sense of community.*
> *The General Plan defines those characteristics which make the County "rural" and provides strategies for preserving these*
> *The General Plan provides opportunities for positive economic growth such as increased employment opportunities, greater capture of tourism, increased retail sales, and high technology industries.*
> *The General Plan provides guidelines for new development that maintains or enhances the quality of the County.*

In my opinion there is absolutely NO evidence to show that installation of off-premise signs will maintain or enhance the quality of the County. In fact, off-premise signs are viewed by many as visually offensive.

General Plan GOAL 2.1: LAND USE

Protection and conservation of existing communities and rural centers; creation of new sustainable communities; curtailment of urban/suburban sprawl; location and intensity of future development consistent with the availability of adequate infrastructure; and mixed and balanced uses that promote use of alternate transportation systems.

Comment: There is no evidence that installation of off-premise signs will protect and conserve the existing community. Furthermore, the Cameron Park Vision Statement is supportive of "*The sustainable integration of environmentally sensitive natural resources,*" which off-premise signs fail to do.

General Plan OBJECTIVE 2.1.1: COMMUNITY REGIONS

Purpose: The urban limit line establishes a line on the General Plan land use maps demarcating where the urban and suburban land uses will be developed. The Community Region boundaries as depicted on the General Plan land use map shall be the established urban limit line.

> ***Provide opportunities that allow for continued population growth and economic expansion while preserving the character and extent of existing rural centers and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life and economic health of the County.***

Comment: There is no evidence that installation of off-premise signs would preserve the character and extent of existing rural centers and urban communities. nor would they emphasize both the natural setting and built design elements which contribute to the quality of life and economic health of the County. Businesses wishing to advertise on off-premise signs may already do so where off-premise signs are available elsewhere.

General Plan Policy 2.2.5.21 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 or shall be located on a different site.

Comment: There is no evidence that installation of off-premise signs would be compatible with existing development projects. All graphic illustrations provided by the project proponent failed to address visual impacts from adjacent land uses at a pedestrian scale or from Coach Lane. It is

my observation that the visual impact from off-premise signs on those areas immediately surrounding the signs is unpleasant at best.

General Plan Section on VISUAL RESOURCES AND COMMUNITY DESIGN

GOAL 2.3: NATURAL LANDSCAPE FEATURES

"Maintain the characteristic natural landscape features unique to each area of the County."

Comment: There is no evidence that installation of off-premise signs would maintain the characteristic natural landscape features unique to local views of the surrounding hillsides and the Sierras. The design of the off-premise signs and its copy are designed to draw drivers' attention away from local visual attributes and toward the signs.

General Plan GOAL 2.4: EXISTING COMMUNITY IDENTITY

"Maintain and enhance the character of existing rural and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents."

General Plan Policy 2.4.1.2 *The County shall develop community design guidelines in concert with members of each community which will detail specific qualities and features unique to the community as Planning staff and funds are available. Each plan shall contain design guidelines to be used in project site review of all discretionary project permits. Such plans may be developed for Rural Centers to the extent possible. The guidelines shall include, but not be limited to, the following criteria:*

A. Historic preservation
B. Streetscape elements and improvements
C. Signage
D. Maintenance of existing scenic road and riparian corridors
E. Compatible architectural design
F. Designs for landmark land uses
G. Outdoor art

Comment: This task cited above has not been carried out by staff; however, this task with respect to Cameron Park has been completed to the extent that draft sign guidelines are ready to be processed and include a prohibition of off-premise signs.

General Plan GOAL 2.5: COMMUNITY IDENTITY

"Carefully planned communities incorporating visual elements which enhance and maintain the rural character and promote a sense of community."

Comment: There is no evidence that installation of off-premise signs would enhance and maintain the rural character and promote a sense of community. The copy on off-premise signs cannot be controlled by the County and may include promoting businesses and activities outside El Dorado County and/or the immediate vicinity.

- **General Plan GOAL 2.7: SIGNS**

- ***Regulation of the size, quantity, and location of signs to maintain and enhance the visual appearance of the County.***

Comment: There is no evidence that installation of off-premise signs would either maintain or enhance the visual appearance of the County. With regard to the General Welfare Standard: (*Hawkins v. County of Marin* (1976) 54 Cal.App.3d 586), the term "public welfare" includes aesthetic impacts and clearly there is nothing to support billboards as features that contribute in a positive way to the aesthetic value of a community. Conversely, appears that they have a significant and unavoidable negative visual impact on the community.

General Plan GOAL 2.8: LIGHTING

"Elimination of high intensity lighting and glare consistent with prudent safety practices."

Comment: Off-premise signs are highly illuminated so as to attract the attention of the traveling public.

General Plan OBJECTIVE 2.8.1: LIGHTING STANDARDS

"Provide standards, consistent with prudent safety practices, for the elimination of high intensity lighting and glare."

Policy 2.8.1.1 *Development shall limit excess nighttime light and glare from parking area lighting, signage, and buildings. Consideration will be given to design features, namely directional shielding for street lighting, parking lot lighting, sport field lighting, and other significant light sources, that could reduce effects from nighttime lighting. In addition, consideration will be given to the use of automatic shutoffs or motion sensors for lighting features in rural areas to further reduce excess nighttime light.*

Comment: There is no evidence that installation of off-premise signs, which are illuminated in any manner and such as proposed, would not contribute to nighttime light and glare; rather, the purpose of illuminated off-premise signs is to draw attention from nighttime sky to illuminated advertising.

- **MEASURE LU-I**

Inventory potential scenic corridors and prepare a Scenic Corridor Ordinance, which should include development standards, provisions for avoidance of ridgeline development, and off-premise sign amortization. [Policies 2.6.1.1 through 2.6.1.7] Responsibility:	*Planning Department and Department of Transportation,*
Time Frame:	*Begin inventory immediately following General Plan adoption. Adopt ordinance within 18 months.*

Comment: The project applicant points to the lack of scenic highway designation as a reason to approve the proposed off-premise signs. However, staff has failed to address the scenic highway designation in the areas of Cameron Park and Shingle Springs as directed in the General Plan. This failure on the part of staff, in my opinion, cancels out the applicant's contention that lack of scenic highway designation would allow the installation of off-premise signs.

The proposed off-premise signs are inconsistent with that portion of the Cameron Part Vision Statement which states that in considering new projects, the following must be considered: "4. *The sustainable integration of environmentally sensitive natural resources.* Off-premise signs do not serve to effectively integrate with the County's environmentally sensitive natural resources, including its scenic, rural character.

In addition to not being consistent with the General Plan, there are other factors which indicate that the off-premise signs are not exempt from environmental review as claimed by the applicant. They are:

1. CEQA Section 15311, Accessory Structures, specifically exempts ON-PREMISE signs, but does NOT exempt billboards, which are classified as OFF-PREMISE signs.

2. In that the applicant submitted only inadequate visual simulations of the proposed off-premise signs, there has not been a significant and proper visual analysis of the impact of the proposed billboards with which to make a determination regarding potential significant aesthetic impacts. For example, there were no visual simulations addressing near-view impacts or graphic analyses from various viewpoints.

3. CEQA Section 15300.2(b) Exemptions states, *"All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."* Given the cumulative impacts of the proposed billboards on the area, an exemption is not correct. Furthermore, any approval of the

billboards would have the potential of setting a precedent for more billboards along Highway 50.

4. The State's Evaluation of Environmental Impacts addresses potential impacts, including aesthetic impacts. Questions regarding aesthetic impacts ask if the project would *"substantially degrade the existing visual character or quality of the site and its surrounding"* or *"create a new source of substantial light or glare which would adversely affect day or nighttime views in the area."* The billboards are the largest and most visually obtrusive signs yet proposed for the areas at issue along Highway 50. They are of regional significance. They are 50 feet high and almost as wide, triangular in shape, and illuminated. Given their potentially significant aesthetic impacts, the off-premise signs are not exempt from environmental review.

5. CEQA Section 15064 (c) states, *"In determining whether an effect will be adverse or beneficial, the Lead Agency shall consider the views held by members of the public in all areas affected as expressed in the whole record before the lead agency. ...."* The Planning Services staff was advised by way of a formal response of the Cameron Park Design Review Committee that the proposed billboards would have a significant aesthetic impact and also by me as an individual. In addition, many members of the community have signed petitions objecting to the billboards.

6. CEQA Section 15064(f)(1) states,

If the lead agency determines there is substantial evidence in the record that the project may have a significant effect on the environment, the lead agency shall prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988). Said another way, if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

Further, I am requesting that there be a public hearing on the projects wherein the potential environmental impacts of the off-premise signs are considered and public testimony is be taken to help decision-makers determine whether to approve or deny the projects.

Special Use Permit

18934 PC 2/9/12 #10.a

File Number: Application S11-0004-A-2 Receipt No.: ✓

Date Received: 1-17-12 Amount: ✓

Parcel # 090-430-09-100

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

RECEIVED JAN 17 2012 PLANNING DEPARTMENT

APPELLANT Don Ricketts

ADDRESS P.O. Box 270 Shingle Springs CA 95682

DAYTIME TELEPHONE 530-409-9418

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: ☐ Board of Supervisors ☒ Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

As stated in my attached letter of opposition to this off-site BillBoard, I am submitting this Appeal form to restate my protest of this special use permit For the following reasons: ① The BillBoard will Block the Signage and view of my Building, and limit and Interfere with the freeway visibility for my Tenants ② A BillBoard is not Aesthetically pleasing For my Tenants ③ the Applicant is not a property owner on Sunset Lane

DATE OF ACTION BEING APPEALED 12-30-2011

Don Ricketts 1-13-12

Signature Date

January 6, 2012

Mr. Aaron Mount
El Dorado County Department of Planning Services
2850 Fairlane Court, Building C
Placerville, CA 95667

REGARDING: Special Use Permit Application : S11-0004
Located: 4241 Sunset Lane, Shingle Springs
Assessor's Parcel #: 090-430-09-100
Zoning: CG
Applicant: John David Pereira

Dear Mr. Mount,

Please accept this letter as my formal opposition to a proposed special use permit for an off-site billboard sign to be placed on Assessor's Parcel #: 090-430-09-100; Zoning: CG: requested by Applicant John David Pereira.

I protest this special use permit because it would block the signage and view of my building, which I paid a premium for in order to have freeway visibility for my tenants' benefits.

I also protest this on the grounds that it would not be aesthetically pleasing to view a huge billboard and would detract from the view for my tenants' pleasure.

This applicant is not an owner of property on Sunset Lane and I don't feel he has the right to proceed in this matter.

I appreciate your accepting my stated protest into consideration and rejecting the proposed use permit. I would appreciate being notified of the public meeting to discuss this issue.

Thank you.

Sincerely,

Don Ricketts
530-409-9418
P.O. Box 270
Shingle Springs, CA 95682

PC 2/9/12
#10.a

February 6, 2012

To: El Dorado County Planning Commissioners

Re: Clarification of Appeal

Dear Planning Commissioners:

Contrary to what is indicated in the staff report, I did not appeal the project; rather, I appealed the applicant's contention that his projects were "deemed approved" and requested a public hearing to consider the applications. I appealed in order for the projects to be heard in a public forum and for the recommendation of the Design Review Committee to be considered.

In addition to appealing the proposed Cameron Park off-premise sign, I appealed the other two signs proposed for the following reason: The applicant's proposal consists of three signs, and the California Environmental Quality Act (CEQA) requires that cumulative impacts of a project be considered. There is an environmental difference between constructing only one off-premise sign as compared to three off-premise signs. For example, the aesthetic impact of three signs is much greater than the aesthetic impact of one sign, and the potential for more signs in the future may also be a consideration. Therefore, the off-premise sign proposed for Cameron Park should be considered in connection with the other two proposed off-premise signs.

Regards,

/s/ Dyana Anderly

Dyana Anderly, Vice Chair
Cameron Park Design Review Committee