



COUNTY OF LAKE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

Courthouse - 255 N. Forbes Street

Lakeport, California 95453

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Item 1

9:05 A.M.

March 26, 2020

STAFF REPORT

TO: Planning Commission

FROM: Scott DeLeon, Interim Community Development Director
Prepared by: Simone Hingston, Assistant Planner

DATE: March 9, 2020

SUBJECT: Request for Major Use Permit, Design Review and Categorical Exemption for Lamar Advertising, for an off-site advertising billboard; UP 19-23, DR 19-03 and CE 19-54. Supervisor District 4

ATTACHMENTS:

1. Vicinity Map
2. Zoning Map
3. Photos
4. Site Plan from Original Use Permit (UP 95-6)
5. Elevation
6. Comments
7. Conditions of Approval

I. EXECUTIVE SUMMARY

On June 8, 1995, the Planning Commission approved the off-site advertising billboard on a "C3-DR", Service Commercial – Design Review Combining District zoned property located at 47 Soda Bay Road, Lakeport, adjacent to Highway 29. The original use permit was approved by the Planning Commission for a ten year term limit on June 8, 1995 (UP 95-6). This use permit was extended for five years on January 12, 2006 (UP 05-07) and again on February 10, 2011 (UP 10-09, with modifications to the lighting). The UP 10-09 expired on February 10, 2016. The applicant is requesting a major use permit. Staff recommends that the Planning Commission approve the use permit for a five year period.

The applicant is requesting a major use permit for the billboard. Section 45.22 of the Lake County Zoning Ordinance allows "Off-site outdoor advertising billboard in the "C3", "MI", "M2" and "PDC" zoning districts with approval of a major use permit.

II. PROJECT DESCRIPTION

Applicant: Lamar Advertising
Anthony Meeks
3737 Alken Street
Bakersfield, CA 93308

Owner: Lettisia Nicosia
P.O. Box 1993
Lakeport, CA 95453

APN: 082-092-03

Parcel Size (approx.): 0.916 acres (39,900 square feet)

Location: 47 Soda Bay Road, Lakeport, CA

Project Name: Lamar Advertising UP Renewal

Existing Zoning: "C3-DR" Service Commercial – Design Review Combining District

General Plan Designation: "CS" Service Commercial

Application: Major Use Permit, Design Review, Categorical Exemption

Flood Zone: "X" areas of minimal flooding – not in a special flood hazard zone

III. PROJECT SETTING

Existing Uses and Improvements: The property is currently vacant and only used for the approved billboard.

Surrounding Zoning and Land Use: The site is located south-east of the intersection of Highway 29 and Hwy 175 (Soda Bay Road).
The property to the north-west is developed with a commercial building.
The property to the north-east, across of Soda Bay Road, is developed with a movie theater and a drive-in movie theater.
The property to the south-east is vacant and only used for an approved billboard.

Topography: The parcel has a slope average of approximately 16.6% from Hwy 29 down to Soda Bay Road.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A, The parcel contains soil type 141.
Soil type 141, Henneke-Montara complex, 8 to 15 percent slope. Surface runoff of this soil is medium and the hazard of erosion is moderate. This soil type has moderate shrink-swell potential.

Water Supply: Lakeport Water District

Sewage Disposal: N/A

Fire Protection: Lakeport Fire Protection District

Vegetation: Grass

IV. PROJECT ANALYSIS

The existing billboard is 22 feet tall measured from grade to the top of the billboard. The billboard is double-faced, with 400 square feet of area per face and have downcast lighting from the top of the billboards. The billboard is visible from both directions on Highway 29. The "C3" zoning district requires a ten (10) foot front yard setback for billboards. The existing billboard was approved with setbacks of less than ten (10) feet from the Highway 29 property line. Through the use permit process, Zoning Ordinance Section 45.26(a) allows for the required yard setbacks to be reduced if adherence to the setbacks severely limits the visibility of the billboard. In this case, it was determined that the topography of this parcel, which is higher than the highway and slope steeply downward toward Soda Bay Road, would hinder the visibility of the billboard from Highway 29 if they were to be placed at the minimum ten (10) foot front yard setback.

The applicant has not proposed any changes to the existing billboard.

General Plan Conformance

The Lake County General Plan designates the site as 'Service Commercial', which is intended for high intensity commercial development. The billboard is consistent with high intensity commercial development and is therefore allowed under the Service Commercial designation for the property.

The following General Plan policies apply to this project:

Policy LU-5.4 Compatibility with Surrounding Land Use. The County shall ensure that appropriate industrial / heavy commercial sites will not result in harmful impacts to adjacent land uses. In addition, sites should be designed to prevent the intrusion of incompatible uses into industrial areas. Infilling of existing industrial areas is highly desirable where feasible.

The billboard is located on a vacant lot. Zoning C3 surrounds the property on the south, east and north side of the property. On the western side of the proposed project is Highway 29. The project will not result in harmful impacts to the adjacent properties.

Policy OSC-2.13 Control of Light and Glare. The County shall require that all outdoor light fixtures including street lighting, externally illuminated billboards, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward (i.e., lighting shall not emit higher than a horizontal level). Where public safety would not be compromised, the County shall encourage the use of low energy lighting for all outdoor light fixtures.

This policy was addressed with the last application for continued use (UP 10-09) and the applicant changed the lighting to the top of the billboard and directed downwards on 04/14/2011. The lighting, as it exists today, does meet the required standards.

Zoning Ordinance Conformance

Article 45.22 of the Zoning Ordinance was amended on January 26, 2009 and it allows for off-site outdoor advertising billboards in the "C3" district subject to first obtaining a major use permit in each case and subject to the following regulations:

- (a) No more than four hundred (400) square feet in area per face.*
- (b) One (1) sign per lot maximum.*
- (c) Maximum sign height from ground level to bottom of sign: twelve (12) feet, unless down-sloping terrain from the road necessitates increasing the height.*
- (d) Signs shall be non-illuminated or illuminated by indirect lighting.*
- (e) Billboard signs shall be located within Community Growth Boundaries, within one-thousand (1, 000) feet of said Boundaries or within an incorporated city's sphere of influence.*
- (f) Use permits that are approved for billboard signs shall expire after five (5) years unless applications for renewals are filed and granted. Any subsequent use permit renewals may be approved for a maximum term of five (5) years.*

The existing billboard meets the stated requirements (a) through (e). The previous use permit expired on February 10, 2016.

Area Plan Conformance

The Lakeport Area Plan does address billboards in regard to designated scenic corridors. A scenic corridor is in existence on the west side of Hwy 29.

The existing project is not within a scenic corridor.

The Design Review within the Lakeport Area Plan requires sign lighting to be hooded, subdued and compatible with surrounding development. Sign lighting should be indirect rather than internally illuminated.

The existing project meets all these requirements.

V. ENVIRONMENTAL ANALYSIS

An Initial Study (IS 95-11) was prepared by staff for the Major Use Permit (UP 95-6) and approved on June 8, 1995. No new information of change in the project was received or new significant environmental impacts were identified. According to CEQA Guidelines, a Categorical Exemption can be applied per Section 15301: Existing Facilities Class 1. The proposed project consists of the operation of an existing private structure involving negligible or no expansion of existing or former use. Therefore the project can be categorically exempt and no additional environmental review is required.

1. The existing project is located in an established community area and will not result in any significant adverse aesthetic impact.
2. The project is consistent with the Lake County General Plan, the Lake County Zoning Ordinance, and the Lakeport Area Plan.
3. There has been no change in the project which would create new significant environmental impacts.
4. There has been no substantial change in circumstances resulting in new significant environmental impacts.

5. No new information of substantial importance to the project has become available.

VI. MAJOR USE PERMIT FINDINGS

1. *That the establishment, maintenance, or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.*

The billboard is not detrimental to property and improvements in the neighborhood or the general welfare of the County as the proposed billboard is located in an area that is intended for high intensity commercial development. The subject site is 0.916 acres (39,900 square feet) and is presently vacant. The proposed location of the billboard is such that a commercial use could still be developed on the site without interfering with the location and functionality of the billboard.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The site and immediate area are intended to support commercial development. The site is undeveloped but could support a commercial use in addition to the billboard. The billboard is positioned at the west corner of the property, which would still allow vehicular ingress and egress to and from Soda Bay Road adjacent to the site. The property is not accessible from Highway 29.

3. *That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

Soda Bay Road adjacent to the site is not at or over capacity. The billboard will not generate significant vehicular trips. The billboard will have a neutral effect on pedestrian activity.

4. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The site has adequate services for the billboard which just requires power.

5. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use study or plan.*

The existing billboard is in conformance with this Code, the General Plan and the Zoning Ordinance.

6. *That no violation of Chapters 5, 17 or 21 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

The department has no record of current violations of Chapters 5, 17 or 21 of the Lake County Code.

VII. DESIGN REVIEW FINDINGS

1. *That the proposed use is a permitted use in the district where located.*

Billboards are permitted in the C3-DR zoning district subject to review and approval of a major use permit and design review.

2. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.*

The site is 0.916 acres (39,900 square feet in area), it is large enough to accommodate the billboard and a commercial building.

3. *That there are adequate public or private services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

The site only requires power which is available adjacent to the site.

4. *That the project is in conformance with the applicable provisions and policies of this Code, the General Plan and any approved zoning or land use study or plan.*

The proposed billboard meets the respective requirements of the General Plan, the Zoning Ordinance, and the Area Plan.

5. *That the placement and design of buildings and structures are compatible with existing development and will not detract from the visual setting.*

The site and the area is intended for commercial development. The property south-east is vacant with an existing billboard (off-site) on the site. There is a commercial building on the north-west. On the property east, across Soda Bay Road is a movie theater and drive-in theater. The billboard is compatible with high intensity commercial development.

6. *That the project is in conformance with any applicable community design manual criteria.*

There are no applicable design standards in the Area Plan, however there are applicable design standards in the Zoning Ordinance (Chapter 45, subsections 20 through 22). Conformance with Article 45 and with Article 20 (C3-DR Zone) is evaluated later in this document.

7. *That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.*

The billboard requires no pedestrian facilities to serve it. There are adequate highway lanes adjacent to the site. No further road or pedestrian improvements are necessary.

8. *That no violation of Chapters 5, 17 or 21 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.*

The department has no record of current violations of Chapters 5, 17 or 21 of the Lake County Code.

VIII. RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- A. The project meets the requirements of Section 15301. Class 1 of the State CEQA Guidelines and is therefore categorically exempt from CEQA, and that no additional environmental review need be prepared, with the following findings:
 - 1. The existing project is located in an established community area and will not result in any significant adverse aesthetic impact.
 - 2. The existing project is consistent with the Lake County General Plan, the Lake County Zoning Ordinance, and the Lakeport Area Plan.
 - 3. There has been no change in the project which would create new significant environmental impacts.
 - 4. There has been no substantial change in circumstances resulting in new significant environmental impacts.
 - 5. No new information of substantial importance to the project has become available.
- B. Report that the major use permit is in conformity with the Lake County General Plan based on the following findings:
 - 1. The project will not result in any significant adverse environmental impacts.
 - 2. The proposed project is compatible with the surrounding land uses.
 - 3. The proposed project is in conformance with the Lake County General Plan goals and policies related to Land Use, Open Space and Conservation.
- C. Report that the Design Review is in conformity with the Lake County General Plan based on the following findings:
 - 1. The existing use is a permitted use in the district where located.
 - 2. That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
 - 3. That there are adequate public or private services, including but not limited to fire protection, water supply, and sewage disposal.
 - 4. That the project is in conformance with the applicable provisions and policies of this Chapter, the Lake County General Plan and any approved zoning or land use study or plan.
 - 5. That the placement and design of buildings and structures are compatible with existing development and will not detract from the visual setting.
 - 6. That the project is in conformance with any applicable community design manual criteria.
 - 7. That the streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the specific proposed use.

8. That no violation of Chapters 5, 17 or 21 of the Lake County Code currently exists on the property, unless the purpose of the permit is to correct the violation, or the permit relates to a portion of the property which is sufficiently separate and apart from the portion of the property in violation so as not to be affected by the violation from a public health, safety or general welfare basis.

Sample Motions:

Categorical Exemption

I move that the Planning Commission find that the **Major Use Permit UP 19-23** applied by **Lamar Advertising** on behalf of property owner Lettisia Nicosia on the property located on **47 Soda Bay Road, Lakeport, CA 95453** is exempt from CEQA because it falls within Categorical Exemption 15301. Class 1, based on the findings set forth in the **Staff Report dated March 9, 2020**.

Major Use Permit Approval

I move that the Planning Commission find that the **Major Use Permit, UP 19-23** applied by **Lamar Advertising** on behalf of property owner Lettisia Nicosia on property located at **47 Soda Bay Road, Lakeport, CA 95453** meets the requirements of Sections 20, 45.22 and 51.4 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Use Permit be granted subject to the conditions and with the findings listed in the **Staff Report dated March 9, 2020**.

Design Review Approval

I move that the Planning Commission find that the **Design Review, DR 19-03** applied by **Lamar Advertising** on behalf of property owner Lettisia Nicosia on property located at **47 Soda Bay Road, Lakeport, CA 95453** meets the requirements of Sections 54.5 of the Lake County Zoning Ordinance and that the Planning Commission has reviewed and considered the Use Permit be granted subject to the conditions and with the findings listed in the **Staff Report dated March 9, 2020**.

Reviewed by: _____