



Legislation Text

File #: 18-405, Version: 1

MEMORANDUM

TO: Board of Supervisors

FROM: Michalyn DelValle, Interim Community Development Director
Eric Porter, Associate Planner

DATE: May 22, 2018

SUBJECT: **Major Use Permit (UP 17-06) and Design Review (DR 17-07) to allow the Construction of a new Off-Site Sign (Billboard);**
Nice, CA. APN 004-055-37. Supervisor District 3.

EXHIBITS:

1. Vicinity Map
2. Site Plan
3. Initial Study IS 17-25
4. Conditions of Approval
5. Agency Comments
6. Applicant's Submitted Material

I. EXECUTIVE SUMMARY

On May 16, 2017 the applicant applied for an off-site sign (billboard) with two 300 square feet sign faces. On October 26, 2017, the Planning Commission denied the Use Permit and Design Review applications for the sign, proposed at 2325 E. Highway 20, Nice. A timely appeal was filed by the applicant's agent on November 2, 2017. On February 27, 2018, an appeal hearing (AB 17-06) was held and staff was directed to conduct the environmental and code review for the sign and bring it back before the Board of Supervisors for consideration. Staff recommends approval.

II. PROJECT DESCRIPTION

Applicant: Stott Outdoor Advertising

Owner: Larry and Frances Montgomery

Location: 2325 E. Highway 20, Nice, CA

A.P.N.: 004-055-37

Parcel Size: 8200 square feet

General Plan: Service Commercial

Zoning: "C3-DR-SC" Service Commercial-Design Review-Scenic Combining.

III. PROJECT SETTING

Existing Uses and Improvements: The property is currently vacant and unimproved.

Surrounding Zoning and Land Use: The site is located southeast of the Nice Sentry Market. The properties to the immediate southeast, south and southwest are vacant and are zoned C3 Service Commercial. The property across Highway 20 is also vacant and is zoned PDC Planned Development Commercial.

Topography: The parcel is flat.

Soils: According to the soil survey of Lake County, prepared by the U.S.D.A, The parcel contains soil type 244, Weppo Variant clay loam, 2 to 8 percent slope. Surface runoff of this soil is slow and hazard of erosion is slight. This soil type has minimal shrink-swell potential and is not prone to erosion.

Water Supply: Nice Water District

Sewage Disposal: Lake County Sanitation District (LACOSAN)

Fire Protection: Northshore Fire Protection District

Vegetation: Minor introduced landscaping (grass, several deciduous trees)

IV. PROJECT ANALYSIS

The applicant is proposing an 'off site' sign (billboard) on the subject site. The sign as proposed is 22 feet tall measured from grade to the top of the sign; 300 square feet per sign face, and is proposed to have downcast lighting from four 78 watt light fixtures mounted on the top of the sign. The sign is proposed to be set back 10' from the Highway 20 right of way boundary in the southeastern corner of the subject site.

General Plan Conformance

The Lake County General Plan designates the site as 'Service Commercial', which is intended for high intensity commercial development. The sign is not inconsistent 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 sign will be located on a vacant lot. Across Highway 20 is land zoned PDC, similar to the C3 zone in terms of permitted uses.

Policy LU-7.4 Contextual and Compatible Design The County shall ensure that new

development respects Lake County's heritage by requiring that development respond to its context, be compatible with the traditions and character of each community, and develop in an orderly fashion which is compatible with the scale of surrounding structures.

There is already one billboard in the vicinity (see aerial photo below). The County anticipates that future high intensity development will occur on the subject site and/or neighboring vacant sites in the future. The scale of nearby buildings is composed of the Sentry Market, Nice Mini Storage, and Hillside Mini Storage, all of which represent moderately sized buildings. The scale of the sign would not be incompatible with these neighboring established commercial uses.

Policy OSC-2.13 Control of Light and Glare The County shall require that all outdoor light fixtures including street lighting, externally illuminated signs, 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.

The applicant is proposing downcast lighting fixtures mounted on top of the sign on both sides to illuminate the sign. Each fixture is 120 watts, which is considered to be low wattage lighting.

Policy T-1.11 Protection of Scenic Corridors. Develop and maintain roads and highways in a manner that protects natural and scenic resources.

Highway 20 in this location is a locally-designated Scenic Highway. Scenic corridor height limits and sign restrictions do not apply to commercially-zoned properties at present time.

Zoning Ordinance Conformance

This site is zoned Service Commercial "C3" (and DR Design Review) which allows off site signs (billboards) subject to approval of a major use permit and design review 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.

The proposed Billboard meets all of these regulations.

Area Plan Conformance

The Upper Lake - Nice Area Plan, Chapter 3, Natural Resources, page 3-20, "Scenic Corridors", states:

General plan policies encouraged the protection and enhancement of Lake County's scenic

highways and resources. The major purpose of this objective is to promote the county's recreation-based economy and provide a high level of scenic quality to residents and visitors alike. There are many panoramic views and scenic highway viewsheds within the Upper Lake - Nice Planning Area, including mountainous and hillside vistas with riparian and natural resources.

Mountain viewsheds include Elk Mountain and Hogback Ridge to the north and the Mayacamas Mountains to the west of the planning area. Vistas of Blue Lakes and Clear Lake are also available along portions of Highway 20.

At the February 22, 2018, the Board of Supervisors determined that the C3 zoning combined with this particular area were intended for high intensity commercial development, and that the location of the proposed sign would not conflict with any mountain viewsheds or scenic vistas. Therefore the sign is not inconsistent with this portion of the Upper Lake / Nice Area Plan.

V. ENVIRONMENTAL REVIEW

Initial Study IS 17-25 was prepared by staff, and a Negative Declaration was prepared and offered for review and comment to neighbors within 725 feet of the subject site on March 20, 2018. No impacts were identified.

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 sign will not be detrimental to property and improvements in the neighborhood or the general welfare of the County as the proposed sign will be located in an area that is intended for high intensity commercial development. The subject site is small (8200 square feet) and is presently vacant. The proposed location of the sign is such that a small commercial use could still be developed on the site without interfering with the location and functionality of the sign.

- 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 high intensity commercial development. The site is undeveloped but could support a small commercial use in addition to the sign. The sign will be positioned at the south-east corner of the property, which would still allow vehicular ingress and egress to and from Highway 20 adjacent to the site.

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

Highway 20 adjacent to the site is not at or over capacity. The sign will not generate significant vehicular trips; the applicant has estimated that sign maintenance will require up to 4 vehicular trips annually at most. The sign 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 sign 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 area plan states that signs should be brief, succinct message are usually more attractive, simpler and easier to read. Cluttered, hard-to-read signs are discouraged. Signs should be a harmonious element of the overall building design, using complimentary building materials and colors. Signs should not dominate building architecture through inappropriate sizes, colors or designs.

6. *That no violation of Chapters 5, 17, 21, 23 or 26 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, 21, 23 or 26 of the Lake County Code.

VII. DESIGN REVIEW PERMIT 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.*

Although the site is relatively small for a commercial lot (8200 square feet in area), it is large enough to accommodate the sign and a small 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 sign 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 high intensity commercial development. The Sentry market is located west of the site. There are two mini-storage facilities

located in the vicinity, each of which contain larger signs (one 'off site' and one 'on site'). The sign 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 sign 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, 21, 23 or 26 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, 21, 23 or 26 of the Lake County Code.

VIII. **FISCAL IMPACT:** Budgeted ☒ Not budgeted ☐ None ☐

Estimated Cost: N/A Amount Budgeted: N/A Additional Requested: N/A
Annual Cost (if planned for future years): N/A

IX. **FISCAL IMPACT (Narrative):** Action taken by the Board will have no fiscal impact on the County.

X. **STAFFING IMPACT (if applicable):** N/A

RECOMMENDATION:

Staff recommends the Board of Supervisors approve the project with the following findings:

A. Adopt a negative declaration for Initial Study IS 17-25 with the following findings:

1. Potential environmental impacts related to health and safety are at insignificant levels.
2. Potential environmental impacts related to air quality are at insignificant levels.
3. Potential environmental impacts related to biological and cultural resources are at insignificant levels.

4. This project is consistent with land uses in the vicinity.
5. This project is consistent with the Lake County General Plan, Upper Lake - Nice Area Plan and the Lake County Zoning Ordinance.
6. This project will not result in any significant adverse environmental impacts.

B. Approve UP 17-06, with the following findings:

1. This project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the area of the proposed use, or be detrimental to property and improvements in the neighborhood or the general welfare of the County.
2. The site is adequate in size, shape, location, and physical characteristics to accommodate the type of use and level of development proposed.
3. The streets, highways and pedestrian facilities are reasonably adequate to safely accommodate the proposed use.
4. There are adequate services to serve the project.
5. This project is consistent with the Lake County General Plan, Upper Lake - Nice Area Plan and the Lake County Zoning Ordinance.
6. This project is compatible with surrounding land uses.
7. This project will not result in any significant environmental impacts. A negative declaration has been adopted.

C. Approve Design Review DR 17-07 with the following findings:

1. That the proposed 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, 21, 23 or 26 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:

Negative Declaration

I move that the Board of Supervisors find on the basis of the Initial Study No. 17-25 prepared by the Planning Division, that the use permit as applied for by Stott Outdoor Advertising on behalf of property owners Larry and Frances Montgomery will not have a significant effect on the environment and therefore a negative declaration shall be approved with the findings listed in the staff report dated April 11, 2018.

Use Permit Approval

I move that the Board of Supervisors find that the Use Permit (UP 17-06) applied for by Stott Outdoor Advertising on behalf of property owners Larry and Frances Montgomery on property located at 2325 East Highway 20, Nice, California meets the requirements of Sections 20, 45.22 and 51.4 of the Lake County Zoning Ordinance and that the Board of Supervisors has reviewed and considered the Negative Declaration which was adopted for this project and the Use Permit be granted subject to the conditions and with the findings listed in the staff report dated April 11, 2018.

Design Review Approval

I move that the Board of Supervisors find that Design Review (DR 17-07) applied for by Stott Outdoor Advertising on behalf of property owners Larry and Frances Montgomery on property located at 2325 East Highway 20, Nice, California meets the requirements of Sections 54.5 of the Lake County Zoning Ordinance and the design criteria found in the Upper Lake - Nice Area Plan, and that the Board of Supervisors has reviewed and considered the Negative Declaration which was adopted for this project and the Design Review be granted subject to the conditions and with the findings listed in the staff report dated April 11, 2018.