

May 29, 2002

To: Sutter County Planning Commission

Re: Agenda Item #12: Public hearing on Use Permit #01-22 to allow two externally illuminated off-site advertising signs; and

Agenda Item #13: Public hearing on Variance #02-03 to allow one of the signs to exceed the 300 square foot maximum permitted size; C-M (Commercial-Industrial) District; located at the northeast corner of State Highway 99 and Oswald Road (1235 Oswald Road), Yuba City; A. P. #23-072-023; applicant - Inverary, Inc./property owner - Richards Tree Service (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description

The project is a use permit to allow two 12' by 25' (300 square foot), double-faced, 30 foot high externally illuminated off-site advertising (billboard) signs on the approximate 12 acre subject parcel. Section 1500-9485c of the Sutter County Zoning Code requires a use permit for off-site advertising signs in commercial zone districts, subject to certain criteria. Since the distance between faces of one of the signs is greater than 24 inches, both faces are counted in the total sign area for this sign (Zoning Code Section 1500-9425). This results in a total sign area of 600 square feet for this sign, which is double the maximum permitted by the Zoning Code. A variance has therefore been submitted by the applicant to address the size of this sign.

B. Environmental Consideration

This project is considered categorically exempt pursuant to CEQA Guidelines, Section 15303, New Construction or Conversion of Small Structures.

Background

A. Property Description

The subject property is an 11.895-acre parcel located at the northeast corner of State Highway 99 and Oswald Road (1235 Oswald Road). Existing improvements include a shop/office building, woodchip storage area, and fuel tanks related to the existing tree service business located on the northern portion of the site, and a mobile home located at the southeast corner of the site.

B. Surrounding Land Use, Zoning Districts and General Plan Designations:

	Use	Zoning	General Plan
Subject Property	Commercial (Tree service business), mobile home	C-M	IND
North	Orchard, agricultural	AG	AG-20
East	Orchards, agricultural	AG	AG-20
South	Commercial, residential	C-2	COM
West	Orchard, residential	AG	AG-20

C. Previous Planning Commission Actions/Policies

On October 18, 1989, your Commission approved Use Permit #1608, which allowed the establishment of a commercial agricultural equipment repair, maintenance, and storage facility.

On November 6, 1991, your Commission approved Use Permit #91-18 for a tree-trimming service, which now operates on the subject parcel. The Board of Supervisors considered revocation of this use permit in March 1994, due to a lack of compliance with Conditions of Approval requiring landscape screening, maintenance of the site in a neat and orderly fashion, and accessway improvements. The Board directed the (previous) owner to apply for a revised use permit, see Use Permit #94-21 below.

On December 7, 1994, your Commission approved Use Permit #94-21 which allowed the existing tree service to establish a wood-chip processing facility on approximately 60,000 square feet of the far northern part of the property, and clarified Conditions of Approval regarding landscape screening and other site improvements.

On October 15, 1997, your Commission recommended that the Board of Supervisors approve Rezoning #97-04, which, in part, rezoned the parcel to C-M in order to achieve consistency with the General Plan designation of IND (Industrial).

On July 1, 1998, your Commission approved Tentative Parcel Map #98-07 to subdivide the subject parcel into four separate parcels ranging in size from 1.44 to 6.51 acres.

On July 18, 2001, your Commission granted an extension of time to July 1, 2004, for filing the final map for the subdivision of the property proposed by Tentative Parcel Map #98-07.

Also being considered at the June 5, 2002 Planning Commission meeting is a separate use permit request (Use Permit #02-09) to allow for the construction and operation of a bulk landscape materials yard on the southern portion of the subject property. This proposal would be in addition to the existing tree service and wood chip processing facility. Staff would note that both this application and Use Permit #02-09 are separate, independent requests and that individual action will need to be taken on each.

Staff Comments

A. Environmental Health Department (EH):

No comments.

B. Public Works (PW)

No comments.

C. Building Inspection (B)

No comments.

D. State Department of Transportation (Caltrans):

Caltrans commented that any off-premise display placed to be viewed from any freeway/highway must first obtain an Outdoor Advertising application from their Department.

E. Pacific Gas & Electric Co. (PG&E)

PG&E provided the following comment:

Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the subject project site.

F. Planning (P):

Use Permit Analysis

The applicant's proposal is for two, 12' by 25' (300 square foot), double-faced, 30 foot high externally illuminated off-site advertising (billboard) signs. Both signs will be placed on single, metal poles, 18' above the ground. The signs will be located at the north and south ends of the

property, 10' from the west property line (adjacent to State Highway 99), and will be spaced 1,049 feet apart. The northern sign will have the pole centered under the sign, while the southern sign will have the pole near the west edge of the sign (See Exhibit B for sign elevations).

While the sign faces of the southern sign will be parallel to one another, the faces of the northern sign will be constructed in a "V-shaped" formation, with the faces being closer at the west edge of the sign than the east edge (Exhibit B, "Northern Sign: Top View"). The applicant is proposing this configuration to allow for better visibility of both sign faces from Highway 99 due to the curve in the road. Section 1500-9425 of the Zoning Code states the following with regard to the measurement of sign area:

"Where a sign has more than one (1) face, each face shall be counted, except for double-faced signs with less than twenty-four (24) inches between faces, in which case only one (1) side shall be counted as the total area."

Since the sign faces of the northern sign will be greater than 24" apart, both faces are counted in the total area. This results in a total area of 600 square feet, which is double the maximum permitted size stated in the Zoning Code. The applicant has therefore submitted the accompanying variance application (Variance #02-03) to address this size issue. Discussion of the variance application is contained later in the staff report.

The subject property is zoned Commercial-Industrial (C-M). Section 1500-9485(c) of the Sutter County Zoning Code addresses off-site advertising signs within commercial zone districts. Except for the size of the northern sign, the proposed signs will comply with the following Code requirements:

	<u>Code requirement</u>	<u>Proposed</u>
Maximum Area Per Sign	300 sq. ft.	300 sq. ft. (southern) 600 sq. ft. (northern)*
Maximum Sign Height	30 feet	30 feet
Location Requirements	Minimum distance of 1,000 feet from another off-site sign on same side of street and 500 feet apart if located on opposite sides of the street.	2 signs proposed on subject property, 1,049 feet apart. No signs located on opposite side of street within 500 feet.
Lighting allowed?	No internally illuminated signs. May be externally illuminated, with no moving parts.	Externally illuminated No moving parts.

The Planning Commission may approve or conditionally approve a use permit if it finds that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Additionally, the Commission shall find that the use or activity approved by the use permit is consistent with the General Plan.

Due to their large size and need for high visibility, the primary issue typically identified in the review of billboard signs is potential aesthetic and visual impacts. In conducting a field visit, staff has noted that the proposed signs would be some of the first billboard signs visible to drivers entering the Yuba City area from the south along Highway 99. In addition to the issue regarding sign area, staff has concerns with regard to the proposed design and shape of both signs. Staff believes that the northern sign, with its proposed “V” sign face formation, attached railing and ladder, and large, single metal support pole would appear much more massive in scale than other existing billboard signs along Highway 99 located further to the north, near Stewart and Bogue Roads. Signs at these locations have sign faces that are parallel, closer together, and are supported by two to four smaller I-beam metal poles or round wood poles. Staff has observed that there is a double-faced, “V” face formation sign located on the east side of Highway 99, south of Stewart Road. This sign, however, appears to have smaller sign faces than that proposed by the applicant with no railing and ladder and is supported by smaller, wood poles.

Even though the proposed southern sign will meet the 300 square foot size requirement due to the parallel sign faces being less than 24 inches apart, staff has concerns regarding the large, single metal support pole located near the west edge of the sign (near Highway 99) and its appearance as a “flag sign”. In conducting site visits around the Yuba City area, staff is not aware of any existing billboard signs within the unincorporated County with the same designs proposed by the applicant. Staff has observed that within the City limits, on the east side of Garden Highway, north of Bogue Road, there is a billboard sign similar to the applicant’s proposed southern sign with a single support metal pole on the west edge of the sign (“flag shape” design). Also along Garden Highway, along the west side of the street and north of Lincoln Road, there is a billboard sign with a centered single support metal pole and the same “V formation” proposed by the applicant. Prior to the meeting, the Commission may wish to view these signs for reference.

The applicant has provided photo simulations of the proposed signs with the simulated view to the north (Exhibit C). According to the applicant, the photos simulate the proposed northern sign from a distance approximately 700-800 feet away and the southern sign from a distance approximately 300 feet away. These simulations, however, show only one sign within each view. It is therefore difficult to determine what the true visual impact would be from seeing both signs at the same time. Staff also believes that a second simulation showing the signs from a closer distance, such as 100 feet, would help better illustrate the visual impact of the proposed signs.

Based on the visual concerns noted above, the incompatibility of the proposed signs with other existing billboard signs in the area, and since the proposed northern sign will exceed the 300 square foot maximum size permitted by the Zoning Code, staff recommends that Use Permit #01-22 be denied. Staff believes it would be appropriate for the applicant to revise and resubmit his application proposing a sign design that is more compatible with existing billboard signs along Highway 99.

Variance Analysis

The applicant requests variance approval to allow a 600 square foot off-site advertising sign in lieu of the 300 square foot maximum permitted size. Section 1500-8412 of the Zoning Code specifies the standards that must be met in order to grant a Variance, which are as follows:

1. That special circumstances apply to the property, including size, shape, topography, location or surroundings;

The applicant has stated that the separation distance between the two sign faces of the northern sign needs to be greater than 24 inches (resulting in both faces being counted for total sign area) to “allow for the required ‘V’ formation of that sign for proper exposure to both traffic directions given the existence of the corner at the location of this sign.”

Staff Comment: The existing parcel is basically a flat, somewhat rectangular shaped lot that has frontage along Highway 99. It does not contain any unique physical characteristics or constraints that would distinguish this parcel from others found in the area. While the property is located adjacent to a curve in Highway 99, there is ample frontage area along the south half of the property to allow for at least one billboard sign with a design that would conform with County Zoning Code requirements. Since special circumstances do not exist, finding 1 cannot be met.

2. & 3. That the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and that the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

The applicant did not provide any specific information in support of these findings for the variance request.

Staff Comment: Staff does not believe the applicant has clearly demonstrated that the proposed “V” shaped design of the northern sign, resulting in the need for the size variance, is necessary for adequate visibility of that sign. Highway 99 does curve away from the subject property at that location, but staff believes it is unclear whether the curve is substantial enough to prohibit a sign with parallel faces, less than 24 inches apart, that would meet the requirements of the Zoning Code. Approval of the variance would constitute a grant of special privileges over other properties in the vicinity having existing billboard signs that comply with the size requirement.

Based on this information, staff does not believe that Findings 2 and 3 are met.

4. That the variance from the strict interpretation of this code represents the minimum deviation possible to enable reasonable development of the property.

The applicant did not provide any specific information in support of this finding for the variance request.

Staff Comment: Due to the size of each sign face (300 square feet) and since the separation between the faces requires that they both be counted in the total sign area, the applicant is requesting approval of 600 square feet of sign area, which is double the maximum size permitted. Staff does not believe that this is the minimum deviation possible to enable reasonable development. Staff does not believe that Finding 4 is made.

For the reasons stated above, staff believes the proposal does not meet the findings required for variance approval and therefore recommends denial of Variance #02-03.

Recommended Findings

Based on the information contained in the agenda report and /or testimony received at the public hearing, the Commission finds:

- A. In accordance with the California Environmental Quality Act (CEQA) and Guidelines, this project is categorically exempt pursuant to CEQA Guidelines, Section 15303, New Construction or Conversion of Small Structures.
- B. Due to their size and design, approval of the proposed signs will be detrimental to the public's general welfare due to visual and aesthetic impacts. The proposed signs are not consistent with the design of existing billboard signs in the vicinity of the subject property. The proposed project is also not consistent with the Sutter County Zoning Code, Section 1500-9485(c).
- C. A special circumstance applicable to the property, including size, shape, topography, location or surroundings, has not been presented which would warrant variance approval.
- D. The strict application of the Zoning Ordinance does not deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- E. Approval of the variance could be considered a grant of special privilege because other properties in the vicinity of the subject property are under the same zoning classification and are subject to the same maximum off-site advertising sign size requirement.
- F. The variance from the strict interpretation of this code does not represent the minimum deviation possible to enable reasonable development of the property.

Recommended Action

Make the Findings listed above and deny Use Permit #01-22 and Variance #02-03.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan and Elevations of proposed signs
Exhibit C - Photo simulations of proposed signs
Exhibit D - Photos of Site, Examples of Signs
Exhibit E - Letter from applicant amending variance request

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