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**AGENDA ITEM NO.:** 8 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** April 24, 2019  
**SUBJECT:** Conditional Use Permit (CUP) 2019-05/Sign Development, Inc., Lone Pine Shell

### **EXECUTIVE SUMMARY**

The applicant has applied for a CUP for a new business and digital fuel station sign that is replacing an existing business and analog fuel station sign. This use permit is part of a larger project that consists of refreshing the signage at the Lone Pine Shell Station, which is located at 401 North Main Street (sometimes also listed as 403 North Main Street) in the community of Lone Pine. The sign is proposed to be electronic in nature, with digital displays that display pricing for various grades of fuel. The Inyo County Code requires that electronic signs in the Central Business (CB) zoning, which is the zoning of this property, obtain a conditional use permit.

### **PROJECT INFORMATION**

**Supervisory District:** 4

**Project Applicant:** Sign Development, Inc.; Attn: Gus Ortega

**Property Owner:** WPK Land Company, Limited

**Site Address:** 401 North Main Street (Also referred to as 403 North Main Street in some public records)

**Community:** Lone Pine, California

**A.P.N.:** 005-061-10

**General Plan:** Central Business District (CBD) and Residential Medium Density (RM)

**Zoning:** Central Business, Lone Pine Architectural Design Review Overlay (CB-D)

**Size of Parcel:** 25,000 Square Feet

**Surrounding Land Use:**

<b>Location:</b>	<b>Use:</b>	<b>Gen. Plan Designation</b>	<b>Zoning</b>
Site	Commercial/Fuel Station and Restaurant	Central Business District (CBD)	Central Business, Lone Pine Architectural Design Review Overlay (CB-D)
North	Park	Natural Resources (NR) and Agriculture (A)	Open Space – 40 Acre Minimum (OS-40)
East	Bank	Central Business District (CBD)	Central Business, Lone Pine Architectural Design Review Overlay (CB-D)
South	Motel	Central Business District (CBD)	Central Business, Lone Pine Architectural Design Review Overlay (CB-D)
West	Vacant/Park	Agriculture (A)	Open Space – 40 Acre Minimum (OS-40)

**Staff Recommended Action:** **Make certain Findings with respect to and Approve Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell, subject to the Conditions of Approval as recommended in this staff report.**

**Alternatives:**

- 1.) Deny the CUP.
- 2.) Approve the CUP with additional Conditions of Approval.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding what additional information and analysis is needed.

**Project Planner:**

Tom Schaniel, Associate Planner

**STAFF ANALYSIS**

Background and Overview

The applicant has applied for a CUP, so that a new electronic sign is compliant under the County’s Sign Ordinance. The sign will display the business and, using changeable digital technology, the fuel prices. The sign replaces an existing business and fuel price sign, and the new sign is configured similarly to the sign it is replacing. See Attachment B for a plan for the new sign, as well as a picture of the existing sign.

The sign is compliant with the Inyo County Code’s (ICC) sign provision, located in section 18.75 of the ICC, except for the size, which was allowed as part of CUP 97-1. CUP 97-1 addressed multiple aspects about the mix-d use business, one of which was to allow for the sign in shape and form, but specifically did not allow for the use of an electronic sign. The height of the sign (approximately 22’) is less than the maximum of 25’ for accessory structures. The requirement for the sign to obtain a conditional use permit it based upon the following:

Section 18.06.590 Sign, electronic reader board sign or electronic graphics.

*“Electronic reader board sign” and “electronic graphics sign” means a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. A time and/or temperature sign shall not be considered an electronic graphics sign.*

Based upon this definition from the ICC the proposed sign is an “Electronic Sign”.

ICC section 18.75.120 Permitted Signs by Use Districts specifies that in the CB zone, Electronic Signs shall be allowed by CUP.

The project is at the far north end of the business district of the community of Lone Pine on the west side of Main Street/U.S. Highway 395. The business is co-located with a Carl’s Jr. fast food restaurant. To the north of the site is Spainhower Park and to the west is vacant land, covered in trees, that acts as a less formally developed part of the park. To the west is El Dorado Savings Bank and to the south is the Mt. Whitney Motel. Refer to Attachment A for a Site Plan that includes and aerial map of the property

#### General Plan Consistency

The project is consistent with the General Plan designation of CBD. Policy LU-3.1 specifically lists *“travel and transportation services such as hotels/motels and gas stations.”* It is also compatible with the General Plan’s Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. A similar sign without the digital component has been at this location since around 1997 and has not caused issues to date. The digital component is allowing for simpler adjustment of prices, but is largely similar to the previous sign that also had prices that were modified by hand. Signs of similar size and height are located throughout the central business district of Lone Pine. The sign also does not block views to special scenic areas, as there is a canopy of trees beyond this property towards the scenic Sierra vistas.

#### Zoning Ordinance Consistency

The CB zoning designation allows for electronic signs as a conditional use under ICC 18.75.120. The sign is consistent with all other applicable portions of the ICC sign section, 18.75.

Planning Staff routed the application for the CUP to other County departments and to Cal Trans. The County Public Works and Assessors office provided comments stating that they had no issues with the sign. Caltrans has provided no comments at this time.

The Planning Commission Hearing for CUP 2019-05/Sign Development, Inc., Lone Pine Shell was advertised in the Inyo Register on April, 13 2019 and notices were mailed to properties within 300-feet of the project location. Staff has received no comments from the public.

## **ENVIRONMENTAL REVIEW**

Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell is Categorically Exempt under CEQA Guidelines 15301, Existing Facilities – Class 1. Class 1 Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The CUP is being applied for to permit the replacement of an existing sign of similar size, height and location. There is no expansion or change of the existing use, and the project is therefore exempt.

## **RECOMMENDATION**

Planning Department staff recommends the approval of Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell, with the following Findings and Conditions of Approval:

## **FINDINGS**

1. The proposed Conditional Use Permit is exempt under CEQA Guidelines 15301, Existing Facilities – Class 1 and the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: Class 1 Consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The CUP is being applied for to permit the replacement sign (no expansion or change of the existing use) at the site]*

2. The proposed Conditional Use Permit is consistent with the Inyo County General Plan Land Use designation of Retail Commercial (RC).

*[Evidence: The goal of this project is to allow for a replacement sign with an electronic display, to be compliant with the County’s zoning ordinance. The project is consistent with the General Plan designation of CBD as it specifically provides for gas stations as a use. It is also compatible with the General Plan’s Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that will be replaced has been at this location since around 1997 and has not caused issues to date and does not create degradation of the visual resources in the area. Signs of similar size and height are located throughout the central business district of Lone Pine. The sign also does not block views to special scenic areas.]*

3. The proposed Conditional Use Permit is consistent with the Inyo County Sign Ordinance 18.75.120 that allows electronic signs in the Highway Services and Tourist Commercial (C2) designation with a CUP.

*[Evidence: The Inyo County Sign Ordinance – 18.75. allows for electronic signs in the CB zoning district under 18.75.120 with a CUP; and therefore, is allowed as a conditional use under 18.75.120.]*

4. The proposed Conditional Use Permit is necessary or desirable.

*[Evidence: The General Plan’s Visual Resources Goal VIS-1.5 - Outdoor Advertising: Outdoor advertising shall promote business in a manner that does not significantly degrade natural and community visual resources. The existing sign that is being replaced has been at this location since around 1997 and has not caused issues to date. It also helps to promote a local business that caters to visitors in the area; and therefore, is a desirable use.]*

5. The proposed Conditional Use Permit is properly related to other uses and transportation and service facilities in the vicinity.

*[Evidence: The proposed CUP is being requested to make a replacement sign compliant with the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore, will have no impact on transportation or service facilities in the vicinity.]*

6. The proposed CUP would not, under all the circumstances of this case, affect adversely the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.

*[Evidence: The proposed CUP is proposed to make a replacement sign compliant with the County’s Zoning Code. It will not change or increase the current level or type of use; and therefore will not create impacts on the health or safety of persons living or working in the vicinity or be materially detrimental to the public welfare.]*

7. Operating requirements necessitate the CUP for the site.

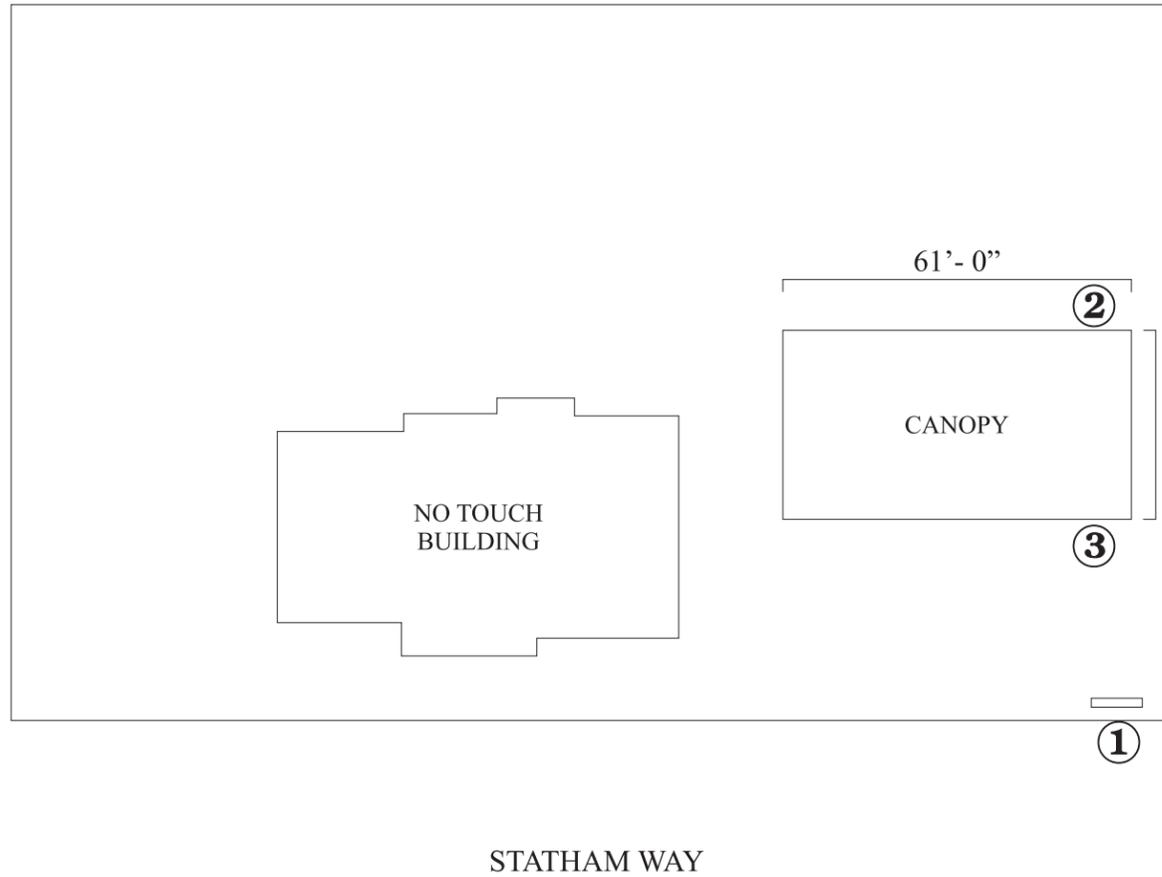
*[Evidence: The addition of electronic display to the sign defines the sign as an electronic sign, which requires a CUP per 18.75.120.]*

## **CONDITIONS OF APPROVAL**

1. The applicant, landowner, and/or operator shall defend, indemnify and hold harmless Inyo County agents, officers, and employees from any claim, action or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul an approval of the county, its advisory agencies, its appeals board, or legislative body concerning Conditional Use Permit 2019-05/Sign Development, Inc., Lone Pine Shell. The County reserves the right to prepare its own defense.

## **Attachments**

- A. Site Plan
- B. Sign Elevation



EXISTING SITE

SITE PLAN  
SCALE: 1/32" = 1'-0"

SUBJECT TO CITY AND SHELL APPROVALS



**Sign Development Inc.**

License #576277

Upland, CA 91786 (909) 920-5535

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**CUSTOMER APPROVAL**

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DATE

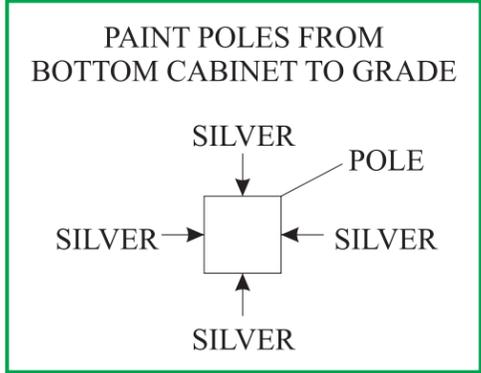
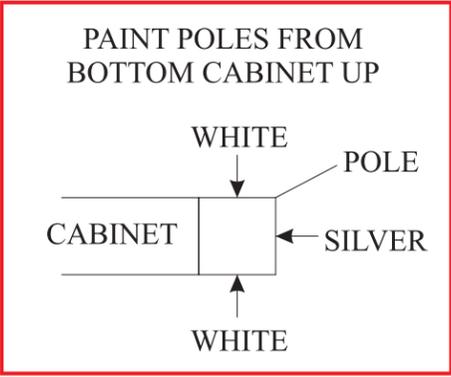
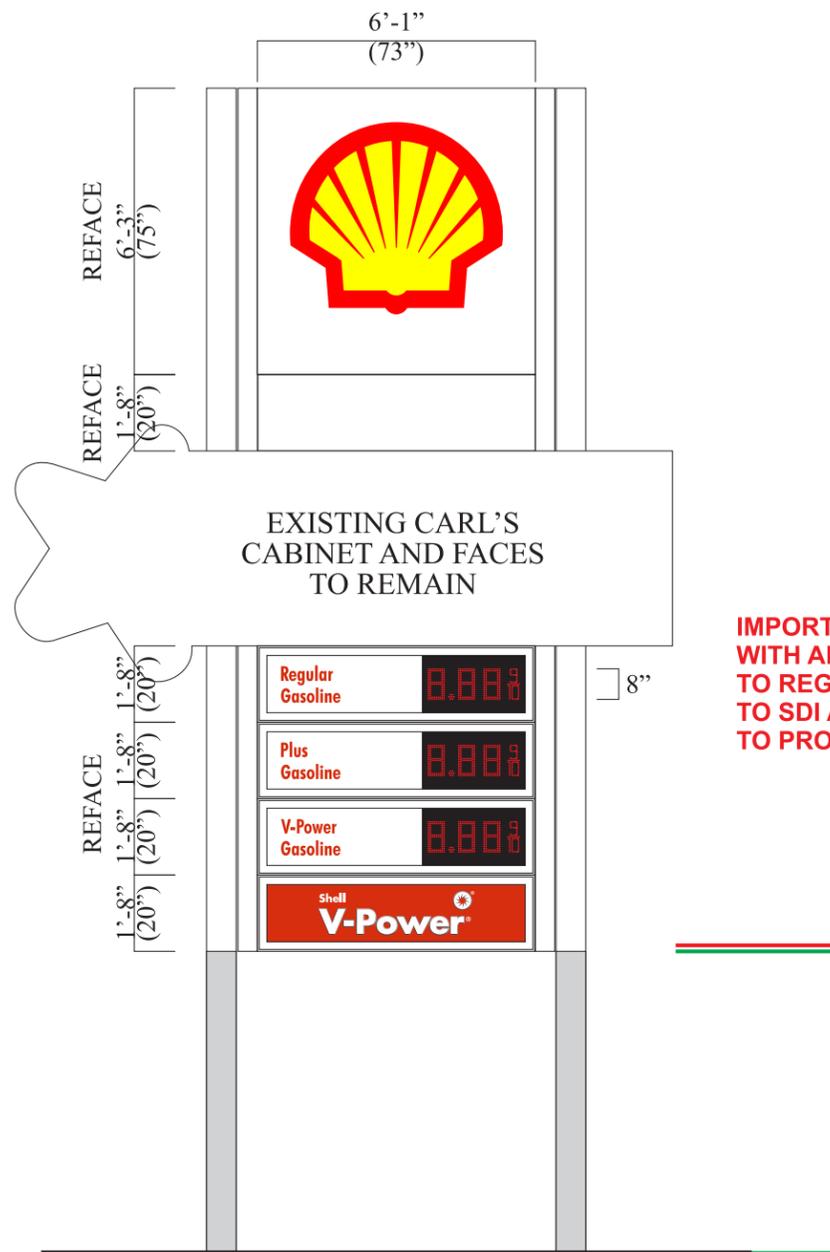
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**401 N. MAIN ST.  
LONE PINE, CA 93545**

Attachment B



**IMPORTANT: INSTALLER MUST REGISTER ALL LED SIGNS WITH ABLE. PLEASE CALL 614-388-8866 BEFORE 2:00PST TO REGISTER. MUST FORWARD CONFIRMATION NUMBER TO SDI AND WRITE REGISTRATION # INSIDE CABINET. FAILURE TO PROVIDE SDI WITH REGISTRATION # WILL DELAY PAYMENT.**



EXISTING D/F PRICE/ID SIGN

① RE-LAMP EXISTING SIGN CABINET SCALE: 1/4" = 1' - 0"  
REFACE EXISTING D/F PRICE/ID SIGN

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