



**Planning Department  
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**AGENDA ITEM NO.:** #5 (Action Item – Public Hearing)  
**PLANNING COMMISSION MEETING DATE:** October 23, 2024  
**SUBJECT:** Conditional Use Permit (CUP)  
2024-07/Shell Station Reimage to 76

### **EXECUTIVE SUMMARY**

The applicant is requesting a CUP for the reimagining of a fuel station from Shell to 76. The property is zoned Central Business (CB) and is located at 109 S. Main St., Big Pine, California (APN: 004-032-01). A gas station and food mart have been operating on the site for many years. The applicant has applied for the CUP to change existing unapproved and nonconforming Shell brand signs to 76 to include the canopy, fuel pumps, Food Mart, Hi-rise sign and Mid-rise, and to replace a manual illuminated price display with a new electronic fuel price display.

### **PROJECT INFORMATION**

**Supervisory District:** 4

**Project Applicant:** Aaron Hamilton

**Property Owner:** Baljinnyam Dashdorj

**Site Address:** 109 S. Main Street

**Community:** Big Pine

**A.P.N.:** 004-032-01

**General Plan:** Central Business District (CBD)

**Zoning:** Central Business (CB)

**Size of Parcel:** 2-acres

**Surrounding Land Use:**

Location:	Use:	Gen. Plan Designation	Zoning
Site	Gas Station and food mart with truck scales	Central Business District (CBD)	Central Business (CB)
North	Crocker Avenue	NA	NA
East	Highway 395	NA	NA
South	Single family residence	Central Business District (CBD)	Central Business (CB)
West	Multiple Residential, mini storage	Residential Medium High (RMH), Heavy Commercial (HV)	Multiple Residential Zone (R-3), Heavy Commercial (C-4)

**Staff Recommended Action:**

1.) Approve the Conditional Use Permit (CUP) 2024-07 / Shell Station Reimage to 76 and find the project is exempt under CEQA.

**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:**

Danielle Visuaño

**STAFF ANALYSIS**Background and Overview

The applicant is requesting the CUP to reimage the Shell station unapproved and nonconforming signage to 76 to include the canopy, fuel pumps, Food Mart, Hi-rise sign and Mid-rise sign, and to add a new electronic price display to the Mid-rise sign (sign plan attached). The existing signage and two (2) pole signs are unpermitted by the Planning Department and exceed the area and height requirements of Inyo County Code (ICC) section 18.75.100 (C) and 18.75.110 (B), respectfully, making the signage nonconforming. A CUP is required to allow for the nonconforming signage to come into compliance consistent with the requirements of ICC section 18.78.250, which states making changes to a nonconforming use requires a CUP, and to allow for the use of a new electronic price display on the Mid-Rise sign consistent with ICC section 18.75.120.

## 1. Total Area of Signage

The current Shell signage was never approved or permitted through the Planning Department making it nonconforming. ICC 18.75.100 (C), allows for signs totaling of not more than 600 square feet in a Central Business zone for a parcel of this size. The applicant is seeking to replace the current Shell signage with 76 signage and add additional signage for a total of 325.92 square feet, which less than the allowed 600 square feet. The change in signage includes the canopy, fuel pumps, Food Mart, Hi-rise and Mid-rise signs.

There will also be new additional 76 signage on the diesel pumps, which currently have no Shell signage, behind the Food Mart. This new diesel pump 76 signage is part of the overall total of 375.92 square feet that is being requested by the applicant under this CUP. The signs for the diesel pumps meet all the requirements for signs under the ICC and do not require any special consideration.

The approval of this CUP will bring all the existing nonconforming signage that will be replaced into compliance and approve the new diesel pump signage.

## 2. Mid-Rise Pole Sign and Electronic Fuel Price Display

The existing Mid-rise pole sign does not meet the size requirements per ICC 18.75.100(C)(2) allowing for signage up to 50 square feet per sign. The Mid-rise will have an illuminated 76 sign replacing the illuminated Shell sign, and an electronic fuel price display replacing the manual price display. In total the Mid-rise sign will be 94.97 square feet which is more than the allowed 50 square foot limit making the sign nonconforming. Since the sign is nonconforming it requires an approval of this CUP to bring the size of the sign into compliance.

The Mid-rise sign is 30 feet in height and does not meet the height requirements of ICC 18.75.110(B) providing that a sign shall not exceed 25 feet in height. The height of the sign is nonconforming and requires approval of this CUP to bring the height into compliance.

The proposed additional change to the Mid-rise sign is to replace the illuminated manual price display with an electric price display. The use of an electric price display requires a CUP, as provided under ICC 18.75.120. The applicant is requesting approval of this CUP to be able to utilize their electronic fuel price display.

## 3. High-Rise Pole Sign

The existing Hi-rise pole sign is illuminated and will remain illuminated. The applicant is proposing to only change the sign image from Shell to 76 without making any other changes. The area of the Hi-rise sign is 168.45 square feet

which exceeds the allowed 50 square feet under ICC 18.75.100(C)(2) making this sign nonconforming. Since the sign is nonconforming it requires approval of this CUP to bring the size of the sign into compliance

This Hi-rise sign is 75 feet in height and does not meet the height requirements of ICC 18.75.110(B) providing that a sign shall not exceed 25 feet in height. The height of the sign is nonconforming and requires approval of this CUP to bring the height into compliance.

#### 4. Number of Pole Signs

There are two existing pole signs that the applicant is requesting to reimage, the Mid-rise and Hi-rise signs. According to ICC 18.75.100(C)(3) no more than one pole sign is permitted on each lot. Since these two pole signs are existing on this one parcel and never received permit approval from the Planning Department they are nonconforming. The applicant is seeking to bring these two pole signs into compliance with the approval of this CUP.

#### General Plan Consistency

The goal of this project is to allow for the reimagining of a Shell station to a 76 station to include the canopy, fuel pumps, Food Mart, Hi-rise sign and Mid-rise sign which will include a new electronic price display. The project is consistent with the General Plan designation of Central Business District (CBD) in which it is located, as it allows for commercial uses including retail and transportation services such as gas stations and the reimagining of the signage to 76 is related to the allowed use.

#### Zoning Ordinance Consistency

The Central Business (CB) designation allows for gas stations as a permitted use and electronic signs as a conditional use. The current uses on the site are well established although unapproved and nonconforming. The applicant is seeking the CUP to have all signage to include the canopy, fuel pumps, Food Mart, Hi-rise sign and Mid-rise sign to be brought into compliance and to allow for the new electronic fuel price display. By acquiring the CUP the applicant is creating consistency with the code.

### **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the Common Sense Rule 15061(b) (3) that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This application for a CUP is for reimagining of a Shell station to a 76 station to include the canopy, fuel pumps, Food Mart, Hi-rise sign and Mid-rise sign which will include a new electronic price display. No other building or use changes are part of the project and the entire property is disturbed.

## NOTICING & REVIEW

The application for CUP 2024-07/Shell Station Reimage to 76 has been reviewed by the appropriate county departments. The CUP is being conditioned with meeting all State and County Building Codes including those related to lighting.

The hearing for CUP 2024-07/Shell Station Reimage to 76 was noticed on October 12, 2024 in the Inyo Register and mailed to property owners within 300-feet of the project location as required by the Inyo County Code. No comments have been received to date.

## RECOMMENDATION

Planning Department staff recommends the approval of CUP 2024-07/Shell Station Reimage to 76, with the following Findings and Conditions of Approval:

## FINDINGS

1. The proposed CUP is exempt by the Common Sense Rule 15061(b) (3) that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and, the provisions of the California Environmental Quality Act have been satisfied.

*[Evidence: The Common Sense Rule 15061(b) (3) states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The application for this CUP is for the reimagining of a Shell station to a 76 station to include the canopy, fuel pumps, Food Mart, Hi-rise sign and Mid-rise sign which will include a new electronic price display. The property has been in use as a gas station and food mart for many years. The CUP will be bring the nonconforming signage into conformity and allow for the addition of an electric fuel price display. No new development changes are proposed as part of the project and the entire property is already disturbed (graded and compacted).].*

2. The proposed CUP is consistent with the Inyo County General Plan Land Use designation of CBD.

*[Evidence: The goal of this project is to bring the nonconforming signage into compliance to allow for branding change from Shell to 76 and allow for the new electronic fuel price display. The project is consistent with the General Plan designation of CBD in which it is located as it allows for commercial uses including retail and transportation services such as gas stations; and therefore, the CUP is consistent with the County's General Plan as the signage is directly related to the allowed use.]*

3. The proposed CUP is consistent with the Inyo County Zoning Ordinance, which permits "Electronic Signs" as a conditional use in the CB Zone.

*[Evidence: The CB designation allows for fuel station signage along with an electronic sign as a conditional use. The current uses on the site are well established. The applicant is seeking the use permit to reimage the nonconforming signage of a Shell station to a 76 station along with adding an electronic fuel price display, in*

*compliance with County's zoning ordinance. By acquiring the CUP the applicant is creating consistency with the code.]*

4. The proposed CUP 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 signage will be changed to 76 and an electronic fuel price display will replace the illuminated manual fuel display. The existing fuel station and food mart have been at this location for many years and has not caused issues to date. The only changes will be the brand change from Shell to 76 and the fuel prices will be electronically displayed. The Mid-rise pole sign will be 94.97 square feet and have an electronic component with lit fuels prices. It is and will remain 30 feet in height, two-sided and illuminated, enabling drivers to see the sign while driving along Highway 395. The Hi-rise sign will remain 168.45 square feet and will remain 75 feet in height. It will help promote a local business that caters to visitors and semi-truck drivers; and therefore, is a desirable use.]*

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

*[Evidence: The proposed CUP is to allow for reimagining of the Shell station to a 76 station and provide an electronic sign to display fuel prices. The signs will not likely increase the current level of vehicles exiting and entering Highway 395; and therefore the project will have no impact on the 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 to allow for reimagining of the Shell station to a 76 station and provide a new electronic sign to display fuels prices to a currently existing fuel station. The signs will not create impacts on the health or safety of persons living or working in the vicinity.]*

7. Operating requirements necessitate the CUP for the site.

*[Evidence: For the reimagining of the nonconforming Shell signage to 76 and to add an electronic fuel price display, a CUP is required per the Inyo County Code. Therefore, the CUP is necessary for the signs at the site.]*

## **CONDITIONS OF APPROVAL**

1. Hold Harmless

The applicant/developer 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 CUP 2024-07/Shell Station Reimage to 76. The County reserves the right to prepare its own defense.

2. Compliance with County Code

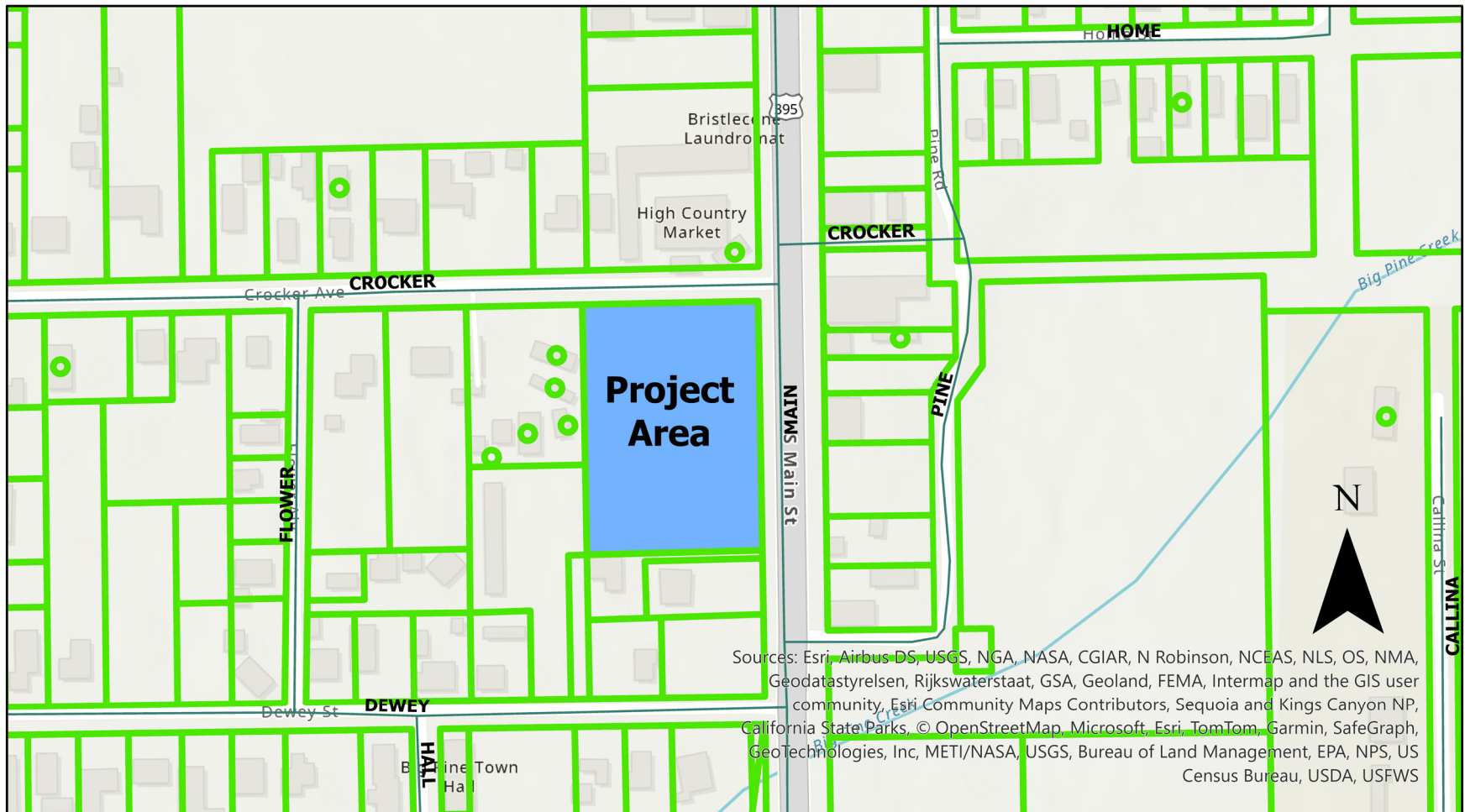
The applicant/developer shall conform to all applicable provisions of Inyo County Code including the Building Code and the County Outdoor Lighting Ordinance. Failure to meet these conditions may result in the revocation of CUP 2024-07/Shell Station Reimage to 76. If the use provided by this CUP is not established within one year of the approval date it will become void.

Attachments:

- Vicinity Map
- Sign Plan

# CUP 2024-07/Shell Station Reimage to 76

**VICINITY MAP**  
**APN: 004-032-01**  
**109 S. Main St., Big Pine, CA**



0 0.03 0.06 0.12 Miles



EXISTING



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Canoga Park, CA 91304

(P) 818.993.5406  
(F) 818.993.3174

State Licence 853228



**Job Location**

109 S Main St.  
Big Pine, CA 93513

**Owner Information**

Big Red Rooster Flow  
Two Northfield Plaza, Suite 211  
Northfield, IL 60093  
P: 847-886-0455  
F: 847-600-4277

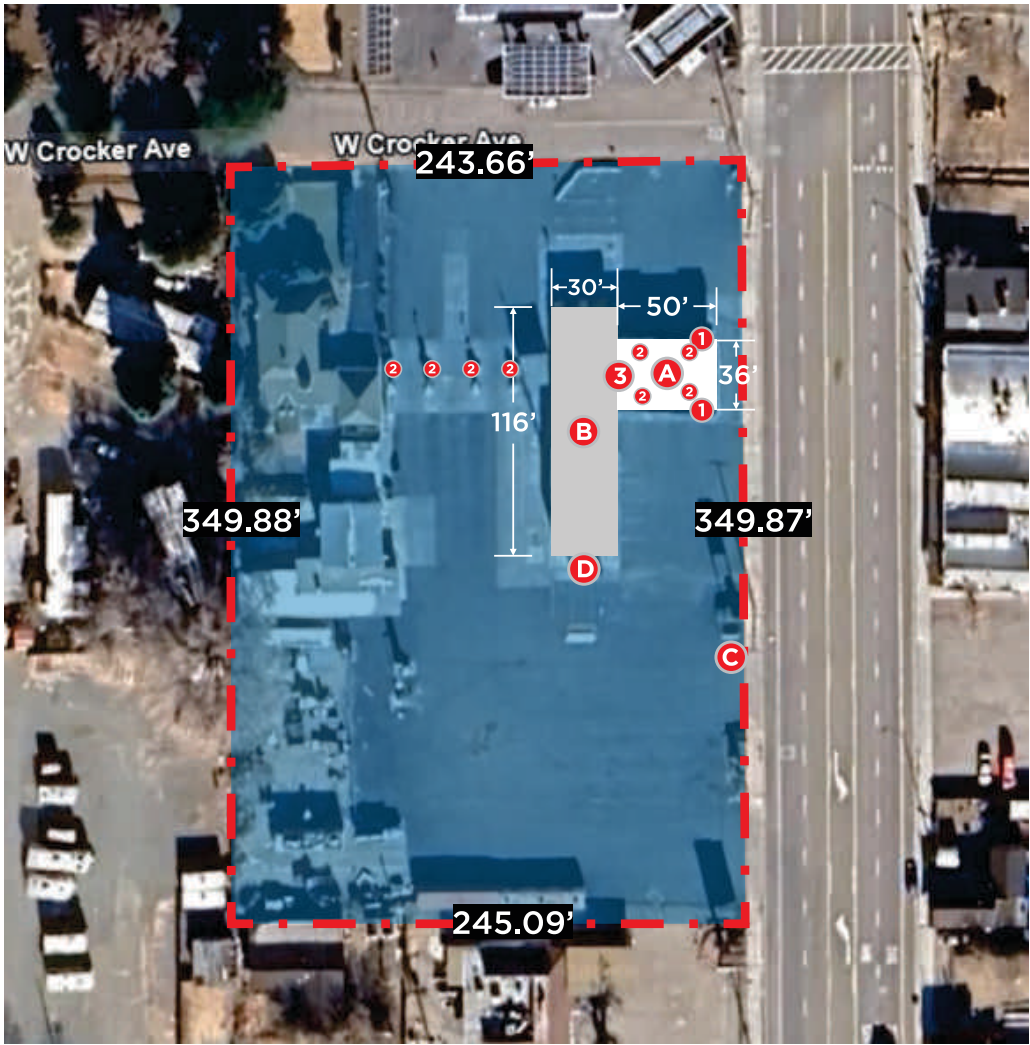
**Project Information**

Project — 76 Flyers Energy  
Designed by — PS  
Date — 09.23.2024  
Revision — 2.0

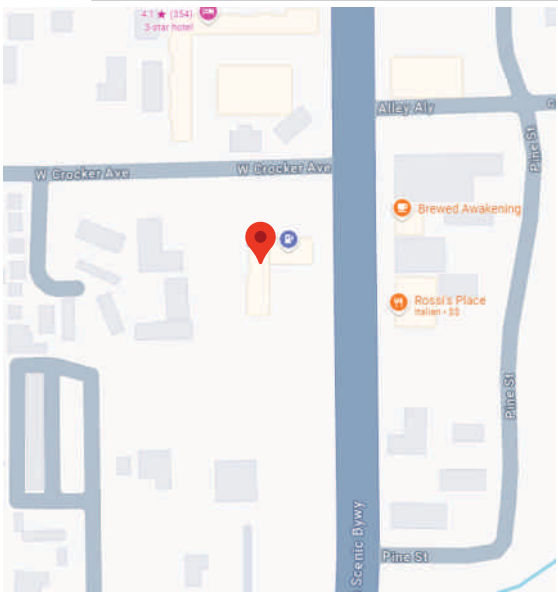
**Approval**

X \_\_\_\_\_ DATE \_\_\_\_\_  
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Vicinity Map



	Sign Type	QTY	SQFT	Total
<b>A</b>	Canopy			
<b>1</b>	Canopy Logo	2	11	22
<b>2</b>	Valence Logo	8	.82	6.56
<b>B</b>	C-Store			
<b>3</b>	Food Mart Letters	1	14.26	14.26
<b>C</b>	MID	1	94.97	94.97
<b>D</b>	Hi-Rise	1	168.45	168.45



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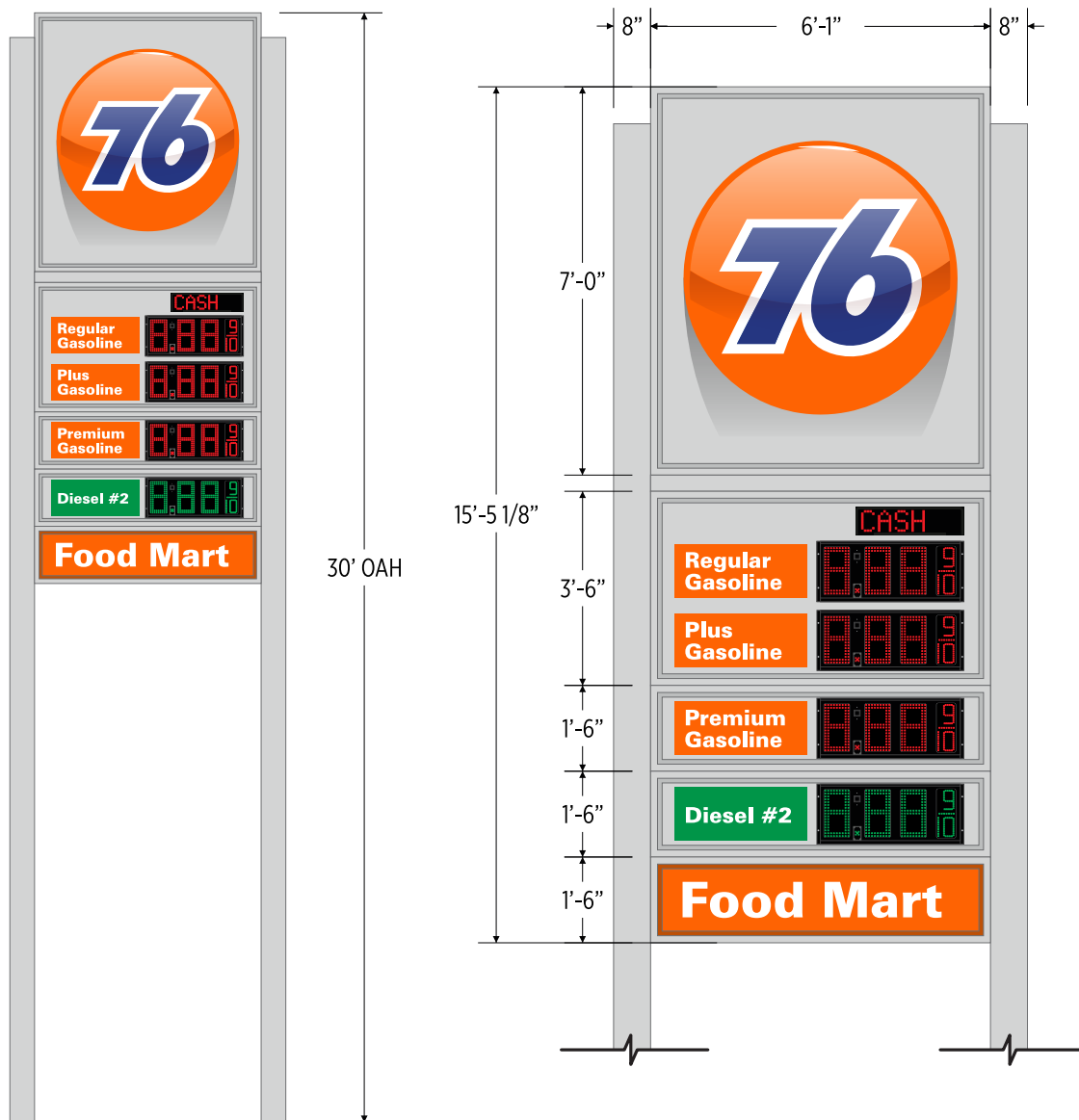
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Designed by — PS  
Date — 09.23.2024  
Revision — 1.0

**Approval**

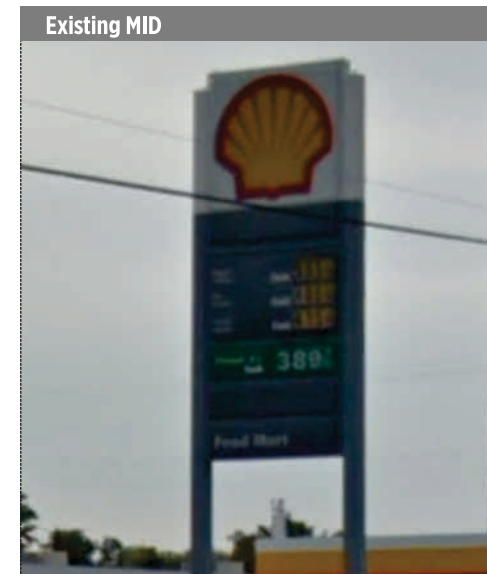
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# Signage Re-Face



Existing MID



## 4P LED Shell Dual Pole MID | Double Sided

Logos	Pan Formed
Faces	Acrylic/Plexiglass
Pricer	PWM 10" LED's, Connect Electrical, Test
Toggle	6" Able Toggle Digit 'Cash - Credit/Debit'
Install	New Faces. Test Electrical.
Paint	Paint cabinets/poles to Brand spec.

1:40  
12" LEDs  
94.97



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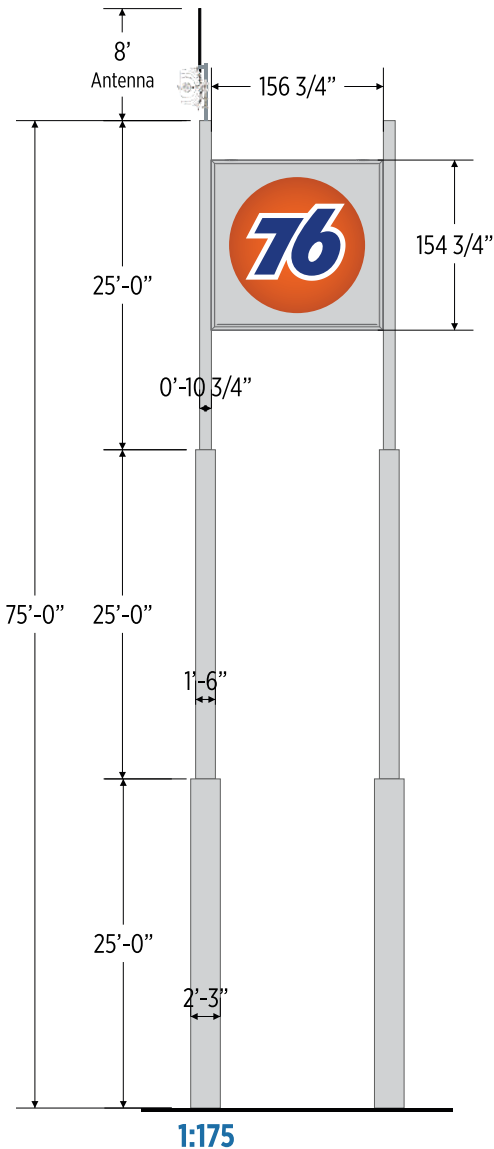
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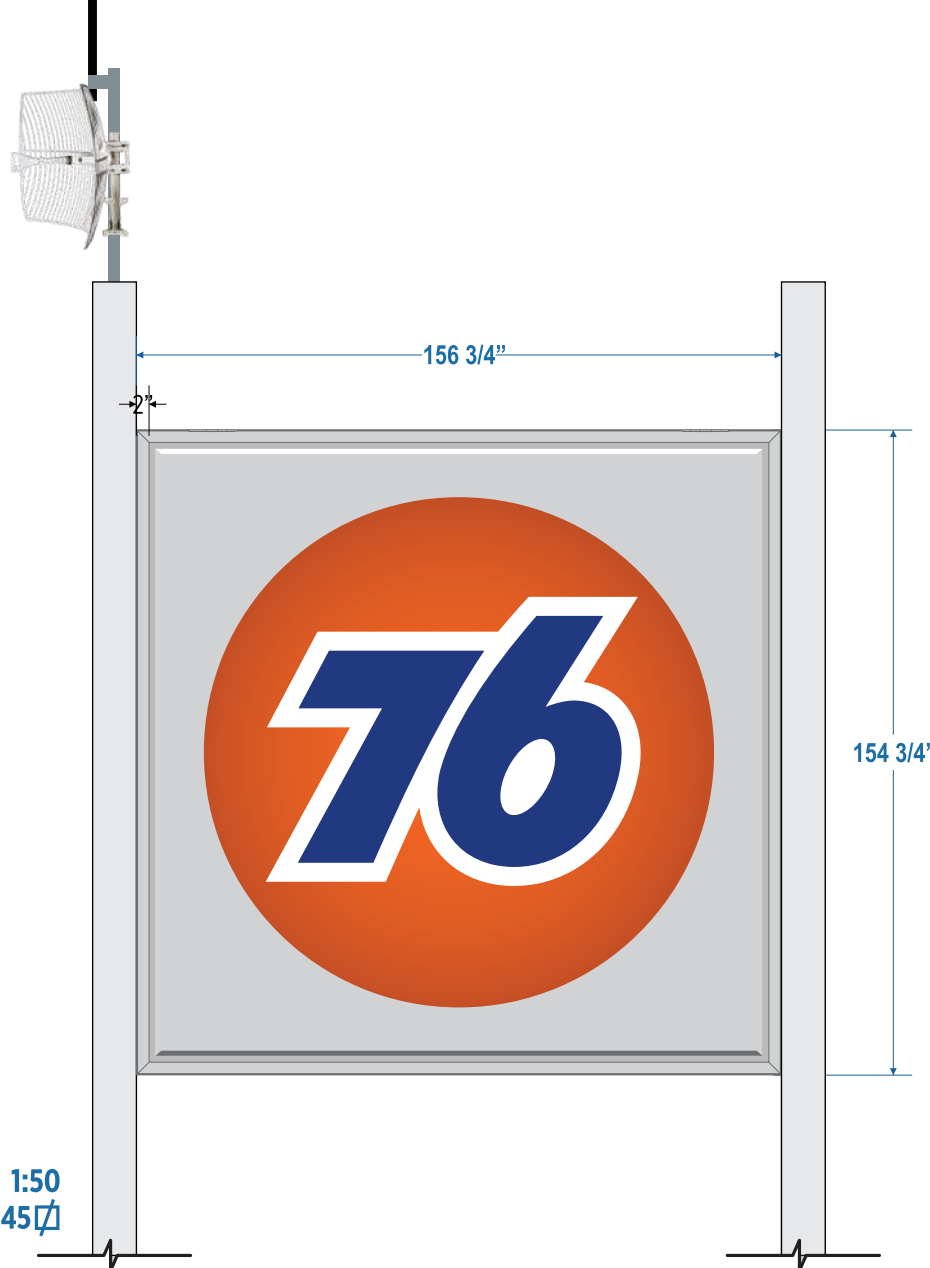
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# High Rise Signage



1:50  
168.45'



## Existing MID



## Shell High Rise Sign Reface

Logos	Vinyl
Faces	Panaflex Face
Install	Replacing existing High Rise face with new 76 Flex Faces, 2" Retainers, 34" Deep Returns
Paint	Paint HR Poles & Returns Silver



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