

DATE: ³2/16/99 AGENDA ITEM # 5
 APPROVED DENIED
 CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *Bob*
SUBJECT: CONDITIONAL USE PERMIT 98006 (APPLICANT: SYLVESTER WINERY)
Rescheduled consideration of an off-premise directional sign for winery

DATE: MARCH 16, 1999

Needs: For the City Council to consider options related to Sylvester Winery's request for authorization of an off-premise directional sign (billboard).

- Facts:
1. The applicant is seeking approval for a billboard sign on a residentially zoned parcel located at 1921 Experimental Station Road. The sign has been installed and is located on the side of a barn structure visible from Highway 46 East.
 2. This Conditional Use Permit (CUP) off-premise sign request was initially considered by the Planning Commission on August 11, 1998. At that meeting the Commission denied the CUP request, identifying the need for completion of a comprehensive highway corridor sign study to establish standards to which the sign proposal could be clearly measured.
 3. The Commission's action was appealed to the City Council and considered at a public hearing held on September 1, 1998. At that meeting the Council directed staff to prepare a comprehensive sign study for both the 101 and 46 highway corridors, then continued action on the CUP request for 6 months to allow for the completion of the study. The sign was allowed to remain up during this period of time.
 4. An Ad Hoc Sign Committee was subsequently formed with representation from The Paso Robles Vintners and Growers Association, The Chamber of Commerce, Paso Robles Main Street, and the Planning Commission. This group had its first meeting in January of 1999 to establish goals and an action plan for preparation of the study, and met again in February to discuss research and inventory findings conducted to date (see attached agenda outlines from those meetings).
 5. One of the more significant discoveries during the Ad Hoc Committee research was the State's legal framework (the Outdoor Advertising Act) that surrounds the establishment of billboards, and the related permitting requirements through Caltrans.

RIMC CODE:	Community Development Department
FILE/CAT:	Current Planning / Conditional Use Permits
DATE:	March 16, 1999
SUBJECT:	Conditional Use Permit 98006 (Sylvester Winery)
RETENTION:	Permanent

6. The Ad Hoc Committee has made substantive progress in the Sign Corridor Study. However, there remain additional steps in the formulation of comprehensive policy recommendations for the City Council's consideration. The group's next scheduled meeting is in April, 1999.
7. Consistent with the Council's direction to reconsider the sign request within a six month period of time, this Conditional Use Permit has been noticed as a public hearing for the City Council's consideration.

Analysis
and

Conclusion:

There are several options that the City Council can consider at this time. These include, approval, denial, conditional approval and a further continuance of the Sylvester Winery Conditional Use Permit request.

Zoning

Approving or denying the application at this time would place the action prior to completion of the Sign Corridor Study. The Council would not have the benefit of the study's findings or standards to measure their action against, but could consider the request on its merits as has been done for other billboard signs. Any approval would need to include a condition requiring the application to obtain necessary permit approvals from Caltrans to demonstrate compliance with the Outdoor Advertising Act.

Under the State's Outdoor Advertising Act, the City can be more stringent in its off-premise sign standards, but cannot be more lenient. Research of the standard practices within other communities who permit off-premise signs, and input from the City's legal counsel indicate that it is prudent for Billboard sign applicants to have first obtained their necessary permits from Caltrans prior to the City considering entitlement for the Billboard Sign. By obtaining State clearances "up front" of any City approvals, potential conflicts between agency land use entitlements can be avoided.

By further continuing action on this item to a date certain, the applicant could proceed with obtaining State approvals prior to the City taking final action on the CUP request.

Policy

Reference:

State's Outdoor Advertising Act; Zoning Code Sign Provisions.

Fiscal

Impact:

None

Options:

Subject to consideration of public testimony:

- a. That the City Council continue the open public hearing to the regular meeting of July 20, 1999 to allow the applicant time to process an application with Caltrans for the subject billboard and to provide additional time to complete the Sign Corridor Study, prior to the City Council taking final action on the CUP;

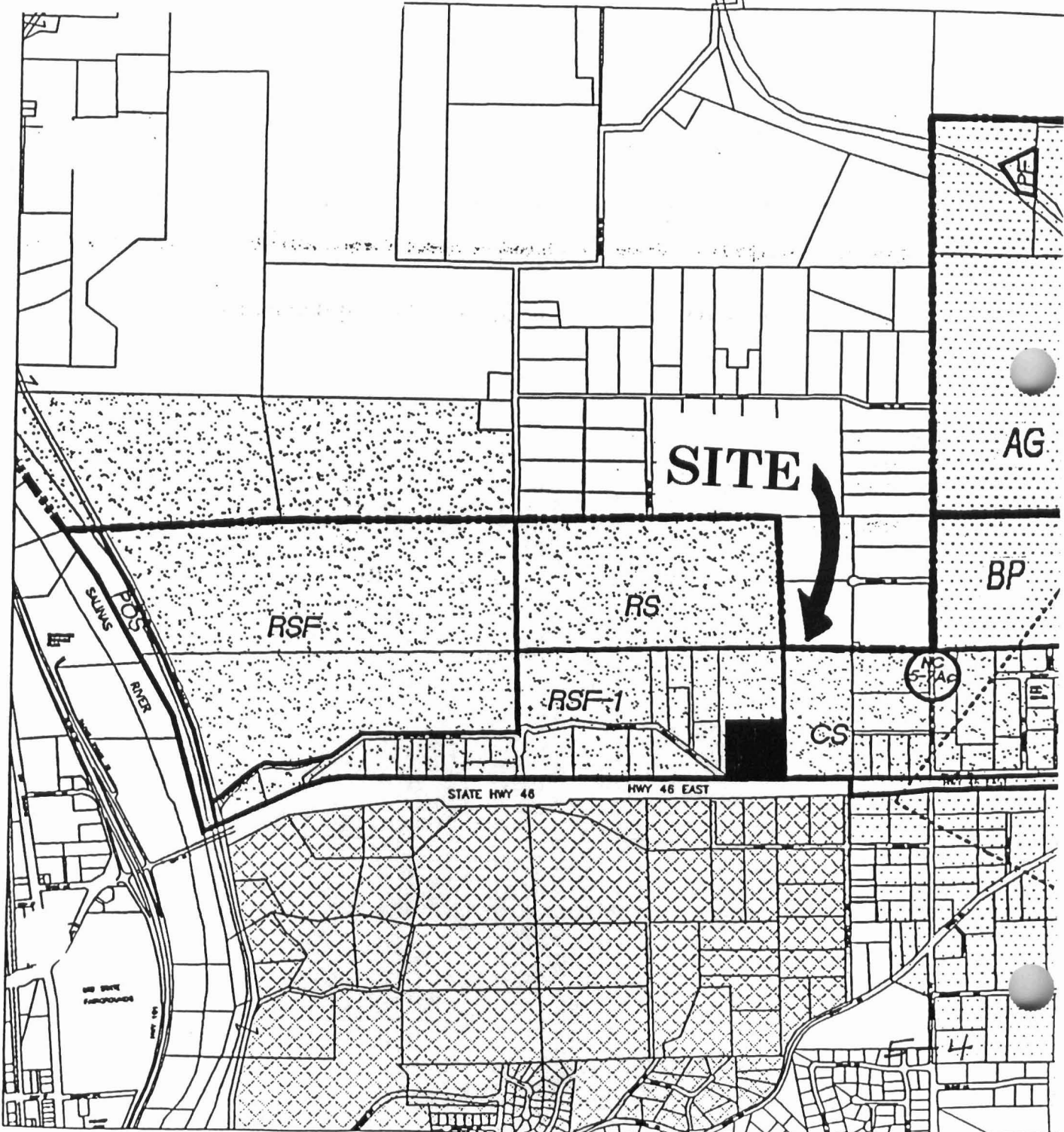
- b. Approve the Conditional Use Permit 98006 as presented, including a condition that the applicant obtain Caltrans approval and if such approval is not obtained within 120 days the billboard shall be removed;
- c. Amend, modify or reject options "a" and "b"

Attachments:

1. Location Map
2. Background information from Ad Hoc Meetings for the Highway Corridor Sign Study
3. Resolution approving CUP 98006
4. Public Noticing affidavits

h:\meg\cups\cup 98006\3-16-99 cc report

**CONDITIONAL USE PERMIT 98006
1921 EXPERIMENTAL STATION ROAD
LOCATION MAP**



Highway Corridor Sign Study Ad Hoc Committee

Agenda
February 25, 1999

I. Existing Local Conditions

Zoning Code

Corridor Conditions

II. Legal Framework - State Law

Outdoor Advertising Act

III. Standards from other Cities/Counties

Research Results

IV. Options to Consider

V. Other Business

VI. Next Steps

Existing Local Conditions

Paso Robles Zoning Code

Definitions - 3 ways for Highway and Directional Signs

1. Highway Oriented Signs

- ◆ on-site signs
- ◆ must be within established geographic district
- ◆ requires a CUP

2. Billboards

- ◆ off-site signs
- ◆ requires a CUP on any private property

3. Directional Signs

- ◆ off-site signs
- ◆ permitted for Residential Subdivisions only
- ◆ plot plan review only
- ◆ specific performance standards

NOTE: All other off-site directional signs treated as billboards

Highway Corridor - Sign Study
Existing Conditions
February 1999

ID #	Location	Type of Sign	# Sides	Current User
1	West of 101 - County	Billboard	2	General Advertising
2	West of 101 - County	Billboard	1	Chumash Bingo
3	West of 101 - County	Billboard	2	General Advertising
4	East of 101 - Ramada	Billboard	2	Wineries
5	East of 101 - Spring St	Billboard	2	City ID / Winery
6	East of 101 - Well Site	Service Organization	1	Multiple
7	East of 101 - Anderson	Directional	1	Residential Subdiv.
8	East of 101 - Anderson	Directional	1	Residential Subdiv.
9	East of 101 - PR Street	Billboard	1	General Advertising
10	West of 101 - MS Fair	Electronic Reader	2	Fair Advertising
11	West of 101 - MS Fair	Billboard	2	General Advertising
12	West of 101 - MS Fair	Billboard	2	General Advertising
13	West of 101 - County	Billboard	1	Chamber
14	South of 46 - Arciero	Directional	1	Residential Subdiv.
15	South of 46 - e/G. Hill	Billboard	2	General Advertising
16	North of 46 - Airprt Rd	Directional	1	Airport Directional
17	North of 46 - H.Huero	Billboard	1	General Advertising
18	North of 46 - e/G. Hill	Billboard	1	Chamber
19	North of 46 - w/G. Hill	Billboard	2	General / Directional
20	North of 46 - w/G. Hill	Billboard	1	Sylvester Directional
21	North of 46 - B. Vista	Service Organization	1	Multiple
22	North of 46 - B. Vista	Billboard - on site	2	Martin Directional
23	North of 46 - w/BVista	Billboard	1	General Advertising
24	Riverside & 24th	Directional	1	Main Street
25	24th at DJ Camping	Billboard	1	Wilsons
26	W/Spring - 15th/16th	Billboard	1	General Advertising
27	1st and Spring	Directional	1	Main Street

Legal Framework

State's Outdoor Advertising Act - Controls Signs along Freeway

- ◆ Caltrans issues permits for billboards and responsible for policing
- ◆ Any Sign within 660 feet of an Interstate or Primary Highway subject to OAA
- ◆ Billboard must be within 1,000 feet of nearest edge of commercial building or activity and must also be zoned for commercial use
- ◆ City can be more restrictive but not less

City's Legal Counsel - McDonough, Holland & Allen

- ◆ Prepared "white paper" on whether there is a difference between Billboards and Directional Signs (attached)
- ◆ Conclusion - Cannot differentiate

Note: Technically, all signs along Highway 46 and 101 (off-site) are billboards

McDONOUGH, HOLLAND & ALLEN
A PROFESSIONAL CORPORATION
ATTORNEYS

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February 24, 1999

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TIMOTHY P. HAYES
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DANIEL V. MARTINEZ
STEVEN A. LAMON
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Meg Williamson
Principal Planner
Community Development
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Billboard and Directional Sign Study
for the Highways 101 and 46 Corridors

Dear Meg:

You asked whether the Outdoor Advertising Act, Business and Professions Code section 5200 *et seq.*¹ ("Act"), applies to directional signs as distinguished from billboards. You explained that the City is interested in promoting tourism and visitor serving messages and is interested in developing an ordinance to support these objectives along the Highways 101 and 46 corridors. More specifically, you mentioned a desire to use directional signage for the local wineries.

As a general rule, the Act applies to all signs visible from and located within 660 feet of interstate highways² or primary highways³ "measured from the edge of the right-of-way horizontally along a line normal or perpendicular to the centerline of the highway." Section 5222. I reviewed provisions of the Act and the state and federal regulations interpreting the application of the Act to determine whether there were exceptions for directional signs as contemplated by the City.

¹ / All section references will be to the Business and Professions Code unless otherwise specified.

² / "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the [Caltrans] director and approved by appropriate authority of the federal government." Section 5215.

³ / "Primary highway" means any highway, other than an interstate highway, designated as a part of the federal-aid primary system in existence on June 1, 1991, and any highway that is not in that system but which is in the National Highway System." Section 5220.

YUBA CITY OFFICE
488 CENTURY PARK DRIVE, SUITE A
P.O. BOX 776
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The Act's definition of "advertising structures" does not distinguish signs with changeable advertising copy from those with permanent advertising copy. " 'Advertising structure' means a structure of any kind or character erected, used, or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes" Section 5203. " 'Sign' refers to any card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising purposes on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, other than an advertising structure. . . ." Section 5221.

The definitions for advertising structures and signs exclude (1) "[d]irectional, warning or information structures required by or authorized by law or by federal, state or county authority;" and (2) "[a] structure erected near a city or county boundary, which contains the name of such city or county and the names of, any other information regarding, civic, fraternal or religious organizations located therein." Section 5203. Title 23, Code of Federal Regulations ("CFR"), Chapter 1, Part 750.151 through 750.155 provides an interpretation of these exclusions.

Title 23, CFR § 750.153 (r) states:

"Directional signs means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the travelling public."

Title 23, CFR, § 750.154 (f) states in part:

"(1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

"(2) To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the travelling public. . . ."

In 1984, the California Court of Appeal applied these definitions to a private party. The private party had obtained a permit to construct a "directional" sign from the County in which the sign was located. The purpose of the sign was to advertise directions to the private party's commercial enterprises including: a swimming and tennis club, a cocktail and dining lounge, and a housing

subdivision. The Court of Appeal held that the private party's sign did not qualify for the "directional" sign exemption provided under the Act and as interpreted by both the state and federal regulations. (*Dean W. Knight & Sons, Inc. v. State of California* (1984) 155 Cal.App.3d 300.) In sum, the regulations and case law narrowly interpret the definition of directional signs that are exempt from Caltrans' permit requirements. Based on the definition and interpretations, it is unlikely that the local wineries can qualify for directional signage without a Caltrans permit.

Another exemption under the Act allows signage for farm produce outlets. Section 5405.5 provides in part:

"[D]isplays erected and maintained pursuant to the regulations of the director, which will not be in violation of Section 131 of Title 23 of the United States Code, and which identify the location of a farm produce outlet where farmers sell directly to the public *only those farm or ranch products they have produced themselves*, may be placed or maintained within 660 feet from the edge of the right-of-way so that the copy of the display is visible from a highway. . . ."

Section 5405.5; Emphasis added. This exemption may be applicable to the wineries if they only sell products produced at the wineries.

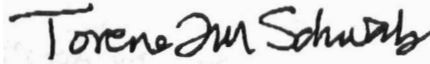
To the extent, your sign study proposes to allow signage that requires a permit from Caltrans, I enclose a copy of section 5408. This section describes the basic size and spacing requirements for most signs located within 660 feet from the edge of the right-of-way. Section 5408, however, does not account for bonus segments, landscaped freeways, or officially designated scenic highways.

As we discussed, the City should contact Caltrans to determine whether bonus, landscaping or scenic highway classifications apply to the Highway 101 or 46 corridors. New signs are prohibited within 660 feet of landscaped freeways and officially designated scenic highways. Signs are also generally prohibited in those portions of the Interstate system that are classified as "bonus segments" (originally implemented by the federal "Bonus Act"). However, the Bonus Act allows signs that are within commercial or industrial areas that existed within the boundaries of an incorporated area as of September 21, 1959.

Meg Williamson
February 24, 1999
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I hope this overview answers your initial questions. After your Ad Hoc Committee further defines its objectives, I can also discuss potential state and federal Constitutional issues related to free speech restrictions as applied to sign ordinances. In the meantime, please let me know if you need any additional information.

Very truly yours,



Torene L.M. Schwab

TLS:map

enclosure

cc: Iris P. Yang, Esq.

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WEST'S ANNOTATED CALIFORNIA CODES
BUSINESS AND PROFESSIONS CODE
DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY
CHAPTER 2. ADVERTISERS
ARTICLE 7. REGULATIONS

Current through end of 1997-98 Reg. Sess. and 1st Ex. Sess.

§ 5408. Standards for advertising displays in business areas

In addition to the advertising displays permitted by Section 5405 to be placed within 660 feet of the edge of the right-of-way of interstate or primary highways, advertising displays conforming to the following standards, and not in violation of any other provision of this chapter, may be placed in those locations if placed in business areas:

(a) Advertising displays shall not be placed which exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members. This subdivision shall apply to each facing of an advertising display. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding 350 square feet each may be erected in a facing. Any advertising display lawfully in existence on August 1, 1967, which exceeds 1,200 square feet in area, and which is permitted by city or county ordinance, may be maintained in existence.

(b) Advertising displays shall not be placed which are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal; nor shall any advertising display include or be illuminated by flashing, intermittent, or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information); nor shall any advertising display cause beams or rays of light to be directed at the traveled ways if the light is of such intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

(c) Advertising displays shall not be placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal, or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging, or intersecting traffic.

***12913**

(d) No advertising display shall be placed within 500 feet from another advertising display on the same side of any portion of an interstate highway or a primary highway which is a freeway. No advertising display shall be placed within 500 feet of an interchange, or an intersection at grade, or a safety roadside rest area on any portion of an interstate highway or a primary highway which is a freeway and if the interstate or primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 300 feet from another advertising display on the same side of any portion of a primary highway which is not a freeway if that portion of the primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 100 feet from another advertising display on the same side of any portion of a primary highway which is not a freeway if that portion of the primary highway is located inside the limits

of an incorporated city or inside the limits of an urban area. However, this subdivision does not apply to advertising displays which are separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time. This subdivision shall not prevent the erection of double-faced, back-to-back, or V-type advertising display, with a maximum of two signs per facing, as permitted in subdivision (a). This subdivision does not apply to advertising displays permitted by Section 5405. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway. Any advertising display lawfully in existence on August 1, 1967, which does not conform to this subdivision but which is permitted by city or county ordinances may be maintained in existence. "Urban area," as used in this subdivision, shall be determined in accordance with Section 101(a) of Title 23 of the United States Code.

CREDIT(S)

1990 Main Volume

(Added by Stats.1970, c. 991, p. 1775, § 2. Amended by Stats.1975, c. 1074, p. 2631, § 2; Stats.1983, c. 653, § 14.)

Standards from Other Agencies

Research results attached

- ◆All communities contacted prohibit Billboards
- ◆Some allow off-site directional (subdivisions only)
- ◆Most prohibit off-site directional for commercial use
- ◆Napa County allows off-site for Wineries
- ◆Uniform set of criteria applies in Napa County

Highway Corridor Sign Research

- Does your community have regulations in place to prohibit Billboards?
- Do you allow for directional signs for businesses or activities near your highway corridor?
- Any special provisions for identifying wineries or other tourism related uses?
- Does the chamber or wine growers association have special sign programs in place?

City of Calistoga - Colleen Morris/Jo Noble (707) 942-2827

- ◆ Prohibit Billboards
- ◆ On-site signs only
- ◆ Can't direct from one location to another business location

City of Napa - Steve (707) 257-9530

- ◆ Prohibit Billboards
- ◆ Allow Off-site Directional only for subdivisions (only if located in the City limits)
- ◆ No special directional signs for wineries or tourism (wineries outside of citylimits)
- ◆ City-wide signage program being established to direct visitors to Visitors Centers
- ◆ Visitor Centers disseminate maps and information on visitor industries
- ◆ American Center for Wine, Food and the Arts (private) being developed on River

Napa County - Will Selleck (707) 253-4416

- ◆ Prohibit Billboards
- ◆ Off-site directional signs for Wineries permitted subject to following criteria:
 - ◆ Zoning Administrator Permit (public hearing)
 - ◆ Approval from Cal Trans (proof required up front)
 - ◆ More that ½ mile from highway or not visible
- ◆ Uniform Design criteria:
 - ◆ 1' (wide) x 3' (tall)
 - ◆ Blue background
 - ◆ White - 4" tall reflective capital (block) letters
 - ◆ Winery name only (no extra information on hours or logo)
- ◆ Copy of their standards attached

Sonoma County (707) 527-1900

Unable to reach (message left)

Call between 9:00-10:45 or 1:00-3:45 only (1 planner on duty)

St. Helena - Carol Pool (707) 963-2741

Message left -

Yountville - Dane Anderson (707) 944-8851

Message left

Carmel (408) 620-2010

Message left

18.116.020

Meg Williamson
City of Paso Robles

D. One political sign not exceeding thirty-two square feet in sign area. No political sign shall be displayed earlier than ninety days prior to the election in which the candidate or ballot measure will be voted on. All political signs shall be removed within ten days thereafter, except that a sign on behalf of a candidate who is successful in a primary election may be retained for the general election. Removal of political signs shall be the responsibility of the property owner. (Ord. 878 § 1, 1988; Ord. 601 § 1 (part), 1979; prior code § 12601)

18.116.030 Signs allowed upon grant of a permit.

In addition to signs allowed by Section 18.116.020, the following signs may be permitted where indicated, but only upon grant of a permit by the director of the department of conservation, development and planning. All applications for a sign permit shall be accompanied by that fee established by resolution of the board of supervisors.

A. Directional Signs.

1. Two directional signs per business, institution or facility on any lot in any zone. Such signs may be single or double faced. The director may allow two additional single- or double-faced directional signs based on a finding that the request and need for said additional signs meets the following criteria:

- a. The business, institution or facility requesting the additional sign(s) is located more than one-half mile, measured on a straight line, from the nearest major county road or state highway, or
- b. The business institution or facility, as a result of topography or vegetation or both, is not visible from the nearest major county road or state highway.

2. The director, in issuing a permit hereunder, shall require compliance with the following standards and specifications in addition to any other conditions imposed on such permit:

- a. Dimensions: no directional sign shall be more than one foot wide or three feet long.
- b. Color: directional signs shall employ a white reflectorized legend on a blue background.
- c. Copy: copy should be four-inch-high capital letters.
- d. Location in right-of-way: directional signs may be located within a county road right-of-way, but only upon the approval of the director of public works given prior to the approval by the director of the department of conservation, development and planning;

B. Identification Signs. Where signage is not approved by use permit or sign permit pursuant to a comprehensive sign plan, the following signs may be permitted:

1. One on-site freestanding sign not exceeding sixty square feet in total sign area and not exceeding thirty square feet in sign area per face; or

2. One on-site wall sign not exceeding twelve square feet for each business located on the lot.

C. Temporary canvas signs, banners, promotional flags, pennants, streamers or similar devices;

D. Temporary off-site signs;

E. Relocation of off-site signs due to road realignment: signs directing the traveling public to historically significant locations or facilities may be relocated to a new site within one-half mile of the original site. Modifications in size, height or location may be approved if it is determined reasonable and necessary under particular circumstances. (Ord. 1046 § 4, 1993; Ord. 1036 § 1, 1993; Ord. 919 §§ 2, 3, 1989; Ord. 878 § 2, 1988; Ord. 775 § 2, 1984; Ord. 601 § 1 (part), 1979; prior code § 12602)

18.116.035 Comprehensive sign plan.

A. No sign shall be issued for any business located within a multitenant commercial complex (two or more tenants) located in any commercial zoning district unless a use permit for the complex contains specifications for all signs that are consistent with these requirements, or a comprehensive sign plan (CSP)

RESOLUTION NO: _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 98006
(SYLVESTER WINERY, INC.)
APN: 025-391-035

WHEREAS, section 21.19.070 of the Municipal Code of the City of El Paso de Robles requires approval of a conditional use permit for billboards placed on private property, and

WHEREAS, the applicant, Sylvester Winery Inc., has filed a conditional use permit application to place a directional sign (billboard) on an existing feed bin located at 1921 Experimental Station Road, and

WHEREAS, a public hearing was conducted by the Planning Commission on August 11, 1998 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this use permit and at that meeting the Commission denied the use permit request calling for a comprehensive Highway Corridor Sign Study to first be completed as a means of measuring the signs merits, and

WHEREAS, an appeal of the Planning Commission's August 11, 1998 application denial was filed with the Community Development Department, and

WHEREAS, a public hearing was conducted by the City Council on September 1, 1998, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request, and

WHEREAS, at their September 1, 1998 meeting, the City Council directed staff to prepare a comprehensive Highway Corridor Sign Study for Highways 101 and 46 consistent with the Commission's direction and also tabled action on the use permit request for a six month period of time, and

WHEREAS, a public hearing was conducted by the City Council on March 16, 1999 in a six month follow up to the Council's September 1, 1998 action, and the Council considered the progress of the Ad Hoc Sign Committee regarding the Sign Corridor Study in relation to the merits of the applicant's billboard sign request, and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received, the City Council finds that the project will not have a significant effect on the environment and a Negative Declaration shall be prepared for the project, and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the City Council finds that the establishment , maintenance or operation for the requested use or building applied for , will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve Conditional Use Permit 98006 subject to the following conditions:

STANDARD CONDITIONS

1. Any site specific condition imposed by the City Council in approving this project may be modified or eliminated, or new conditions may be added, provided that the City Council shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Council finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.
2. This project is subject to the California Environmental Quality Act (CEQA) which requires the applicant submit a \$25.00 filing fee for the Notice of Determination payable to "County of San Luis Obispo". The fee should be submitted to the Community Development Department within 24 hours of project approval which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.

SITE SPECIFIC CONDITIONS

3. The applicant shall apply for a permit from Caltrans in accordance with the applicable requirements of the Outdoor Advertising Act. In the event a Caltrans permit has not and/or cannot been obtained within 120 days from the approval of this Conditional Use Permit, the billboard shall be removed.
4. This conditional use permit (CUP) authorizes the installation of a one sided billboard, 8 feet by 20 feet, mounted on an existing feed bin located at 1921 Experimental Station Road.
5. The billboard should not resemble or conflict with any traffic control sign or device by color, wording, or location.
6. This particular billboard will not be lighted.

7. The sign face shall be kept in a neat manner at all times, and any graffiti or vandalism removed or repaired immediately.

PASSED AND ADOPTED THIS 16th day of March, 1999, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

regarding the ...

Duane J. Picanco, Mayor

ATTEST:

Madelyn Paasch, City Clerk

[h:/meg/cup/cup98006/cc/reso](http://meg/cup/cup98006/cc/reso)

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

Filed

I, Jo Manson, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project Conditional Use Permit 98006 (Sylvester Winery) for the meeting on March 16, 1999 (City Council).

Mailed on this 3rd day of March 1999.

City of El Paso de Robles
Community Development Department
Planning Division

Signed:


Jo Manson

H:/Jo/mail.affidavit

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

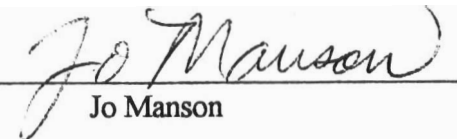
Newspaper: TELEGRAM-TRIBUNE

Date of Publication: March 3, 1999

Meeting Date: March 16, 1999
(City Council)

Project: Conditional Use Permit 98006
(Sylvester Winery)

I, Jo Manson, employee of the Community
Development Department, Planning Division, of the City of
El Paso de Robles, do hereby certify that this notice is a true
copy of a published legal newspaper notice for the above
named project.

Signed: 
Jo Manson

NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider Conditional Use Permit 98006, filed by Sylvester Winery, for the placement of an off-premise directional sign (billboard) identifying the winery's location. The sign is located on a residential property at 1921 Experimental Station Road which has frontage and visibility from Highway 46 East. The application was previously considered by the City Council at their meeting of September 1, 1998, on an appeal action. At that meeting, the City Council directed a six month continuance to allow further analysis of the aggregate signage along the Highway 46 and 101 corridors.

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, March 16, 1999, at which time all interested parties may appear and be heard.

This application is

Categorically Exempt from environmental review per Section 15315 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Comments on the proposed project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing. Should you have any questions regarding this application, please call Meg Williamson at (805) 237-3970.

The staff report for the sign proposal will be available for review at the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, on the Thursday before the scheduled date of this hearing.

If you challenge the conditional use permit application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Meg Williamson, Principal Planner
Mar. 3, 1999 5131128