

TO: JAMES L. APP, CITY MANAGER  
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR *RAL*  
SUBJECT: CODE AMENDMENT 99009 DONATION TRAILERS/FACILITIES  
(CITY-INITIATED)  
DATE: FEBRUARY 1, 2000

Needs: At the direction of the City Council, the City has initiated amendments to the City's Municipal Code to revise the regulations for donation trailers / facilities in the Regional Commercial Zone, subject to a Conditional Use Permit.

Facts:

1. At its meeting of December 7, 1999, the City Council directed staff to initiate the code amendment to make provisions in the zoning code to allow donation drop of facilities in the RC (Regional Commercial) zones throughout the City. The Council discussion also included the suggestion that the number of donation facilities be limited to one per twenty (20) acres site.
2. Section 21.16.200.F.14.b (2) Secondhand Merchandise with Donation Drop-off, already provides for the establishment of donation facilities in the C2, C3 & M zones with a Conditional Use Permit (CUP).
3. The draft ordinance proposes to amend Section 21.16.200.F.14.b (2) to also allow donation facilities in the RC (Regional Commercial) zone with a CUP, for twenty (20) acre minimum sites.
4. The Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15311, Accessory Structures, of the State's Guidelines to Implement CEQA.
5. The Planning Commission at their meeting of January 11, 2000, reviewed this code amendment and recommended that the City Council approve the proposed Ordinance that would allow Donation Trailers to be located in the RC zone. The Planning Commission did also recommend that the Council add a condition that would require any two donation trailers to be located at least one-thousand feet apart.

Analysis and

Conclusion: The proposed ordinance would provide for the location of donation drop-off facilities in the Regional Commercial zones subject to a Conditional Use Permit, limiting the number of donation facilities to one per twenty (20) acre site (i.e.: Woodland Plaza II could accommodate a total of two (2) such facilities; the Target center only one (1) facility). Donation drop-off facilities typically consist of an enclosed trailer.

The attached Ordinance includes the Planning Commission requests that would require a one-thousand (1000) foot separation between two donation facilities. The Planning Commission also wanted to be sure that the two existing donation trailers located in the Wal-Mart parking lot be required to get the necessary conditional use permits.

Policy

Reference: City Zoning

Fiscal

Impact: The proposed ordinance will not have any effect on the General Fund.

Options: After consideration of all public testimony, the City Council should consider the following options:

- a. That the City Council introduce the attached Ordinance amending Section 21.16.200.F.14.b (2) of the Zoning Code, and set February 15, 2000, for adoption, with a provision that limits the number of donation facilities to one per twenty (20) acre site and that any two facilities would be placed at a minimum of one-thousand (1000) feet away from each other. Based on the passage of this ordinance operators of existing donation trailers would be advised of the need to apply for a Conditional Use Permit and would be subject to the minimum separation provision.
- b. Amend, modify, or reject the above option.

Attachments:

1. Draft Ordinance approving Code Amendment 99009
2. Newspaper Notice Affidavit

ORDINANCE NO. \_\_\_\_N.S.  
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING AND BUILDING TITLES OF THE MUNICIPAL CODE  
REGARDING THE LOCATION OF DONATION DROP-OFF FACILITIES  
(CODE AMENDMENT 99009)

WHEREAS, at its meeting of December 7, 1999, the City Council directed staff to initiate a code amendment to make provisions in the zoning code to allow donation drop-off facilities in the RC (Regional Commercial) zones throughout the City; and

WHEREAS, the Council discussion also included the suggestion that the number of donation facilities be limited to one per twenty (20) acres site; and

WHEREAS, Section 21.16.200.F.14.b (2), Secondhand Merchandise with Donation Drop-off, provides for the establishment of donation facilities in the C2, C3 & M zones with a Conditional Use Permit (CUP); and

WHEREAS, the City has initiated Code Amendment 99009, which would amending Section 21.16.200.F.14.b (2) to allow donation facilities in the RC zone with a conditional use permit., limited to one donation facility per twenty (20) acres; and

WHEREAS, the Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15311, Accessory Structures, of the State's Guidelines to Implement CEQA.

WHEREAS, at its meeting of January 11, 2000, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance with a provision that any two donation facilities shall have a minimum of a one-thousand (1000) foot separation between them.

WHEREAS, at its meeting of February 1, 2000, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Table 21.16.200 of the Municipal Code is hereby amended to read as shown on Exhibit A of this ordinance.

**SECTION 1. Publication.** The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

**SECTION 2. Severability.** If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

**SECTION 3. Inconsistency.** To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

**SECTION 4. Effective Date.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on February 1, 2000 and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of February 2000 by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Duane Picanco, Mayor

ATTEST

\_\_\_\_\_  
Sharilyn M. Ryan, Deputy City Clerk

LAND USE	ZONING DISTRICT																			
	AG	RA	R1	R2	R3	R30	R4	OP	CP	C1	C2	C3	RC	M	PM	AP	POS			
or in conjunction with a non-profit fundraising event (greater than seven days)																				
g. Temporary food service (e.g. barbecues) when located at the businesses' permanent location or in conjunction with a non-profit fundraising event (seven days or less)	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N			
<b>14. Secondhand merchandise:</b>																				
a. Antiques	N	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	N			
b. Clothing, furniture and household goods:																				
(1) Without donation drop-off	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N			
(2) With donation drop-off	N	N	N	N	N	N	N	N	N	N	C	C	C*	C	N	N	N			
* One facility per 20 acres, facilities shall be located no closer than 1000 feet from each other.																				
c. Swap meets, flea markets	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N			
<b>15. Service Stations:</b>																				
a. Without auto service uses	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N			
b. With auto service uses	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	C	N			
<b>G. Service Commercial</b>																				
1. Appliance repair	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N			
2. Automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment:																				
a. Body and paint (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N	C	N			
b. Carwashes	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N			
c. Detailing	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	P	N			
d. Rental and accessory services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N			
e. Repair, parts installation (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N			

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

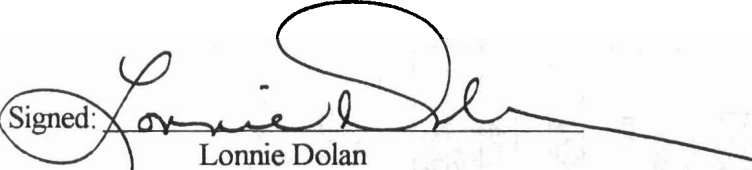
Newspaper: THE TRIBUNE

Date of Publication: December 29, 1999

Meeting Date: January 11, 2000  
(Planning Commission)  
February 1, 2000  
(City Council)

Project: Code Amendment 99009 (City-  
Initiated -- to allow donation drop  
Off trailers in regional commercial  
zoning districts of 20 acres or more)

I, Lonnie Dolan, 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:   
Lonnie Dolan

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Planning Commission and City Council of the City of El Paso de Robles will hold Public Hearings to consider Code Amendment 99009, filed by The City of Paso Robles, to modify Section 21.16.200 of the Municipal Code to allow a donation drop-off trailers in regional commercial zoning districts of twenty (20) acres or more.  
These hearings will take place in the Conference Room at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on the following dates:  
Planning Commission - Tuesday, January 11, 2000  
City Council - Tuesday, February 1, 2000  
All interested parties may appear and be heard at the above hearings.  
The proposed Zoning Code Amendments may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California between the date of publication of this notice and the date of the hearings.  
Comments on the proposed Zoning Code Amendment 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 respective hearings.  
If you challenge the Code Amendment 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 Planning Commission or City Council at, or prior to, the public hearing.  
Darren R. Nash, Associate Planner  
Dec. 29, 1999 5227935