

TO: JAMES L. APP, CITY MANAGER  
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BL*  
SUBJECT: STEP AUTOMOTIVE TRAINING & REPAIR CENTER  
DATE: MARCH 7, 2000

Needs: For the City Council to consider a request from Dora Sloger of Step Schools. Mrs. Sloger is taking exception to the applicability of a requirement for a Conditional Use Permit (CUP) for Auto Repair Uses, and Section 21.20.340 (Nonconforming Uses) which requires new uses to meet current code requirements.

- Facts:
1. According to the attached advertisement that was in the January 26, 2000 Tribune, Step School has located at 1142 13<sup>th</sup> Street, #C. Their advertisement states that they are offering a "Training & Repair Center" that is "Open to the Public" with "Major and Minor Repairs Welcome".
  2. The subject property is located in the C-3 Zone. Per Table 21.16200G.2.e of the Zoning Code, a Conditional Use Permit is required to operate auto repair as a primary use in the C-3 zone.
  3. The subject property has historically been occupied by European Motor Works (corner of 13<sup>th</sup> and Paso Robles Street), Dan's Tires (Paso Robles Street frontage), and Bentley's Welding (southwest corner of the building). The Step School appears to be occupying the space previously used by Bentley's Welding. An approximate site plan is attached.
  4. Uses on the subject property are nonconforming in relation to the City's Zoning Code standards for commercial development. Under the Zoning Code, nonconforming uses can remain indefinitely as long as they continue operations without a break of six or more months. The non-conformity includes an inadequate number of off-street parking spaces, lack of required landscaping, and the lack of a trash enclosure.
  5. The space previously occupied by Bentley's Welding has been abandoned for more than six months. Pursuant to Section 21.20.340 of the Zoning Code, any new use added to the property would need to comply with current development standards (e.g. off street parking, outdoor storage, trash enclosure, etc.).
  6. Attached are copies of letters sent to the Step School and the property owner, Bill Jacobson, advising them of the need to seek a Conditional Use Permit and address the nonconforming use status.

7. Also attached is a letter from Dora Sloger dated February 17, 2000, taking exception to the applicability of the cited provisions of the Zoning Code.

Analysis  
and  
Conclusion:

The City's requirement for a Conditional Use Permit (CUP) for automotive repair activities is intended to address the following real and potential concerns:

- Location / number of off-street parking spaces for customers and employees;
- Screening of inoperable vehicles / outdoor storage;
- Impacts of the land use on other properties / uses in the area (including noise, over-flow parking, other outdoor storage problems).

By their advertisement regarding the property at 13<sup>th</sup> and Paso Robles Streets, the operators of the Step School state their intent to provide "major and minor repairs" and would be "open to the public". The nature of the advertised land use would appear to be consistent with the range of services provided in an auto repair garage which would be subject to approval of the CUP.

In addition to Code requirements for a CUP in conjunction with auto repair uses, there is also a problem with the property already being "non-conforming" in terms of the number and design of off-street parking spaces. Adding a "training and repair center" would seem to be inconsistent with the purpose and intent of Section 21.20.340 of the Zoning Code. That code section is designed to require new land uses to meet current development standards when they are occupying non-conforming space that has been abandoned for more than six months.

Conclusion:

- The advertised "major and minor repairs" to autos would seem consistent with the services provided at other auto repair garages that are subject to the requirements of a CUP.
- The site has inadequate off-street parking, a lack of landscaping, and no provisions for screened storage of inoperable vehicles.
- The Zoning Code does not allow new land uses to be added to non-conforming properties without the new land uses meeting current code requirements. A CUP application would provide the ability for the Planning Commission to address these code requirements.

Policy  
Reference:

Zoning Code Requirements Regarding Auto Repair, Non-Conforming Uses

Fiscal  
Impact:

None

Options:

- a. That the City Council determine that the requirement for a Conditional Use Permit is consistent with Zoning Code requirements for other auto repair activities elsewhere in the City, and that there are no grounds to seek an exception from the requirements to meet current code standards pursuant to Section 21.20.340 (Non-Conforming Uses).
- b. That the City Council determine that because the auto repair activities being proposed by Step School will be in the context of a training program, they do not warrant the requirements of a CUP; and  
  
That the City Council direct staff to initiate a Zoning Code Amendment that would allow the City Council to provide exemptions to the non-conforming use provisions that require compliance with current code standards. (Please note: Modification or elimination of this code provision would impact the City's ability to require future land uses that propose to occupy existing buildings meet current code requirements.)
- c. Amend, modify or reject the foregoing options.

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block of Via Rosa called at 6:34 p.m.

**Stolen bike** — A woman living on the 600 block of Tucker Avenue called police at 8:23 a.m. because her son's bicycle was taken during the night.

**Purse nabbed** — A woman called police from the 500 block of 10th Street at 12:31 p.m. saying that her purse had been stolen from her locked Ford truck within the past two hours.

**Blue moon** — A woman called police at 4:49 p.m., concerned that her children were just mooned by a group of kids on skates and skateboards on Creston Road near Shannon Hill Drive.

**Drug arrest** — Police arrested a 21-year-old man on suspicion of possession of narcotics and giving false identification near the corner of 32nd and Spring streets around 10:01 p.m.

**Friday, Jan. 14**

**Burglary** — A woman living on the 2400 block of Ramada Drive called police at 8:36 a.m. about a break-in.

**Assault** — Police arrested a 15-year-old girl at Paso Robles High School around 10:26 a.m. on suspicion of assaulting a 14-year-old girl at a bus stop earlier that morning. The girl was taken into custody after the victim came to the police station at 7:44 a.m. and re-

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### PERSONAL & BUSINESS TRAINING

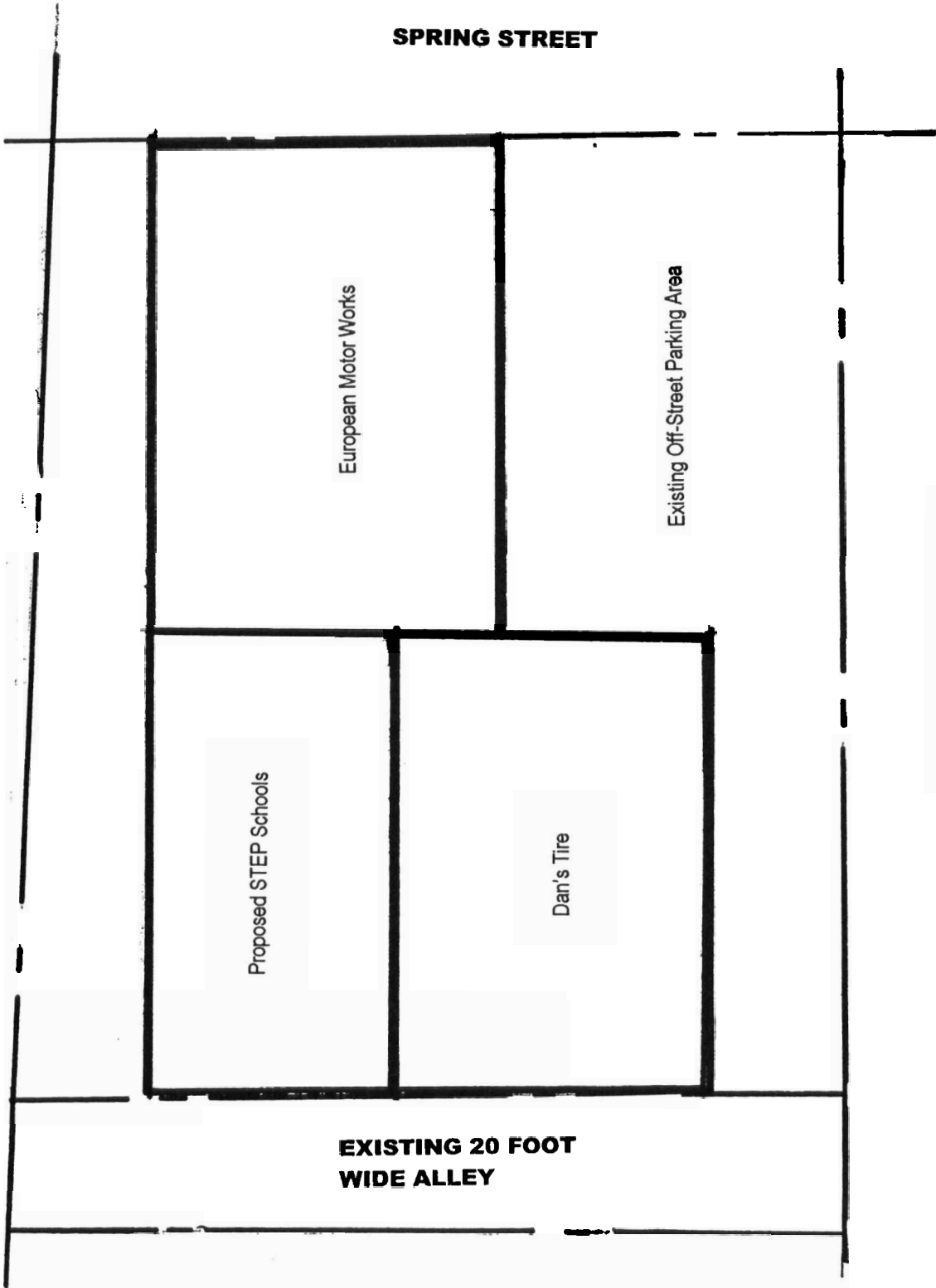
COMPUTER REPAIR TECH  
A+ & WEBMASTER CERT PREP  
MS OFFICE TRAINING  
WINDOWS, WORD, ACCESS, EXCEL  
WEB PAGE DESIGN, LAN, INTERNET  
BOOKKEEPING  
QUICKBOOKS & MYOB  
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MEDICAL FRONT OFFICE SKILLS

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# IT'S TIME TO PLANT BAREEROOT

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238-1976

HIGHWAY 101



VICINITY MAP

PASO ROBLES STREET

EXISTING 20 FOOT  
WIDE ALLEY

NORTH



NOT TO SCALE

3/5



# CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Step Automotive Training and Repair Center  
1142 13<sup>th</sup> Street, # C  
Paso Robles, CA 93446

January 26, 2000

Subject: Step Automotive Training & Repair Center

To Whom It May Concern:

According to an advertisement in the January 26, 2000, Telegram Tribune (copy enclosed), you are currently operating an automotive repair business performing "major and minor repairs" in the building located at 1142 13<sup>th</sup> Street # C.

The City has no authority to permit auto repair activities without a Conditional Use Permit (CUP) approved by the Planning Commission via a public hearing. Some of the issues that need to be addressed by the CUP are off-street parking (developed in accordance with Zoning Code Standards), vehicle storage and outdoor repair.

You are hereby noticed that you have until Monday, February 25, 2000, to file a complete application for a Conditional Use Permit. If a complete application is not filed by that date, the matter will be referred to the City's Code Enforcement Attorney.

You are not authorized to conduct automotive repair activities until the Conditional Use Permit requirement has been approved by the Planning Commission. Violations of the Zoning Code are subject to prosecution.

I have enclosed with this letter a Development Application, a CUP application guide and fee schedule.

If you have any questions about this letter, please give me a call at 237-3970. Thank you for your cooperation on this matter.

Sincerely,

Darren R. Nash  
Associate Planner

cc Code Enforcement Attorney

H: darren/letters/2000/STEP



# CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Mr. Bill Jacobsen  
4209 Santa Monica Blvd.  
Los Angeles, CA 90029

February 1, 2000

Subject: Step Automotive Training & Repair Center

Dear Mr. Jacobsen:

As we discussed on the phone yesterday, I sent a letter to STEP Schools on January 26, 2000, regarding the need to go through the Conditional Use Permit (CUP) process in order to establish an automotive repair business in the shop located at 1142 13<sup>th</sup> Street.

Automotive repair is permitted in the C3 zone (Commercial/Light Industrial), subject to the approval of a CUP (see attached Table 21.16200G.2.e). The City recognizes that automotive repair has historically been established on the property, (i.e. Dan's Tire and European Motor Works) but since there is no record of a CUP for the property, the auto repair businesses were most likely established on the property prior to the City requiring a CUP for C3 zones.

Therefore, the established automotive repair uses are considered existing non-conforming uses. According to Section 21.20.340 (attached), Nonconforming land uses may continue to be operated and maintained subject to the following limitations:

- (a) The site or building areas in which they are located shall not be enlarged or increased.
- (b) The intensity or level of use of the activity shall not be increased;
- (c) If abandoned for a period of six months or more, they shall neither be reestablished nor resume operation; subsequent land uses shall conform to the general and district regulations of this title;
- (d) If the building or structures are damaged by fire, earthquake, explosion.....
- (e) If they have not been abandoned for a period of six months or more, they may be replaced by another non conforming use of the same or less intensive nature, as determined by the planning commission, subject to approval of a conditional use permit.

Dan's Tire and European Motor Works are currently operating on site and may continue to operate on the site as a nonconforming use, subject to the above limitations. The City has no evidence that an automotive use has been established within the proposed STEP

STEP Schools letter, February 1, 2000, page 2.

School space in the last six months (limitation B & C above) and therefore, may only be established subject to the approval of a CUP by the Planning Commission.

As we discussed, some of the issues that need to be addressed for STEP Schools are customer and student/employee parking, vehicle storage, outdoor repair and access. The CUP is the means through which these issues would need to be addressed.

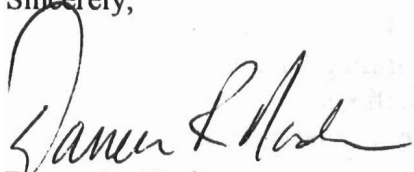
STEP Schools is not authorized to conduct automotive repair activities until the Conditional Use Permit requirement has been approved by the Planning Commission. Violations of the Zoning Code are subject to prosecution.

STEP Schools has been noticed that they have until Monday, February 25, 2000, to file a complete application for a Conditional Use Permit. The Conditional Use Permit application must include all property that is proposed to be utilized in conjunction with this proposed land use (e.g. adjacent vacant unimproved land may not be used for off-street parking). If a complete application is not filed by that date, the matter will be referred to the City's Code Enforcement Attorney.

The necessary application and guide were sent to them with the letter of January 26, 2000.

I hope this letter clarifies the reasoning for the CUP requirement, if you have any further question please call me at (805) 237-3970.

Sincerely,



Darren R. Nash  
Associate Planner

Attachments: Section 21.16.200.G.2.e  
Section 21.20.340

Cc: Code Enforcement Attorney  
STEP Schools



TABLE 21.16.200  
(as amended through Ordinance 770 N.S.)  
PERMITTED LAND USES FOR ALL ZONING DISTRICTS

EXPLANATION OF CODES USED IN THIS CHART

- P (permitted use) denotes a land use which is permitted.  
 C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).  
 N (non-permitted use) denotes a land use which is not permitted.  
 T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

NOTES:

- All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
- Any use not specifically listed below is not permitted unless the Planning Commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

LAND USE	ZONING DISTRICT																	
	AG	RA	R1	R2	R3	R30	R4	OP	CP	CI	G2	G3	RC	M	PM	AP	POS	
<b>A. Agriculture &amp; Animal Keeping</b>																		
1. Animal Hospitals, veterinary clinics (includes overnight boarding as an accessory use)	P	C	N	N	N	N	N	N	N	N	C	C	N	C	N	N	N	
2. Animal Keeping																		
a. Bee keeping	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
b. Cattle, horse & sheep grazing	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	
c. Commercial poultry, goat, rabbit farms & dairies	P	C	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
d. Hogs, pig keeping or farming	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
e. Equestrian facilities.	C	C	N	N	N	N	N	N	N	N	N	C	N	N	N	C	C	
f. Exotic animals (other than dogs, cats, horses, cattle, sheep, pigs, poultry & rabbits)	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	

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LAND USE	ZONING DISTRICT																
	AG	RA	R1	R2	R3	R30	R4	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
f. Temporary food service (e.g. barbecues) when located at the business' permanent location or in conjunction with a non-profit fundraising event (greater than seven days)	T	N	N	N	N	N	N	N	T	T	T	T	T	T	T	T	N
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	N	C	N	N	N
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

As amended through Ordinance 770 N.S. adopted June 15, 1999; effective July 16, 1999

3-1

and/or fifty feet in width, nonconforming lots may be developed with land uses which are permitted by the district in which they are located; provided, that all development occurs per code standards. (Ord. 543 N.S. § 2(A), 1988; Ord. 405 N.S. § 2 (part), 1977)

#### **21.20.340 Nonconforming use.**

Nonconforming land uses may continue to be operated and maintained subject to the following limitations:

(a) The site or building areas in which they are located shall not be enlarged or increased. Exception: Subject to approval of a conditional use permit, additions may be made to residential dwelling units in commercial and industrial districts, provided that said addition shall not increase the number of dwelling units on a property;

(b) The intensity or level of use or activity shall not be increased;

(c) If abandoned for a period of six months or more, they shall neither be reestablished nor resume operation; subsequent land uses shall conform to the general and district regulations of this title;

(d) If the building or structures in which they are located are damaged by fire, earthquake, explosion or other act to an extent of more than fifty percent of the fair market value, they shall neither be continued nor be reestablished. Exception: If the nonconforming use consists of residential dwellings in a commercial or industrial district, subject to approval of a conditional use permit, said dwellings may be rebuilt if damaged to an extent of more than fifty percent;

(e) If they have not been abandoned for a period of six months or more, they may be replaced by another nonconforming use of the same or less-intensive nature, as determined by the planning commission, subject to approval of a conditional use permit. (Ord. 650 N.S. § 2, 1993; Ord. 543 N.S. § 2(B), 1988; Ord. 405 N.S. § 2 (part), 1977)

#### **21.20.350 Nonconforming buildings and structures.**

Nonconforming buildings and structures may

continue to be used and maintained subject to the following limitations:

(a) Additions or alterations may be made unless such additions or alterations would increase the deviation between the existing nonconforming situation and the code requirement or create a new nonconforming situation;

(b) Additions or alterations may be made to extend a nonconforming setback or building/structure height only upon approval of a site plan application by the development review committee and provided that such extension does not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood;

(c) If the buildings or structures are damaged by fire, earthquake, explosion, or other act to an extent of more than fifty percent of the fair market value, they shall only be rebuilt to conform to the present code requirements. Exception: Subject to approval of a conditional use permit, full restoration may be made to the previous state of nonconformity if doing so would not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood, and/or if other factors indicate that the goals and policies of the general plan would be advanced by such restoration;

(d) If the nonconforming buildings or structures do not meet the district requirements for setbacks, including situations in which buildings or structures are located across property lines, and the owner of the nonconforming buildings or structures and the owner of the adjacent property seek to reduce the nonconforming situation via the filing of a lot line adjustment application, and if it can be demonstrated that there is no possible means to adjust the property lines to meet the district requirements for setbacks without having to remove all or part of the existing buildings or structures, then, subject to approval of a conditional use permit, including any conditions deemed necessary to protect the public health, safety, and welfare, the planning commission may approve such a lot line adjustment. (Ord. 650 N.S. § 3, 1993; Ord. 614 N.S. § 1, 1991; Ord. 543 N.S. § 2(C), 1988; Ord. 405 N.S. § 2 (part), 1977)

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City of Paso Robles  
Planning Division  
1000 Spring Street  
Paso Robles, Ca 93446

February 17, 2000  
RECEIVED  
CITY MANAGER

FEB 17 2000

CITY OF PASO ROBLES

Subject: Step Automotive Training & Repair Center

Mr. James App,

Enclosed are copies of the letters we have received from your office via Darren Nash notifying us that we need to file for a CUP to continue doing business at our current location, 1142 13<sup>th</sup> street #C in Paso Robles.

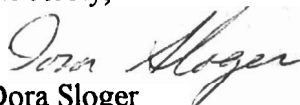
We feel this judgment call is in error and at this time would like to be put on the city council agenda at the earliest available time for a discussion of this matter and input from the council.

The city code specifically allows for the placement of a trade school in a C3 zone. Attached is a copy of the code which shows this to be the case, however your staff has told us that we are not allowed to conduct business in this location anyway and must file for a CUP by Feb 25, 2000. We have tried meeting with your staff to resolve this issue but have not been able to come to a resolution. Therefore I am formally requesting a meeting before the city council to address our concerns, comments and hopefully be able to come to a satisfactory agreement between STEP Schools/STEP Auto and the city of Paso Robles Planning Department. I am also asking that the deadline of Feb 25, 2000 be extended to allow for further discussion of this matter. Our landlord, Bill Jacobsen, has also requested an extension of time so that he may be involved in these proceedings. His request was denied at that time, however he is out of the country until the first week of March. Since this is his property and he is directly involved and concerned with the outcome of this decision I feel that it is only fair and right to allow him to participate along with us in the process of this decision.

Please let us know as soon as possible the scheduled date of our meeting before the city council. If you need further information or would like to discuss this matter in person I can be reached at STEP Schools 237-7837 or by fax at 238-6076.

Thank you for your prompt attention to this matter.

Sincerely,



Dora Sloger  
Executive Director