

TO: JIM APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF AMENDMENT TO PLANNED DEVELOPMENT 97001  
(VINCE LAVORGNA ON BEHALF OF ROSEMARIE VAN RIJN)

DATE: JANUARY 7, 2003

Needs: For the City Council to consider an appeal filed by Vince Lavorgna on behalf of Rosemarie Van Rijn regarding the Planning Commission's approval of an Amendment to Planned Development 97001 on November 12, 2002.

Facts:

1. The project site is the Firestone-Walker Brewery located at 1400 Ramada Drive, as shown on the attached location map (APN 009-633-003).
2. The General Plan Land Use designation for the parcel is BP (Business Park). The zoning designation is M/PD (Manufacturing with a Planned Development Overlay).
3. The site is currently developed with an approximate 15,000-square foot, two story building and ancillary uses approved by the Planning Commission through the planned development process in March of 1997.
4. Site Plan review was completed for the installation of the existing pretreatment facilities on January 3, 2000, with approval from the Development Review Committee.
5. On June 12, 2002, Firestone-Walker applied for an amendment to PD 97001 to construct a 6,000-square foot storage/warehouse building.
6. On November 12, 2002, the Planning Commission approved the amendment with standard and site specific conditions of approval, which include the following two site-specific conditions:  
  
*Condition 4. Prior to issuance of building permits for the warehouse, the Applicant shall demonstrate to the satisfaction of the Public Works Department that the area reserved for pretreatment facilities and the proposed 180,000 gallon holding area will be sufficient to accommodate the needs of the Brewery facility.*  
  
*Condition 8. In the event that pretreatment facilities need to be built on site, plans shall be submitted for review and approval by the Public Works Department and the Development Review Committee prior to issuance of building permits for the pretreatment facilities.*
7. On November 15, 2002, Mr. Lavorgna filed an appeal on behalf of Rosemarie Van Rijn, specifically appealing the above two conditions (see attached letter).
8. Ms. Van Rijn's letter states that there is concern that the two conditions allow for automatic approval of the wastewater pretreatment facilities.

9. The wastewater pretreatment facilities are a requirement of PD 97001 and serve to lessen any potential impacts to the City's own wastewater facilities.
10. Site-specific condition No. 4 of the amendment application reserves onsite space to accommodate any potential pretreatment facilities that may be needed.
11. Site-specific condition No. 8 of the amendment application provides for any potential pretreatment facilities to be technically reviewed by the Public Works Department and reviewed for design criteria by the Development Review Committee.

Analysis  
and  
Conclusion:

Ms. Van Rijn's appeal letter clearly states that there is no objection to the construction of the warehouse. The issue appears to be the nature and extent of the City's review process for any potential pretreatment facilities.

At the time of the original approval of Planned Development 97001 in March of 1997, the project applicant for the brewery facility was conditioned to provide onsite wastewater pretreatment facilities to accommodate the organic wastes normally associated with a brewery or winery facility. To date, only a portion of the facilities have been installed.

In keeping with the requirements of PD 97001 and in an effort to respond to issues raised by adjacent property owners regarding aesthetics and potential odors, the applicant, in partnership with the Public Works Department, has recently hired a consultant and agreed to fund a study for offsite treatment options for odor control. Based on the results of the study, the applicant may be able to avoid onsite pretreatment facilities.

However, even if the study concludes offsite treatment is possible, it would not relieve the applicant from providing onsite facilities if future events result in the need for additional or replacement pretreatment options. If and when any such facilities are needed, the design would be subject to DRC approval.

Based on a note in the project file, Ms. Van Rijn and Mr. Lavorgna will receive notice of any DRC consideration so that they may participate in the review of the design and screening of any new pretreatment facilities. In addition, Mr. Firestone has prepared a landscaping plan in conjunction with the new warehouse, with input from Mr. Lavorgna, which provides additional screening of the existing pretreatment facilities. The DRC reviewed and approved the landscaping plan on December 16, 2002, with minor modifications.

Policy  
Reference: General Plan and Municipal Code

Fiscal  
Impact: Fiscal impacts were not identified for this project.

Options: After consideration of public testimony, that the City Council:

- A. Approve Resolution No. 03-xx denying the appeal, upholding the Planning Commission's approval of the Amendment to PD 97001, based on the requirement for potential onsite pretreatment facilities being consistent with the purpose and intent of PD 97001 and necessary for protection of public health and safety.
- B. Provide an alternative decision and direct Staff to return to the Council with a corresponding resolution.

Attachments:

- 1. Location Map
- 2. Letter of Appeal
- 3. Resolution

i:\kmargason\planned developments\PD97001Firestone\cc appeal report for amend

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO APPROVE  
AMENDMENT TO PLANNED DEVELOPMENT 97001  
(ROSEMARIE VAN RIJN REPRESENTED BY VINCE LAVORGNA)  
APN: 009-633-001, 2 AND 3

WHEREAS, Sections 21.23B.030 and 21.23B.040 of the Municipal Code of the City of El Paso de Robles allocates authority to the Planning Commission for approval of all development within a planned development (overlay) district, and to require both onsite and offsite improvements as necessary, and

WHEREAS, on March 10, 1997, the Planning Commission granted approval of PD 97001 for construction and establishment of a 15,000 square foot brewery and ancillary uses, located at 1400 Ramada Drive, subject to standard and site specific conditions of approval, and

WHEREAS, on June 12, 2002, Adam Firestone, on behalf of Firestone Walker Brewery submitted an application for Amendment to PD 97001, to construct a 6,000 square foot warehouse, and

WHEREAS, on November 12, 2002, the Planning Commission granted approval of the Amendment to PD 97001 for construction of a 6,000 square foot warehouse, subject to standard and site specific conditions of approval, and

WHEREAS, on November 15, 2002, Vince Lavorgna, on behalf of Rosemarie Van Rijn, filed an appeal of the Planning Commission's approval of the Amendment, and

WHEREAS, the appeal is of Site Specific Conditions of Approval No. 4 and No. 8 as written in Planning Commission Resolution 02-075, which conditions relate to wastewater pretreatment facilities, and

WHEREAS, Site Specific Condition of Approval No. 4 is necessary to ensure adequate area is reserved for installation of potential wastewater pretreatment facilities with capacity to serve the brewery facility's needs, and

WHEREAS, Site Specific Condition of Approval No. 8 is necessary to ensure installation of any potential wastewater pretreatment facilities is reviewed by the Public Works Department for technical requirements with follow up review by the Development Review Committee for design elements, and

WHEREAS, the City Council conducted a public hearing on January 7, 2003, to open the matter of the appeal for public hearing and to consider the facts as presented in the staff report, and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received, the City Council finds:

1. The decision of the Planning Commission granting approval of Amendment to Planned Development 97001 is consistent with the General Plan and the Municipal Code of the City of El Paso de Robles, and
2. Site Specific Condition of Approval No. 4 as written in Planning Commission Resolution 02 -075 is necessary to ensure that the brewery facility has sufficient area to mitigate any potential impacts to the City's wastewater system through onsite wastewater pretreatment facilities.

3. Site Specific Condition of Approval No. 8 as written in Planning Commission Resolution 02-075 is necessary to ensure that any proposed facilities undergo technical and design review by the Public Works Department and the Development Review Committee prior to installation to ensure technical adequacy of any proposed facilities and adequacy of design elements to lessen the impacts to neighboring properties.
4. Site Specific Conditions of Approval No. 4 and 8 are consistent with the purpose and intent of PD 97001 and necessary for protection of the public health and safety.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles:

SECTION 1: The City Council hereby upholds the decision of the Planning Commission granting approval to Amendment to PD 97001 and affirms the necessity of Site Specific Conditions No. 4 and No. 8 as written in Planning Commission Resolution 02-075.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 7<sup>th</sup> day of January 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk