

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL OF CONDITIONAL USE PERMIT 006-005, TO ESTABLISH A CHURCH AT 821 PINE STREET

DATE: September 19, 2006

NEEDS: For the City Council to consider an Appeal of the Planning Commission's decision to approve a Conditional Use Permit to establish a church (The Vine Church) at 821 Pine Street.

FACTS:

1. The Vine Church applied for a Conditional Use Permit to establish a new church use in an existing building located at 821 Pine Street.
2. The applicant proposes to occupy Unit A (4,705 s.f.) of the existing building. Approximately 1,600 of retail is proposed in the front area. The church service area would occupy approximately 1,600 s.f. in the center of the space, and the remaining rear area would be used for an office, incidental meeting area and storage space.
3. While the church currently only provides services to approximately 50 people, the applicant requested the maximum number persons for services be approved for up to 100 people, and they requested an increase in the number of days and times for services to provide flexibility for the congregation to grow in the future.
4. An (unsigned) comment letter was received on August 14, 2006 regarding the proposed use. The letter expressed concerns regarding potential parking and traffic impacts, and land use conflicts with businesses that may serve or sell wine.
5. The Development Review Committee (DRC) considered this application on August 14, 2005. Issues raised in the letter were also discussed with the DRC. The DRC recommended approval of the Conditional Use Permit to the Planning Commission.
6. The Planning Commission considered this application on August 22, 2006. The Commission had significant discussion related to parking issues, potential land use conflicts, and the church's right to protest or otherwise affect new or expanded alcohol related uses (e.g., restaurant, bars, etc.), and whether a church fits the intent for downtown economic development. Ultimately, the Commission approved the Conditional Use Permit on a vote of 5 to 2.
7. At the time of the Planning Commission hearing, information regarding the alcohol related use protest and hearing process of the Alcohol Beverage Control agency was not available. Additionally, concerns of the Commission regarding exact properties that may be affected should the church protest an alcohol

related use in future, was not available. Given these issues, as well as potential economic development impacts, staff filed an appeal of this Conditional Use Permit.

8. Per the California Environmental Quality Act (CEQA), this application is exempt from the requirements of CEQA.

**Analysis
and
Conclusions:**

The applicant is proposing to locate a church and gift shop/art gallery at 821 Pine Street. As noted above, this Appeal was filed so that further research could be completed regarding land use conflicts in an expanding downtown setting.

Department of Alcoholic Beverage Control (ABC) Regulations

Land use compatibility between churches and restaurants/bars is a concern in Alcoholic Beverage Control (ABC) regulations. Dining and entertainment uses in the downtown are identified in the General Plan and Economic Strategy as desired uses. Should a dining or entertainment use include alcoholic beverage consumption, church objection to issuance of a license, would create a conflict with land use and/or economic goals and objectives.

Churches are *typically* noticed if they are within 600 feet of the alcohol related use. The grounds for protest or denial may be based on an applicant not being qualified, or that the proposed premises not being suitable. The findings for suitability include the proposed use being “too close to a church”.

In this case, new or expanded alcohol related uses, (i.e. bars, wine bars, wine tasting or restaurants that serve alcohol) that propose to be located in the area identified on the attached map (See Exhibit A), would be required to notice the proposed church of a pending ABC license. The applicant (current church pastor) has indicated that they would not have any concerns regarding new or expanded alcohol related uses in the vicinity of their church. However, the church’s right to protest alcohol related uses in the future remains.

Parking

The applicant is requesting approval to allow services for up to 100 persons on Sunday mornings (between 9 am and 12 pm), and on Sunday and Wednesday evenings (6 to 9 pm). The applicant is also requesting that the CUP allow the church to conduct one week per year of evening (Bible Study) meetings, and twice a year allow three evenings for special events.

Parking requirements for this use is one space for each five seats, which would require 25 spaces. There are nine parking spaces on site, which complies with the downtown parking provisions of 1/1750 s.f. of lot area. Therefore, the remaining 16 spaces would need to be supplied by public parking spaces in the vicinity.

The Zoning Code, in Section 21.22.130, Joint Use Parking, permits authorization of the joint use of parking facilities. Up to 80 percent of parking facilities required for a church may be supplied by parking facilities used primarily for other daytime uses. The Sunday morning service would be at a time that typically has less parking demands in the area. Additionally, the evening services would also be conducted at times that do not have significant competing parking demands since the majority of uses at this time in the vicinity (retail and offices) require parking during the day.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, 2006 Economic Strategy, and CEQA.

Fiscal

Impact: No immediate direct fiscal impact.

Options: After opening the public hearing and taking public testimony, the City Council is requested to approve one of the Options listed below:

- a. The City Council adopt Resolution 06-XX, denying Conditional Use Permit 06-005.
- b. The City Council adopt Resolution 06-XX, approving Conditional Use Permit 06-005
- c. Amend, modify, or reject one of the above Option “a”.

Report prepared by: Susan DeCarli, City Planner

Attachments:

1. 600 Foot Map
2. Planning Commission Staff Report, dated August 22, 2006
3. Resolution Denying CUP 06-005
4. Resolution Approving CUP 06-005
5. Newspaper and Mail Notice Affidavits



TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 06-005, APN 009-154-008
(APPLICANT – CRISTEN DECIOUS)

DATE: AUGUST 22, 2006

Needs: For the Planning Commission to consider an application for a Conditional Use Permit to use an existing building for a church and accessory retail and office uses.

- Facts:**
1. The project site is located at 821 Pine Street. The existing building is 10,500 sq. ft. Unit A is 4,705 sq. ft. in area, and is proposed to be used for church with an office and retail area.
 2. The church is proposed to occupy 1,600 sq. ft., the retail area 1,600 sq. ft., and the office 1,505 sq. ft.
 3. The property is zoned C3 PD (Commercial/Light Industrial with a Planned Development and Mixed Use Overlay) and is located within the boundaries of Downtown Area. The General Plan designation is CC MU (Community Commercial/Mixed Use).
 4. The property currently has nine on-site parking spaces, which is consistent with the downtown parking provisions of one space per 1750 sq. ft. of the lot area. Parking required for the church use is one space per four seats. The church proposes to have up to 100 seats, which would require 25 parking spaces. On-site parking would therefore be short by 16 parking spaces for the church use.
 5. Per Zoning Code Section 21.22.130, Joint Use Parking, the Planning Commission may authorize the joint use of parking facilities. Up to 80 percent of parking facilities required for a church may be supplied by parking facilities used primarily for other daytime uses.

**Analysis
and**

Conclusions: The proposed uses are consistent with the intent of the General Plan Land Use Element and the 2006 Economic Strategy, since the uses will provide for retail and office uses, (which are permitted uses in C3 PD zone) and the church use (which requires an approval of a CUP) would bring pedestrian activity to the downtown on Sunday mornings.

The request is to allow regular services for up to 100 persons on Sunday mornings (between 9 am and 12 pm), and on Sunday and Wednesday evenings (6 to 9 pm). The applicant is also requesting that the CUP allow the church to conduct one week per year of evening (Bible Study) meetings, and twice a year allow three evenings for special events.

The Sunday morning service would be at a time that typically has less parking demands in the area. Additionally, the evening services would also be conducted at times that do not have significant competing parking demands since the majority of

uses in the vicinity (retail and offices) require parking during the day. Parking spaces in the vicinity during the proposed church days and times are typically underutilized.

Other church related uses, such as a daycare, or school or are not proposed with this application. The City received a letter from other local business owners that conveyed concerns that a church at the proposed location would impact parking availability, create traffic congestion, and would inhibit new or expanded winery businesses within 600 feet of the church. As noted above, parking demands for the church would likely occur at off-peak times and days of other businesses in the vicinity. There are currently no traffic congestion problems on Pine Street between 7th and 10th Streets. The addition of traffic generated from 25 vehicles on a street with an existing high level of service (LOS A), would not result in significant traffic congestion.

City staff discussed regulations pertaining to the proximity of wineries and churches with staff from the California Alcoholic Beverage Control Department (ABC). Existing wine sales, tasting or wine production businesses would not be affected if a church locates within 600 feet of those businesses. Only new or expanded wine bars or wineries (wine production facilities) may be affected by this use. If new or expanded wine bars or wineries propose to be located within 600 feet of a church, as part of the licensing requirements from ABC, the new or expanded business would need to contact the church and the church would be requested to comment on whether or not they oppose the wine use. The representative for the church has expressed that the church would have no concerns if new or expanded wine uses were to locate within 600 feet of their site. The Commission should discuss these issues and whether the proposed use could preclude uses that may be appropriate in this expanded downtown setting.

The Development Review Committee (DRC) considered this request at their meeting on August 14, 2006. The DRC discussed potential impacts resulting from parking demands in the area and determined that this request would not result in significant parking impacts since there are typically many vacant parking spaces in the area during the proposed times the church would like to conduct services. The DRC recommended approval of the proposed CUP to the Planning Commission.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, 2006 Economic Strategy.

Fiscal Impact: None.

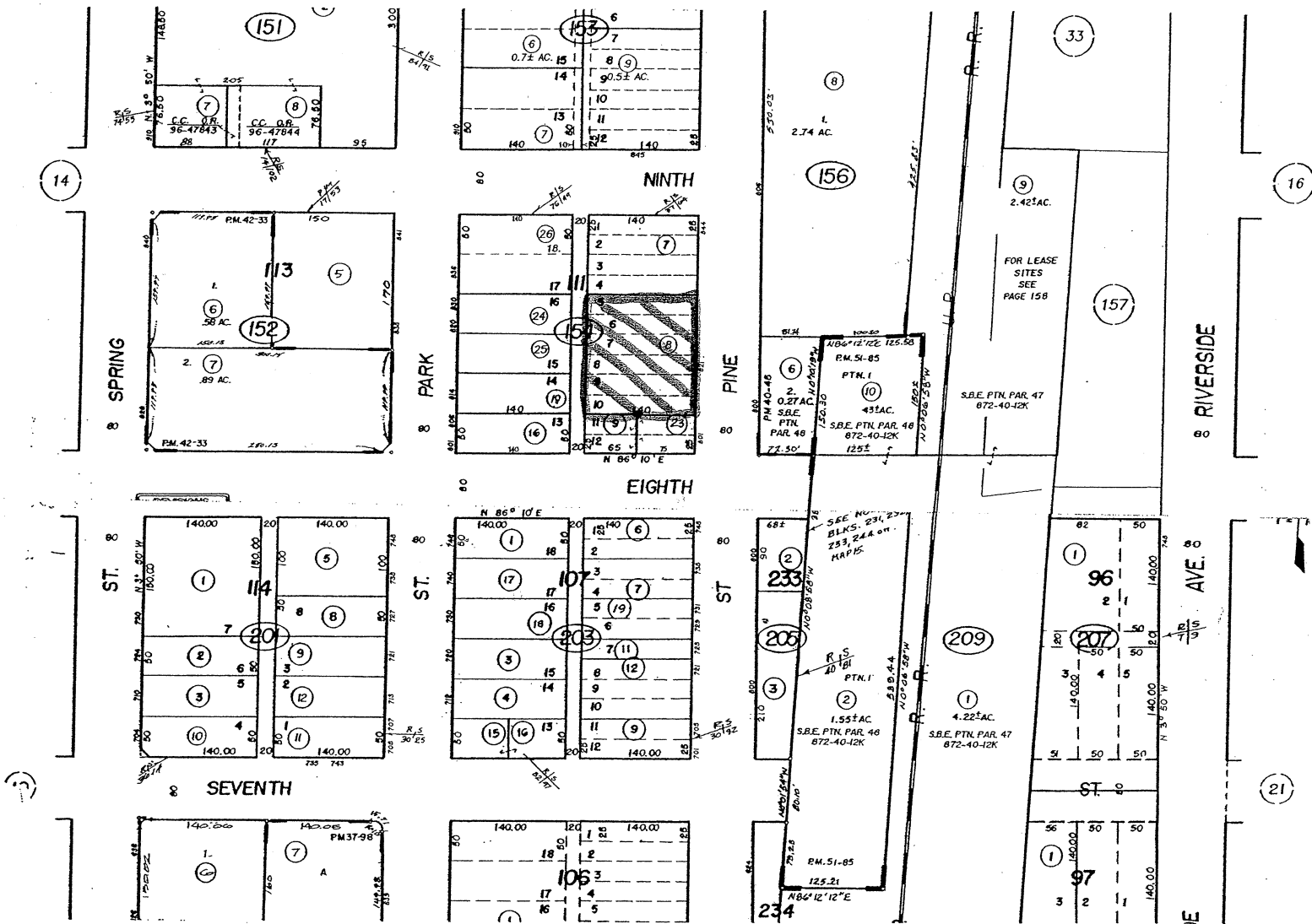
Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

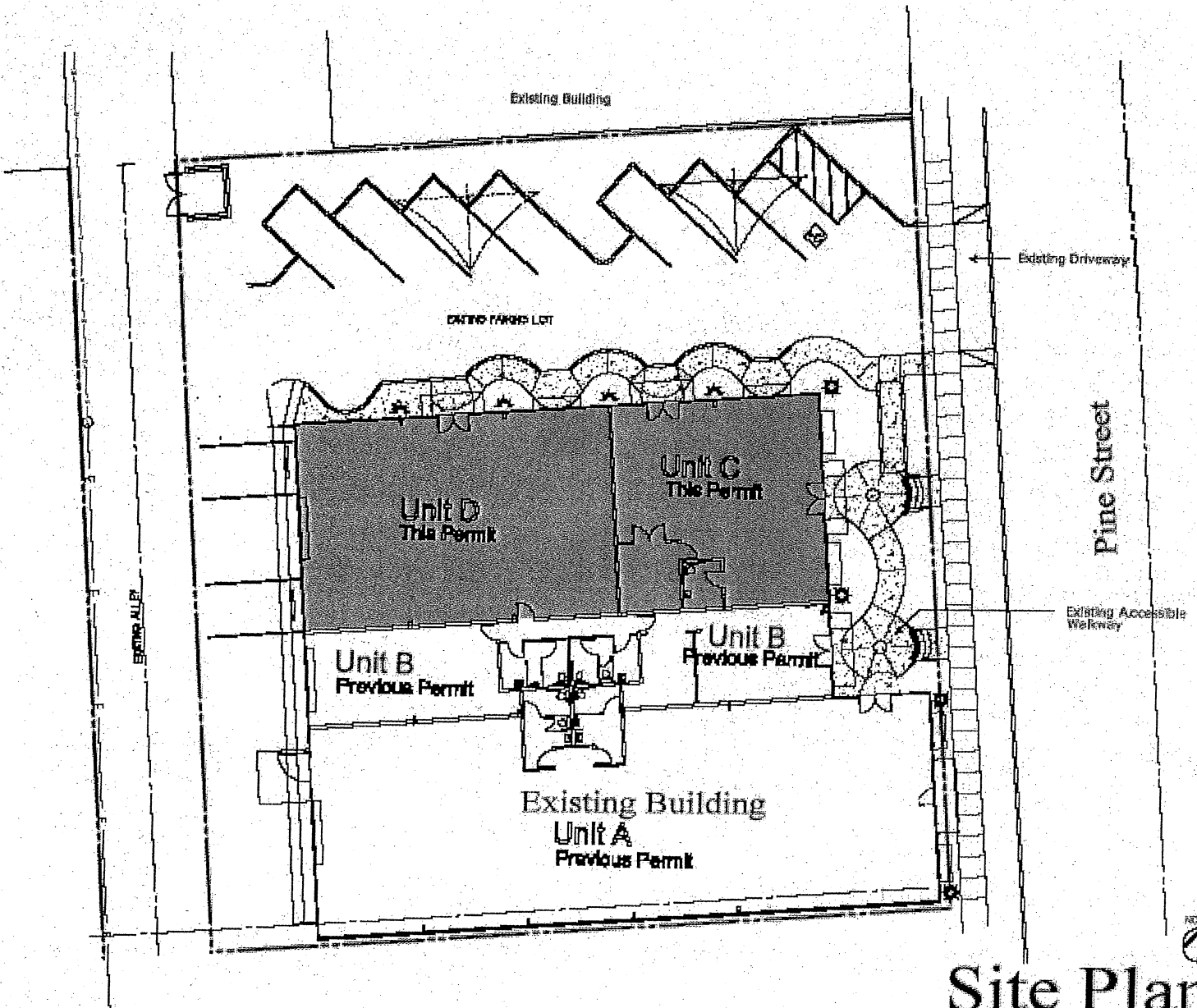
- a. Adopt the attached Resolution, approving Conditional Use Permit 06-005 subject to findings and standard and site specific conditions. .
- b. Amend, modify, or reject the above-listed action.
- c. Request additional information and analysis.

Attachments:

1. Vicinity Map
2. Site/floor plan
3. Correspondence from local businesses
4. Resolution
5. Newspaper and Mail Notice Affidavits

Attachment 1 Vicinity Map





To whom it may concern,

Planning Division

The local business's surrounding the train station have been made aware of a church to occupy 821 Pine St.

The owner of that building obviously does not care about the usages of his building, nor our community. This fact is made apparent by our knowledge of the State of California Alcoholic Beverage Commission laws prohibiting a winery within 600 ft of a church, school, daycare, playground or hospital.

There are two wineries within 600 feet of this proposed usage, and one of which is in the same building. Both of these wineries were approved prior to the church, and are concerned about future ramifications. These wineries could be at risk of having their business affected by the church in the same way many other wineries have been affected across California in the past. If approved no other wineries will be permitted to open in that area, which is destined for more commercial uses in the future. The wineries are only two of the many business's which will be affected.

The business's at the train station will also be greatly affected. Weekends are the busiest time for most of these business's and for some are their only busy times. At 821 Pine St. there are only six parking spaces available for the entire building, and that is too few spaces for the square footage of the building to begin with. Where is everyone going to park in the future? Parking is a huge concern to the Japanese restaurant, Boutique's, and tasting room which will be hit the hardest. During the weekend these business's and the train station already share a busy parking lot and their success is dependant upon customers ability to patron each establishment. The city doesn't effectively enforce the over use of parking lot and illegal street parking on weekends and special events at the park to begin with. These business's are the alluring element of this stretch of Pine St. and it's parking should not be infringed upon in any manor nor should they be put at risk of loosing their respective business.

The final concern is that a church congregation will create too much traffic congestion. This will again impact all the local business's negatively, and strain the ability of emergency vehicles to respond to emergencies, by increasing response times, this could possibly cost peoples lives.

The obvious point is collectively the local business's do not want a church to be approved at this location for several reasons. None of our reasons are of a personal nature, most of us attend mass at local community church's. However, the city of Paso Robles needs to be held responsible for the needs of the many, not the few, and held accountable for future damages if it disregards this fact. Please show us you care about our success, and prosperity. We all have a lot at stake and for some of us this includes our life savings. It is imperative that you see our point. We are all convinced there are many more suitable spaces for a church in Paso Robles

Respectfully Submitted by,

The Local Businessmen and Businesswomen
of downtown Paso Robles

CC to Mayors office, planning commission, public works, and all local business's

RESOLUTION NO.

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 06-005
FOR A CHURCH USE LOCATED AT 821 PINE STREET
APN: 009-154-008, APPLICANT – CRISTEN DECIOUS**

WHEREAS, Conditional Use Permit (CUP) 06-005 has been filed by Cristen Decious; and

WHEREAS, CUP 06-005 is a proposal to establish a church with office and retail uses; and

WHEREAS, the church requests to be permitted to conduct regular services for up to 100 persons on Sunday mornings (between 9 am and 12 pm), and on Sunday and Wednesday evenings (6 to 9 pm), and to conduct one week per year of evening (Bible Study) meetings, and twice a year allow three evenings for special events; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 22, 2006 to accept public testimony on this Conditional Use Permit application; and

WHEREAS, the proposed church use supports the intent of the General Plan and the 2006 Economic Strategy by providing retail and office uses and pedestrian activity in the downtown; and

WHEREAS, the church complies with the downtown parking regulations in the Zoning Code with approval of Joint Use Parking per Section 21.22.130 to allow up to 16 vehicles to park in spaces in the near vicinity; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received the Planning Commission finds that the proposed use will not 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 required in the standard and specific Conditions of Approval below; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 06-005 and Joint Use Parking per Section 21.22.130 of the Zoning Code, subject to the following conditions:

STANDARD CONDTIONS

1. The project shall be operated in substantial conformance with the following conditions established by this resolution:
2. Any condition imposed by the Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission 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 under the conditional use permit.

3. This CUP 06-005 is valid for a period of two (2) years from approval. Unless a business license has been issued the approval of CUP 06-005 shall expire on August 22, 2008. The Planning Commission may extend this expiration date for an additional three (3) years if a time extension application has been filed with the City along with the fees before the expiration date.
4. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
5. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
6. Use and operation of the business and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

SITE SPECIFIC CONDITIONS

7. A sign permit shall be required prior to installation of any signs, and shall be reviewed and approved by the Development Review Committee.
8. The church may be allowed to occupy up to 1,600 sq. ft. with 100 seats, the retail area may occupy up to 1,600 sq. ft., and the office may be allowed to occupy up to 1,505 sq. ft. of the total area.
9. No other uses, including daycare or a school shall be permitted.
10. The Planning Commission may reconsider this Conditional Use Permit one year from the date of approval, to determine compatibility with other uses and assess parking impacts in the vicinity, or sooner if requested.

PASSED AND ADOPTED THIS 22nd day of August, 2006 by the following Roll Call Vote:

AYES: Commissioners Steinbeck, Holestine, Johnson, Menath and Chair Hamon
NOES: Commissioners Flynn and Withers
ABSENT: None
ABSTAIN: None

CHAIRMAN JOHN HAMON

RON WHISENAND, PLANNING COMMISSION SECRETARY

**AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Gevorg Nazaryan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 06-005, A request to have church services in a commercial zone. (Applicant: Cristen S. Decious) APN: 009-154-008, on this 8th day of August, 2006.

City of El Paso de Robles
Community Development Department
Planning Division

Signed:


Gevorg Nazaryan

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

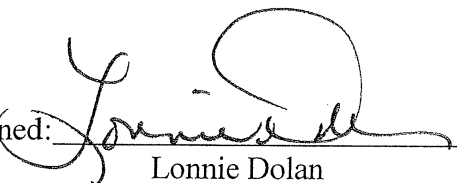
Newspaper: Tribune

Date of Publication: August 12, 2006

Meeting Date: August 22, 2006
(Planning Commission)

Project: Conditional Use Permit 06-005
(Vine of Paso Robles – 821 Pine St.)

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

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CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, August 22, 2006, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

CUP 06-005: A request filed by Cristen S. Decious to consider a Conditional Use Permit to establish a Church at this property in the C3 PD zone. The property is located on 821 Pine Street (APN 009-154-008).

Written comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan DeCarli at (805) 237-3970.

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 Planning Commission at or prior to the public hearing.

Susan DeCarli, AICP
City Planner
August 12, 2006

6434590

RESOLUTION NO. 06-

A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
DENYING CONDITIONAL USE PERMIT 06-005
TO ESTABLISH A CHURCH AT 821 PINE STREET
APN: 009-154-008, APPLICANT – THE VINE CHURCH/CRIS DECIOUS

WHEREAS, Conditional Use Permit (CUP) 06-005 has been filed by The Vine Church/Cris Decious;
and

WHEREAS, CUP 06-005 is a proposal to establish a church; and

WHEREAS, the City's General Plan and Economic Development Strategy include policies that support revitalization of the downtown with restaurant and entertainment uses, that may serve alcohol; and

WHEREAS, the City has concerns regarding land use conflicts in an expanding downtown and the right of the church to protest alcohol related uses; and

WHEREAS, land use conflicts would result should the church protest development of restaurant or entertainment uses that wish to establish in the downtown; and

WHEREAS, the City Council held a duly noticed public hearing on September 19, 2006 to accept public testimony on this Conditional Use Permit application; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received the City Council finds that land use conflicts in an expanding downtown due to the church's right to protest alcohol related uses in the future would remain, and therefore if a new church was established in the downtown, it would not be consistent with the intent of the City's General Plan and Economic Development Strategy.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny Conditional Use Permit 06-005.

PASSED AND ADOPTED THIS 19th day of September, 2006 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRANK R. MECHAM, MAYOR

ATTEST:

DEBORAH ROBINSON, DEPUTY CITY CLERK

RESOLUTION NO. 06-

A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 06-005
TO ESTABLISH A CHURCH AT 821 PINE STREET
APN: 009-154-008, APPLICANT – THE VINE CHURCH/CRIS DECIOUS

WHEREAS, Conditional Use Permit (CUP) 06-005 has been filed by The Vine Church/Cris Decious; and

WHEREAS, CUP 06-005 is a proposal to establish a church; and

WHEREAS, the City's General Plan and Economic Development Strategy include policies that support development of the downtown with a range of land uses; and

WHEREAS, the City has concerns regarding potential land use conflicts in an expanding downtown and the right of the church to protest alcohol related uses, the City Council has determined that these concerns can be addressed through the Department of Alcoholic Beverage Control noticing and review process; and

WHEREAS, should land use conflicts result in the future due to the location of the church and proposed restaurant and entertainment businesses, the Conditional Use Permit for the church use may be referred to the Planning Commission for determination of land use compatibility of the church use in the downtown; and

WHEREAS, the City Council held a duly noticed public hearing on September 19, 2006 to accept public testimony on this Conditional Use Permit application; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received the City Council finds it acceptable to establish a church at the proposed location.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve Conditional Use Permit 06-005.

PASSED AND ADOPTED THIS 19th day of September, 2006 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRANK R. MECHAM, MAYOR

ATTEST:

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: Tribune

Date of Publication: September 8, 2006

Meeting Date: September 19, 2006
(City Council)

Project: Appeal of Conditional Use Permit
06-005 (The Vine - 821 Pine St.)

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

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CITY OF EL PASO DE ROBLES
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 on Tuesday, September 19, 2006, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

An Appeal of a Planning Commission decision approving a Conditional Use Permit (CUP 06-005) to establish a church (The Vine) at 821 Pine Street, APN 009-154-008.

The Appeal and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the Appeal may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan DeCarl at (805) 237-3970.

If you challenge the Appeal 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.

Susan DeCarl, AICP
City Planner
September 8, 2006 645230