

**TO: JAMES L. APP, CITY MANAGER**

**FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: CONDITIONAL USE PERMIT 08-009 APPEAL**  
**1124 BLACK OAK DRIVE, APPLICANT – DAVID STERNS**

**DATE: JANUARY 6, 2009**

**Needs:** For the City Council to consider an application filed by Tom Taylor on behalf of David Sterns, appealing the Planning Commission's action on November 25, 2008, denying Conditional Use Permit 08-009.

**Facts:**

1. Conditional Use Permit (CUP) 08-009, was a request by David Sterns, owner of the Central Coast Card Room, to install new sign faces into the existing pole sign located at 1124 Black Oak Drive.
2. The existing 55-foot tall pole sign was originally established with the Pizza Hut restaurant in January 1994, via Conditional Use Permit 93015.
3. The sign has not been used since the restaurant vacated the site several years ago. Section 21.19.130 of the Zoning Code considers a sign "abandon" if the business ceases for 180 days, and subject to Section 21.19.040.H which would require a new use permit for re-use of the existing pole structure.

Analysis and  
Conclusions:

Section 21.19.040.H, of the Sign Ordinance allows highway oriented pole signs in this geographic area of the City subject to the approval of a Conditional Use Permit, and meeting the following requirements:

- a. Purpose. A Conditional Use Permit for a highway-oriented sign shall be approved for those signs that identify tourist-oriented businesses such as gasoline service stations, restaurants, motels and regional commercial uses.
- b. Design. The city shall limit the number, height and visual impact of highway-oriented signs when considering the Conditional Use Permit. Pole signs shall be discouraged if adequate signage can be provided on the sides of buildings and in the form of monument signs. Combinations of more than one sign on a pole are strongly encouraged.
- c. Height. The height of permitted signs shall be limited to the lowest practical elevation when considering the line of sight from nearby highways. However, the Planning Commission or the DRC may require minimum clearances beneath a highway-oriented sign if necessary to protect the public health and safety.

Since the sign structure exists, and the applicant is not proposing to increase the overall height of the sign or the square footage of the sign copy, it seems that the main topic of discussion is whether the card room is considered a highway oriented use or not.

Generally, the Zoning Code, General Plan & Economic Strategy describe highway oriented uses as restaurants, transient lodging and other highway commercial uses. Although card rooms are not specifically identified as highway oriented businesses, the list contained in the Sign Ordinance is not all inclusive and therefore provides the decision maker some discretion.

See the attached letter from David Sterns (Attachment 2) describing why he considers the card room as a highway/tourist oriented business. Attached to the letter is the proposed change of sign copy for the card room.

On November 25, 2008, the Planning Commission on a 5-2 vote, made findings that the card room was not a highway oriented or tourist oriented use and denied Conditional Use Permit 08-009.

On December 5, 2008, Tom Taylor submitted an application appealing the Commission's action.

If the Council upholds the Planning Commission's decision that the card room is not a highway oriented use, and makes the findings for denial of the CUP, the existing pole sign structure will be required to be removed.

If the Council concurs with the applicant that highway oriented signage is necessary for the success of their business, then the Council should approve the appeal, thereby making the findings that the card room is a highway or tourist oriented use.

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

- a. Uphold the Planning Commissions action on November 25, 2008, denying the appeal request.
- b. Approve the appeal, thereby approving Conditional Use Permit 08-009, subject to standard and site specific conditions of approval.
- c. Amend, modify, or reject the above-listed actions.
- d. Request additional information and analysis.

**Staff Report Prepared By:** Darren Nash

**Attachments:**

1. Applicant's Letter
2. Resolution denying the Appeal
3. Resolution approving Appeal
4. Public Notice Affidavits

08-13-2008

Ron Whisenand, Community Development Director  
DRC, Planning Commission

Dear Mr. Whisenand,

Attached please find my application for signage at my new business located at 1124 Black Oak Drive, Paso Robles, CA.

Also, please find enclosed the re-facing renderings for my monument sign and the existing pole sign located on my property.

I have made a substantial investment to create a modern, inviting atmosphere for our customers. Entertainment and competition are major reasons tourists come to Paso Robles. This includes sports competitions, horse events, automobile, bicycle, Fair events and others. Texas Hold'em is the fastest growing individual sport in America today and draws people from many places for entertainment, relaxation and competition.

I've worked hard to comply with all the conditions of my current use permit and need to increase my efforts to attract more tourists to offset the cost of the extra security required as well as to make my facility an attractive and comfortable environment to benefit both myself and the community.

I picked this location because of its proximity to both the highway and many of the competition and entertainment events in Paso Robles. It is essential to increased business and tourism to let those people know that we are here and where we are located. I am pleased to be a part of the tourism portion of the City's Economic Strategy.

Our cooperative efforts to notify the traveling public and promote this aspect of entertainment and competition for tourists and area residents alike should produce healthy revenues for everyone in a tasteful environment.

I am also enclosing a picture of my sign located just south of San Luis Obispo on Highway 101. That sign was approved by the County to advise the traveling public of my highway/tourist-orientated business.

Thank you for your courtesy and for processing this as quickly as possible.

Sincerely,

  
David Sterns

Paso Robles

OCT 28 2008

Planning Division

Attachment 1  
Applicant's Letter  
CUP 08-009

*Stop. Relax. Play*

**TEXAS  
HOLD'EM  
POKER ROOM**

10' X 10' EXISTING POLE SIGN

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
TO DENY THE APPEAL OF CONDITIONAL USE PERMIT 08-009  
(David Sterns – Card Room)  
APN: 008-051-024

WHEREAS, Tom Taylor on behalf of David Sterns, has submitted an application for CUP 08-009 requesting to reface the existing highway oriented pole sign located at 1124 Black Oak Drive; and

WHEREAS, according to Section 21.19.040.H, Sign Ordinance, Highway Oriented Signs (including re-facing existing signs) are permitted in this geographic area of the City subject to the approval of a Conditional Use Permit; and

WHEREAS, the existing structure has not been used since the previous restaurant vacated the site several years ago, and Section 21.19.130 of the Zoning Code considers a sign “abandon” if the business ceases for 180 days, and subject to Section 21.19.040.H which would require a new use permit for re-use of the existing pole structure; and

WHEREAS, on November 25, 2008, the Planning Commission held a public hearing to consider Conditional Use Permit 08-009; and

WHEREAS, on a 5-2 vote, the Commission made the findings that a card room use is not considered a highway or tourist oriented use and denied the CUP; and

WHEREAS, on December 5, 2008, Tom Taylor filed an application to appeal the Planning Commission’s decision; and

WHEREAS, a public hearing was conducted by the City Council on January 6, 2009, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Appeal; and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301c of the State’s Guidelines to Implement CEQA; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the City Council finds that re-facing the existing sign as proposed, does not meet the intent of Section 21.19.040.H, since the card room business that the sign advertises is not considered a tourist-oriented businesses, such as gasoline service stations, restaurants, motels and regional commercial uses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles upholds the Planning Commission’s decision on November 25, 2008, and hereby denies the Appeal of Conditional Use Permit 08-009 and directs the applicant to remove the existing non-conforming pole sign.

PASSED AND ADOPTED THIS 6<sup>th</sup> day of January, 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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MAYOR DUANE PICANCO

ATTEST:

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CATHY DAVID, DEPUTY CITY CLERK

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE AN APPEAL OF CONDITIONAL USE PERMIT 08-009  
(David Sterns – Card Room)  
APN: 008-051-024

WHEREAS, on November 25, 2008, the Planning Commission held a public hearing to consider Conditional Use Permit 08-009, a request to re-use an existing pole sign at 1124 Black Oak Drive; and

WHEREAS, on a 5-2 vote, the Commission made the findings that a card room use is not considered a highway or tourist oriented use and denied the CUP; and

WHEREAS, on December 5, 2008, Tom Taylor filed an application to appeal the Planning Commission's decision; and

WHEREAS, a public hearing was conducted by the City Council on January 6, 2009, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Appeal; and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301c of the State's Guidelines to Implement CEQA; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the City Council makes the following findings:

- a. 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; and
- b. that re-facing the existing sign as shown in Exhibits A & B of this resolution, meets the intent of Section 21.19.040.H, since it is a freestanding sign that exceeds six feet in height, is located on designated property near the intersection of State Highway 101 and 46, that identifies tourist-oriented businesses, such as gasoline service stations, restaurants, motels and regional commercial uses and is located on the same property as the business it identifies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby approve the appeal, thereby approving Conditional Use Permit 08-009 subject to the following conditions:



1. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	New Sign Face

2. The approval of CUP 08-009 allows for the installation of new sign faces for the Central Coast Card Room, within the existing a 55-foot tall Highway Oriented Pole Sign located at 1124 Black Oak Drive.
3. This CUP 08-009 is valid for a period of two (2) years from approval and must be activated within this time frame. The Planning Commission may extend this expiration date if a time extension application has been filed with the City along with the fees before the expiration date.
4. Any condition imposed by the City Council in granting this Conditional Use Permit 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 granting of the original permit. 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 under the conditional use permit.

PASSED AND ADOPTED THIS 6<sup>th</sup> day of January 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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MAYOR DUANE PICANCO

ATTEST:

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CATHY DAVID, DEPUTY CITY CLERK