

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 08-009
1124 BLACK OAK DRIVE, APPLICANT – DAVID STERNS
DATE: NOVEMBER 25, 2008

Needs: For the Planning Commission to consider an application filed by Tom Taylor on behalf of David Sterns, requesting to reface an existing highway-oriented sign.

Facts:

1. The request for the sign is in conjunction with the Central Coast Card Room 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.
4. Mr. Sterns is requesting to install new sign faces within the existing sign structure.
5. According to Section 21.19.040H of the Zoning Code, highway oriented signs require a Conditional Use Permit (CUP), including the re-use of existing signs.

Analysis and
Conclusions:

Section 21.19.040.H, of the Sign Ordinance would allow the installation of a pole sign in this geographic area of the City with the Planning Commission's 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 for the Commission will be 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. The policy documents do not include card rooms as being highway oriented or tourist oriented uses.

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.

If the Commission concurs with the applicant that highway oriented signage is necessary for the success of their business, then the Commission should approve the Conditional Use Permit. If the Commission concludes that a 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.

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

- a. Approve Conditional Use Permit 08-009, subject to site specific and standard conditions of approval.
- b. Deny Conditional Use Permit 08-009.
- 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 approving CUP 08-009
3. Resolution denying CUP 08-009
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
(Sterns)

Stop. Relax. Play

TEXAS

HOLD'EM

POKER ROOM

10' X 10' EXISTING POLE SIGN

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE 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, a public hearing was conducted by the Planning Commission on November 25, 2008, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Conditional Use Permit request; 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 Planning Commission 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 Planning Commission of the City of El Paso de Robles does hereby approve 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 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.

PASSED AND ADOPTED THIS 25th day of November 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN ED STEINBECK

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

Stop, Relax, Play

**TEXAS
HOLD'EM
POKER ROOM**

10' X 10' EXISTING POLE SIGN

Exhibit A
Proposed Sign Face
CUP 08-009
(Sterns)

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO DENY 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, a public hearing was conducted by the Planning Commission on November 25, 2008, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Conditional Use Permit request; 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 Planning Commission 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 Planning Commission of the City of El Paso de Robles does hereby deny Conditional Use Permit 08-009 and directs the applicant to remove the existing non-conforming pole sign.

PASSED AND ADOPTED THIS 25th day of November 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN ED STEINBECK

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

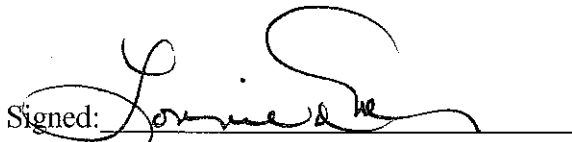
Newspaper: Tribune

Date of Publication: November 13, 2008

Hearing Date: November 25, 2008
(Planning Commission)

Project: Conditional Use Permit 08-009
(Sterns - 1244 Black Oak Dr.)

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

forms/newsaffi.691

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 to consider Conditional Use Permit 08-009, a request by Tom Taylor on behalf of David Sterns to reface an existing non-conforming highway oriented sign for the existing card room at 1244 Black Oak Drive.

This hearing will take place in the City Hall Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, November 25, 2008, at which time all interested parties may appear and be heard.

This application is Categorical Exempt from environmental review per Section 15301c of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Comments on the proposed Conditional Use Permit 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 hearing.

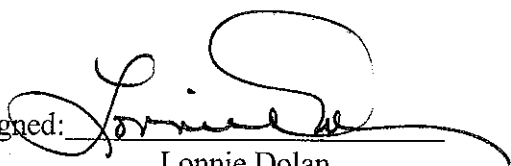
If you challenge the Conditional Use Permit application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Darren B. Nash, Associate Planner
November 13, 2008 6777935

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, 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 08-009 (Stearns – Central Coast Casino) on this 10th day of November 2008.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

forms\mailaffi.691