

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 09-005
999 PASO ROBLES ST., APPLICANT – ATASCADERO TOWING, INC.

DATE: OCTOBER 27, 2009

Needs: For the Planning Commission to consider an application filed by Kendra Bledsoe and Vernon Smith on behalf of Atascadero Towing, Inc. to establish a towing service and vehicle impound yard.

Facts:

1. The site is located at 999 Paso Robles Street (APN: 009-061-018).
2. The zoning designation of the site is C3 (Commercial/Light-Industrial) and the General Plan Land Use designation is CS (Commercial Service).
3. According to Table 21.16.200, Permitted Land Use Matrix, a vehicle storage yard in the C3 zone requires the approval of a Conditional Use Permit (CUP) by the Planning Commission.
4. The site is approximately 20,000 square feet with an approximate 5,000 square foot building. The site is entirely paved with asphalt and is surrounded by a 6-foot tall chain-link fence with barbed wire along the top.
5. The site has historically been used by businesses that store and/or display merchandise in the outdoor areas. Cal Coast Irrigation was the most recent occupant that had outdoor storage. Cal Coast stored irrigation supplies, mostly pipe in the outdoor yard areas.
6. The applicant's are proposing to utilize the site as is, with the addition of installing vinyl slats in the existing fence along Paso Robles Street and upgrading the landscaping in the existing planter areas along the sidewalk.
7. The applicant's have submitted a plot plan and project description (See Attachments 1 and 2) indicating that they would park the impound cars on the south side of the building. The front portion of the yard would be left open for tow truck circulation. The existing parking area along the north side of the building would be available for customer and employee parking. Impound vehicles would also be stored inside of the building.
8. Chapter 21.21.110, Performance Standards for outdoor storage areas, requires outdoor storage yards to be screened with landscape and fencing. In this area of the City, the Ordinance would require 15-feet of landscaping along the front

property line, and 25 feet of landscaping (since it backs up to Highway 101) along the rear property line.

9. Since this site does not comply with the current code requirements for landscape setback and screened fencing, it is considered an existing non-conforming use.
10. The Development Review Committee (DRC) reviewed this CUP at their meeting on October 12, 2009. The DRC was not in favor of requiring the removal of asphalt and requiring the fence to be relocated. However, the DRC did discuss the replacement of the existing chain link fence with a new decorative fence would be a significant improvement. The DRC was in favor of a black tubular steel fencing.

Analysis and

Conclusions: The Paso Robles Street corridor is identified in the City's Gateway Design Guidelines and the Town Center Specific Plan as being an important gateway and transition area of the City. These planning documents are the policy tools for the City to "raise the bar" on the quality of development, especially as they pertain to the City's gateway. The discretionary review process of a Conditional Use Permit is an opportunity to follow through on implementing the vision and policies of these plans.

The Paso Robles Street corridor is identified in the Town Center Specific Plan as being in the Riverside Corridor (RC) zone. Chapter 5 of the Plan would allow vehicle storage in the RC zone with the approval of a CUP. The plan refers to Chapter 21.21.110 of the current zoning code for screening requirements.

It will be up to the Planning Commission to determine if the request for the CUP by Atascadero Towing warrants bringing the site into conformance with the Zoning Code for the screening of the outdoor storage, or since the site has historically been used for outdoor storage, that the outdoor storage use be considered existing non-conforming and therefore not require full compliance at this time.

Options Include:

- a. Require the installation of vinyl slats in the existing chain link fence and to renew the existing planters as requested by the applicants.
- b. Require removal of the existing fencing at the front of the lot and require it to be relocated and updated with new decorative fencing at the 15-foot setback. Then require removal of asphalt for the addition of new landscaping.
- c. Remove the existing fencing across the front of the lot, and provide new fencing in the impound vehicle area on the south side of the building, and upgrade the landscape areas.

Whether it is determined that the fence needs to be relocated to the 15-foot setback line, or that it can be left in its current location, upgrading the fence to a more decorative style would be a significant improvement and establish a precedent for fencing and site improvements along the Paso Robles Street corridor. The approval of the final style of fencing could be reviewed by the DRC.

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 09-005, with the requirement to install new decorative fencing in the current location, subject to site specific and standard conditions of approval.
- b. Amend, modify, or reject the above-listed actions.
- c. Request additional information and analysis.

Staff Report Prepared By: Darren Nash

Attachments:

1. Plot Plan
2. Applicant's Letter
3. Resolution approving CUP 09-005
4. Public Notice Affidavits



↑
 NORTH

Attachment 1
 Plot Plan
 CUP 09-005
 (Atascadero Towing)

September 4, 2009

Atascadero ***Towing Inc.***

Paso Robles

SEP 21 2009

Planning Division

Application for Conditional Use Permit in Commercial Industrial Area

To Whom It May Concern At The City Of El Paso De Robles:

The purpose of this letter is to describe our intent for use of business location 999 Paso Robles St. in Paso Robles, CA 93446. Atascadero Towing Incorporated is a towing company providing all services related to towing.

Atascadero Towing Inc. opened our first business location in the City of Atascadero in February, 2007. We present this letter of intent to you with a combined twenty years of towing industry management experience, and are very excited to come on board with the City of El Paso De Robles.

In effort to assist in the basic understanding of how we work, we feel you must first understand our daily operations. We are a towing company with daily operations consisting of towing vehicles in and out of town (within the state of California), impounding vehicles for storage for private motorists or the local police agency, providing jump starts for motorists with dead batteries, performing lockouts for motorists who lock keys in their vehicles, and changing tires or providing air for motorists who need tire care.

When we store vehicles in our yard at 999 Paso Robles St. the duration of time may be anywhere from literally one minute to sixty days. The range in storage depends upon the situation of each vehicle brought to our lot. We store vehicles for the local police, as well as insurance companies, and private parties. When a vehicle is towed by the local police it is usually towed for storage per a vehicle code. Each vehicle is unique in its vehicle code authority for storage, meaning 'why it was towed'. For example, if a vehicle is stored at our yard for the police department, the police department may or may not put a thirty day hold on the vehicle until it can be picked up by its registered owner. Examples of reasons

Attachment 2
Applicant's Letter
CUP 09-005
(Atascadero Towing)

why a vehicle may be stored for thirty days include: DUI, no drivers license, suspended drivers license, etc. A vehicle owner who has had their vehicle towed for storage on a thirty day hold to our yard at 999 Paso Robles St. by the police department may have a right to a tow hearing with the police department. At the tow hearing, the tow commander may or may not lift the thirty day hold. If the hold is lifted the vehicle owner can pick up their vehicle from our yard at 999 Paso Robles St. On the other hand if the hold is not lifted, the vehicle owner has to wait and the vehicle will sit stored in our lot at 999 Paso Robles St. for thirty days. There are times when we tow vehicles for storage for the police department that does not have a thirty day hold associated with them. Examples include expired registration, car accidents, etc. In these situations we store the vehicles until the owners can fix the problem that caused the vehicles to be towed, and then the vehicles will be released from our storage lot at 999 Paso Robles St. to the registered owner. We average eight to ten of these types of vehicles for storage either on a thirty day or no thirty day hold from the police department per month.

We are also signed up providers to tow for the motoring public through insurance companies such as State Farm and Geico, etc. When a motorist breaks down for any reason requiring a tow, we will get a call from the insurance company at which point we dispatch one of our drivers to tow them wherever their insurance designates. When a motorist will require to be taken to a mechanic shop or body shop for repairs or other significant work, and the motorist has broken down late at night or on a weekend when these shops are not open, we will store the motorists vehicle in our lot at 999 Paso Robles St. until the earliest time possible when we can tow them to the designated location. These vehicles do not stay longer than three days for storage at our lot. These examples for storage happen on average two to three times per month.

The only other time we end up with a vehicle for storage in our yard at 999 Paso Robles St. is when a private person calls Atascadero Towing Inc. For example, when a motorist is involved in an accident and they do not have full coverage insurance or the police are not involved with the accident, the motorist will call us and ask us to tow their car to our yard until they figure out what to do with their car. This has not happened to us at this yard location yet, but we assume it will. Occurrences like these are rare, and vehicles of this nature stay on the premises usually no longer than twenty days. However, another example of a private property call for storage is when there have been abandoned vehicles on a person's private property. Property owners can call Atascadero Towing Inc. and ask for the abandoned vehicles to be removed at no cost to them, and we will tow the vehicles away to be stored at 999 Paso Robles St. These abandoned vehicles are not stored on the property for longer than forty five days; however we are usually rid of them within twenty days. Instances of storage for purposes

pertaining to private property tows occur on average once every one to two months.

It is important to understand the reasons as well as the process behind storage of vehicles for 999 Paso Robles St. Once a vehicle is stored at said location, management will assess if it is a thirty day hold, a stored vehicle, an insurance stored vehicle, or a 'junk' vehicle (vehicle valued at \$300.00 or less). Then, the appropriate steps are taken to follow up on the remaining due process to ensure the vehicles are allocated properly. We work diligently to guarantee a quality work atmosphere and place of business. Therefore, maintaining our shop and yard appearance is an important part of daily business practice.

Every vehicle that is stored at Atascadero Towing Inc. premises for more than 72 hours will have a lien put against it on the 72nd hour. Lien's are determined according to the vehicles value and go as follows: Vehicles valued at under \$300.00 will be stored for fifteen days; Vehicles Valued at less than \$4,000.00 will be stored for thirty days; Vehicles valued at more than \$4,000.00 will be stored for sixty days. Thirty day stored vehicles by the police department are typically stored on the premises for about thirty days when they are claimed by their registered owner and do not become lien sale vehicles. A typical 'stored' vehicle, meaning no hold for any reason, typically stays on the premises for about fifteen days when claimed by their registered owner and do not become lien sale vehicles. An average insurance stored vehicle typically stays on the premises for about seven to ten days. A 'junk' vehicle will stay for an average of twenty days. Vehicles not claimed by the registered owner that are valued over \$300.00 but under \$4,000.00 are lien sale vehicles and stay on the premises for an average of forty five days. For vehicles valued \$4,000.00 or more lien sale takes sixty days. On average we lien sale one to two of these types of lien sale vehicles per year. The lien process is an important part of our business, because if a vehicle owner does not wish to claim their vehicle we may dispose of the vehicle properly and efficiently through the lien process. The purpose of a lien sale vehicle is to recuperate any fees the company has incurred from possessing the vehicle. We typically lien sale one to three vehicles per month.

Atascadero Towing Inc. chose the site of 999 Paso Robles St. for its use in our business for towing in particularly because of its layout and commercial industrial location. We have the ability specifically for securing consumer's stored vehicles inside of a fenced lot topped with barbed wire the entire four sides around the outside yard, 2100+ sq ft. In addition to the space outside, this location offers 4100+ inside warehouse storage for securing consumers stored vehicles with added security for instances where vehicles do not lock properly or windows cannot secure shut for justifiable outside storage. As well as an office used primarily for dispatch and paperwork, the location seems suited for use for Atascadero Towing Inc.

As well as 999 Paso Robles St. being a great business location for its use in security, it is a great location for a tow yard because it is not an eyesore or distraction to the general public. This location has limited sight into the space we use for our outside vehicle storage yard. Also in the outside vehicle storage yard, there are many trees to offer sight limiting coverage from the US 101 North and South, and Paso Robles St. North and South public. All in all, this location is great for our business and consumer needs pertaining to towing.

Please feel free to contact us with any questions or concerns you have pertaining to our operations as described in the letter above. We are happy to help address any issues openly with you.

Thank you and Regards,

Kendra Bledsoe signing for

Vernon E. Smith
President / Owner
Atascadero Towing Incorporated
Serving Atascadero, Paso Robles CA

Your Towing Professional...

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 09-005
(Atascadero Towing, Inc.)
APN: 009-061-018

WHEREAS, Kendra Bledsoe and Vernon Smith, have submitted an application for CUP 09-005, requesting to establish a towing business with vehicle impound yard located at 999 Paso Robles Street; and

WHEREAS, according to Table 21.16.200, Permitted Land Use Matrix, a vehicle storage yard in the C3 zone requires the approval of a Conditional Use Permit (CUP) by the Planning Commission; and

WHEREAS, the existing site has continuously been used for outdoor storage as an accessory to the on-site business and therefore is considered an existing non-conforming use as described in Section 21.20.340 of the Zoning Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 27, 2009, 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 the existing site has continuously been used for outdoor storage as an accessory to the on-site business and therefore is considered an existing non-conforming use as described in Section 21.20.340 of the Zoning Code, therefore as conditioned the proposed use would be consistent with the General Plan and Zoning Code.
- c. The required replacement of the existing fencing along the front property line with a decorative style and the installation of new landscaping will help improve

the looks of the site and help screen the outdoor storage use in accordance with Chapter 21.21.110 or the Zoning Code, requirements for outdoor storage uses.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 09-005 subject to the following conditions:

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

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Plot Plan

2. The approval of CUP 09-005 allows the establishment of a towing company with outdoor storage of vehicles. The impound vehicles shall be stored in the area identified on the Plot Plan (Exhibit A) or inside the building.
3. Prior to issuance of a Business License, a plan showing the replacement of the existing fence with a new decorative fence shall be reviewed by the Development Review Committee (DRC). With the fence plan a landscape plan needs to be submitted that shows the replanting of the existing landscape areas.
4. Use and operation of the project 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).
5. No impound vehicles shall be parked out of the designated area or on Paso Robles Street.
6. All signage shall comply with Chapter 21.19 of the Zoning Code.
7. The existing sign frames on the building left over from the previous business shall be removed prior to the issuance of a Business License.
8. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
9. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and be subject to approval by the Community Development Director or his designee.
10. 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 27th day of October 2009, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHARLES E. TREATCH, CHAIRMAN

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

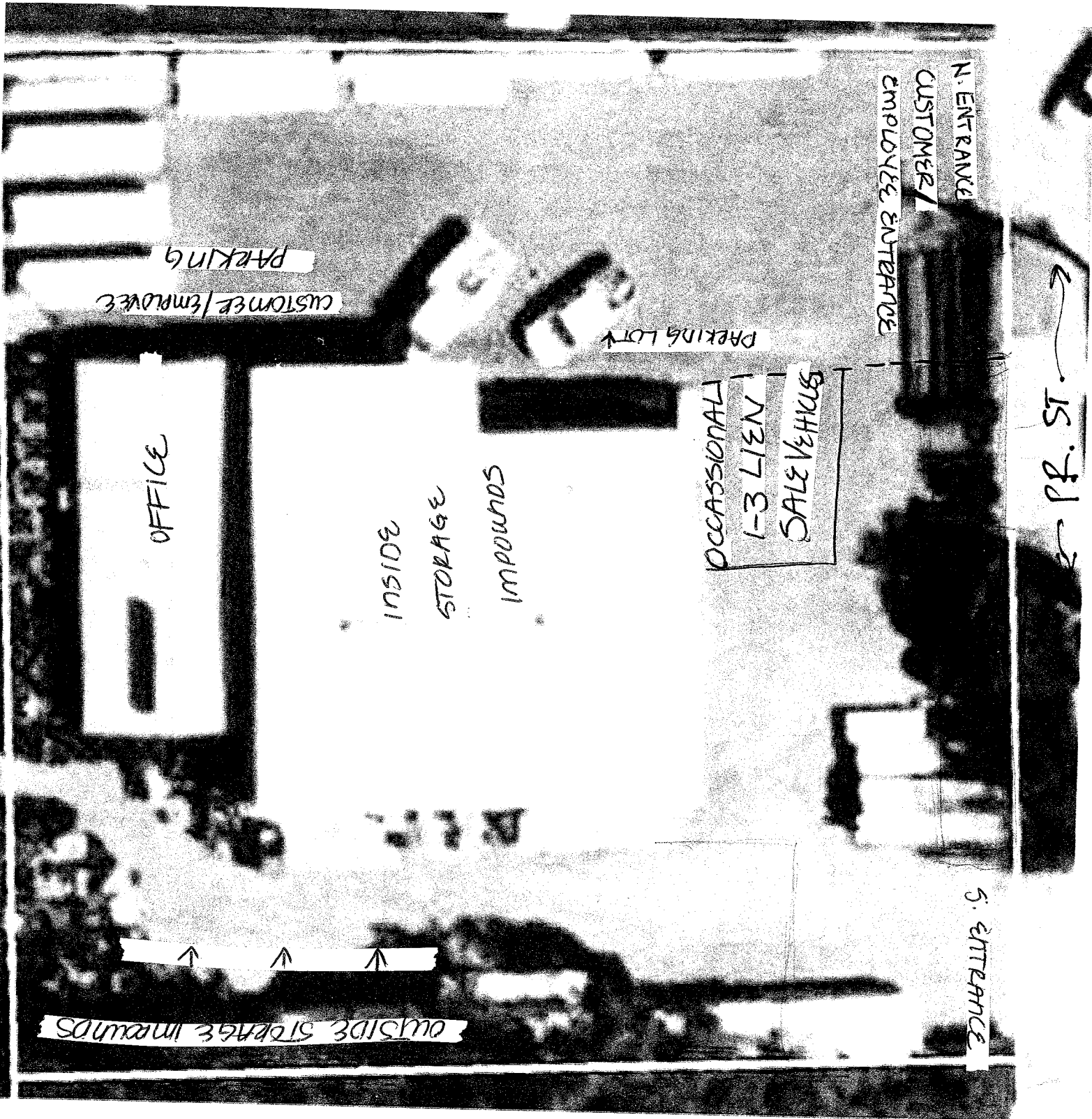


Exhibit A
 Plot Plan
 CUP 09-005
 (Atascadero Towing)



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

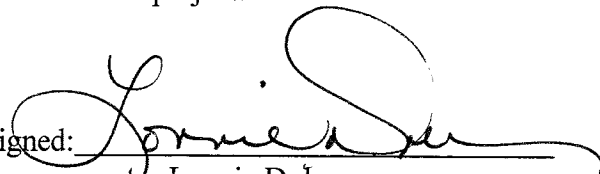
Newspaper: Tribune

Date of
Publication: October 13, 2009

Hearing
Date: October 27, 2009
(Planning Commission)

Project: Conditional Use Permit 09-005
(Atascadero Towing, Inc.)

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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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 09-005, a request by Atascadero Towing, Inc. to establish a towing impound yard on the site located at 999 Paso Robles Street.

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, October 27, 2009, at which time all interested parties may appear and be heard.

This application is Categoricaly 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.

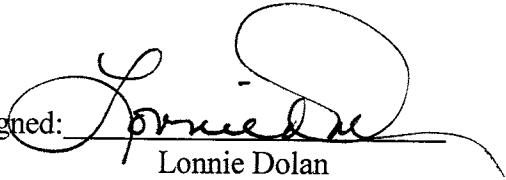
Darren R. Nash, Associate Planner
October 13, 2009 6848943

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 09-005 (Atascadero Towing) on this 13th day of August, 2009.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


Lonnie Dolan

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