

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 09-007
1333 RIVERSIDE AVENUE, APPLICANT – IVAN HARKEY
DATE: JANUARY 12, 2010

Needs: For the Planning Commission to consider an application filed by Ivan Harkey to establish a motorcycle repair shop with parts sales within an existing building.

- Facts:**
1. The building is located at 1333 Riverside Avenue (APN: 008-329-003).
 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 motorcycle repair in the C3 zone requires the approval of a Conditional Use Permit (CUP) by the Planning Commission.
 4. The Draft Uptown and Town Center Specific Plan would designate this area of the City as the Riverside Corridor (RC) zone which would also allow motorcycle repair with the approval of a CUP.
 5. Along with the submittal of a CUP application, Mr. Harkey has provided the necessary information to the Building Division for a tenant improvement permit to make the necessary interior modifications to accommodate the repair shop.
 6. The plans indicate that the rear half of the 2,300 square foot building will be utilized for motorcycle repair and the front half of the building will be used for retail parts and accessory sales. No outdoor storage is proposed with this application.
 7. Besides restriping of the parking lot area and painting the exterior of the building, no additional exterior changes are being proposed.
 8. The Development Review Committee (DRC) reviewed this CUP application at their meeting on December 21, 2009. The DRC recommended that the Planning Commission approve the CUP, with a condition that the final building colors as well as the final signage come back to the DRC for final approval.

**Analysis
and**

Conclusions: With implementation and compliance with the conditions of approval proposed with this Conditional Use Permit, the motorcycle repair use would meet the intent of the C3 zoning district as well as comply with the CS land use designation.

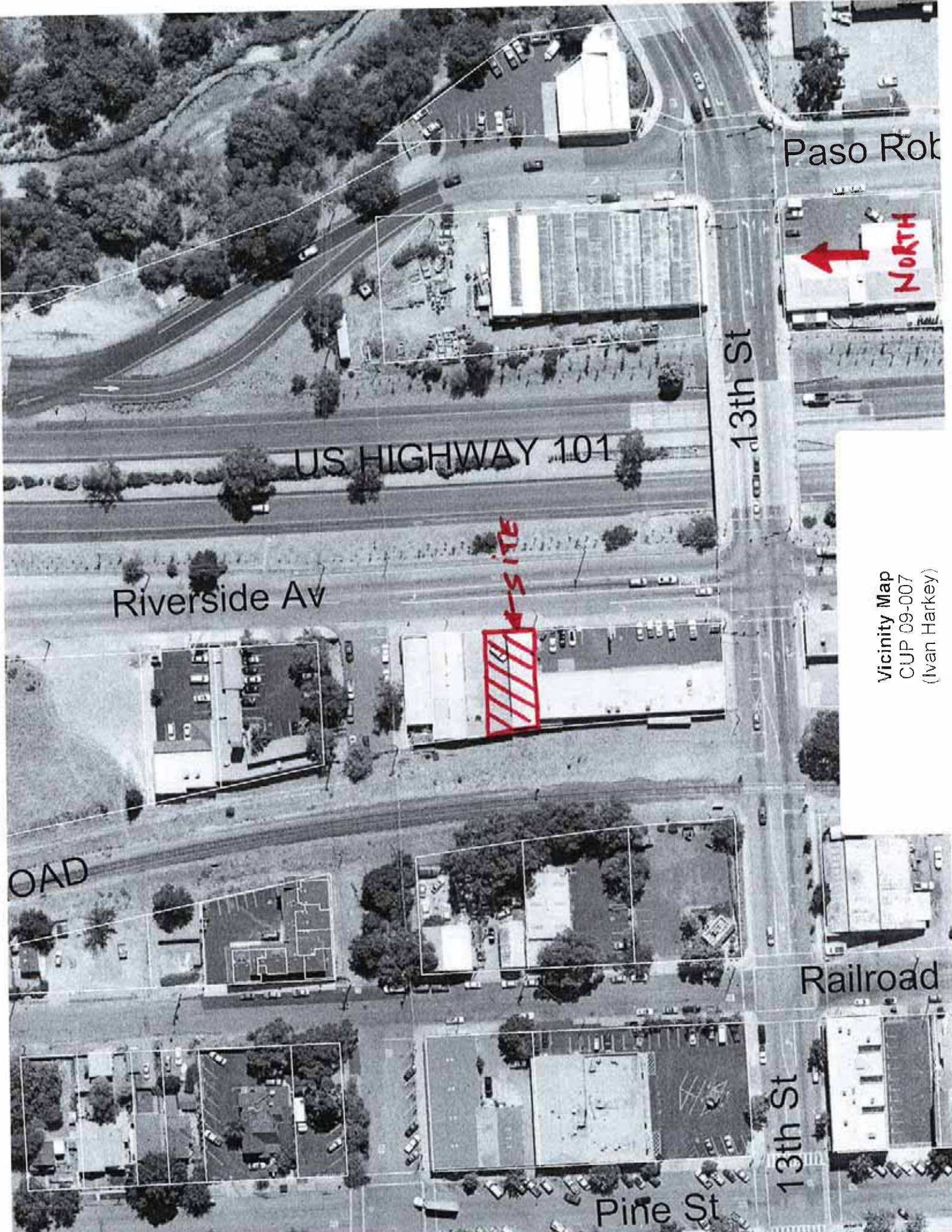
Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Approve Conditional Use Permit 09-007, 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. Vicinity Map
2. Resolution approving CUP 09-007
3. Public Notice Affidavits



Vicinity Map
CUP 09-007
(Ivan Harkey)

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 09-007
(IVAN HARKEY)
APN: 009-329-003

WHEREAS, section 21.16.200 of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for motorcycle repair shops in the C3 zoning district; and

WHEREAS, Ivan Harkey, has filed a Conditional Use Permit application to establish a motorcycle repair shop in the existing building located at 1333 Riverside Avenue; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 12, 2010, 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 15301 Existing Facilities 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 finding:

1. The Planning Commission finds that the establishment, maintenance or operation of the repair shop will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the vicinity of the proposed use.
2. The Planning Commission finds that the proposed repair shop will not be injurious or detrimental to property and improvements in the area or to the general welfare of the City because it shall comply with all applicable zoning, building and municipal codes.
3. By allowing the use, the Planning Commission finds that proposed repair shop would be consistent with the Commercial Service (CS) General Plan Land Use Category; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 09-007 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	Site Plan

2. This Conditional Use Permit (CUP) authorizes the establishment of a motorcycle repair business with accessory parts sales within the existing building located at 1333 Riverside Avenue, where the project would be constructed in a manner described in attached exhibits and as required by the conditions contained within this resolution.
3. This project approval shall expire on January 12, 2012, unless a building permit is issued for the project, or unless a time extension request is filed with the Community Development Department prior to expiration.
4. Prior to issuance of a Business License, the final building color and signage plans shall be approved by the Development Review Committee (DRC).
5. No outdoor storage shall be allowed with the approval of this Conditional Use Permit.
6. Any outdoor display of merchandise shall be subject to the requirements outlined within Chapter 21.21.120 of the Zoning Code.
7. All signage shall comply with Chapter 21.19 of the Zoning Code.
8. The site shall be kept in a neat manner at all times and any 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.

11. The daily operations of this facility shall comply with Section 21.21.040 of the Municipal Code, Performance Standards:
 - A. Fire and Explosion Hazards. All activities involving and all storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.
 - B. Radioactivity or Electrical Disturbance. Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
 - C. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
 - D. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
 - E. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - F. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
 - G. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - H. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.
 - I. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the

emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.

- J. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review.

PASSED AND ADOPTED THIS 12th day of January, 2010 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, CHAIRMAN

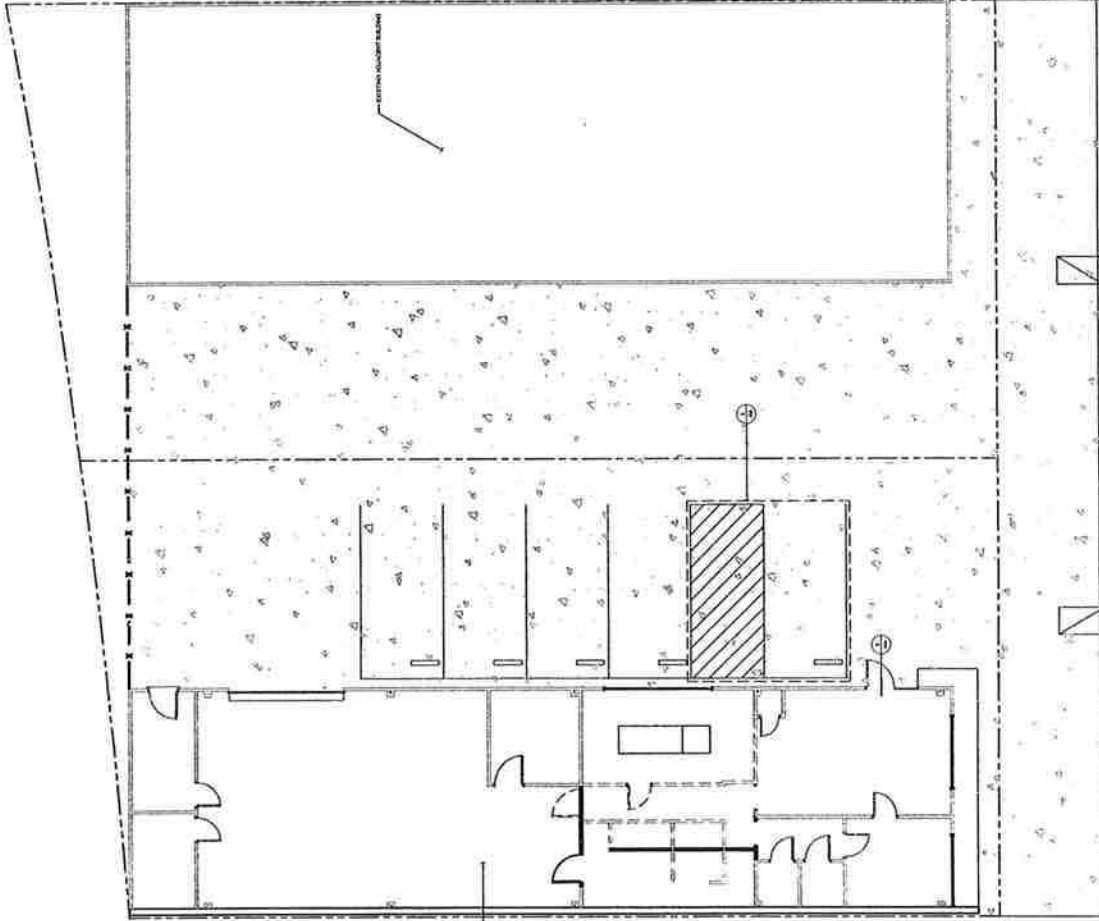
ATTEST:

RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

NO.	REVISION	DATE

SITE PLAN AND
 NOTES

SHEET NUMBER
 A-1.1



RIVERSIDE AVE.

Exhibit A
 Site Plan
 CUP 09-007
 (Ivan Harkey)

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: December 31, 2009

Hearing Date: January 12, 2010
(Planning Commission)

Project: Conditional Use Permit 09-007
(Harkey/1333 Riverside Avenue)

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 09-007, a request by Ivan Harkey to establish a motorcycle repair shop with parts sales, in the building located at 1333 Riverside Avenue.

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, January 12, 2010, at which time all interested parties may appear and be heard.

This application is Categorically 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
December 31, 2009 6862322