

**TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION**  
**FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: CONDITIONAL USE PERMIT 10-001, 836 PASO ROBLES STREET**  
**APPLICANT – COLLINS/BAIER (APN 09-161-020)**

**DATE: FEBRUARY 23, 2010**

**Needs:** For the Planning Commission to consider an application filed by Clive Collins and Hank Baier to establish a master Conditional Use Permit to allow for automotive repair uses within existing buildings.

**Facts:**

1. The buildings are located at 836-842 Paso Robles Street, see attached Vicinity Map, Attachment 1 and Site Plan, Attachment 2.
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, automotive repair uses in the C3 zone require 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 automotive repair with the approval of a CUP.
5. As noted in Mr. Collin's submittal letter (Attachment 3) the original intent was for the CUP to allow for his auto restoration business within the building 836 A, however, since Mr. Collin's business will be the third auto repair type business in this particular complex, staff suggested that the CUP include the remaining buildings in order to allow for a streamlined process for other businesses if and when they request to establish a business within the complex.
6. In June 2004, the Planning Commission approved PD 03-023 allowing for the construction of three buildings totaling 9,200 square feet on this site. The PD established the parking areas and also provided outdoor storage areas. Also included with the PD was a condition that prohibited outdoor storage of equipment and materials outside of the designated storage areas.
7. While visiting the site in relation to this application, Staff noticed storage of equipment, construction materials and "sea-train" containers located outside of the designated storage areas. Staff met with Mr. Baier to discuss the situation, and Mr. Baier indicated that he would remove the equipment, materials and containers, as well as re-establish the landscaping that was originally required with PD 03-023 along the eastern property line. Staff included conditions of approval with this CUP requiring compliance with outdoor storage and landscaping prior to the issuance of

a Business License for any new use, which would include Mr. Collins's auto repair use.

8. The Development Review Committee (DRC) reviewed this CUP application at their meeting on February 8, 2010. The DRC recommended that the Planning Commission approve the CUP, with the requirement to bring the site into compliance regarding outdoor storage and landscaping.

**Analysis  
and**

**Conclusions:** Currently, John's Auto Clinic and Mat's Smog & Auto Care are operating under individual conditional use permits within Mr. Baier's complex (824 & 834). Clive Collin's has requested an additional CUP to establish his auto restoration business in the same complex (836A). This CUP proposes to include the remaining buildings in the complex (836B, 838, 840 & 842) and allow for automotive repair types uses if desired in those buildings as well.

The master CUP includes conditions of approval that would require applicant's to comply with any building and fire codes necessary to bring the buildings into compliance for auto repair uses. Conditions would also include, prohibiting outdoor storage of automobiles, and proper disposal of any hazardous fluids such as waste oil and coolant. Additionally, a condition has been included that would require a master sign program be established to insure sign compliance and uniformity between the multiple buildings.

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

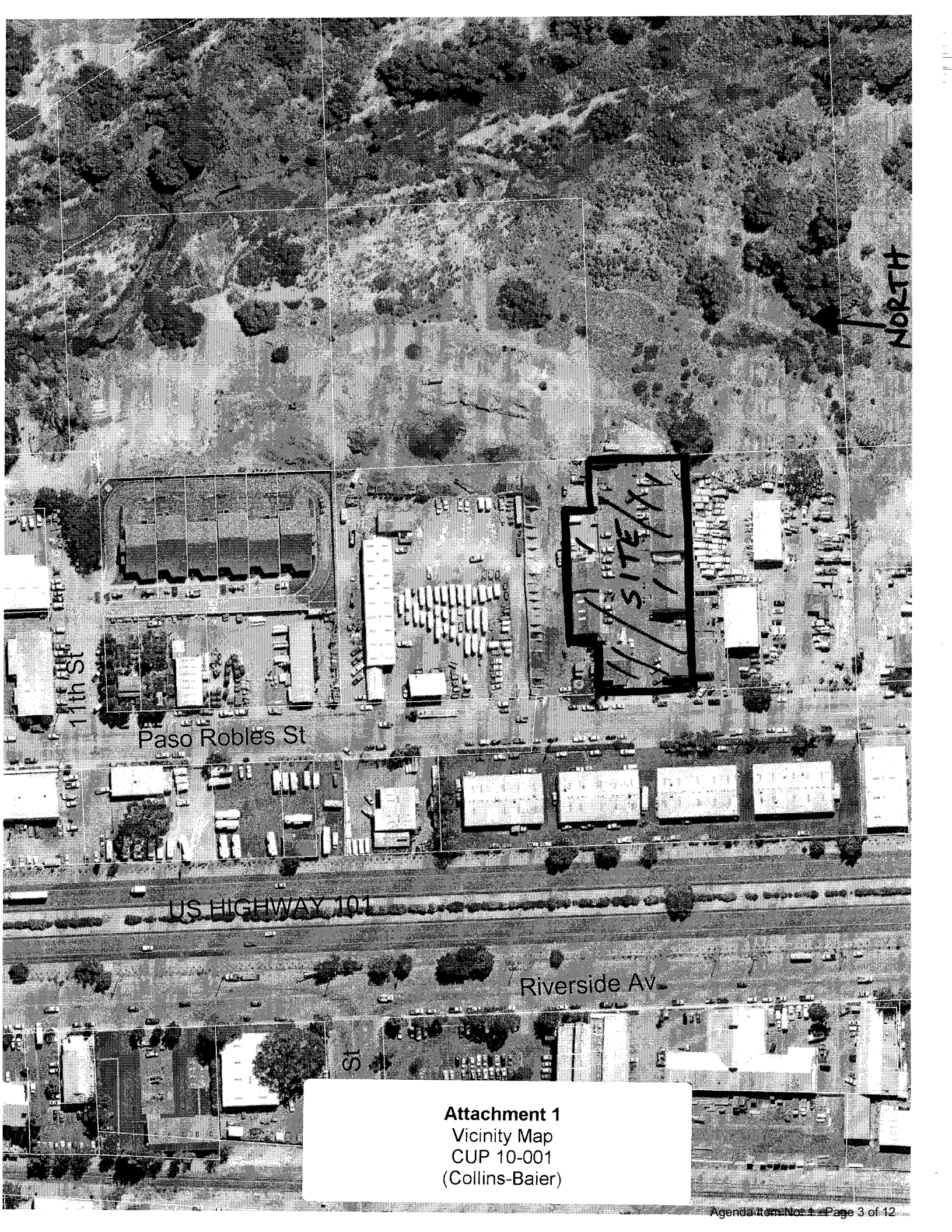
**Options:** After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Approve Conditional Use Permit 10-001, 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. Site Plan
3. Applicant's Submittal Letter
4. Resolution approving CUP 10-001
5. Public Notice Affidavits



NORTH

11th St

Paso Robles St

US HIGHWAY 101

Riverside Av

St

SITE 1

**Attachment 1**  
Vicinity Map  
CUP 10-001  
(Collins-Baier)





**Attachment 2**  
Site Plan  
CUP 10-001  
(Collins-Baier)

Project name: Collins/ Baier Conditional Use Permit

Parcel # 009-161-020

Date 1/18/2010

Paso Robles

JAN 27 2010

Planning Division

Dear Sirs and Madams,

A conditional use permit is requested for the referenced parcel # and individual street addresses, 836 "A", 836 "B", 838, 840 and 842 Paso Robles St. as indicated on the application.

As a proposed tenant I am specifically interested in Unit "A" of 836 Paso Robles St. (zoned C3) to accommodate my proposed automotive business. The still to be named business will employ only myself at start up and will target classic British cars. Business will specialize in light auto restorations, including auto upholstery, electrical troubleshooting and repair, brake repair, minor tuning work and auto accessories. Premises will also house the Internet based specialty automotive parts sales.

Due to the type of work I do the impact to the surrounding area will be negligible or nil. I do not propose to do any service work (oil changes, transmission fluid or coolant flushes) the use, storage and recycling of these items will be minimal and conform to local, state and federal guidelines and pose no adverse environmental concerns.

Having looked at locations throughout the county I believe that Paso Robles with it's vibrant classic car community, is the right choice for the location of a profitable business. With my personal automotive experience and a proven track record of business management and compliance, I believe I can develop a business that will compliment the positive business climate of Paso Robles. In time and with a stronger economic climate I see the possibility of expansion and the creation of jobs, which will have obvious benefit to the community.

As noted above this application is expanded to include additional buildings and addresses on the parcel, although there are no other immediate plans to engage in auto repair at these other addresses the owner thanks your department for it's suggestion to include these in this application.

As time is of essence I respectfully ask that the City review my request for this CUP as soon as possible and does not hesitate in contacting me for more information.

Sincerely,



Clive M. Collins

**Attachment 3**  
Applicant's Submittal Letter  
CUP 10-001  
(Collins-Baier)

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

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 10-001  
(COLLINS-BAIER)  
APN: 009-161-020

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 automotive repair shops in the C3 zoning district; and

WHEREAS, Clive Collins and Hank Baier, has filed a Conditional Use Permit application to establish a automotive repair uses within the existing building located at 836-842 Paso Robles Street; and

WHEREAS, currently John's Auto Clinic and Mats Smog & Auto Care operate at 824 & 834 Paso Robles Street, within the same complex; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 23, 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 10-001 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	Site Plan

2. This Conditional Use Permit (CUP) authorizes the establishment of an automotive repair business with accessory parts sales within the existing buildings located at 836-842 Paso Robles Street, in a manner described in attached exhibits and as required by the conditions contained within this resolution.
3. This project approval shall expire on February 23, 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. No outdoor storage of vehicles or parts shall be allowed with the approval of this Conditional Use Permit.
5. Prior to the issuance of a business license for the auto repair business, any outdoor storage that is not in the designated storage areas shall be removed. This includes the removal of the shipping containers. (See Site Plan Exhibit A).
6. No storage of equipment or materials is allowed on the City owned property adjacent to the east.
7. Prior to the issuance of a business license for the auto repair business, the landscaping at the east end of the site shall be cleaned up and restored and new landscaping installed. Review landscape plan with Planning Staff for compliance prior to installation.
8. Any outdoor display of merchandise shall be subject to the requirements outlined within Chapter 21.21.120 of the Zoning Code.
9. The owner of the complex shall hire a professional designer to establish a master signage program for the complex including bring the signage for the existing businesses into compliance as necessary. The program should include a multi-tenant directory monuments sign along the Paso Robles Street frontage listing the businesses within the complex. All signage shall comply with Chapter 21.19 of the Zoning Code.
10. 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.
11. 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.

12. 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.
13. 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 23<sup>rd</sup> day of February, 2010 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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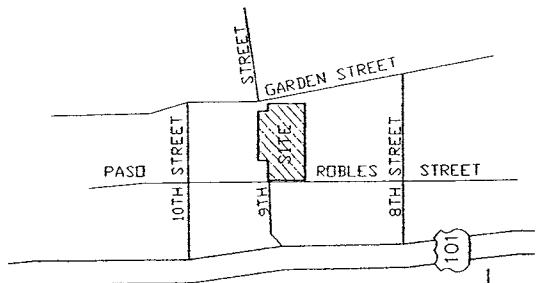
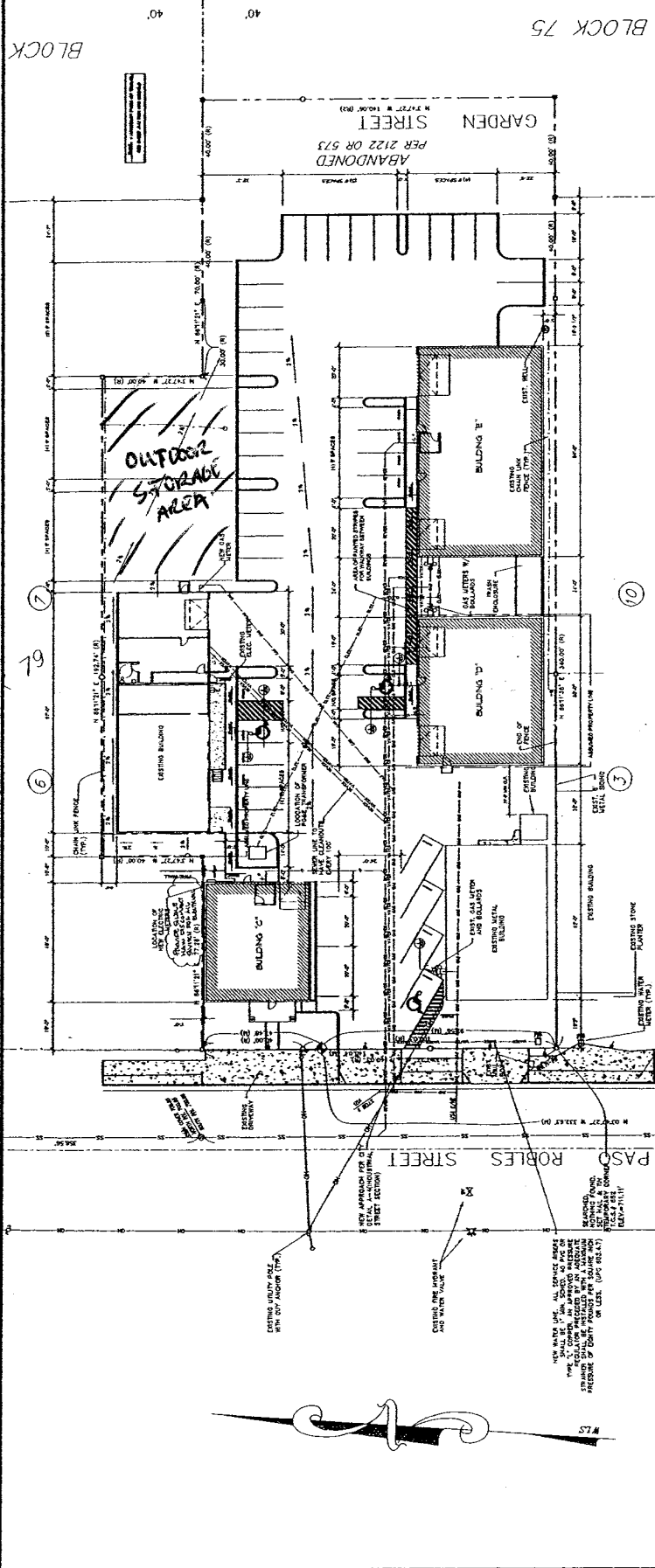
JOEL PETERSON, CHAIRMAN

ATTEST:

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RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

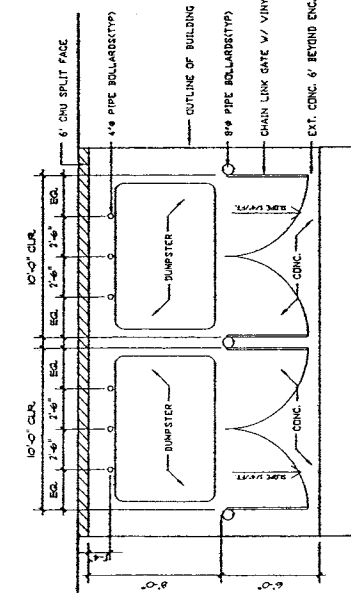
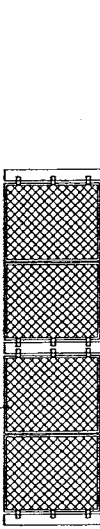
REVISION	LOC



**RECEIVED**  
**JUN 14 2004**  
 Community Development

VICINITY MAP

**SITE PLAN**



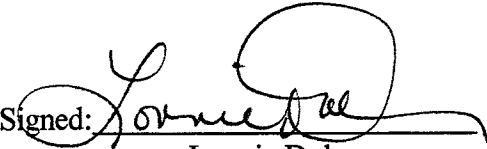
**Exhibit A**  
**Site Plan**  
**CUP 10-001**  
 (Baier/Collins)

**A-1.1**

**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 10-001 (Collins/Baier) on this 9th day of February, 2010.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Lonnie Dolan

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

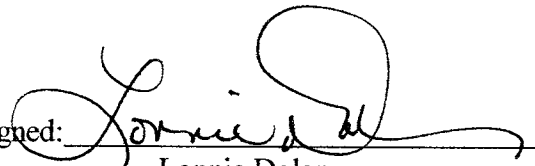
Newspaper: Tribune

Date of  
Publication: February 9, 2010

Meeting of: February 23, 2010  
(Planning Commission)

Project: Conditional Use Permit 10-001  
(Collins/Baier)

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 10-001, a request by Clive Collins and Hank Baier to establish a Master Conditional Use Permit to allow for automotive repair and similar type uses for the existing buildings located at 836-842 Paso Robles Street. APN: 009-161-020

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, February 23, 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 Nash, Associate Planner  
February 9, 2010 6869623