

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION  
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: CONDITIONAL USE PERMIT 11-002  
(SMITH USED CAR LOT)

DATE: MAY 10, 2011

Needs: For the Planning Commission to consider a request filed by Brent Ian Smith, to establish a Used Car Sales Lot on an existing developed site.

- Facts:
1. The site is located at 201 Spring Street, which was most recently occupied by Home Town Nursery (See Vicinity Map, Attachment 1).
  2. The site is currently zoned C2-PD (Highway Commercial, Planned Development Overlay) and has a Community Commercial Service (CC) General Plan Land Use designation.
  3. Table 21.16.200.F.2, land use matrix, allows used vehicle sales in the C2 zone, with the approval of a Conditional Use Permit (CUP).
  4. The City Council approved the Uptown/Town Center Specific Plan (UP/TC SP) on May 3, 2011. The policies of the UP/TC SP are in effect. The plan policies pertaining to this location (South Spring Street area) do not support this type of use at this location. Additionally, the use list of the UP/TC SP does not allow used vehicle sales in the TC-2 zone, although the zoning provisions (which include the Use List) will not become effective until June 16, 2011.
  5. While this item is being considered by the Planning Commission prior to the Specific Plan zoning provisions taking "effect", the Commission must find that the proposed use is consistent with the policies of the Specific Plan.
  6. It is important to note that in addition to the Specific Plan, other policy documents, such as the City's General Plan, Gateway Design Standards, and Economic Strategy are not supportive of a "used car lot" use at this key "gateway" into the downtown.
  7. The Development Review Committee (DRC) reviewed this project at their meeting on April 25, 2011. Based on the policies mentioned above, the DRC was concerned with the proposed use. No action was taken by the DRC, and forwarded discussion of the matter to the Planning Commission.
  8. This application is Categorically Exempt (Class 32) from environmental review per Section 15332 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Analysis  
and

Conclusions: In order for the Planning Commission to approve a Conditional Use Permit, the following findings must be made:

1. The Planning Commission finds that the establishment, maintenance or operation of the use 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 use 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 the proposed use would be consistent with the Commercial Service (CS) General Plan Land Use Category; and
4. By allowing the use, the Planning Commission finds that the proposed use would not be detrimental to the City's efforts to revitalize the downtown.

The application would not be consistent with the findings #2, #3 and #4 above. For example:

The business would not be consistent with applicable zoning, building and municipal codes since the zoning regulations in the UP/TC SP, Table 5.3-1 (Sec. 5.3) does not permit used vehicles sales lots in the TC-2 zone. The use would therefore not be consistent with the zoning code provisions which are part of the municipal code or the Uptown/Town Center Specific Plan.

The business would not be consistent with applicable General Plan policies in the Land Use Element, specifically Policy LU-2D, intended to "...maintain and create livable, vibrant neighborhoods and districts with attractive streetscapes, pedestrian friendly settings and a recognizable and high quality design aesthetic." This use would not contribute to creating a vibrant district or pedestrian friendly setting. Additionally, the CC land use category is intended to provide community products and services consistent with the downtown that would reduce vehicle miles traveled. Used car sales lots do not encourage lively atmospheres and pedestrian oriented settings.

The business would not be consistent with the City's efforts to revitalize the downtown since the Uptown/Town Center Specific Plan does not allow used vehicle sales in the TC-2 zone; it would be contrary to the Specific Plan. Chapter 2 of the Specific Plan (Sec. 2.1.5, South of Downtown) provides a "vision" specifically for this area along Spring Street. It states, 'Spring Street will be developed with buildings appropriate to a

major thoroughfare, but with a strong pedestrian orientation and focus on defining Spring Street as an important public space." Furthermore the section describes that future development should be characterized by "...infilling vacant lots, parking lots, and properties not currently occupied by a building of historical significance with mixed-use and/or flex buildings to transform South Downtown into a pedestrian-oriented mixed-use neighborhood with a well-defined public realm and strong sense of place". An "auto-oriented" used car sales lot does not fit the vision intended for the "South of Downtown", Spring Street area.

This use will be contrary to these policies and intent for future development and redevelopment of this area of the Uptown/Town Center Specific Plan. Therefore, the proposed use would not be consistent with Specific Plan, which encourages pedestrian oriented uses, and would not be consistent with the City's efforts to revitalize the downtown. Additionally, Chapter 5 of the UT/TC SP does not permit used car lots in the TC-2 zone.

In accordance with the Gateway Guidelines, the site is a "Central Gateway" and is included in Gateway - Area B, South Spring Street. The essence of the central gateway is "the quick transition from the environment of the highway to environment of the town". Additionally, auto sales tend to be a highway-oriented use. The Guidelines suggests that central gateways enhance pedestrian facilities to support mixed-use residential and/or commercial buildings oriented to the street.

Over the years, as Spring Street has transitioned from being the State Highway, to the main street through the City, many of the highway oriented uses such as car lots, motels and gas stations have relocated to other highway-oriented areas, such as Highway 101 and Highway 46. Plans such as the Specific Plan and the Gateway Guidelines suggest that the Spring Street corridor (at least at the Gateways and within the TC zones) is not the appropriate place for "highway oriented" uses, such as used vehicle sales.

The Planning Commission should discuss this matter and determine if the proposed use would be consistent with the policies within the Gateway and Uptown/Town Center Specific Plan and if this would be an appropriate use at the proposed location.

Policy Reference: Uptown/Town Center Specific Plan, Gateway Design Standards, Land Use Element of the General Plan, and Economic Strategy.

Fiscal Impact: None

Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a. Adopt the attached resolution denying Conditional Use Permit 11-002, based on the proposed use not being consistent with the policies

outlined in the Uptown/Town Center Specific Plan and Gateway Guidelines

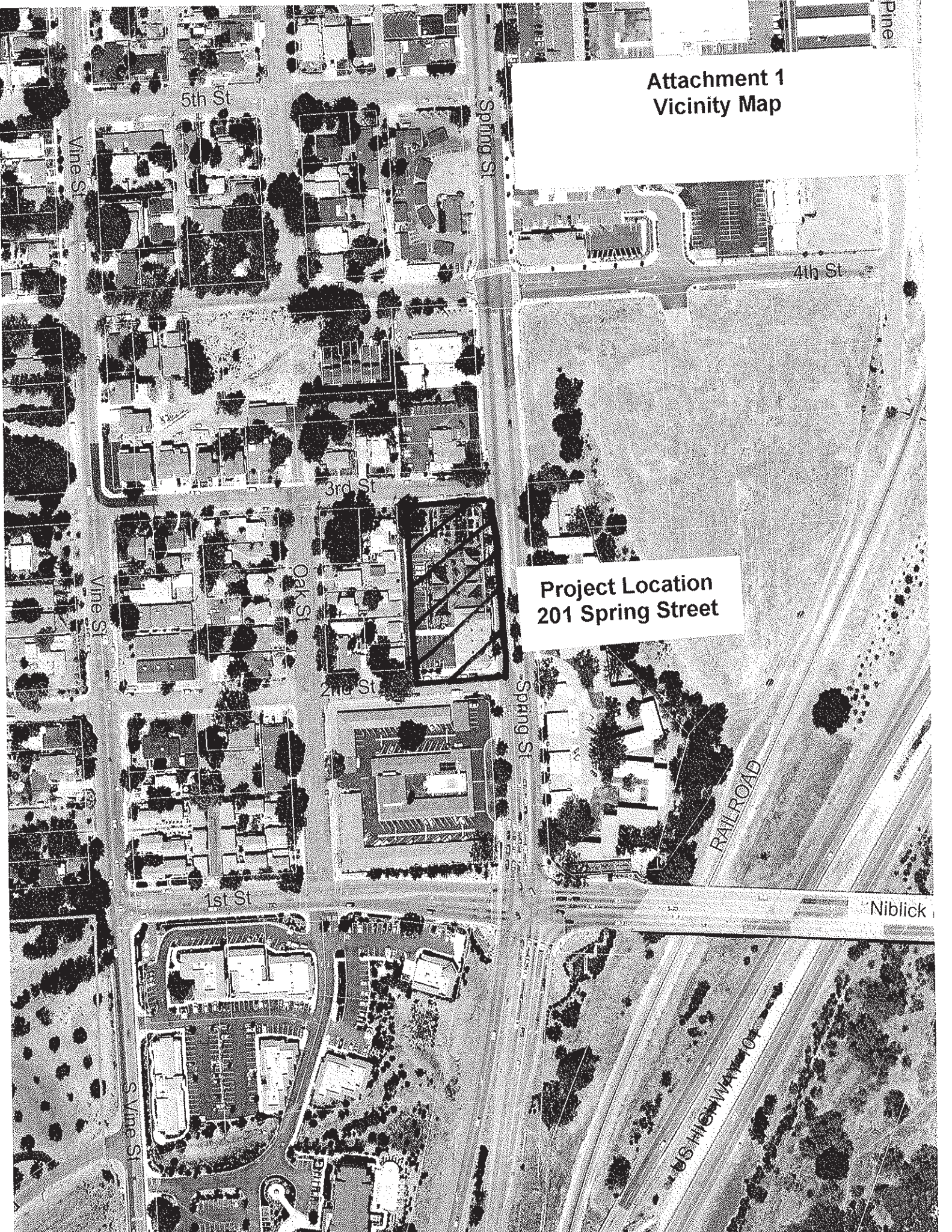
- b. Amend, modify or alter the above noted options.

Attachments:

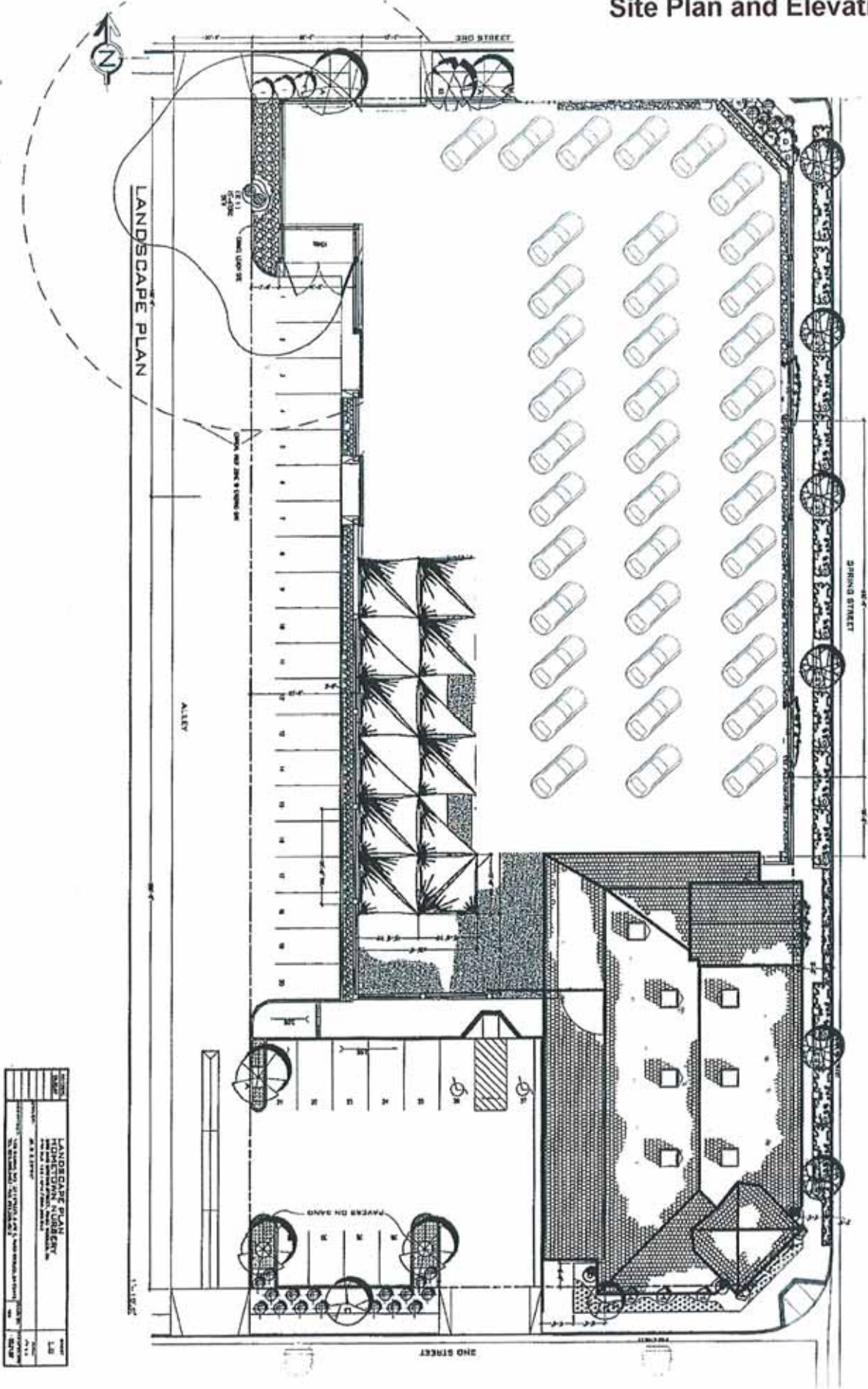
1. Vicinity Map
2. Site Plan and Elevations
3. Resolution denying CUP 11-002
4. Newspaper notice and mail affidavits

**Attachment 1  
Vicinity Map**

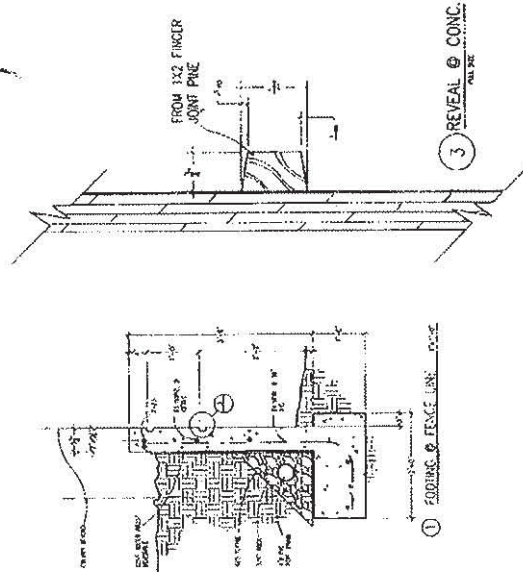
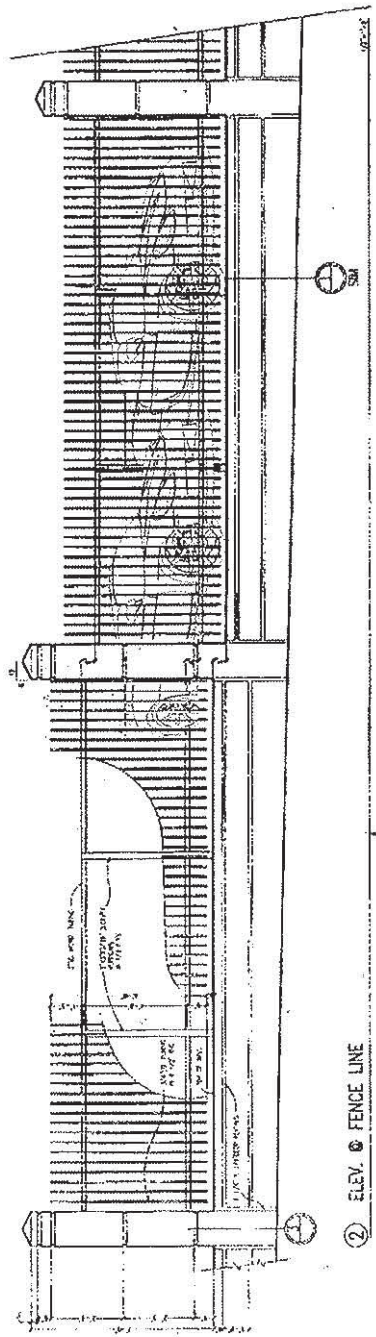
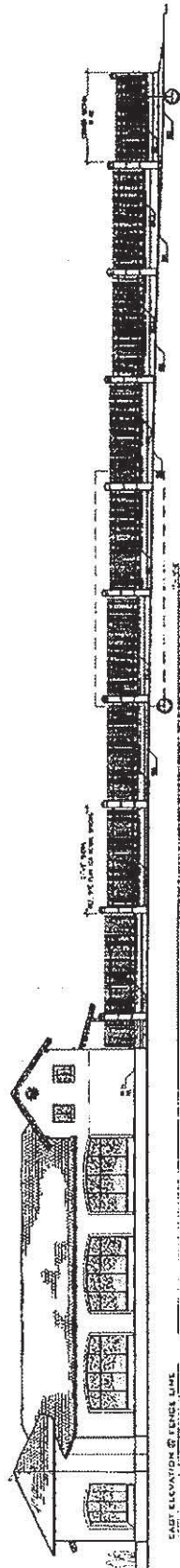
**Project Location  
201 Spring Street**



# Attachment 2 Site Plan and Elevations



DATE	1/15/2014	SCALE	AS SHOWN
DRAWN BY	J. B. BROWN	CHECKED BY	J. B. BROWN
<b>LANDSCAPE PLAN</b>			
<b>HORNBLENDE &amp; ASSOCIATES</b>			
LANDSCAPE ARCHITECTS			
1000 W. 10TH AVENUE, SUITE 100, DENVER, CO 80202			
TEL: 303.733.1111 FAX: 303.733.1112			
WWW.HORNBLENDE.COM			
PROJECT NO.	14-001	DATE	1/15/2014
CLIENT	XXXXXXXXXX	PROJECT	XXXXXXXXXX
LOCATION	XXXXXXXXXX	SCALE	AS SHOWN
DATE	1/15/2014	SCALE	AS SHOWN



PROJECT	REVISION	DATE
DESIGNED BY	CHECKED BY	DATE
<b>FRANK'S LANDSCAPE &amp; HOMEOWN NURSERY</b> 1000 S. 10th St. - Phoenix, AZ 85026 (602) 998-8888 www.frankslandscape.com		

RESOLUTION NO:

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO DENY CONDITIONAL USE PERMIT 11-002  
(SMITH USED CAR LOT SALES)  
APN: 009-286-015

WHEREAS, Brent Ian Smith, has filed a Conditional Use Permit (CUP) application to establish a Used Car Sales Lot at 201 Spring Street; and

WHEREAS, the Zoning Code requires approval of a CUP to establish a Used Car Sales Lot; and

WHEREAS, policies and standards of the Uptown/Town Center Specific Plan (UT/TC SP) apply to this project location; and

WHEREAS, the vision, policies, and intent of the UT/TC SP provisions do not support this type of "auto-oriented" land use in the South Downtown Area of Spring Street, which specifically state, "Spring Street will be developed with buildings appropriate to a major thoroughfare, but with a strong pedestrian orientation and focus on defining Spring Street as an important public space." In addition, the Plan characterizes future development of South Spring Street by, "...infilling vacant lots, parking lots, and properties not currently occupied by a building of historical significance with mixed-use and/or flex buildings to transform South Downtown into a pedestrian-oriented mixed-use neighborhood with a well-defined public realm and strong sense of place."; and

WHEREAS, the proposed Used Car Sales Lot is not consistent with the intent of the City's Gateway Design Standards for the Central Gateway - Area B, South Spring Street, since the guidelines suggests this area enhance pedestrian facilities to support mixed-use residential and/or commercial buildings oriented toward the street; and

WHEREAS, the project is not consistent with the UT/TC SP or the Gateway Design Standards and would therefore be detrimental to the City's efforts to revitalize the downtown; and

WHEREAS, the project is not consistent with the intent of General Plan policy LU-2D since it would not contribute to creating a vibrant district or pedestrian friendly setting; and

WHEREAS, there are other suitable locations within the City that can accommodate Used Car Sales Lots that would not be inconsistent with City policies; and

WHEREAS, a public hearing was conducted by the Planning Commission on May 10, 2011, 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 15332, infill, of the State's Guidelines to Implement CEQA; and



WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received, the Planning Commission makes the following finding:

By allowing the use, the Planning Commission finds that the proposed Used Car Sales Lot would be detrimental to the City's efforts to revitalize the downtown, since it would not be consistent with policies and standards in the Uptown/Town Center Specific Plan or the Gateway Design Standards.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby deny Conditional Use Permit 11-002.

PASSED AND ADOPTED THIS 10<sup>th</sup> day of May, 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
STEVE GREGORY, CHAIRMAN

ATTEST:

\_\_\_\_\_  
RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

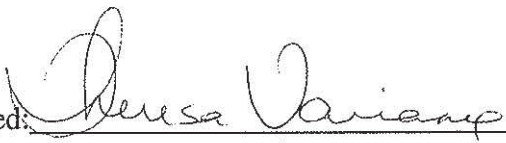
Newspaper: Tribune

Date of  
Publication: April 29, 2011

Hearing  
Date: May 10, 2011  
(Planning Commission)

Project: Conditional Use Permit 11-002 (Smith)

I, Theresa Variano, 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:   
Theresa Variano

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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 11-002, a request filed by Brent Ian Smith, to establish a used car lot at 201 Spring Street. APN: 009-286-015

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, May 10, 2011, at which time all interested parties may appear and be heard.

This application is Categorically Exempt from environmental review per Section 15301 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  
April 29, 2011 6940091

**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Theresa Variano, 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 11-002 (Smith) on this 27th day of April, 2011.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: \_\_\_\_\_

  
Theresa Variano

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