

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT: CONDITIONAL USE PERMIT 11-007, TRACTOR WAY
APPLICANT – ALLIANCE TOWING, INC. (APN: 025-421-020)**

DATE: NOVEMBER 8, 2011

Needs: For the Planning Commission to consider an application filed by James Foschaar on behalf of Alliance Towing, to establish a towing service and vehicle impound yard.

Facts:

1. The site is located on Tractor Way, just east of Germaine Way, see attached Vicinity Map (Attachment 1).
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 1.5 acre site is currently vacant and has been used for contractor storage in the past. Alliance Towing is requesting to use .5 acre of the site for their vehicle storage yard. The remaining portion of the site would remain vacant until another business leases the site.
5. The site is unpaved and has an existing 8-foot tall fence around the perimeter of the site. There is also internal fencing in the area where Alliance Towing is proposing to go. The request is to utilize the existing fence along the Tractor way frontage with the installation of new barbed wire along the top to satisfy Police Department requirements and replace any broken slats in the fence.
6. Chapter 21.21.110, Performance Standards for outdoor storage areas, requires outdoor storage yards to be screened with landscaping and fencing. In this area of the City, the Ordinance requires 15-feet of landscaping along the street front property line. Since the code section does not specifically state that the fence has to be setback 15-feet, the applicant is requesting that additional landscaping be placed behind the fence to satisfy the 15-foot requirement. Keeping the fence in its current location would be consistent with the location of the fencing on the adjacent parcels on either side.
7. The office-related activities for Alliance Towing would be located in a building at 2105 Wisteria Lane, which is in the vicinity of Tractor Way. Owners of impounded vehicles would go to the office to take care of the necessary paperwork and would then be transported by Alliance Towing to the storage lot to retrieve their cars.
8. The Police Department requires towing contractors to execute a standard Tow Service Agreement. Paragraph 8 of that agreement contains conditions for the

physical operation of the storage facility. A copy of Paragraph 8 is attached for the Commission's information.

9. The Development Review Committee (DRC) reviewed this CUP at their meeting on October 24, 2011. The DRC agreed that the proposed site seemed acceptable for the use and would be consistent with other storage uses in the area. The DRC discussed the fence placement issue and was in favor of leaving the fence in the current location with the requirement to renew any broken slats, renew the barbed wire as required by the Police Department and to add landscaping on the inside of the fence to satisfy the 15-foot landscape setback requirement. The DRC recommended that the Planning Commission approve the CUP request with the above listed conditions.

**Analysis and
Conclusion:**

The Alliance Towing storage and impound yard would seem to be an appropriate use in this area of the City. The outdoor storage of contractor materials and equipment (either as a stand-alone use or accessory to the on-site business) has been a typical use along Tractor Way since before the area was annexed to the City in the late 1980's.

Keeping the existing fence at its current location, rather than requiring it to be set back 15 feet, would seem to be reasonable in this situation, since existing fences on either side of the lot are placed at the street property line. The applicants are prepared to install the additional landscaping to satisfy the zoning code requirement. A condition of approval has been added to the CUP that would require DRC review and approval of a landscape plan prior to installation. Additionally, the conditions would require that the landscaping be installed, the fence slats and wire be renewed as needed, to the satisfaction of the Planning and Police Departments, prior to the issuance of a Business License. Additionally, conditions require that the applicant submit for the necessary building permits for the electrical work for the security lighting as well as provide an acceptable shielded light fixture.

With the proposed conditions of approval, the proposed vehicle storage lot would be consistent with other outdoor storage uses along Tractor Way, and meet the intent of the C3 zoning and the CS land use districts.

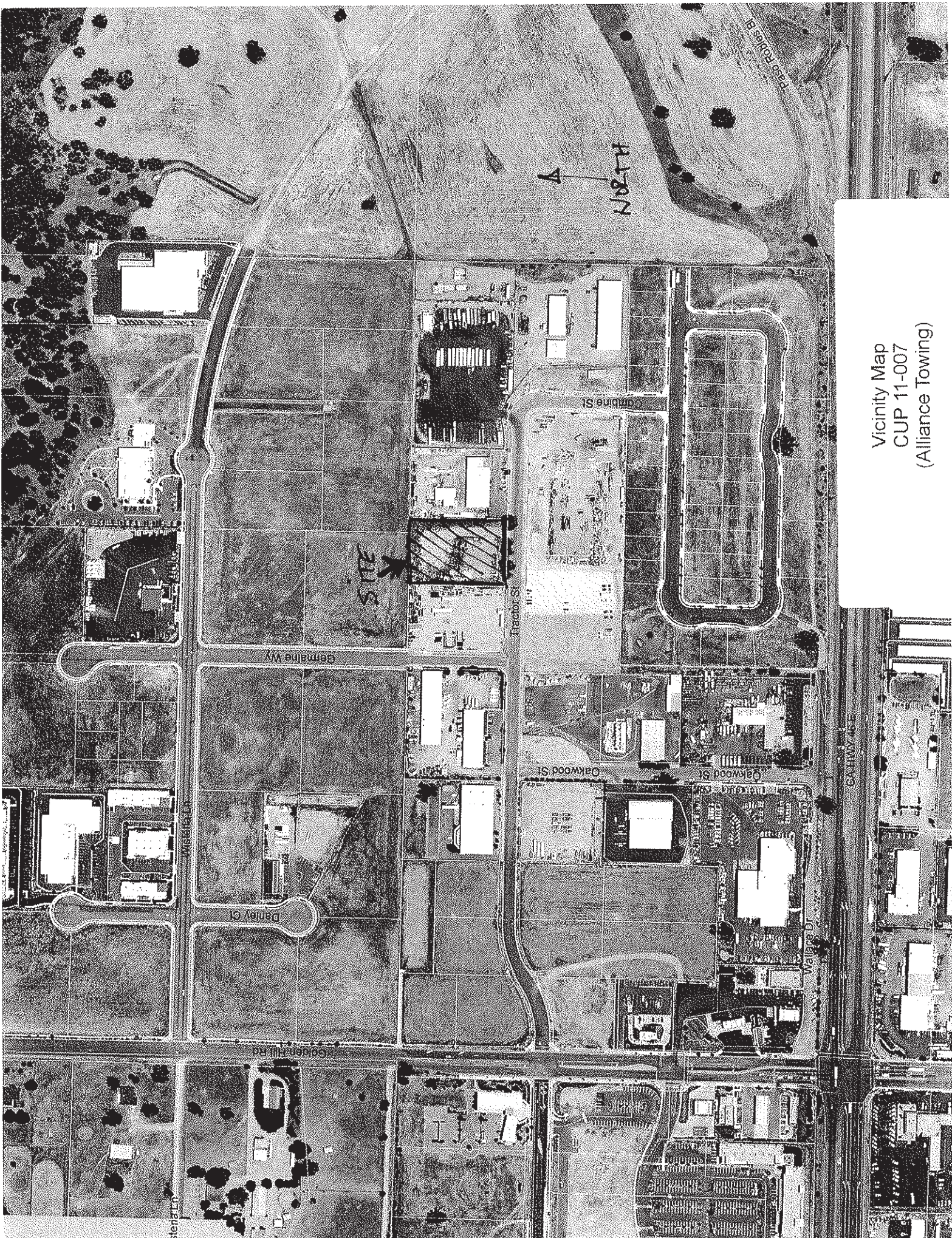
Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Approve Conditional Use Permit 11-007, 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. Applicant's Letter – with attachments
3. Paragraph 8 of Tow Service Agreement
4. Resolution approving CUP 11-007
5. Public Notice Affidavits



Vicinity Map
CUP 11-007
(Alliance Towing)

MAY 24 2011

Engineering Division

Proposal for Alliance Towing Inc.

We propose to relocate the storage of impounded and wrecked vehicles on 2360 Tractor Street. Since this lot is not improved with an office space and the cost to build an office on this lot would be cost prohibitive for Alliance Towing Inc., we intend to lease an office space on 2105 Wisteria Lane. This would place the storage lot and the office in close proximity (about 1.5 blocks) and allow us to continue operation with the Paso Robles Police Department, as they require us to have a location within the city limits.

In terms of how we propose to provide service to those who need their property or vehicle released out of storage, they would need to come to our office at 2105 Wisteria Lane and provide to us all the required information to release their vehicle. Then we would meet at the storage lot and allow them to pick up their vehicle. We would drive the vehicle out of the storage yard ourselves and give them back to their owners.

Since our storage lot and the office would be in different locations, we anticipate that there will be times when we need to transport clients from our office to the storage lot. We have a service vehicle available to transport those clients that need assistance in this matter.

On the matter of parking our tow trucks, we will continue to park on the street as it was at our last location, but the roads between Tractor and Wisteria are oversized and underused and would provide safe parking there.

The location at Wisteria does have a roll up door but it was never intended to allow inside parking of large trucks and the assigned parking spot in the complex will not allow us to park our oversized trucks. If necessary, we will park our tow trucks in the storage lot on Tractor Street.

Proposal for Vehicle Storage Lot at 2360 Tractor Street

This package is to provide information to allow a Conditional Use Permit to Alliance Towing Inc., to occupy 2360 Tractor Street for storage of impounded, abandoned and wrecked vehicles. This package will show the proposed fencing and lighting of the lot and the proposed location and size of a storage shed for equipment and supplies for the operation of the towing infrastructure.

The proposed lot already has fencing and cross fencing to allow us to provide a safe and secure area for the impounding of vehicle ordered by the local law enforcement in the area. This lot is approximately 1.4 acres in total size and has an interior cross fenced lot within the main lot. This interior lot is shown in **Exhibit 4** and would need to have the gate reinstalled in its original place. We proposed at this time to utilize the smaller lot (142' x 143') given the amount of vehicle we typically store. If the amount of vehicle we store increases at a later date we would need to expand the fence inside the lot to accommodate this growth. This inside lot also would need to have lights installed at the locations shown in **Exhibit 8** and also we will install security cameras at these same light locations. We propose to install these lights not to exceed 12 feet in height and of the type as shown in **Exhibit 6**.

Since we are proposing to add additional lights and a security system to this lot we would need to add a storage structure to store the electronics for the security system and this would also allow us to store auxiliary equipment. We propose to install a storage shed as shown in **Exhibit 7** not to exceed 10'X12' onto the existing concrete pad shown in **Exhibit 8**.

This lot already has landscaping installed on the property as shown in **Exhibit 1, 2, & 3** and there is a controller in place at the utilities junction. We would need to make sure that the plumbing and electrical system is intact and working so as to assure continued operation.

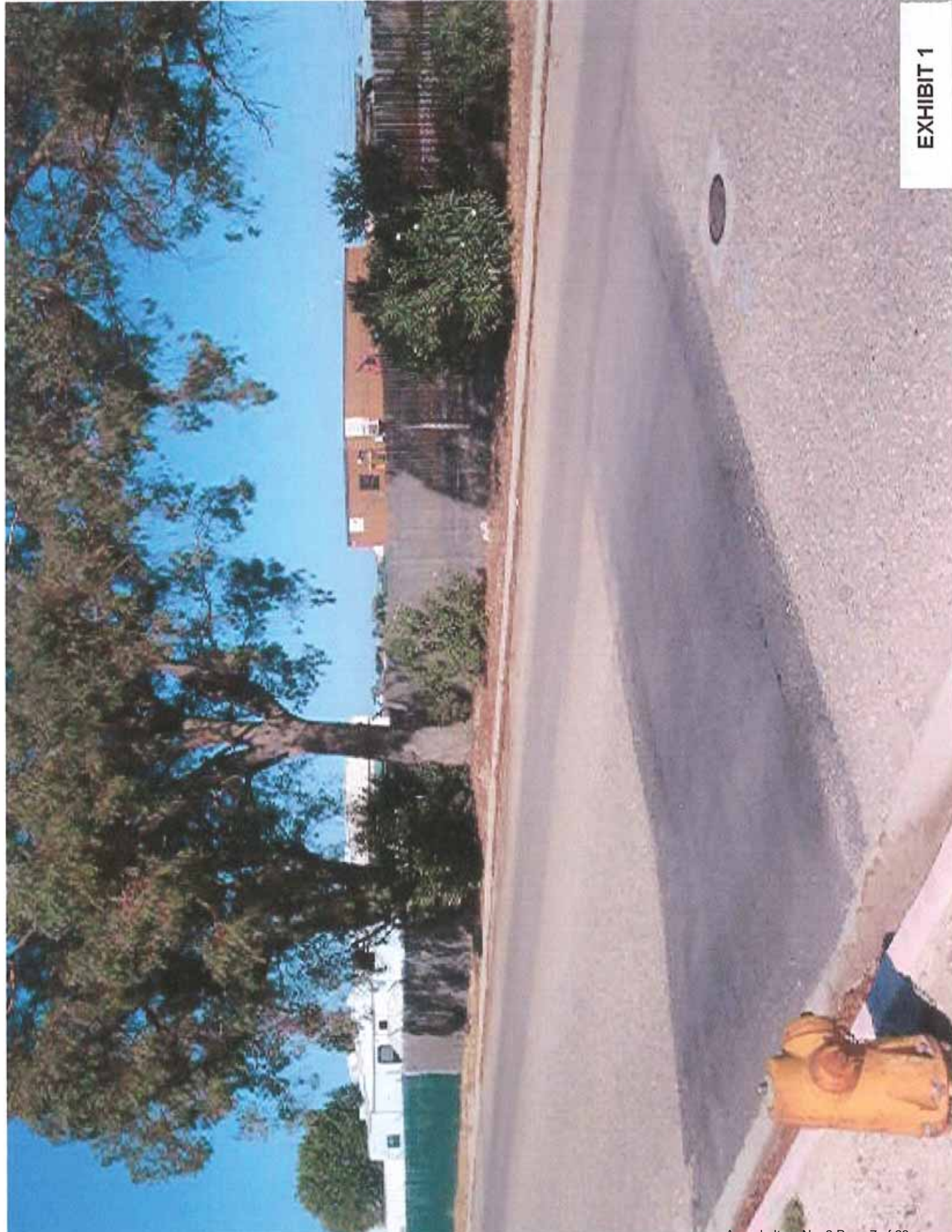
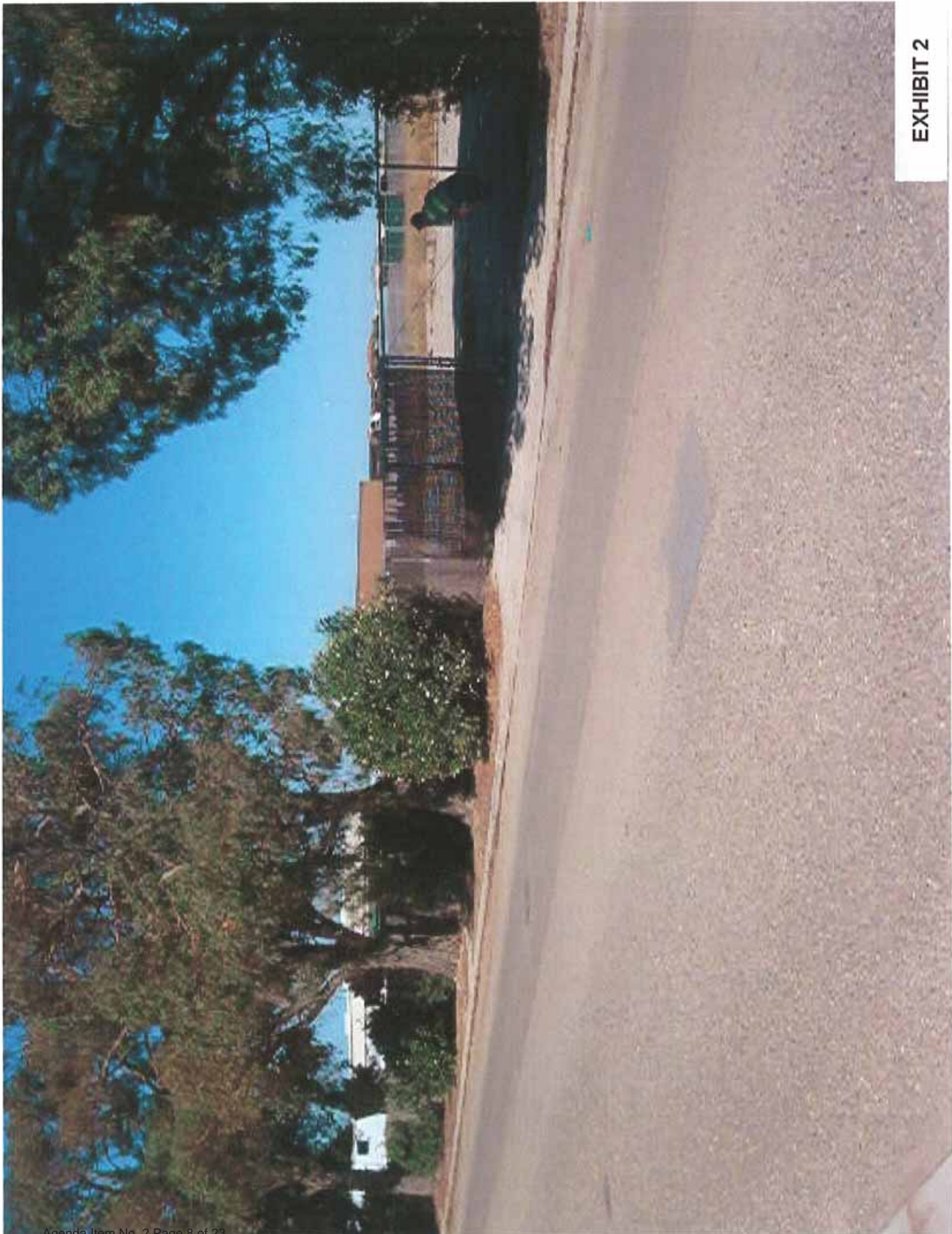


EXHIBIT 1



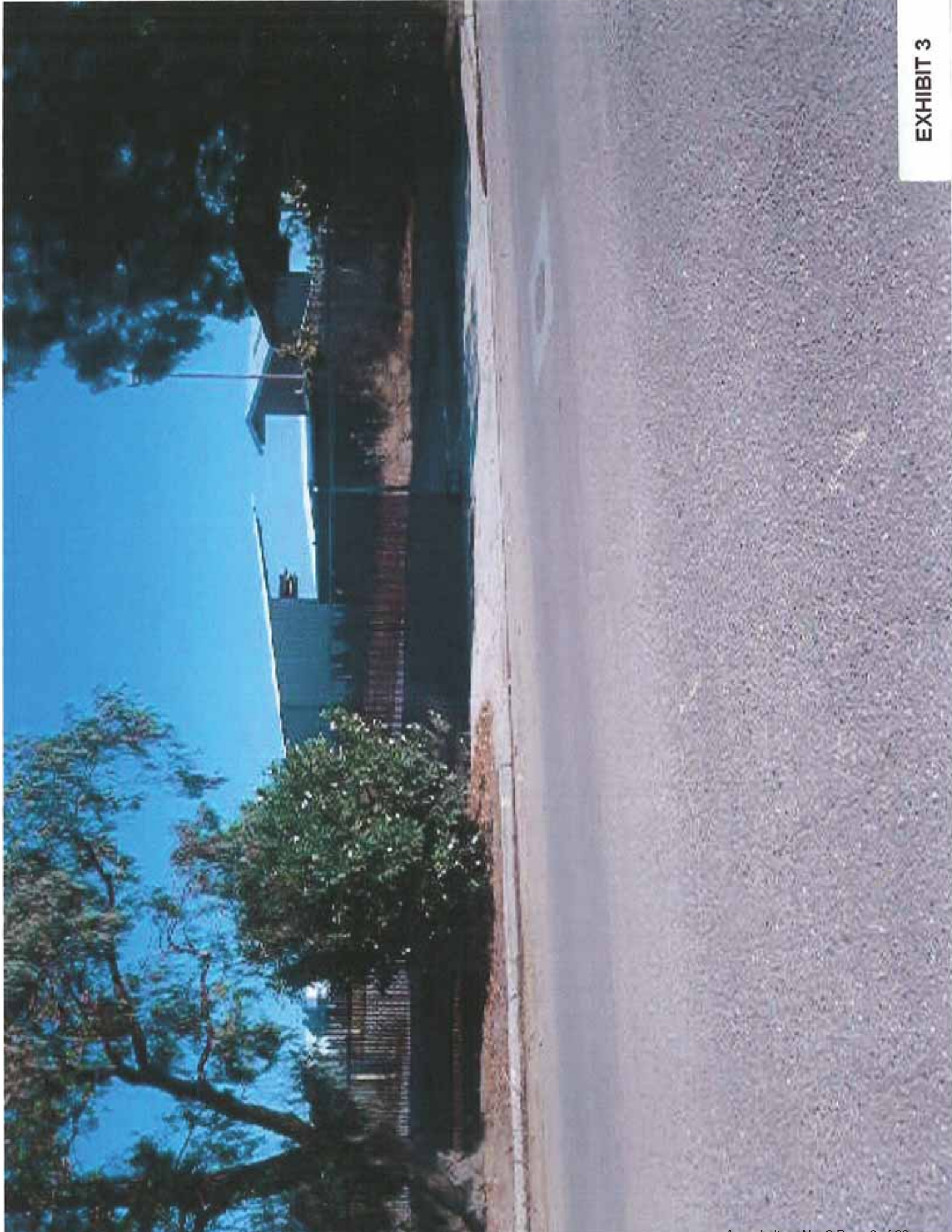


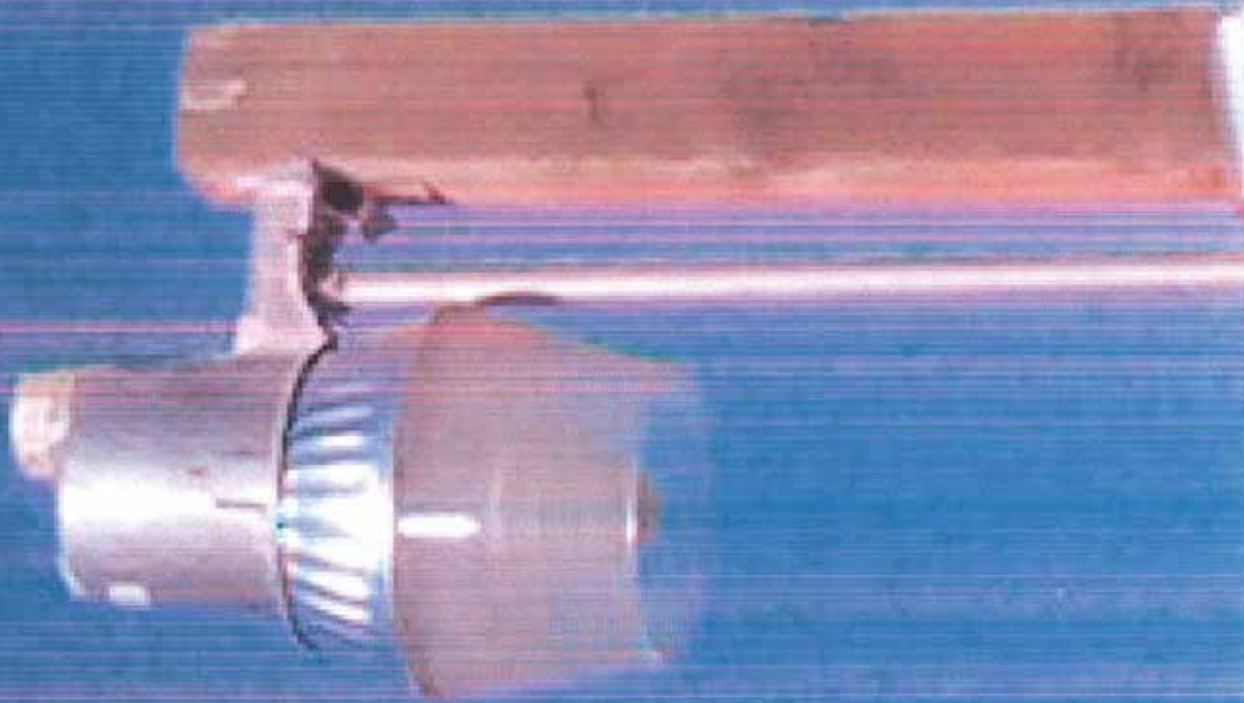
EXHIBIT 3



EXHIBIT 4

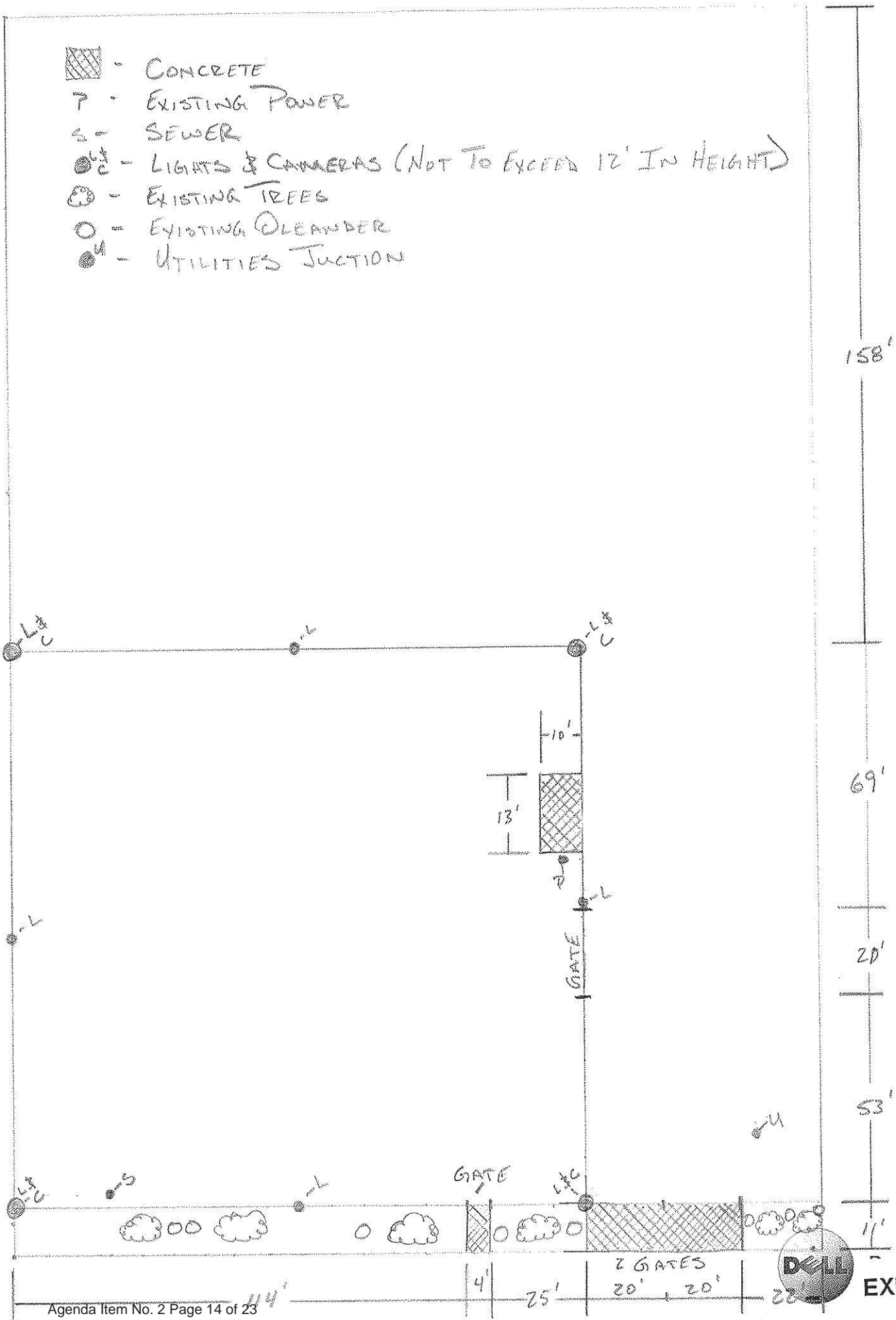


EXHIBIT 5





- ▨ - CONCRETE
- ⌈ - EXISTING POWER
- S - SEWER
- ⊙^{L/C} - LIGHTS & CAMERAS (NOT TO EXCEED 12' IN HEIGHT)
- ⊙ - EXISTING TREES
- - EXISTING OLEANDER
- ⊙^U - UTILITIES JUCTION



8. STORAGE FACILITY

- A. The operator shall be responsible for the security of vehicles and property at the place of storage. At a minimum, a fenced or enclosed, secured area shall be provided. This area must be reasonably lighted during hours of darkness. The operator is responsible for the reasonable care, custody, and control of any property contained in towed or stored vehicles.
- B. The operator shall maintain a physical location within the geographic boundaries of the City of Paso Robles and abide by all laws that govern a business within the City or the jurisdiction in which it operates. The Chief of Police must approve of the physical location as it relates to potential criminal activity, accessibility to customers and Police Department personnel.
- C. The operator shall obtain approval from the PRPD prior to removal of any property from a stored or impounded vehicle. This includes the removal of property by the tow operator and/or its employees to a secured area within the business. A receipt shall be provided for the removed property, with a copy placed in the stored vehicle. The requirement to obtain approval from the PRPD prior to the removal of property may be waived by the Chief of Police if the operator has in place written policies and procedures establishing proper safeguards and procedures for the removal of property, which policies and procedures have been approved in advance by the PRPD. The operator and/or its employees must routinely follow its approved policies and procedures for the removal of property, and the PRPD may inspect whether those policies and procedures are routinely followed.
 - 1) This requirement shall not be waived in cases where a vehicle has been impounded for evidence or investigation.
 - 2) The operator shall release personal property from an impounded/stored vehicle at the request of the vehicle's registered owner or agent. No lien shall attach to any personal property in or on the vehicle pursuant to Section 22851 (b) of the California Vehicle Code.
 - 3) Personal property is considered to be items which are not affixed to the vehicle. Personal property from a stored vehicle shall be released to the current registered owner or the owner's authorized agent upon demand and without charge during normal business hours. A gate fee may be charged for returning property after normal business hours, weekends, and state holidays. The maximum hourly charge for non-business hours releases shall be one-half the hourly tow rate charged for initially towing the vehicle, or less pursuant to Section 22851 (b) of the California Vehicle Code.
- D. The primary storage facility shall normally be at the same location as the business address. If not at the same location, there shall be no charge for any additional distance traveled to and from a secondary location. The vehicle and/or personal property shall be released at the primary storage facility, unless the vehicle's registered owner or agent consents to such release from the secondary storage facility.

- 1) Prior to the utilization of new storage facilities that were not listed on the application for rotation tow listing, the operator shall furnish the address and obtain approval from the Chief of Police.
 - 2) Secondary storage facilities shall be located reasonably close to the main business office.
- E. Tow operators shall maintain sufficient storage spaces.
- F. Employees shall be properly trained to conduct business transactions related to towing, storage, and release of vehicles/property.
- G. The release of vehicles shall be conducted in accordance with PRPD procedures. The Chief of Police shall ensure that proper provisions are in place for the release of all impounded vehicles. Tow companies shall respond for after-hours release of vehicles when requested by the current registered owner or owner's authorized agent.

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 11-007
(ALLIANCE TOWING)
APN: 025-421-020

WHEREAS, Jim Forchaar on behalf of Alliance Towing, Inc. has submitted an application for CUP 11-007, requesting to establish an outdoor vehicle storage/impound yard on the vacant site located on Tractor Way, just east of Germaine Way; and

WHEREAS, the office for Alliance Towing would be located off-site in the vicinity of the storage yard; 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, a public hearing was conducted by the Planning Commission on November 8, 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 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 properties along Tractor Way have continually had outdoor storage activities since prior to the annexation of the Wallace Industrial area into the City, and therefore as conditioned the proposed use would be consistent with the General Plan and Zoning Code.
- c. Keeping the fencing in the existing location with the requirement to add landscaping to the 15-foot setback area along the front property line 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 11-007 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	Plot Plan

2. The approval of CUP 11-007 allows for the outdoor storage of vehicles for Alliance Towing. The impound vehicles shall be stored in the area identified on the Plot Plan (Exhibit A). The office for Alliance Towing will be located off-site in the vicinity of the storage lot.
3. Prior to issuance of a Business License, a plan showing the placement of landscaping in the 15-foot setback area on the inside of the fence shall be reviewed by the Development Review Committee (DRC). The landscaping will need to be installed along with improvements to the existing fence including replacing broken slats and installing barbed wire at the top of the fence to the satisfaction of the Police and Planning Departments.
4. 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.
- 5. No impound vehicles shall be parked out of the designated area or on Tractor Way.
 - 6. All signage shall comply with Chapter 21.19 of the Zoning Code.

7. 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.
8. 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.
9. 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 8th day of November 2011, by the following roll call vote:

AYES:

NOES:








ABSENT:

ABSTAIN:

CHAIRMAN STEVE GREGORY

ATTEST:

ED GALLAGHER, PLANNING COMMISSION SECRETARY

-  - CONCRETE
-  - EXISTING POWER
-  - SEWER
-  - LIGHTS & CAMERAS (NOT TO EXCEED 12' IN HEIGHT)
-  - EXISTING TREES
-  - EXISTING OLEANDER
-  - UTILITIES JUNCTION

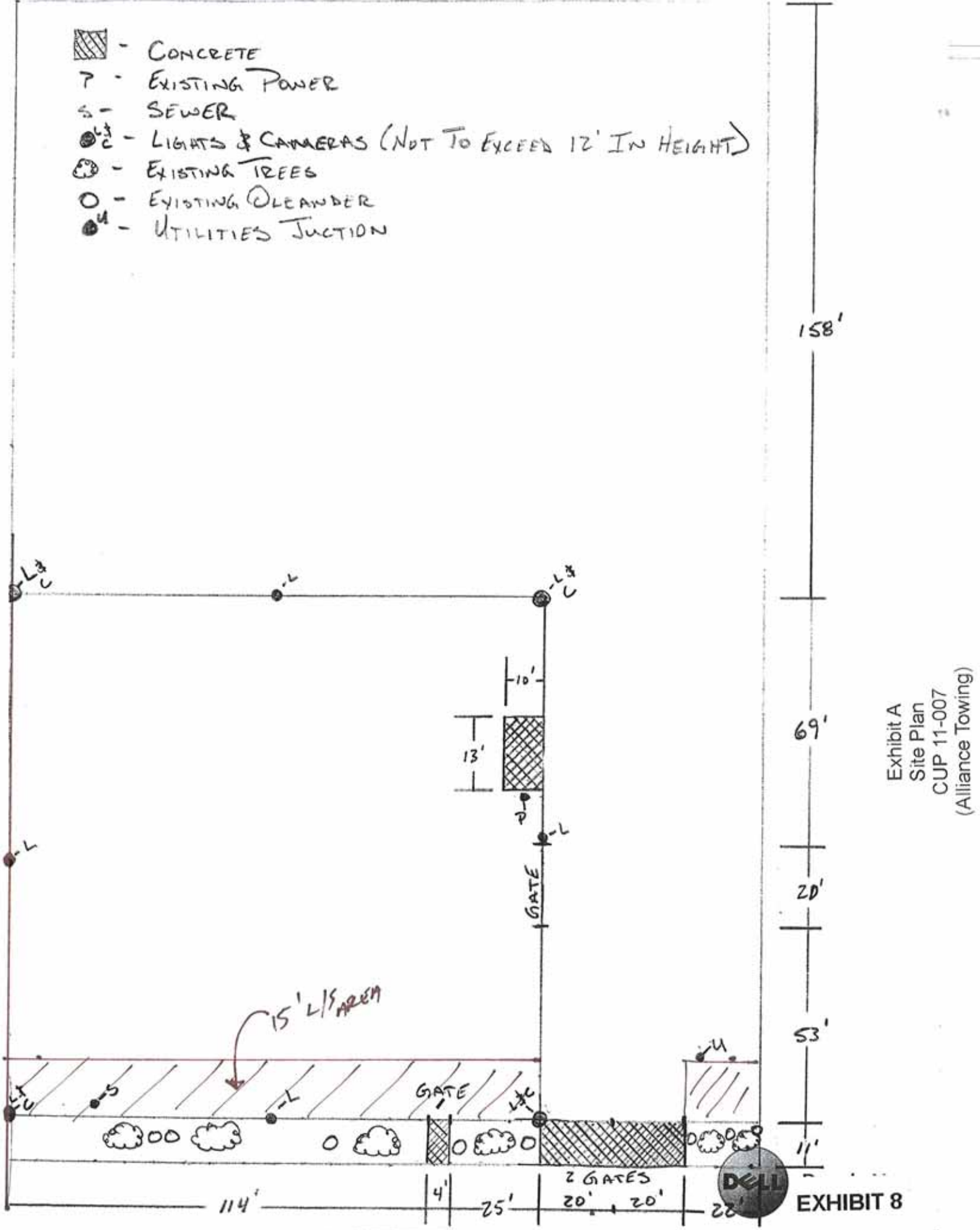


Exhibit A
 Site Plan
 CUP 11-007
 (Alliance Towing)

EXHIBIT 8

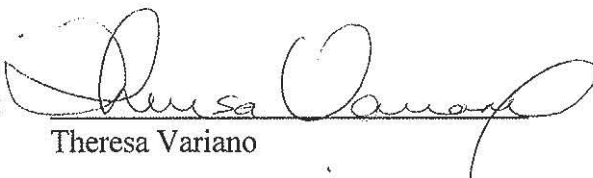
AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

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- 007 (Alliance Towing) on this 25th day of October, 2011.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Theresa Variano

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: October 28, 2011

Hearing Date: November 8, 2011
(Planning Commission)

Project: Conditional Use Permit 11-007 (Alliance Towing)

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 11-007, a request filed by Jim Foschaar of Alliance Towing, to establish a vehicle impound and towing yard at the vacant site located at 2360 Tractor Way (Second lot east, from the northeast corner of Tractor Street and Germaine Way), APN: 025-421-020.

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, November 8, 2011, at which time all interested parties may appear and be heard.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearing.

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

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
October 28, 2011 6963797