

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 14-011: SHERRY MERINO
DATE: SEPTEMBER 23, 2014

Needs: For the Planning Commission to consider a request by Sherry Merino, to establish a fortunetelling business in an existing building.

- Facts:**
1. The site is located at 1636 Spring Street and has a T3-F zoning designation.
 2. On August 19, 2014, the City Council was asked whether they would be interested in considering making a determination that fortune tellers are similar to other office uses such as counseling, and/or personal services such as barber shops and beauty salons, and permit them in the same zoning districts as those uses.
 3. The Council directed staff to prepare an ordinance amending the Zoning Code allowing for fortunetelling, psychics and related services, subject to a Conditional Use Permit (CUP) in certain commercial and mixed use zones.
 4. Code Amendment 14-001 is in the process to establish the ability to have fortunetelling businesses in various districts of the Uptown Town Centre Specific Plan, which would include the T3-F district, subject to the approval of a conditional use permit (CUP). The approval of this CUP is subject to the Planning Commission and City Council approving the code amendment.
 5. This application is categorically exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement CEQA.

Analysis and

Conclusion: The building at 1636 Spring Street has been used for personal service type businesses in the past, including massage and acupuncture. There are 7 parking spaces on site in the lot behind the building accessed from the alley. The site is adjacent to other existing commercial uses including, auto repair, a restaurant, and a church.

Sherry Merino is proposing to provide a small yard sign and/or signage on the building that would be in compliance with the City's signage requirements. Signage would be submitted separately for DRC review and approval.

Reference: Uptown Town Centre Specific Plan, 2003 General Plan, 2006 Economic Strategy

Fiscal Impact: There are no fiscal impacts associated with the proposed conditional use permit.

Options: That the Planning Commission approve one of the following options:

- a. Adopt the attached Resolution approving Conditional Use Permit 14-011, subject to standard and site specific conditions of approval, and subject to the City Council adopting Code Amendment 14-001;
- b. Amend, modify, or reject the above options.

Attachments:

1. Applicant Letter
2. Resolution to Approve CUP 14-011
3. Public Notice Affidavits

To the city of Paso Robles

My name is Sherry Merino, this letter is in reference to municipal code 5.16 regarding psychic readings. This code was established some 55 years ago and has not been updated since.

Chapter 5.16.030 states that the business license fee will be at a rate of \$30 per day, I'm hoping that you will agree that this code is outdated and unrealistic. I would like to have this code amended and brought to a more reasonable yearly fee.

Chapter 5.16.010 section A states that psychic readings are not allowed in R, C1 or C2 zones. This code also has not been updated since 1959. The area this code covers would exclude me from running business in most of the city.

I am looking to open my business at 1636 Spring St. This location is zoned T3-F which allows professional consultants, I feel this best suits the services I provide which are described as spiritual and psychic counseling. I consider myself a spiritual consultant offering my clients insight and guidance.

I've been licensed and running business at the same location in San Luis Obispo for over 20 years and in that time I have established a large north county client base. Because of this I would like to open a second location.

Thank you for taking the time to read this and for considering my requests. If you have any questions or need more information don't hesitate to call or email me.

Sincerely,
Sherry Merino
805-545-0808
merino710@gmail.com

Attachment 1
Applicant Letter
CUP 14-006
(Merino)

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 14-011
(SHERRY MERINO)
APN: 008-286-002

WHEREAS, Code Amendment 14-001 is in process to amend Table 5.3-1 Allowed Land Uses within the Uptown Town Center Specific Plan, to allow fortunetelling, physics, and related services in the T3-F zoning district, subject to the approval of a Conditional Use Permit (CUP); and

WHEREAS, concurrent with Code Amendment 14-001, Sherry Merino, has filed a CUP application to establish and operate a fortunetelling business, within the existing building located at 1636 Spring Street; and

WHEREAS, CUP 14-011 could not be established until the City Council has adopted an Ordinance approving Code Amendment 14-001; and

WHEREAS, this application is categorically exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement CEQA; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 23, 2014, 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, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance and operation for the requested use and building would be consistent with the General Plan and not 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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 14-011, subject to the following conditions:

1. This Conditional Use Permit (CUP) authorizes the establishment a fortunetelling business within the existing business located at 1636 Spring Street, subject to the City Council approving Code Amendment 14-001, and said code amendment becoming effective (31 days following second reading of the ordinance).
2. Any signage shall be in compliance with the City's sign ordinances and approved by the Development Review Committee.
3. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process, shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.

4. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for this approval.

PASSED AND ADOPTED THIS 23rd day of September, 2014 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DOUG BARTH, CHAIRMAN

ATTEST:

ED GALLAGHER, SECRETARY OF THE PLANNING COMMISSION



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

AFFIDAVIT

OF MAIL NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Kristen Buxkemper, 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 14-011 (Merino Fortunetelling) located at 1636 Spring Street, on this 23rd day of September, 2014.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Kristen Buxkemper