

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: SUSAN DECARLI, ACTING COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SPECIFIC PLAN AMENDMENT 14-003: LUCKY LUKE'S FOODS
DATE: JANUARY 27, 2015

Needs: For the Planning Commission to make a recommendation to the City Council for the consideration of a request by Joey Blagg, on behalf of Lucky Luke's Foods, Inc., to amend the Uptown Town Centre Specific Plan to expand the boundaries where a drive-through restaurant may be conditionally-permitted in the Town Centre-2 (TC-2) zoning district.

- Facts:**
1. Lucky Luke's, Inc. owns the property located at 2244 Spring Street and would like to renovate the existing building into a drive-through take-out business (Little Caesar's Pizza).
 2. The site is located within the TC-2 zoning district (see Vicinity Map, Attachment 1).
 3. Table 5.3-1 of the Uptown Town Centre Plan (Specific Plan) does not permit drive-through restaurants in the TC-2 zoning district, except for those TC-2 properties between 23rd and 26th Streets, with the approval of a Conditional Use Permit.
 4. The request is to amend Table 5.3-1 to include the property at 2244 Spring Street (e.g. expand the geographic boundary for where this could be allowed) in the TC-2 zone, with a Conditional Use Permit (CUP).
 5. Concurrent with the Code Amendment request, the applicant has submitted an application for a CUP. If the Planning Commission supports the Code Amendment, the Commission can approve the CUP, subject to the City Council adopting an Ordinance approving the Specific Plan Amendment 14-007. Issues related to site planning and architecture of the proposed Little Caesar's restaurant will be addressed with subsequent review of Conditional Use Permit 14-014.
 6. This application is categorically exempt from environmental review per Section 15061(b)(3) (General Rule) of the State's Guidelines to Implement CEQA.

Analysis and

Conclusion:

The Specific Plan indicates that the current uses within the TC-2 zoning areas are generally “developed with strip centers and other suburban types of commercial buildings that cater to the automobile; many properties are under-developed, with substantial portions either vacant or used for parking. Most of the buildings are unremarkable in historic value. The intent of the TC-2 zone is to create relatively high density, mixed-use neighborhoods”.

The parcel at 2244 Spring Street is currently developed with an existing commercial building that has been vacant for many years. A small commercial building is located on the southern half of the property that is currently being used as a flower shop and insurance office. While the intent of the Specific Plan is to redevelop properties in the TC-2 zoning district with high density, mixed use development, the addition of a drive-through restaurant on the property at 2244 Spring Street would seem to be compatible with the other uses along this portion of Spring Street, especially the Jack-in-the-Box drive-through restaurant located directly across 23rd Street to the north. If the code amendment is limited to just this parcel as proposed, then there would only be the opportunity for one additional drive-through restaurant to be added to the TC-2 zoning district.

The proposed code amendment is ultimately the discretion of the City Council, following review and comment by the Planning Commission. A draft ordinance approving the requested code amendment is attached, and is provided as Option A.

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

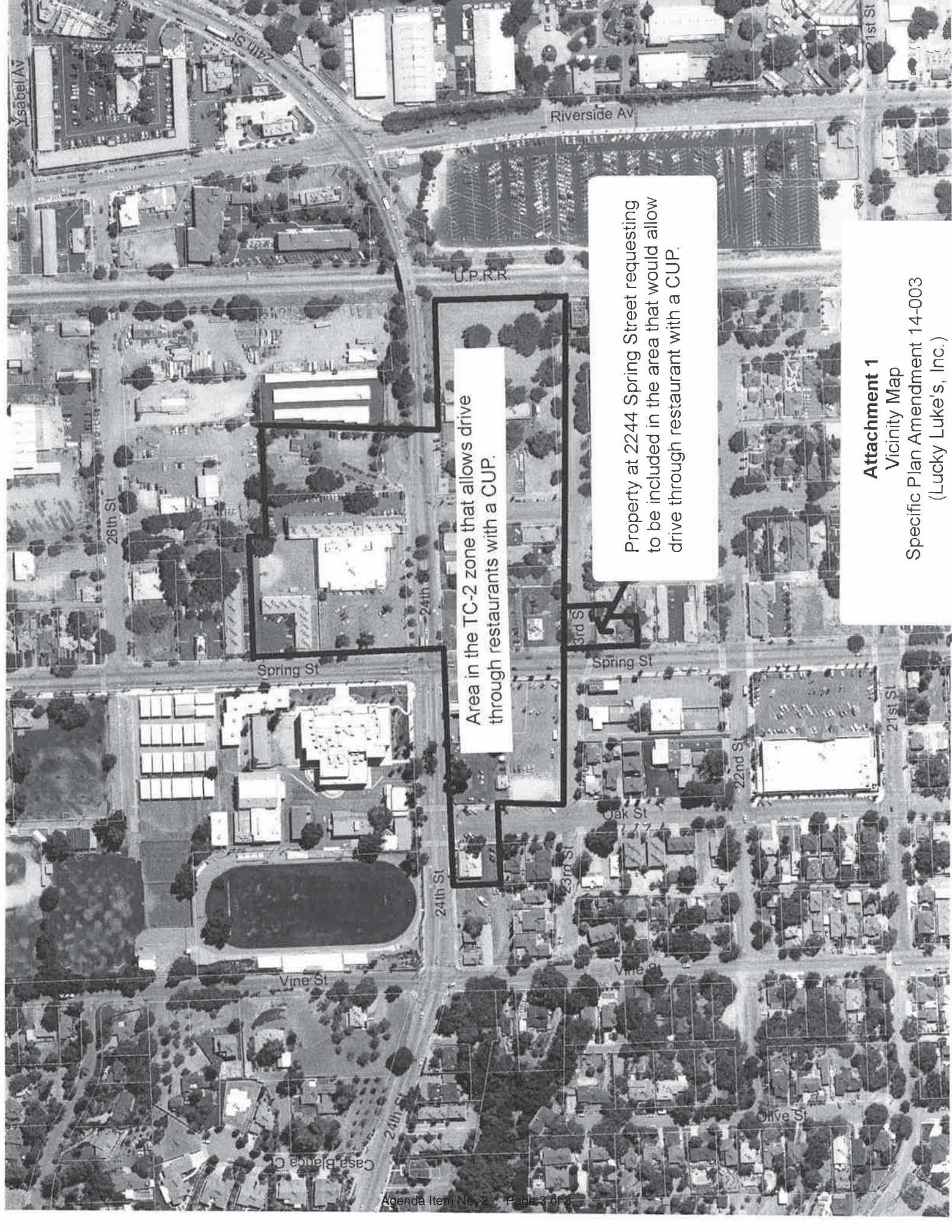
Fiscal Impact: There are no fiscal impacts associated with the proposed amendments.

Options: That the Planning Commission recommend that City Council approve one of the following options:

- a. Adopt the attached Ordinance Adopting Code Amendment 14-003;
- c. Amend, modify, or reject the above options.

Attachments:

1. Vicinity Map
2. Joey Blagg Letter
3. Ordinance to Approve Amending the Table 5.3-1
4. Newspaper Notice Affidavit



Area in the TC-2 zone that allows drive through restaurants with a CUP.

Property at 2244 Spring Street requesting to be included in the area that would allow drive through restaurant with a CUP.

Attachment 1
Vicinity Map
Specific Plan Amendment 14-003
(Lucky Luke's, Inc.)

December 7, 2014

Re: Little Caesars Pizza,
2244 Spring Street
Paso Robles

City of Paso Robles
Planning Division
1000 Spring Street
Paso Robles, CA 93446

Dear Sirs,

We have proposed a renovation and new use of the existing commercial building at 2244 Spring Street. The new use proposed is a retail franchise pizza take-out restaurant. The current zone is TC-2 which is under the Uptown/Towne Center Specific Plan. Currently, restaurants with drive-thru windows are only allowed on Spring Street within this zone between the North side of 23rd Street and the South side of 26th Street per exception adopted by the City. I am submitting this application for a Planned Development Amendment in hopes that you will approve the use of a drive-thru window for take-out orders at this site, which would extend the allowed exception area to include the South Side of 23rd Street in addition to the already allowed North side.

Our position is that this application is in keeping with the spirit of the Specific Plan which made accommodation for restaurants with drive-thru windows along these few city blocks in keeping with the already populated businesses. It is our opinion that the proposed use, and function of the restaurant as we have proposed, would not only be compatible to the immediate neighborhood, but would be a favored addition by the local citizens. We have reviewed the Design Guidelines as published by the City and believe the exterior Architecture would be compatible with other similar business properties along this portion of Spring Street and the historic part of the City in general.

Please review and approve our request to allow the Drive-thru as this is an integral part of the franchise business model and the restaurant cannot move forward without it. It is our sincere hope that you will agree with our reasoning and find that this application for amendment to the specific plan will be approved.

Sincerely,


Joey Blagg

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE UPTOWN/TOWN CENTER SPECIFIC PLAN
(SPECIFIC PLAN AMENDMENT 14-003 – LUCKY LUKE’S FOODS INC.)

WHEREAS, an application has been filed by Lucky Luke’s Foods Inc. requesting to amend Table 5.3-1 of the Uptown Town Centre Specific Plan (Specific Plan) to allow drive-through restaurants in the TC-2 zone with the approval of a Conditional Use Permit; and

WHEREAS, Lucky Luke’s Foods, Inc. owns the property at the southeast corner of Spring Street and 23rd Street (2244 Spring Street), and has plans submitted to the City for the renovation of the existing building into a drive-through take-out restaurant for Little Caesar’s Pizza; and

WHEREAS, Table 5.3-1 of the Uptown Town Centre Plan (Specific Plan), does not allow drive-through restaurants in the TC-2 zoning district, except for the properties in the TC-2 zone between 23rd Street and 26th Street with the approval of a Conditional Use Permit; and

WHEREAS, the request is to amend Table 5.3-1 to allow drive-through restaurants in the TC-2 zone, to include 008-165-011 with approval of a Conditional Use Permit (CUP); and

WHEREAS, this application is categorically exempt from environmental review per Section 15061(b)(3) (General Rule) of the State’s Guidelines to Implement CEQA.; and

WHEREAS, at a meeting held on January 27, 2015, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on information received at its meeting on February 17, 2015 the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission’s recommendation from its January 27, 2015 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on March 17, 2015 the City Council held a second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1: Table 5.3-1 is amended as follows:

Page #	Change
5:11	Show drive-through restaurants as being permitted in the TC-2 Zone, with the approval of Conditional Use Permit and amend the note in the right hand column: "Only between 23 rd and 26 th Streets, including the property at the southeast corner of Spring Street and 23 rd Street."

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on February 17, 2015, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of March, 2015 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Steve Martin, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

THE *Newspaper of the Central Coast*
TRIBUNE

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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 1505282
CITY OF PASO ROBLES

STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; JANUARY 12, 2015 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATED: JANUARY 12, 2015
AD COST: \$176.28

**CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
SPECIFIC PLAN AMENDMENT 14-003
CONDITIONAL USE PERMIT 14-014**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, January 27, 2015, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following applications:

- **Specific Plan Amendment 14-003:** a request filed by Joey Blagg on behalf of Lucky Luke's Foods, Inc., for a Code Amendment requesting to expand the area in which a drive through restaurant is allowed with a Conditional Use Permit, in the Town Center 2 (TC-2) zoning district, to the south side of 23rd and Spring Streets. The Planning Commission would need to make a recommendation to the City Council on this item.
- **Conditional Use Permit 14-014:** a request for a Conditional Use Permit to develop a drive through restaurant at 2244 Spring Street. The Planning Commission could approve this application subject to the City Council approving Specific Plan Amendment 14-003.

Written comments on the proposed Code Amendment and 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 the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call (805) 237-3970 or email at planning@prcity.com.

These applications are categorically exempt from environmental review per Section 15061(b)(3) (General Rule), and Section 15332 (Infill) of the State's Guidelines to Implement CEQA.

If you challenge this 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
January 12, 2015 1505282

JAN 14 2015

City of Paso Robles
Community Development Dept.



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 14-014 (Lucky Luke's Food) located at 2244 Spring Street, on this 13th day of January, 2015.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Kristen Buxkemper