



City of Paso Robles Planning Commission Agenda Report

From: Darcy Delgado, Assistant Planner

Subject: Conditional Use Permit 87-006 – Central Coast Smog & Auto Repair
639 Creston Road / APN 009-424-025
Applicant – Christian Mercado
A review of Conditional Use Permit 87-006 to determine whether Central Coast Smog & Auto Repair is in compliance with conditions of the CUP.

Date: February 27, 2018

Facts

1. The site is located at 639 Creston Road located in the C2 (Commercial-Highway) zoning district, (see Attachment 1, Vicinity Map).
2. Per Resolution No. 87-016, Conditional Use Permit (CUP 87-006) was approved for this site on April 14, 1987. CUP 87-006 established a car stereo sales and installation business in addition to an existing gasoline sales and auto detailing business (see Attachment 2, Resolution 87-016). Both the gasoline sales and auto detailing uses were established under earlier use permits at this location, and each time the use permit was amended, the mix of automobile-oriented uses carried forward. As part of CUP 87-006, a corresponding site plan was also approved (see Attachment 3, Site Plan).
3. The applicant submitted a business license in August 2016 describing his business as a smog and auto repair shop. Prior to the business license being approved, staff met with the applicant to discuss the terms of CUP 87-006 and how the proposed smog and auto repair shop would operate. Staff then determined the use was compatible with CUP 87-006 and approved the business license application. As part of this process, staff provided the applicant with a copy of Resolution No. 87-016 and the conditions of approval as well as the associated site plan.
4. Central Coast Smog & Auto Repair began operating at this location in August 2016. Beginning in September 2016, the City began receiving complaints regarding practices resulting from the business. The complaints focused on an excessive number of vehicles being parked on the property and on an adjacent dirt lot, cars parked on the streets, auto repair occurring in the parking lot, noise associated with the outdoor repairs, and glare from flood lights. The applicant was able to address concerns related to noise, glare, and work being done in the parking lot, however he continued to park an excess number of vehicles on and around the site.
5. Since this is an ongoing business, staff asked the applicant to clarify how much additional parking would be needed to serve it. In January 2017, the applicant provided staff with a proposed parking plan which indicates an increase from 12 to 22 parking spaces. Staff met with the applicant in February 2017 to discuss the potential for amending the CUP to allow an increase in parking on-site. Staff also discussed bringing the site into conformance with the existing CUP to address the complaints received from neighbors.

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6. The City sent the applicant two letters (September 30, 2016 and November 9, 2017, Attachment 4), informing him that his business at 639 Creston Road was not in compliance with the Conditional Use Permit for the site. The letters identified conditions that the business was violating.
7. Despite efforts of staff to help the applicant bring the site into compliance, the City has continued to receive complaints regarding the business. In the last few months, Code Enforcement personnel visited the site and observed an excessive number of vehicles parked on and around the property, including vehicles parked on the street and in an unimproved dirt area of the lot to the rear. Additionally, parking stalls were recently striped along the east property line that encroach onto the public sidewalk. Since there is a need for more parking than can adequately be provided on site, it appears that Central Coast Smog & Auto Repair is more than a “minor” auto repair shop.
8. The Development Review Committee reviewed the CUP with the applicant on February 12, 2018 to discuss the terms and conditions associated with the use permit and what it would take for the operation to be in compliance. The DRC directed the applicant to only conduct repairs within the two work bays and only allow as many cars on the site as there are parking spaces.

Options

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

1. Allow the applicant 60 days to bring the existing use into compliance with CUP 87-006.
2. Refer the item back to staff and request additional information and analysis.
3. Amend, modify, or reject the above options.
4. Revoke approval of CUP 87-006 by adopting Draft Resolution A (Attachment 5), and direct Central Coast Smog & Auto Repair to cease business operations.

Analysis and Conclusions

Project Summary

The City has worked with the applicant to assist the business owner, Mr. Mercado, in complying with the terms and conditions of CUP 87-006. Shortly after Mr. Mercado began operating his business, staff began receiving complaints regarding business practices at Central Coast Smog & Auto Repair. Specifically, the complaints focused on an excessive number of vehicles being parked on the property, cars parked on the streets, auto repair occurring in the parking lot, noise associated with the outdoor repairs, and glare from flood lights. After Mr. Mercado received a letter from the City in September of 2016, the applicant addressed concerns related to noise, glare, and work being done in the parking lot, however he continued to park an excessive number of vehicles on and around the site. Despite ongoing efforts by staff directing the applicant to bring the site into compliance, the City has continued to receive complaints regarding the business.

The following are conditions of approval that the business is not in compliance with. Staff has noted after each condition how the use does or does not comply with that condition of approval, as applicable.

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1. **This Use Permit authorizes the sale of gasoline, indoor auto detailing, general retail sales and minor auto repair and parts installation. This permit does not permit major auto repairs such as auto body and paint.**
 - The applicant, Christian Mercado, indicates his business does 20-25 smog inspections per day, in addition to auto repair. Additionally, during various site visits, staff has observed tow trucks and trailers stored on the unimproved area of the lot to the rear of the property, as well as cars being parked on the site overnight. This suggests that this business performs more than smog and minor auto repair. (See Site Photos, Attachment 6)
2. **A minimum of seven (7) parking stalls shall be provided for on site. These stalls are to be properly striped and wheel stops installed.**
 - The site plan associated with Conditional Use Permit 87-006 is approved for twelve (12) parking stalls, which is the maximum number of cars that may be parked on the outdoor portion of the site. The site was recently restriped to exceed the twelve (12) parking spaces; in addition, there are excess number of vehicles parked along Walnut Drive and on the unimproved area of the lot to the rear of the property. (See Site Photos, Attachment 6)
3. **Noise levels generated by the use are not to exceed 55dba as measured at adjacent property lines and in accordance with Municipal Code Section 21.21.040(c).**
 - Since the initial letter dated September 30, 2016 was sent to the applicant regarding noise, the City has not been notified of any issues with noise.
4. **Working area shall be maintained in a neat and orderly manner with no accumulation of flammable materials and supplies.**
 - Since staff began working with the applicant, the working area has continued to appear neat and orderly, with no accumulation of flammable materials or supplies.
5. **Proposed service must be done inside building.**
 - Since the initial letter dated September 30, 2016 was sent to the applicant regarding work being done in the parking lot, the City has not been notified of any issues with this item.
6. **No wash water is to flow over sidewalk area.**
 - This is not an issue for Central Coast Smog & Repair.
7. **All signs shall be subject to Architectural Review Committee approval.**
 - The sign on the building did not go through review by the City's Development Review Committee (DRC). Based on the sign's size and materials, the sign complies with the criteria of the Sign Ordinance.
8. **The applicant shall execute an Encroachment Agreement for site improvements located in the existing public right-of-way, in a form to be approved by the City Engineer and City Attorney.**
 - The Creston Road Plan Line was previously aligned to cut across the site's frontage. The pump islands associated with the former gasoline service station were located within the dedicated right-of-way, therefore CUP 87-006 required the applicant to obtain an encroachment permit. However, the City Engineer has confirmed this condition is no longer applicable to Central Coast Smog & Auto Repair since the Creston Road plan line no longer cuts through the property and the pump islands have been removed.

In summary, Central Coast Smog & Auto Repair is not in compliance with the Conditions No. 1 and 2 of Resolution 87-016 and does not comply with the approved site plan's parking layout.

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General Plan / Zoning Consistency

The General Plan land use designation is Neighborhood Commercial (NC) and the zoning is Commercial/Highway (C2). In general, the C2 zone allows automobile repair uses with the approval of a CUP. The discretion authorized with the approval of a CUP provides the Planning Commission the ability to require specific conditions of approval to insure that a particular use is compatible with surrounding uses/residences. In this case, the project already has an existing CUP in place.

Neighborhood Compatibility

The applicant indicates his business does 20-25 smog inspections per day, in addition to auto repair. This appears to be more typical of a light industrial setting and conflicts with the character of the immediate neighborhood, which has a combination of commercial and residential uses. Additionally, vehicles stored on the site overnight, including on the unimproved dirt area of the lot is more characteristic of a storage yard and not compatible at this location.

Development Review Committee

The applicant met with the Development Review Committee (DRC) on February 12, 2018 to discuss the terms and conditions associated with approval of CUP 87-006, and the efforts by staff working with applicant to bring the site into compliance. The DRC indicated to the applicant that failure to meet the conditions of approval of the existing use permit could result in revocation and directed staff to include revocation as an option at the Planning Commission hearing. At this meeting, the applicant was strongly encouraged to bring the site into compliance and demonstrate the ability for the business to be minor auto repair.

Staff performed a follow-up site visit on February 16, 2018 and noted a substantial visual improvement in the business operation. The applicant has since removed the wheel stops along the Walnut Drive frontage and only had approximately ten (10) vehicles on the site.



Photo 1 (dated 2/16/18): View from Creston Road looking north towards Central Coast Smog & Auto Repair.

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Options

Option 1. Option 1 allows the applicant a chance to bring the property into compliance within 60 days. As part of this option, the Planning Commission may consider requesting an update on the status of the business operations and compliance with the CUP at a subsequent Planning Commission meeting.

Option 2. Should the Planning Commission require additional information from staff, operations of the business would continue.

Option 3. The Planning Commission may consider modifying one of the options above, such as allowing the applicant a shorter or longer amount of time to bring the site into compliance.

Option 4. Revocation of the use permit would require the business to cease operations at this location. Additionally, since Mr. Mercado owns the building at 639 Creston Road, he would not be able to lease the building out for any uses associated with the CUP 87-006, including car stereo sales/installation. Since the site is intended for auto related use, the owner would likely need to renovate the site to attract a future tenant.

Fiscal Impact

Staff has spent approximately 30 hours ($\$168 \times 30 = \$5,040$) working with Mr. Mercado to bring the site into compliance (this includes site visits, compliance letters, corresponding DRC meetings and preparation of this staff report and public hearing notice). Additionally, the Community Development Department is currently expending resources to bring this Conditional Use Permit to a public hearing which would normally require a deposit in the amount of \$1,200.00.

Recommendation

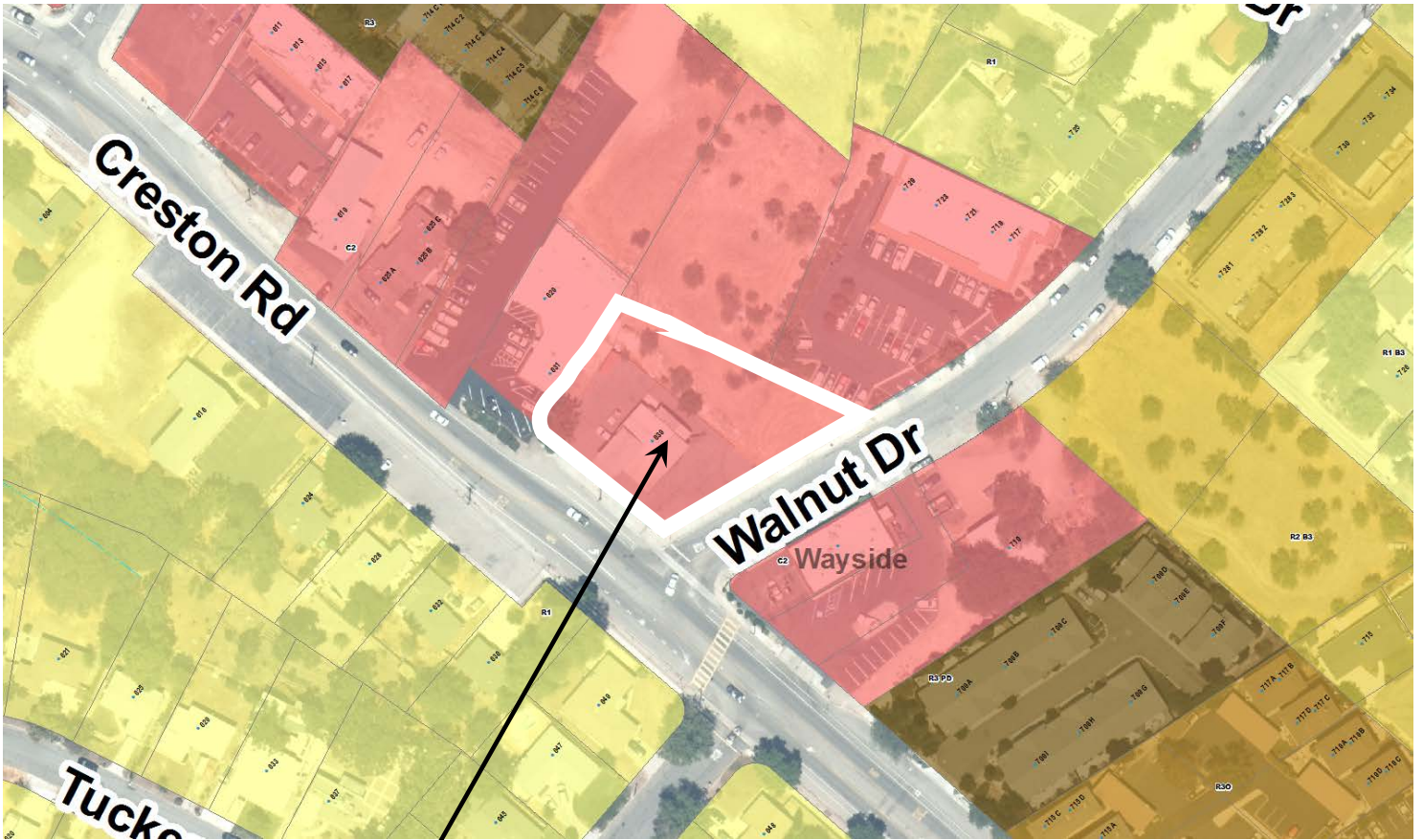
Option 1. Allow the applicant 60 days to bring the existing use into compliance with CUP 87-006.

Attachments

1. Vicinity Map
2. Resolution 87-016
3. Site Plan associated with Resolution 87-016
4. Letters from September 30, 2016 and November 9, 2017
5. Draft Resolution A
6. Site Photos
7. Mail Affidavit
8. Newspaper Affidavit

Attachment 1

Vicinity Map – Central Coast Smog & Auto Repair



Project Site
639 Creston Road

RESOLUTION NO: PC 87-016
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE USE PERMIT 87006
(ROUGEOT - STEREO SALES)

WHEREAS, Jeff Rougeot has filed an application to establish a car stereo sales business in addition to gasoline sales and auto detailing in the C-2 zone located at 639 Creston Road, and

WHEREAS, a public hearing was conducted by the Planning Commission on April 14, 1987 to consider facts as presented in the staff report prepared for this project, dated April 2, 1987 and to accept public testimony regarding this proposed development plan, 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 finds that the establishment, maintenance or operation of 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso De Robles does hereby approve Use Permit 87006 subject to the following conditions:

Conditions of Approval:

1. This Use Permit authorizes the sale of gasoline, indoor auto detailing, general retail sales and minor auto repair and parts installation (e.g. tune-ups, stereo installation, lube-jobs). This permit would not include approval for major auto repairs such as auto body and paint.
2. A minimum of seven (7) parking stalls shall be provided for on site. These stalls are to be properly striped and wheel stops installed.
3. Noise levels generated by the use are not to exceed 55dba as measured at adjacent property lines and in accordance with Municipal Code Section 21.21.040(c).
4. Working area shall be maintained in a neat and orderly manner with no accumulation of flammable materials and supplies.
5. Proposed service must be done inside building.

6. No wash water is to flow over sidewalk area.

7. All signs shall be subject to Architectural Review Committee approval.

8. The applicant shall execute an Encroachment License Agreement for site improvements located in the existing public right-of-way, in a form to be approved by the City Engineer and City Attorney.

PASSED AND ADOPTED THIS 14th day of April, 1987 by the following roll call vote:

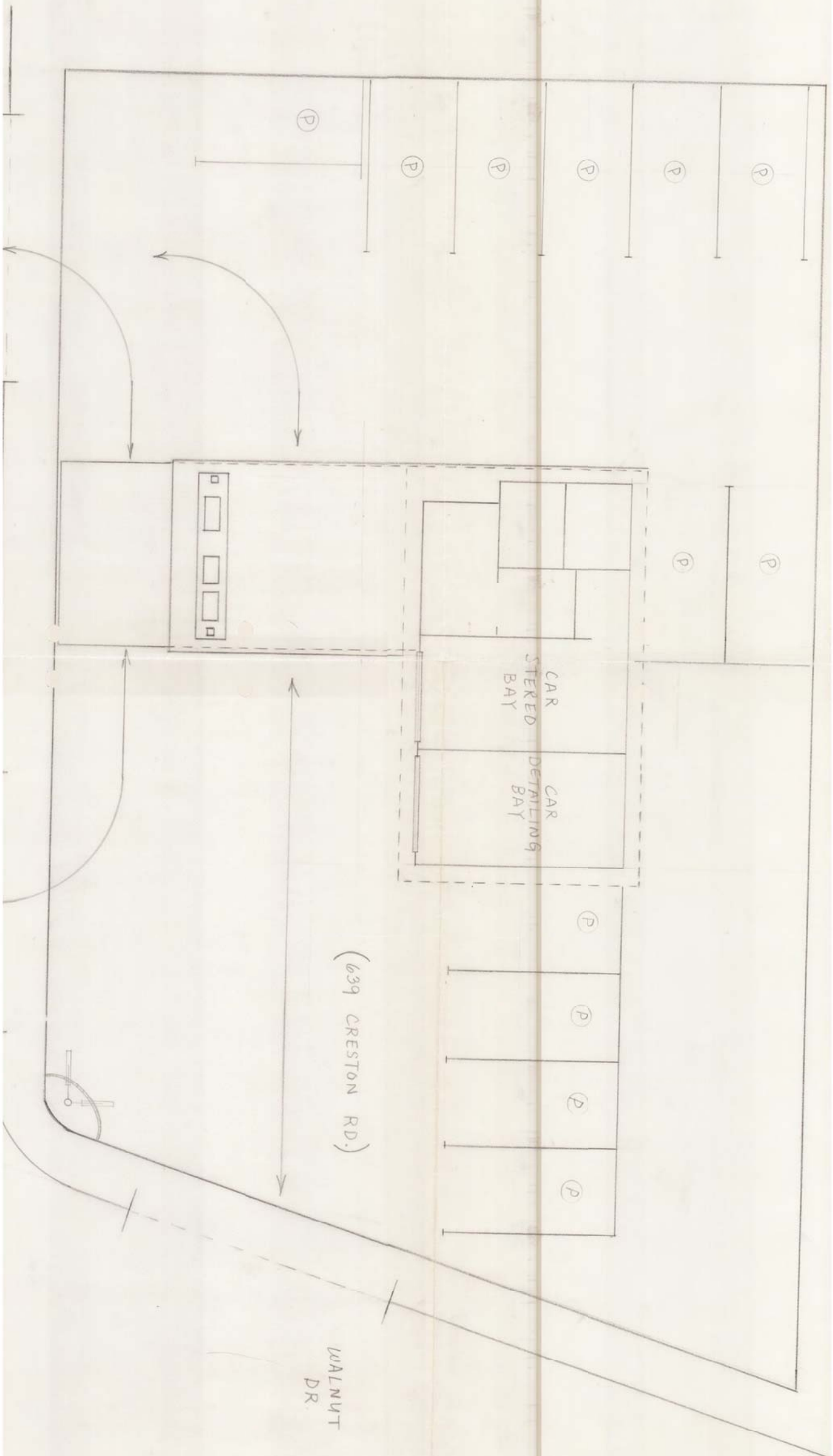
AYES: Bryant, Baron, Farnow, Woosley
NOES: Picanco, Iversen
ABSENT:


CHAIRMAN DUANE PICANCO

ATTEST:



ROBERT A. LATA, SECRETARY, PLANNING COMMISSION





CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Mr. Christian Mercado
Central Coast Smog & Auto Repair
PO Box 3711
Paso Robles, CA 93447

September 30, 2016

Subject: Central Coast Smog & Auto Repair - 639 Creston Road

Dear Mr. Christian Mercado:

Congratulations on your new business in the existing building at 639 Creston Road. It is nice to see use of the building that has been vacant for several months. Our records indicate that you met with Darren Nash, Associate Planner, and went over the Conditional Use Permit 87-006 (attachment 1) which establishes the requirements for the use of the site for auto repair.

The City has received several complaints regarding practices associated with Central Coast Smog & Auto Repair located at 639 Creston Road. The complaints focus on an excessive number of vehicles being parked on the subject property, cars parked on the streets, auto repair occurring in the parking lot, noise associated with outdoor repairs, and glare from flood lights.

In follow up to the complaints, Code Enforcement personnel went out to the site and observed an excessive number of vehicles parked on and around the subject property.

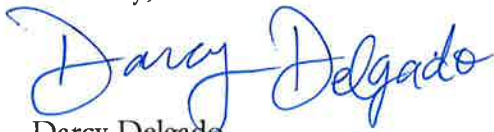
According to Condition No. 2 of Resolution 87-016 for Conditional Use Permit 87-006, a minimum of seven (7) parking stalls are required to be provided for the site and are required to be properly striped and wheel stops installed. The site plan associated with Conditional Use Permit 87-006 is approved for twelve (12) parking stalls which indicates the maximum number of cars that may be parked on the outdoors portion of the site (see attachment 2). Should parking in excess of twelve spaces be requested, please contact the Community Development Department for more information on obtaining an updated parking plan.

In regards to complaints related to noise, Condition No. 3 of Resolution 87-016 requires noise levels generated by the use not to exceed 55dba as measured at adjacent property lines. Also, noise levels must be in accordance with Municipal Code Section 21.21.040(c) which states 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. Pertaining to complaints related to work that may have been done in the parking lot, Condition No. 5 of Resolution 87-016 requires services to be performed inside the building.

Lastly, in accordance with Municipal Code Section 21.21.040(h) the City maintains performance standards that requires all uses to control glare, whether produced by floodlight or by other means. Preventing light spill onto adjacent property can be achieved by directing light downward and using full cut-off light fixtures. As a reminder, installing or altering electrical wiring for new light fixtures does require an electrical permit to be submitted through the Building Department. Submittal of an electrical permit should be accompanied by light fixture cut-sheets for the Planning Department's concurrent review.

Please perform the necessary action to comply with the terms of the Conditional Use Permit 87-006. Thank you for your cooperation on this matter so that further code enforcement measures do not have to be taken. Feel free to contact me at (805) 237-3970 or ddelgado@prcity.com.

Sincerely,



Darcy Delgado
Assistant Planner

Enclosure: Resolution No. 87-016
Site plan

CC: Darren Nash
Warren Frace, Community Development Director



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Mr. Christian Mercado
Central Coast Smog & Auto Repair
PO Box 3711
Paso Robles, CA 93447

November 9, 2017

Subject: Central Coast Smog & Auto Repair - 639 Creston Road

Dear Mr. Christian Mercado:

Your business in the existing building at 639 Creston Road is not complying with the Conditional Use Permit for the use of this site.

The City continues to receive complaints regarding practices associated with Central Coast Smog & Auto Repair located at 639 Creston Road. In the last few months, Code Enforcement personnel went out to the site and observed an excessive number of vehicles parked on and around the subject property, including on the street.

According to Condition No. 2 of Resolution 87-016 for Conditional Use Permit 87-006, a minimum of seven (7) parking stalls are required to be provided for the site and are required to be properly striped and wheel stops installed. The site plan associated with Conditional Use Permit 87-006 is approved for twelve (12) parking stalls which indicates the maximum number of cars that may be parked on the outdoors portion of the site.

Since it is evident that your business continues to exceed the required twelve parking spaces, it seems you are not going to be able to comply with the conditions of CUP 87-006. Therefore, it is necessary for the CUP to be discussed at a future planning commission hearing.

At this time, the City is looking to schedule this hearing January 23, 2018. Please be prepared to discuss these issues at this hearing.

Sincerely,

Megan Miller
Planning Intern

Attachment 5 Draft Resolution A

RESOLUTION NO: PC 18-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES TO REVOKE CONDITIONAL USE PERMIT 87-006

639 Creston Road (APN: 009-424-025)

WHEREAS, Conditional Use Permit (CUP) 87-006 was approved via Resolution No. 87-016 on April 14, 1987, which authorized the establishment of a car stereo sales business in addition to gasoline sales and auto detailing at 639 Creston Road; and

WHEREAS, CUP 87-006 also allowed “minor auto repair” subject to the conditions of approval; and

WHEREAS, the site plan associated with CUP 87-006 is approved for twelve (12) parking stalls which indicates the maximum number of cars that may be parked on the outdoor portion of the site and is indicative of a minor auto repair shop; and

WHEREAS, Central Coast Smog & Auto Repair began operating at this location as a minor auto repair use in August 2016. Beginning in September 2016, the City of Paso Robles began receiving complaints regarding the business including the excessive number of vehicles being parked on the property and on the street, and vehicles being stored on the lot overnight; as well as restriping for additional parking stalls without prior approval; and

WHEREAS, Central Coast Smog & Auto Repair has been directed by staff to reduce the number of vehicles in the parking lot to comply with the site plan associated with the CUP, however the City has continued to receive complaints; and

WHEREAS, Central Coast Smog & Auto Repair is in violation of Condition No. 1 of CUP 87-006 due to the excessive number of vehicles being parked on the site, which indicate the use to be a major auto repair shop; and

WHEREAS, Central Coast Smog & Auto Repair is in violation of Condition No. 2 of CUP 87-006 due to the site being restriped without prior approval, exceeding the number of approved parking stalls allowed to be onsite; and

WHEREAS, after the Development Review Committee reviewed Conditional Use Permit 87-006 with the applicant on February 12, 2018 to discuss the terms and conditions associated with the use permit and the efforts by staff directing the applicant to bring the site into compliance, it requested the Planning Commission be provided the option to consider revocation of CUP 87-006 after a public hearing; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on February 27, 2018, 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;

Agenda Item 1

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of El Paso de Robles, as follows:

Section 1. Findings. The above recitals are hereby found to be true and correct and are incorporated herein. Based upon the facts and analysis presented in the staff report and public testimony received, the Planning Commission finds that the use located at 639 Creston Road is not in compliance with Conditional Use Permit 87-006 based on the following findings:

1. That the project or use has not complied with the conditions of CUP 87-006, and, as such, is inconsistent with the character of the immediate neighborhood, based on the excessive number of vehicles being serviced per day, which is more typical of a light industrial setting. Additionally, commercial and other vehicles associated with the business are being stored on the site overnight, including being stored in an unimproved dirt area of the lot, which is typical of a storage yard and not compatible at this location.

Section 2. Revocation of Permit. That the Planning Commission of the City of El Paso de Robles, does hereby revoke Conditional Use Permit 87-006, as a result of the current use not complying with the conditions of approval in a timely manner, thereby requiring the closure of the Central Coast Smog & Auto Repair by March 27, 2018.

PASSED AND ADOPTED THIS 27th day of FEBRUARY, 2018 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JOHN DONALDSON, CHAIRMAN

ATTEST:

WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

Attachment 6

Site Photos



Photo Index

Agenda Item 1



Photo 1. Taken 1/24/18



Photo 2. Taken 3/9/17

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Photo 3. Taken 1/24/18



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

I, Monica Hollenbeck, 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 87-006, on this 15th day of February, 2018.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Monica C. Hollenbeck
Monica Hollenbeck

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

AD #3527444
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;; FEBRUARY 16, 2018 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.

Handwritten signature of Jane E. Durand

(Signature of Principal Clerk)
DATE: FEBRUARY 16, 2018
AD COST: \$214.17

RECEIVED
FEB 21 2018
CITY OF PASO ROBLES
Community Development Dept

CITY OF PASO ROBLES
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Planning Commission will hold a Public Hearing to consider the following project:
APPLICATION: Conditional Use Permit (CUP 87-006), a review of Conditional Use Permit 87-006 to determine whether Central Coast Smog & Auto Repair is in compliance with the conditions of approval of the CUP.
APPLICANT: Christian Mercado
LOCATION: 639 Creston Road; Assessor's Parcel Number 009-424-025
ENVIRONMENTAL DETERMINATION: This application is Categorical Exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).
HEARING: The Planning Commission will hold a Public Hearing on Tuesday, February 27, 2018, at 6:30 p.m. at the Library Conference Center, 1000 Spring Street, Paso Robles, California.
Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com.
If you challenge the application in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, the public hearings.
Copies of the staff report pertaining to this project will be available for review at the Community Development Department on the Thursday preceding each hearing (copies are available for purchase for the cost of reproduction).
Darcy Delgado
Assistant Planner
February 16, 2018
3527444