

RESOLUTION NO: 09-026

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 09-005
(Atascadero Towing, Inc.)
APN: 009-061-018

WHEREAS, Kendra Bledsoe and Vernon Smith, have submitted an application for CUP 09-005, requesting to establish a towing business with vehicle impound yard located at 999 Paso Robles Street; 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, the existing site has continuously been used for outdoor storage as an accessory to the on-site business and therefore is considered an existing non-conforming use as described in Section 21.20.340 of the Zoning Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 27, 2009, 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 existing site has continuously been used for outdoor storage as an accessory to the on-site business and therefore is considered an existing non-conforming use as described in Section 21.20.340 of the Zoning Code, therefore as conditioned the proposed use would be consistent with the General Plan and Zoning Code.
- c. The required replacement of the existing fencing along the front property line with a decorative style and the installation of new landscaping 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 09-005 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 09-005 allows the establishment of a towing company with outdoor storage of vehicles. The impound vehicles shall be stored in the area identified on the Plot Plan (Exhibit A) or inside the building.
3. Prior to issuance of a Business License, a plan showing the replacement of the existing fence with a new decorative fence shall be reviewed by the Development Review Committee (DRC). With the fence plan a landscape plan needs to be submitted that shows the replanting of the existing landscape areas including planting new street trees.
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 Paso Robles Street.
- 6. All signage shall comply with Chapter 21.19 of the Zoning Code.
- 7. The existing sign frames on the building left over from the previous business shall be removed prior to the issuance of a Business License.
- 8. 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.
- 9. 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.
- 10. 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 27th day of October 2009, by the following roll call vote:

AYES: Johnson, Garcia, Nemeth, Gregory, Peterson

NOES: None

ABSENT: Tretch, Holstine

ABSTAIN: None



JOEL PETERSON, CHAIRMAN PRO-TEM

ATTEST:


RON WHISENAND, PLANNING COMMISSION SECRETARY

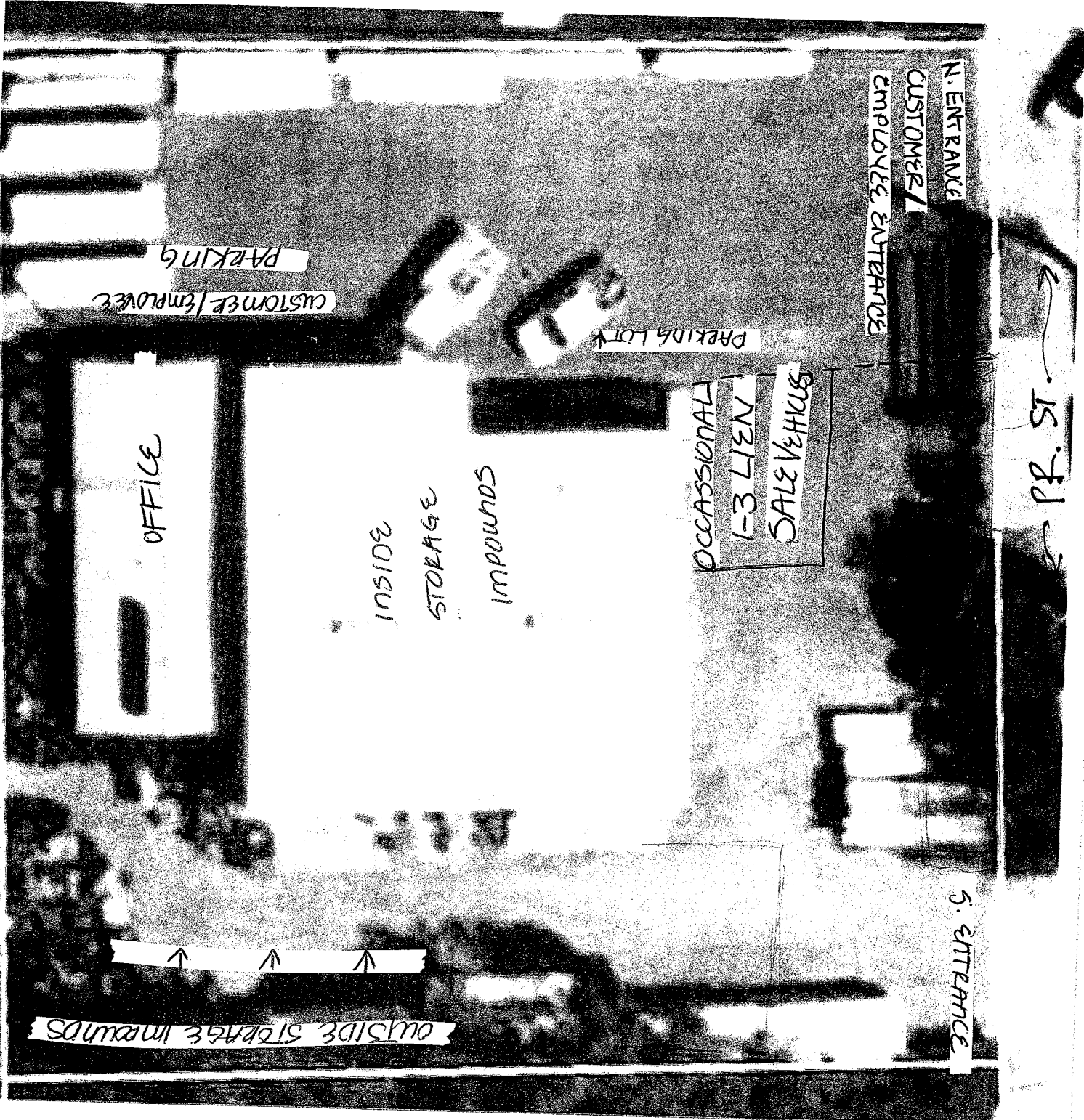


Exhibit A
 Plot Plan
 CUP 09-005
 (Atascadero Towing)

