

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 04-005 - AUTOMOTIVE REPAIR USES IN THE GENERAL COMMERCIAL (C1) ZONING DISTRICT

DATE: SEPTEMBER 7, 2004

Needs: For the City Council to consider a Code Amendment filed by North Coast Engineering on behalf of Majco, Inc. (Big Brand Tire). The proposal is to amend Section 21.16.200, Land Use Matrix, to allow automotive repair uses within the General Commercial (C1) zoning district, subject to approval of a Conditional Use Permit.

Facts:

1. In conjunction with Code Amendment 04-005, Majco, Inc. has submitted Planned Development 04-003 and Conditional Use Permit 04-005 for the construction of a 13,840 square foot Big Brand Tire Store on the 1.4-acre site located between Old South River Road and South River Road, just north of the PG&E substation. (See attached Vicinity Map)
2. Section 21.16.200, Land Use Matrix, currently does not provide for automotive repair uses in the C1 zoning district.
3. Automotive repair facilities currently exist in the area of the proposed project, within the nearby Regional Commercial (RC) zoning district. Wal-Mart has an automotive service center and Jiffy Lube is currently under construction on the southeast corner of Oak Hill Road and South River Road.
4. Code Amendment 04-005 is a city wide amendment. If approved, the Code Amendment would allow automotive repair uses in the C1 zoning districts throughout the City, with the approval of a Conditional Use Permit (CUP). By requiring a CUP, the Planning Commission will have the ability to review each specific request and determine if the site would be compatible for the automotive repair use.
5. There are three other areas besides the subject site where C1 zoning applies within the City boundaries (see attached map):
 - Downtown Core (generally bounded by 14th and 10th, Pine and Oak)
 - Williams Shopping Center (Creston Road and Golden Hill Road)
 - Woodland Plaza I (Niblick Road South River Road)
6. The Big Brand Tire project was presented to the Planning Commission at their meeting on August 24, 2004. The Planning Commission approved the Development Plan (PD), the Conditional Use Permit (CUP) and recommended that the City Council approve the proposed Code Amendment. The Planning Commission approvals of the PD and CUP are subject to the Council adopting Code Amendment 04-003.

7. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment. Based on the information and analysis contained in the Initial Study, a determination has been made that the Project qualifies for issuance of a Negative Declaration.

Analysis
and

Conclusion:

It would appear that the Majco site would be an acceptable site for automotive repair, consistent with other auto repair uses in the vicinity of the site.

With the requirement for automotive repair facilities to go through the Conditional Use Permit process, the Planning Commission did not have an issue with the Code Amendment, nor was there concern expressed with the geographic areas in which the code amendment would apply.

If the Council has discomfort with use of the Conditional Use Permit to control the location of automotive repair uses elsewhere in the City (e.g. Downtown), option B would allow the Council to explicitly preclude such uses in a specified geographic area.

Policy

Reference:

Zoning Code Chapter 21.18, Land Use Matrix

Fiscal

Impact:

None

Options:

- After consideration of all public testimony, that the City Council adopt one of the following options:
- a. 1.** Adopt Resolution No. 04-xx granting approval of a Negative Declaration for Code Amendment 04-005.
 - 2.** Introduce Ordinance No. xxx N.S. approving Code Amendment 04-005, to amend Section 21.16.200 of the Municipal Code, to allow automotive repair uses in the General Commercial (C1) zoning districts, subject to approval of a Conditional Use Permit; and set September 21, 2004, as the date for adoption of said Ordinance.
 - b. 1.** Adopt Resolution No. 04-xx granting approval of a Negative Declaration for Code Amendment 04-005.
 - 2.** Introduce Ordinance No. xxx N.S. approving Code Amendment 04-005, to amend Section 21.16.200 of the Municipal Code, to allow automotive repair uses in the General Commercial (C1) zoning districts, subject to approval of a Conditional Use Permit, except for within the downtown area, where auto repair uses would be prohibited; and set September 21, 2004, as the date for adoption of said Ordinance.
 - c.** Amend, modify, or reject the foregoing options.

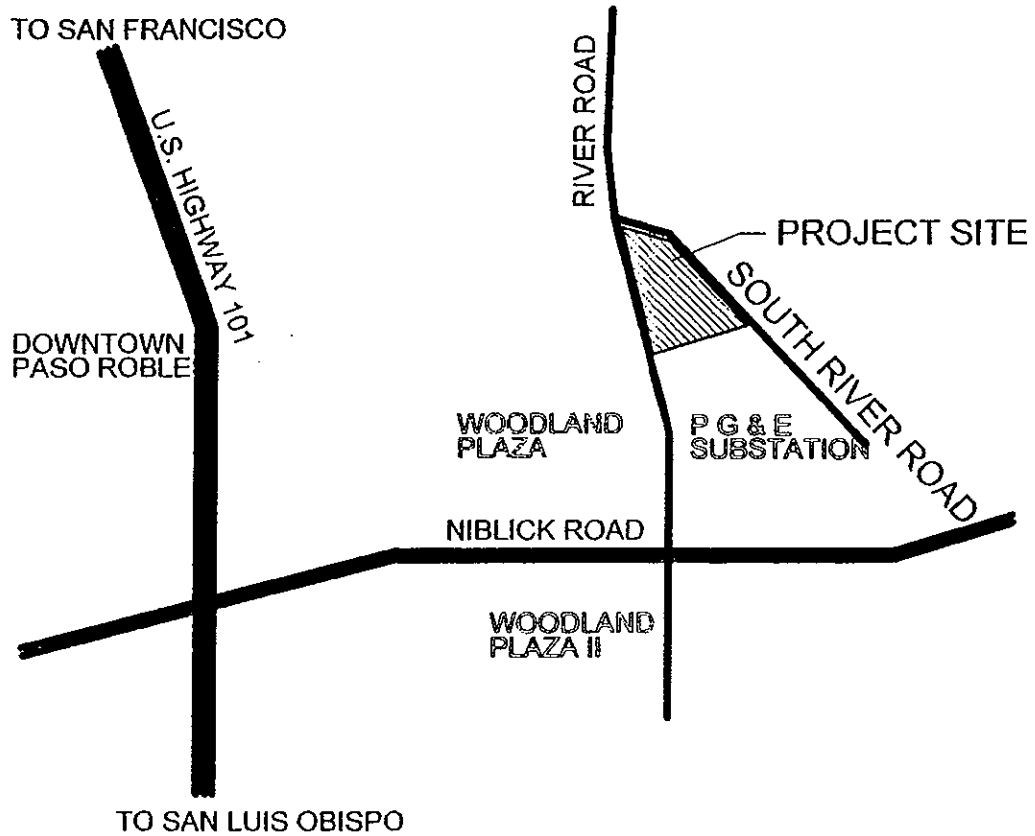
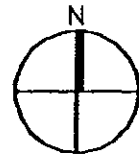
Attachments:

1. Vicinity Map for the Big Brand Tire site
2. Vicinity Map showing C1 zones in the City
3. Draft resolution approving a Negative Declaration for the project.
4. Ordinance approving Code Amendment 04-005
5. Draft resolution approving a Negative Declaration for the project (prohibiting C1 west of 101).
6. Ordinance approving Code Amendment 04-005, prohibiting auto repair in the C1 district west of Highway 101.
7. Mail & News affidavits

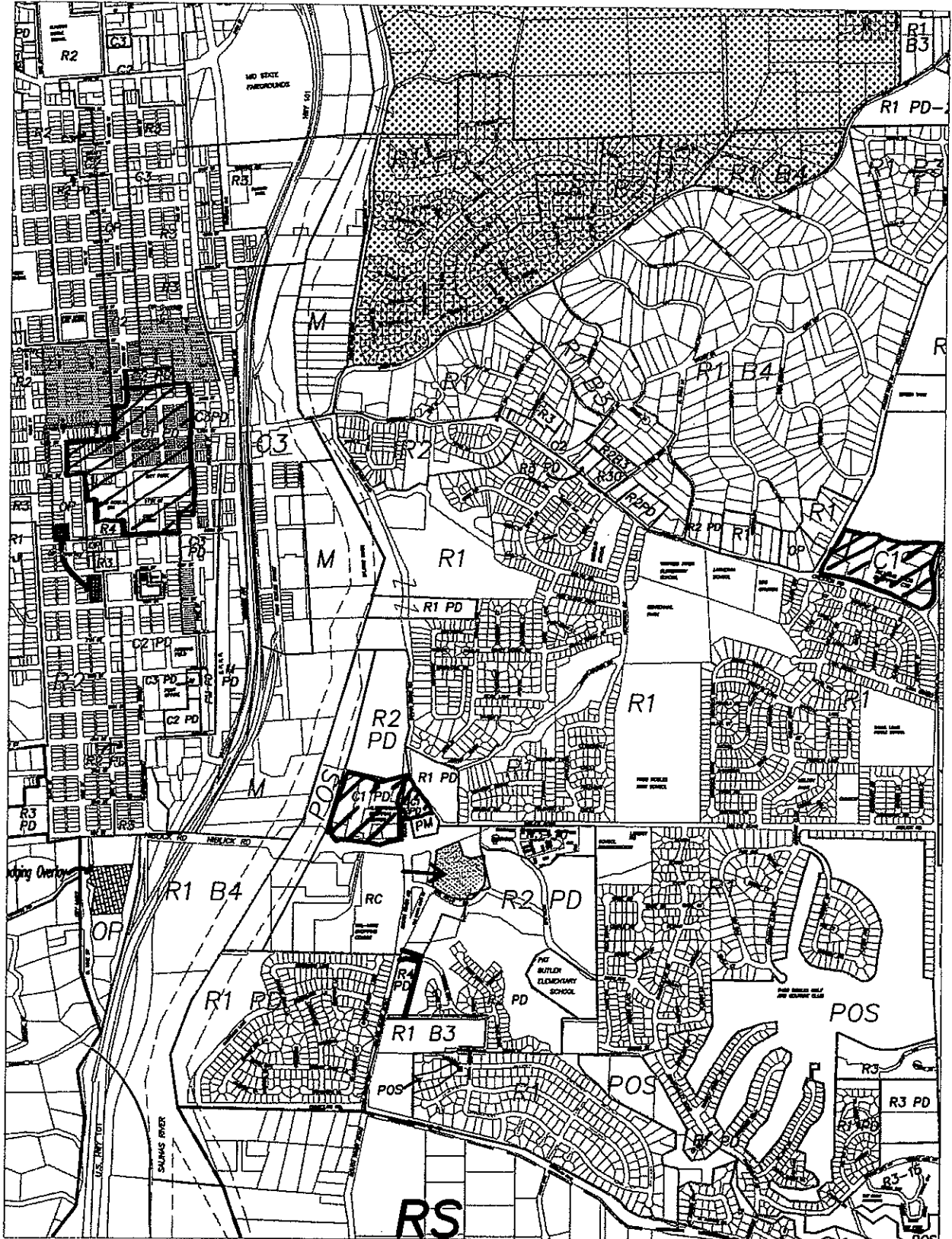
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Vicinity Map

NO SCALE



VICINITY MAP
PD 04-003, CUP 04-005 & CA 04-005
(MAJCO, INC.)



VICINITY MAP
 C1 Zoning Districts within City Limits
 Code Amendment 04-005
 (Majco, Inc.)

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE TO ALLOW
AUTOMOTIVE REPAIR FACILITIES IN THE C1 ZONING DISTRICT
SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT.
(CODE AMENDMENT 04-005 – MAJCO, INC.)

WHEREAS, Table 21.16.200 prohibits automotive repair uses in the C1 (General Commercial) zoning district; and

WHEREAS, North Coast Engineering on behalf of Majco, Inc. (Big Brand Tire) has submitted an application for Code Amendment 04-005 to allow automotive repair facilities under the same group of land uses that would be permitted in the C1 (General Commercial) zoning district, subject to approval of a Conditional Use Permit.; and

WHEREAS, this Code Amendment would be valid city wide in the C1 zone, subject to a Conditional Use Permit; and

WHEREAS, with the Conditional Use Permit requirement, the Planning Commission would have the ability to review each site specific case to insure compatibility with the surrounding uses; and

WHEREAS, the Code Amendment 04-005 has been noticed in a manner to permit the Planning Commission and City Council to allow automotive repair uses in the C1 zoning district, and

WHEREAS, a resolution was adopted by the City Council approved a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed code amendment application in accordance with the California Environmental Quality Act, and

WHEREAS, at its meeting of August 24, 2004, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommend that the City Council adopt a Negative Declaration for the Code Amendment;
- d. Recommended that the City Council adopt the proposed ordinance;

WHEREAS, at its meeting of September 7, 2004, 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. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. Considered the content of the Environmental Initial Study and adopted a Negative Declaration status for the Code Amendment.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. *Table 21.16.200.G.6 of the Municipal Code is hereby amended to read as shown on attached Exhibit A*

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 of 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 and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on September 7, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of September 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ZONING DISTRICT

LAND USE	AG	RA	R1	R2	R3	R30	R4	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
household goods:																	
(1) Without donation drop-off	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N
(2) With donation drop-off	N	N	N	N	N	N	N	N	N	N	C	C	C*	C	N	N	N
* One facility per 20 acres, facilities shall be located no closer than 1000 feet from each other, with the distance of the separation subject to approval by the property owner / operator.																	
c. Swap meets, flea markets	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
15. Service Stations:																	
a. Without auto service uses	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
b. With auto service uses	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	C	N
G. Service Commercial																	
1. Appliance repair	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
2. Automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment:																	
a. Body and paint (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N	C	N
b. Carwashes	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
c. Detailing	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N	P	N
d. Rental and accessory services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N
e. Repair, parts installation (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
3. Contracted services (plumbing, heating & air conditioning, janitorial, pest exterminating, construction trades)	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N
4. Equipment rental (includes outdoor storage)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N
5. Financial services (banks, savings & loans, credit unions)	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
6. Health care services:																	

EXHIBIT A
to Option A-2 Ordinance

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR THE MAJCO INC. –
BIG BRAND TIRE PROJECT, ADDRESSING CODE AMENDMENT 04-005
(009-813-009)

WHEREAS, Code Amendment 04-005, has been filed by North Coast Engineering on behalf of Majco, Inc., to amend Section 21.16.200, Land Use Matrix, to allow automotive repair uses within the General Commercial (C1) zoning district, subject to approval of a Conditional Use Permit; and

WHEREAS, the proposed Code Amendment would be city-wide and apply to all C1 zoning districts subject to a Conditional Use Permit; and

WHEREAS, Code Amendment 04-005 was submitted concurrently with Planned Development 04-003 and Conditional Use Permit 04-005, a development project that would construct a new 13,840 square foot automotive repair/tire store; and

WHEREAS the project would be located on the 1.4 acre site located between Old South River Road and South River Road, just north of the PG&E substation; and

WHEREAS, The General Plan land uses designation is Community Commercial (CC) and the zoning is General Commercial, Planned Development (C1,PD); and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its August 24, 2004 meeting the Planning Commission approved PD 04-003 and Conditional Use Permit 04-005 pending City Council approval of Code Amendment 04-005; and

WHEREAS, at its August 24, 2004 meeting the Planning Commission recommended that the City Council approve of Code Amendment 04-005; and

WHEREAS, at its September 7, 2004 meeting, the City Council held a duly noticed public hearing on the Majco, Inc. Project, to accept public testimony on the proposal (including all of the applications filed) and the environmental determination therefore; and

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed Project qualifies for adoption of a Negative Declaration.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

OPTION A-1

1. Find and determine that the proposed Code Amendment will not have a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).
2. Adopt a Negative Declaration for the proposed Code Amendment.

Passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of September 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR THE MAJCO INC. –
BIG BRAND TIRE PROJECT, ADDRESSING CODE AMENDMENT 04-005
(009-813-009)

WHEREAS, Code Amendment 04-005, has been filed by North Coast Engineering on behalf of Majco, Inc., to amend Section 21.16.200, Land Use Matrix, to allow automotive repair uses within the General Commercial (C1) zoning district, subject to approval of a Conditional Use Permit; and

WHEREAS, the proposed Code Amendment would be city-wide and apply to all C1 zoning districts subject to a Conditional Use Permit, except for C1 zones west of Highway 101 where auto repair uses would be prohibited; and

WHEREAS, Code Amendment 04-005 was submitted concurrently with Planned Development 04-003 and Conditional Use Permit 04-005, a development project that would construct a new 13,840 square foot automotive repair/tire store; and

WHEREAS the project would be located on the 1.4 acre site located between Old South River Road and South River Road, just north of the PG&E substation; and

WHEREAS, The General Plan land uses designation is Community Commercial (CC) and the zoning is General Commercial, Planned Development (C1,PD); and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its August 24, 2004 meeting the Planning Commission approved PD 04-003 and Conditional Use Permit 04-005 pending City Council approval of Code Amendment 04-005; and

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WHEREAS, at its September 7, 2004 meeting, the City Council held a duly noticed public hearing on the Majco, Inc. Project, to accept public testimony on the proposal (including all of the applications filed) and the environmental determination therefore; and

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed Project qualifies for adoption of a Negative Declaration.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

OPTION B-1

1. Find and determine that the proposed Code Amendment will not have a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report and attachments thereto, and any public comments or testimony received thereon).
2. Adopt a Negative Declaration for the proposed Code Amendment.

Passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of September 2004 by the following vote:

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NOES:
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ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE TO ALLOW
AUTOMOTIVE REPAIR FACILITIES IN THE C1 ZONING DISTRICT, EXCEPT
FOR C1 DISTRICTS WEST OF HIGHWAY 101, SUBJECT TO APPROVAL OF
A CONDITIONAL USE PERMIT (CODE AMENDMENT 04-005 – MAJCO, INC.)

WHEREAS, Table 21.16.200 prohibits automotive repair uses in the C1 (General Commercial) zoning district; and

WHEREAS, North Coast Engineering on behalf of Majco, Inc. (Big Brand Tire) has submitted an application for Code Amendment 04-005 to allow automotive repair facilities under the same group of land uses that would be permitted in the C1 (General Commercial) zoning district, subject to approval of a Conditional Use Permit.; and

WHEREAS, the proposed Code Amendment would be city-wide and apply to all C1 zoning districts subject to a Conditional Use Permit, except for C1 zones west of Highway 101 where auto repair uses would be prohibited; and

WHEREAS, with the Conditional Use Permit requirement, the Planning Commission would have the ability to review each site specific case to insure compatibility with the surrounding uses; and

WHEREAS, the Code Amendment 04-005 has been noticed in a manner to permit the Planning Commission and City Council to allow automotive repair uses in the C1 zoning district, and

WHEREAS, a resolution was adopted by the City Council approved a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed code amendment application in accordance with the California Environmental Quality Act, and

WHEREAS, at its meeting of August 24, 2004, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommend that the City Council adopt a Negative Declaration for the Code Amendment;
- d. Recommended that the City Council adopt the proposed ordinance;

WHEREAS, at its meeting of September 7, 2004, 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. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;

- d. Considered the content of the Environmental Initial Study and adopted a Negative Declaration status for the Code Amendment.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

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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 of 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 and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

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Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ZONING DISTRICT																	
LAND USE	AG	RA	R1	R2	R3	R30	R4	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
household goods:																	
(1) Without donation drop-off	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N
(2) With donation drop-off	N	N	N	N	N	N	N	N	N	N	C	C	C*	C	N	N	N
* One facility per 20 acres, facilities shall be located no closer than 1000 feet from each other, with the distance of the separation subject to approval by the property owner / operator.																	
c. Swap meets, flea markets	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N
15. Service Stations:																	
a. Without auto service uses	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
b. With auto service uses	N	N	N	N	N	N	N	N	C	C	C	C	C	C	N	C	N
G. Service Commercial																	
1. Appliance repair	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N
2. Automobiles, motorcycles, recreational vehicles, trucks, boats, farm equipment:																	
a. Body and paint (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
b. Carwashes	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
c. Detailing	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N
d. Rental and accessory services	N	N	N	N	N	N	N	N	N	N	P	P	P	P	N	P	N
e. Repair, parts installation (primary use)	N	N	N	N	N	N	N	N	N	N	C	C	C	C	N	C	N
* Auto Repair prohibited in C1 zones west of Highway 101										N	C	C	C	C	N	C	N
3. Contracted services (plumbing, heating & air conditioning, janitorial, pest exterminating, construction trades)	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N	P	N
4. Equipment rental (includes outdoor storage)	N	N	N	N	N	N	N	N	N	N	N	C	C	C	N	C	N
5. Financial services (banks, savings & loans, credit unions)	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N

EXHIBIT A
to Option B-2 Ordinance