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RESOLUTION 23-XXX (B)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING PLANNED DEVELOPMENT 22-02 FOR THE PETERBILT SALES AND SERVICE CENTER AND CONDITIONAL USE PERMIT 22-16 FOR A HIGHWAY-ORIENTED SIGN
2805 THEATRE DRIVE, APN: 009-851-022

WHEREAS, an application for Planned Development 22-02, Rezone 22-03, and Conditional Use Permit 22-16 (P22-0017), was filed by Archer Paso Robles, LLC to construct a 25,000 square-foot building and a highway-oriented sign at 2805 Theatre Drive; and

WHEREAS, an application for Conditional Use Permit 23-03 was separately filed by Outfront Media to construct a new billboard to replace an existing billboard on the site (P23-0019); and

WHEREAS, the site has a General Plan land use designation of Regional Commercial (RC) and is in the Commercial Highway zoning district with Planned Development zoning overlay (C2-PD); and

WHEREAS, vehicle sales (of new vehicles and up to 25 percent or less of used vehicles and including auto service as an accessory use) is an allowed use in the C2 zoning district; and

WHEREAS, billboard signs are a conditionally allowed use on properties that are “adjacent to the 101 or 46 Corridors” including those “separated by frontage roads”; and

WHEREAS, the purpose and intent of the planned development (PD) district zoning overlay is to provide for innovation and flexibility in the design of residential, commercial, and industrial developments. Approval of a development plan is required for all development in the planned development overlay district; and

WHEREAS, the subject site is 6.6 acres; the project would utilize 4.1 acres and leave 2.5 acres for future development; and

WHEREAS, the Development Review Committee (DRC) reviewed the design of the project at their meeting on August 8, 2022 and forwarded the project to Planning Commission with a request for images of the existing Peterbilt pole sign (across the freeway on Ramada Drive) illuminated at night, and plans showing how the project will interact with a new mini-storage use proposed on the lot to the west; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000, et seq., and the City’s Procedures for Implementing CEQA, Initial Study and a Mitigated Negative Declaration SCH 2022090384 was prepared and circulated for a 20-day public review period beginning on September 21, 2022 and October 11, 2022. Based on new information received, the Initial Study and Mitigated Negative Declaration were redrafted and recirculated for a 20-day public review period beginning on May 12, 2023 and ending on June 2, 2023; and

WHEREAS, the project was scheduled for a public hearing at the Planning Commission on October 11, 2022. On the day of the hearing, the City received a letter from Outfront Media, which owns an existing billboard on the property that was proposed for removal with the project. The letter indicated actions taken by the City that resulted in the removal of the billboard would violate the 5th Amendment of the US Constitution and would be considered a taking requiring just compensation. The hearing was postponed to a future meeting in order for the City to prepare a response; and

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WHEREAS, the Development Review Committee reviewed the design of a replacement billboard sign on April 17, 2023. The Development Review Committee members forwarded the project to the Planning Commission with a request for additional photographs of the existing billboard sign; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2023, and considered the facts as presented in the staff report prepared for this project, accepted public testimony regarding the project, and approved Resolution PC 23-028 on a vote of 7-0 recommending the City Council approve Planned Development 22-02 and Conditional Use Permit 22-16; and

WHEREAS, the City Council held a public hearing on June 20, 2023, and considered the facts as presented in the staff report prepared for this project and accepted public testimony regarding the project.

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

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the information contained in the staff report, testimony presented during the public hearing, and responses thereto, the City Council hereby finds and determines that:

Development Plan Findings

- a. The design and intensity of the proposed development plan is consistent with the goals and policies established by the general plan; the zoning code (particularly the purpose and intent of the zoning district in which the development project is located); and all other adopted codes, policies, standards, and plans of the city, because the site is in the Regional Commercial General Plan land use designation, where typical uses include autos and recreational vehicles. The zoning is C2 PD, where new vehicle sales with accessory repair uses are permitted uses. As mitigated, the project is consistent with the General Plan Conservation Element, which identifies the full length of Highway 101 as a visual corridor, where “development shall be designed to make a positive visual impression” and “Billboards shall be limited in number.” As mitigated, the project is consistent with Action Item 2 of General Plan Land Use Element Policy LU-2B which is “Enhancing views along highways, roads, streets, and rail corridors with landscaping, building setbacks, enhanced architecture and signage/monuments.”
- b. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the person residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood, or to the general welfare of the city because, as mitigated, noise and hazardous materials impacts are reduced to a less than significant level.
- c. The proposed development plan accommodates the aesthetic quality of the city as a whole, especially where development will be visible from gateways to the city and scenic corridors because it is a well-designed project with adequate landscaping.

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- d. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of any environmental and social (e.g., privacy) impact because it is visually similar to other commercial uses on Theatre Drive and is mitigated to address noise impacts to a less than significant level.
- e. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stress courses, oak trees, vistas, historic buildings, and structures because the site is flat with no water courses, is consistent with the surrounding buildings and environment, and the project would retain all mature oak trees on the property.
- f. The proposed development plan contributes to the orderly development of the city as a whole because it is a vehicle-centric use located on an arterial road.
- g. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area, and would not have an adverse effect on the public views from nearby roads and other public vantage points because it is similar in appearance to other commercial uses on Theatre Drive and provides adequate landscaping.
- h. The development would be consistent with the purpose and intent of the Planned Development chapter and would not be contrary to the public health, safety, and welfare because, as mitigated, it will address all potential environmental and safety impacts.

Conditional Use Permit Findings

- l. The establishment, maintenance, and operation of the proposed highway-oriented sign 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 setting because it is proposed located approximately 600 feet from the nearest residence on the west side of Highway 101.
- m. The establishment, maintenance, and operation of the proposed highway-oriented sign will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City because it is proposed located approximately 600 feet from the nearest residence and mitigation measures require shielding of light sources.
- n. The establishment, maintenance, and operation of the proposed highway-oriented sign will not be detrimental to the city's efforts to revitalize the downtown because it does not advertise a land use that is desirable in the downtown and is tastefully designed with high quality materials.
- o. The establishment, maintenance, and operation of the proposed highway-oriented sign, under the circumstances of the particular case, would be compatible with the goals, policies, and intent of the Zoning Ordinance specifically for the C2 zoning district, which

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is intended for uses with a regional draw including the sale of vehicles with accessory vehicle repair.

Section 3. The project, as mitigated by Mitigated Negative Declaration SCH 2022090384, will not result in a significant impact on the environment by the project.

Section 4. The City Council hereby approves Planned Development 22-02 and Conditional Use Permit 22-16, subject to the following:

EXHIBIT	DESCRIPTION
A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	Site Plan
D	Civil Plans
E	Landscape Plan
F	Fencing Plan
G	Garbage Enclosure Details
H	Perspectives
I	Floor Plans
J	Roof Plan
K	Elevations
L	Electrical and Lighting Plan
M	Sign Details

PASSED AND ADOPTED THIS 20th day of June 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve W. Martin, Mayor

ATTEST:

Melissa Boyer, City Clerk