

# Attachment 8

## RESOLUTION 23-XXX (C)

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING CONDITIONAL USE PERMIT 23-03 FOR A HIGHWAY-ORIENTED SIGN AT 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 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) overlay district 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, considered the facts as presented in the staff report prepared for this project, accepted public testimony regarding the project, and approved Resolution PC 23-029 on a vote of 7-0 recommending the City Council approve Conditional Use Permit 23-03 for a new billboard.

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 upon the facts and analysis presented in the staff report, testimony presented during the public hearing, and responses thereto, the City Council hereby finds and determines that:

- a. The establishment, maintenance, and operation of the billboard 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 will be elevated approximately 20 feet over the ground and lighting shall be shielded from residential uses.
- b. The establishment, maintenance, and operation of the billboard sign will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City because it will replace an existing billboard with similar impacts and will not add an additional billboard to the Highway 101 corridor.
- c. The establishment, maintenance, and operation of the billboard sign will not be detrimental to the city's efforts to revitalize the downtown because it is not located in the downtown.
- d. The establishment, maintenance, and operation of the billboard 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, because it is part of a project with a regional draw including the sale of vehicles with accessory vehicle repair, which is the purpose of the C2 district.

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 Conditional Use Permit 23-03, subject to the following exhibits, incorporated herein by reference:

EXHIBIT	DESCRIPTION
A	Conditions of Approval
B	Project Plans

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APPROVED this 20<sup>th</sup> day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven W. Martin, Mayor

ATTEST:

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Melissa Boyer, City Clerk