



Council Agenda Report

From: Katie Banister, Associate Planner

Subject: Second Reading and Adoption of Ordinance No. 1132 Amending the City's Zoning Map to Expand the Highway-Oriented Sign Overlay District.

CEQA Determination: The Council certified Mitigated Negative Declaration SCH 2022090384, which contains mitigation measures that will reduce the environmental impact of the project to a less than significant level.

Date: July 18, 2023

Facts

1. 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.
2. 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).
3. Vehicle sales (of new vehicles and up to 25 percent used vehicles, and including auto service as an accessory use) is an allowed use in the C2 zoning district.
4. 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.
5. The subject site is 6.6 acres; the project would utilize 4.1 acres and leave 2.5 acres for future development.
6. The Development Review Committee (DRC) reviewed the design of the Peterbilt 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.
7. In compliance with the California Environmental Quality Act (CEQA), an initial study and mitigated negative declaration (SCH 2022090384) were prepared for the project and circulated between September 21 and October 11, 2022.
8. 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 as defined in eminent domain law. The hearing was postponed to a future meeting in order for the City to prepare a response.

9. 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.
10. In compliance with CEQA, the City amended and recirculated Initial Study and Mitigated Negative Declaration SCH 2022090384 between May 12, 2023 and June 2, 2023, which was certified by the Council in Resolution 23-084.
11. 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 four resolutions unanimously recommending the City Council approve the project.
12. The City Council held a public hearing on June 20, 2023, considered the facts as presented in the staff report prepared for this project, accepted public testimony regarding the project, and adopted Resolution 23-085 for Planned Development 22-02 and Conditional Use Permit 22-16 for the Peterbilt project.
13. On June 20, 2023, the City Council introduced by title only, and waived further reading of Ordinance 1132, approving Rezone 22-03 expanding the Highway-Oriented Sign overlay district to include 2805 Theatre Drive.

Options

1. Adopt Ordinance 1132, amending the City’s zoning map to expand the Highway-Oriented Sign overlay district to include 2805 Theatre Drive; or
2. Make modifications to Ordinance 1132, and introduce for first reading; or
3. Provide alternative direction to staff.

Analysis and Conclusions

On June 20, 2023, the Council approved a development plan and conditional use permit for the Peterbilt Sales and Service Center, which includes a highway-oriented sign for the business. The property is not currently in the Highway-Oriented Sign overlay district, where highway-oriented signs are conditionally allowed. This rezone would add the overlay district to the property and allow the construction of the highway-oriented sign approved by Conditional Use Permit 22-16.

Fiscal Impact

There is no direct fiscal impact to the City by approving the project. However, the project is a semi-truck sales and service provider. The sales of trucks and truck parts are subject to the payment of sales tax, which will have a positive impact on the City’s revenues as conditioned with the requirement that all Nutwood Avenue maintenance be the responsibility of the adjoining commercial properties.

CEQA

The project is not eligible for an exemption from CEQA, so an initial study and mitigated negative declaration (MND) (SCH 2022090384) were prepared for the project and circulated between September

Requested Highway-Oriented Sign



21, 2022 and October 11, 2022. The Council adopted Resolution 23-084 certifying the mitigated negative declaration for the project.

Recommendation

It is recommended that City Council adopt Ordinance 1132, amending the City's zoning map to expand the Highway-Oriented Sign overlay district to include 2805 Theatre Drive.

Attachments

1. Ordinance 1132
2. Legal Notice