

DATE: 2/16/99 AGENDA ITEM # 201
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BL*
SUBJECT: GENERAL PLAN AMENDMENT 1-99 AND ZONE CHANGE 98-007
(APPLICANT: REAL PROPERTY LENDERS / ROD JARMIN) - Part 1 of
a 3 Part General Plan Amendment
DATE: FEBRUARY 16, 1999

Needs: For the City Council to consider a recommendation from the Planning Commission to approve a component of GPA 1-99 and Zone Change 98-007.

- Facts:
1. The applicants are seeking an Amendment to the Land Use Element of the General Plan, along with a Zone Change.
 2. The subject property is a vacant parcel, one (1) acre in area, and located on the north side of Creston Road, between Walnut and Trigo.
 3. The existing General Plan designation is Office Professional (OP), and the existing Zoning is R-3-O-PD (Residential Multi-Family / Office with a Planned Development overlay).
 4. The applicants are seeking a change in the General Plan designation to Multi-Family Residential, Medium Density, with a R-3-PD Zoning (Multi-Family Residential, Medium Density).
 5. A Negative Declaration of Environmental Impact is proposed for consideration in conjunction with this component of GPA 1-99 and Zone Change 98-007.

RIMC CODE:	Community Development Department
FILE/CAT:	Advance Planning
DATE:	February 2, 1999
SUBJECT:	General Plan Amendment 1-99 - Jarmin
RETENTION:	Permanent

6. On January 26, 1999, the Planning Commission considered the subject applications and unanimously recommended approval of this component of GPA 1-99 and Zone Change 98-007.

Analysis
and

Conclusion:

The applicant is seeking a multi-family residential designation. This designation would be consistent with property directly to the east. Multi-family, commercial and office land uses are shown in the General Plan for the north side of Creston Road.

Since this is one component of a three-part General Plan Amendment, it is requested that the City Council take a "straw vote" on the General Plan portion of this application and withhold final action on the Resolution to approve GPA 1-99 until the public hearings have been closed on the balance of the parts to this three-part General Plan Amendment.

Policy

Reference:

General Plan, Zoning Code

Fiscal

Impact:

None

Options:

Subject to consideration of public testimony:

- a. **By separate actions, that the City Council (1) adopt the attached Resolution approving a Negative Declaration for this component of GPA-1-99 and Zone Change 98-007, (2) take a straw vote on this component of GPA 1-99, and (3) give first reading to the attached Ordinance that would approve Zone change 98-007 (subject to approval of GPA 1-99 including this component).**
- b. Amend, modify or reject Option "a".

h:\bob\60\gpa1-99\rpt to Cc re Jarmin 2 Feb 99

RESOLUTION NO: 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
GRANTING NEGATIVE DECLARATION STATUS FOR A COMPONENT OF
GENERAL PLAN AMENDMENT 1-99 AND ZONE CHANGE 98-007
(APPLICANT: REAL PROPERTY LENDERS / ROD JARMIN)

WHEREAS, the City has received an application for a component of General Plan Amendment 1-99 and Zone Change 98-007, regarding a proposed General Plan Amendment from Office Professional (OP) to Multi-Family Medium Density (RMF-M) and an accompanying Zone Change 98-007 from R-3-O to R-3-PD for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane; and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which proposed that a Negative Declaration be approved; and

WHEREAS, Public Notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on January 26, 1999 and by the City Council on February 16, 1999 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment if the application was approved.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles to approve a Negative Declaration for this component of General Plan Amendment 1-99 and Zoning Code Amendment 98-007 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED THIS 16th day of February, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DUANE J. PICANCO, MAYOR

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\bob\60\gpa 1-99\neg dec reso Jarmin 12 Jan 99

RESOLUTION NO. 99-
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING GENERAL PLAN AMENDMENT 1-99

WHEREAS, the City of El Paso de Robles has published a Notice of Public Hearings to consider components of a proposed Amendment to the Land Use Element of the General Plan, under the title of General Plan Amendment 1-99; and,

WHEREAS, General Plan Amendment 1-99 consists of three (3) components that are summarized as follows:

1. Real Property Lenders / Rod Jarmin: A proposed General Plan Amendment from Office Professional (OP) to Residential, Multi-Family Medium Density (RMF-M) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.
2. CGC Enterprises: A proposed change from Single-Family Residential to Residential, Multi-Family Low Density (RMF-L) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road.
3. City Initiated: A General Plan Amendment that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15 and October 6, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

WHEREAS, at its meeting of January 26, 1999, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Conducted a public hearing to obtain public testimony on this amendment;
- c. Based on the information contained in the Initial Study prepared for this amendment, unanimously found that there was no substantial evidence that this amendment would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- d. Recommended that the City Council approve this three component General Plan Amendment; and

WHEREAS, at its meeting of February 16, 1999 the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Considered the recommendations of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on this amendment;

- d. Found that there was no substantial evidence that this amendment would have significant adverse effects on the environment and approved a Negative Declaration for the components of this amendment in accordance with the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, California, to amend the General Plan's Land Use Element as shown on the attached Exhibit "A".

PASSED AND ADOPTED THIS 16th day of February, 1999 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MAYOR DUANE J. PICANCO

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\gpa\gpa 1-99 res 12 Jan 99

Exhibit A: General Plan Amendment 1-99

General Plan Amendment 1-99 consists of three (3) components:

1. **Real Property Lenders / Rod Jarmin:** A proposed General Plan Amendment from Office Professional (OP) to Residential, Multi-Family Medium Density (RMF-M) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.
2. **CGC Enterprises:** A proposed change from Single-Family Residential to Residential, Multi-Family Low Density (RMF-L) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road.
3. **City Initiated:** A General Plan Amendment that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15 and October 6, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

The purpose of this Exhibit "A" is to identify the specific approved changes to the Land Use Element of the City's General Plan.

Component #1 (Real Property Lenders / Rod Jarmin): Please see the attached map illustrating the location of the change in the Land Use designation.

Component # 2: (CGC Enterprises): Please see the attached map illustrating the location of the change in the Land Use designation.

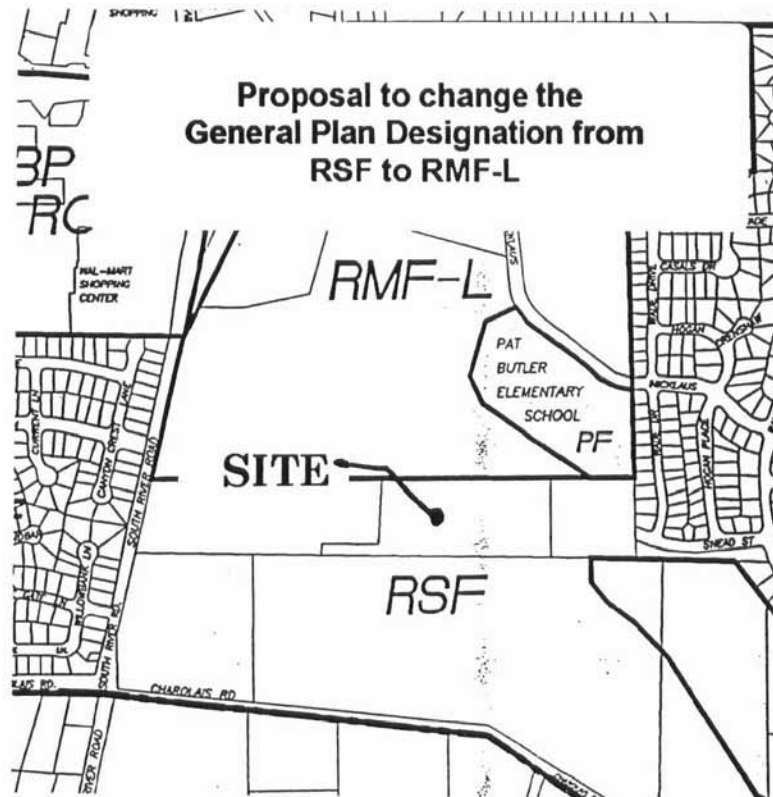
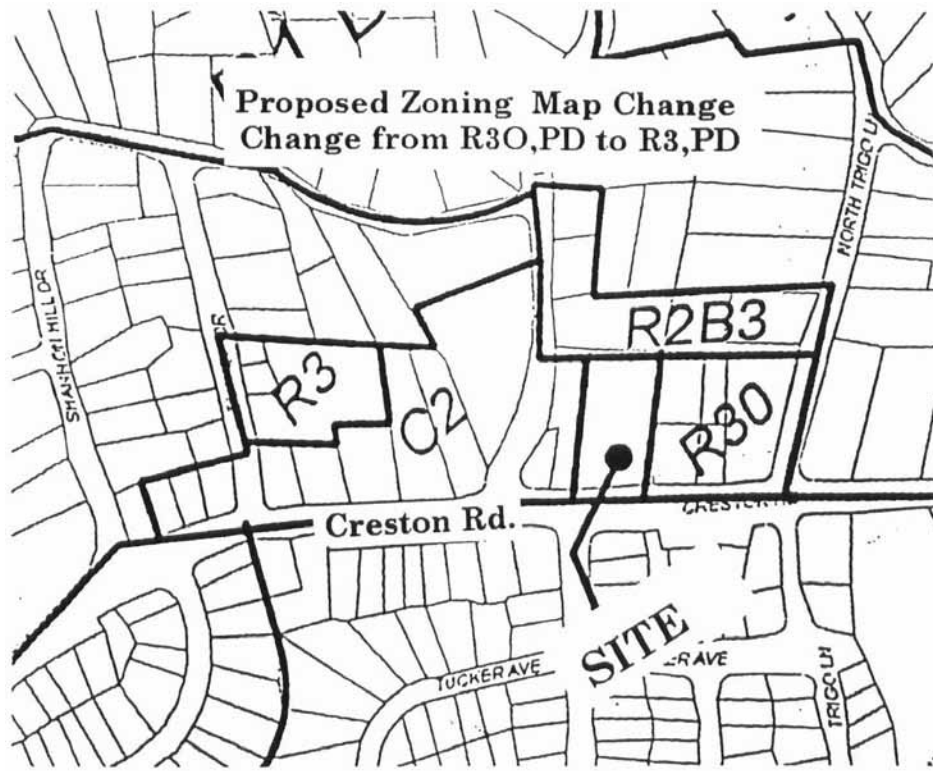
Component #3: (City Initiated - Non-taxable sales):

Page LU-34 of the Land Use Element of the General Plan is amended to add the following Commercial Policy and Program:

POLICY COM-13: Limitations on Non-Taxable Retail Sales:

Policy: To require that large commercial centers be primarily retail oriented to preserve and maintain the City's existing community oriented shopping centers that contain grocery stores as major attractors or "anchors" to the centers.

Program: Amend the Zoning Code, to restrict the amount of non-taxable retail space in buildings of greater than 90,000 square feet, except that the restriction would not apply to wholesale membership stores such as Costco and Sam's Club.



General Plan Amendment 1-99
(Real Property Lenders,
CGC Enterprises)

ORDINANCE NO. ___ NS

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE (ZONING MAP)
(APPLICANT - REAL PROPERTY LENDERS / ROD JARMIN)
ZONE CHANGE 98-007

WHEREAS, the City has received an application for Zone Change 98-007, regarding a proposed change from R-3-O to R-3-PD for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.; and

WHEREAS, the requested zoning would be consistent with property directly to the east. Multi-family, commercial and office land uses are shown in the General Plan for other properties along the north side of Creston Road.

WHEREAS, the Planning Commission conducted a noticed public hearing on January 26, 1999, to consider making a recommendation with regards to the proposed Zoning Code Amendments and 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. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and
- d. Recommended that the City Council approve a Resolution Amending the City's General Plan along with an Ordinance amending the Zoning Code; and

WHEREAS, at its meeting February 16, 1999 the City Council held a public hearing on this subject, and the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the scope and nature of the proposed change to the General Plan and Zoning Code, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and

- d. Considered the Commission's recommendation from the Planning Commission's January 26, 1999 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on March 2, 1999 the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 21.08 of the Zoning Code (Zoning Map) is amended to designate the subject property as R-3-PD (Residential, Multi-Family, Medium Density), per the attached Exhibit "A".

Section 1. 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 2. 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.

Section 3. Inconsistency. To the extent that the terms or 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, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

Section 4. 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 invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on February 16, 1999, and passed and adopted by the City Council of El Paso de Robles on the 2nd day of March, 1999, by the following roll call vote, to wit:

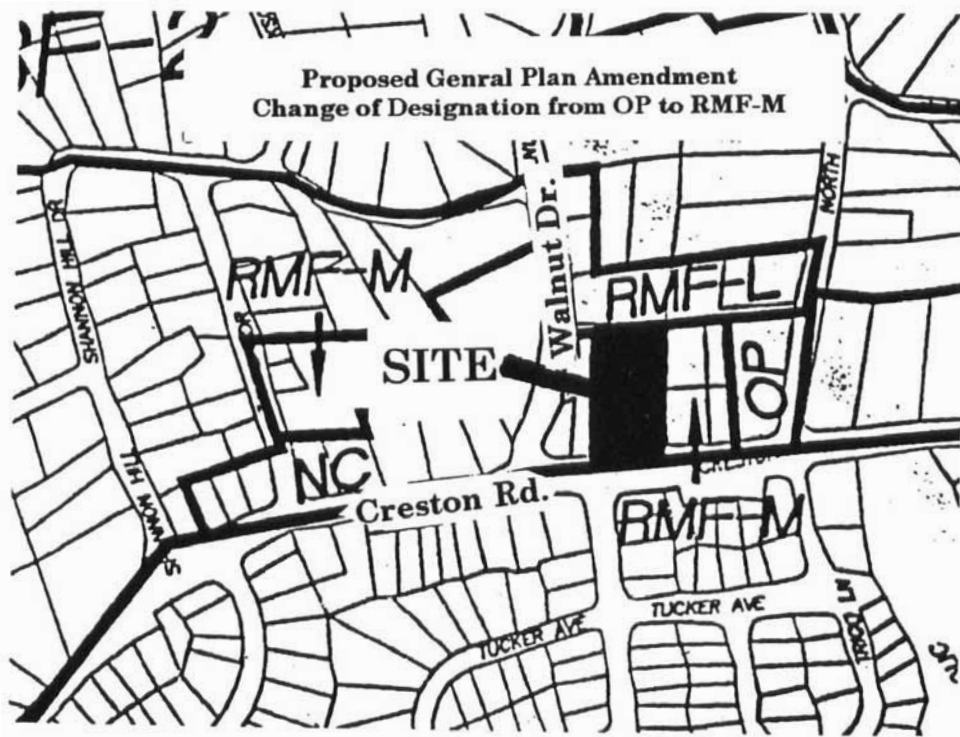
AYES:
NOES:
ABSENT:

DUANE J. PICANCO, MAYOR
City of El Paso de Robles

ATTEST:

MADLYN PAASCH, CITY CLERK

h:\bob\60\gpa 1-99\jarmin ord 12 Jan 99



**REZONE 98007
(Real Property Lenders)**

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

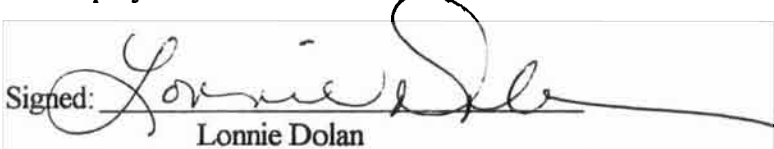
Newspaper: TELEGRAM-TRIBUNE

Date of Publication: January 6, 1999

Meeting Date: January 26, 1999
(Planning Commission)
February 16, 1999
(City Council)

Project: General Plan Amendment 1-99
(Real Property Lenders/Jarmin;
CGC Enterprises; (City initiated)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City of
El Paso de Robles, do hereby certify that this notice is a true
copy of a published legal newspaper notice for the above
named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF
PUBLIC HEARINGS
NOTICE OF INTENT
TO ADOPT NEGATIVE
DECLARATIONS

General Plan Amend-
ment 1-99

A Four-Part Amendment
to the Land Use Element
of the City of Paso Robles
General Plan Zone
Changes 97-008; 98-
007, 98-008 and Code
Amendment 98-009

NOTICE IS HEREBY
GIVEN that the Planning
Commission of the City
of El Paso de Robles will
hold Public Hearings to
consider making recom-
mendations regarding
adoption of Negative
Declarations and
approval of a four (4)
part General Plan
Amendment (Land Use
Element). The four com-
ponent parts, some of
which are also subjects
of Zone Change / Zoning
Code Amendment
requests, are described
as follows:

1. Pete Cagliero: A
request to change the
land use designation of
32 acres located north of
the Williams Plaza
(Von's) shopping center
from Residential Single
Family - 2 units per acre
(RSF-2) to Residential
Multi-Family Low Density
(8 units per acre) (RMF-
L). The application
includes Zone Change
97-008, a proposal to
change the zoning desig-
nation of the same 32
acres from R1-PD (Single
Family Residential,
Planned Development -
2 units per acre) to
R2-PD (Duplex/Triplex,
Planned Development).

2. Real Property Lend-
ers / Rod Jarmin: A pro-
posed General Plan
Amendment from Office
Professional (OP) to
Multi-Family Low Density
(RMF-L) for a one (1)
acre parcel located on
the north side of Creston
Road, between Walnut
Street and Trigo Lane.
The request includes
Zone Change 98-007,
from R-3-O-PD to
R-3-PD.

3. CGC Enterprises: A
proposed change from
Single-Family Residen-
tial to Multi-Family Resi-
dential (Low Density) for
seven (7) acres in a Hill-
side Area located north-
east of the intersection
of South River Road and
Charolais Road. The
General Plan Amend-
ment application is
accompanied by a Zone
Change request No. 98-
008; the requested
change is from R-1-PD
(Single Family Residen-
tial) to R-2-PD (Multi-
Family, Low Density).

4. City Initiated: A Gen-
eral Plan Amendment
and Zoning Code
Amendment 98-009 that
would place restrictions
on large-scale commer-
cial land uses that do not
generate retail sales tax.
Initiated per City Council
direction on September
15, 1998. These restric-
tions would apply to
properties that do not
already have entitle-
ments for retail commer-
cial developments.

The Planning Commis-
sion's hearing will take
place in the Conference
Room of the Library /
City Hall at 1000 Spring
Street, Paso Robles,
California, at the hour of
7:30 PM on Tuesday,
January 26, 1999, 1998
at which time all inter-
ested parties may
appear and be heard.

NOTICE IS ALSO
HEREBY GIVEN that the
City Council of the City
of El Paso de Robles will
hold a Public Hearing to
consider the same four
General Plan Amend-
ment components and
referenced Zone Change
/ Code Amendment
applications.

The City Council's hear-
ing will take place in the
Conference Room of the
Library / City Hall at
1000 Spring Street,
Paso Robles, California,
at the hour of 7:30 PM
on Tuesday, February
16, 1999 at which time
all interested parties may
appear and be heard.

As part of the noticed
Public Hearings, the City
Council will consider
adoption of Negative
Declarations of Environ-
mental Impact (state-
ments that there will be
no significant environ-
mental effects) in accor-
dance with the provi-
sions of the California
Environmental Quality
Act (CEQA). The pro-
posed Negative Declara-
tions will be available for
public review from
Wednesday, January 6
through Tuesday, Janu-
ary 26, 1999. Copies of
the staff report and draft
Negative Declaration will
be available for the cost
of reproduction at the
Community Develop-
ment Department, City
Hall, 1000 Spring Street,
Paso Robles, CA 93446.
Please write to this
address or call the Plan-
ning Division at (805)
237-3970 should you
have questions or com-
ments regarding this
notice or related matters.

If you challenge the
ordinance in court, you
may be limited to raising
only those issues you or
someone else raised at
the public hearing
described in this notice,
or in written correspon-
dence delivered to the
Planning Commission at,
or prior to, the public
hearing.

Bob Lata, Community
Development Director

Jan. 6, 1999 5115475

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project General Plan Amendment 1-99 and Rezone 98007 (Real Property Lenders/Jarmin) for the meetings on January 26, 1999 (Planning Commission) -and- February 16, 1999 (City Council).

Mailed on this 12th day of January 1999

City of El Paso de Robles
Community Development Department
Planning Division

Signed:


Lonnie Dolan

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: TELEGRAM-TRIBUNE

Date of Publication: January 14, 1999

Meeting Date: January 26, 1999
(Planning Commission)
February 16, 1999
(City Council)

Project: General Plan Amendment 1-99
-and- Zone Change 97-008
(Real Property Lenders/Jarmin)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City of
El Paso de Robles, do hereby certify that this notice is a true
copy of a published legal newspaper notice for the above
named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF
PUBLIC HEARING;
NOTICE OF INTENT TO
ADOPT NEGATIVE
DECLARATION

General Plan Amend-
ment 1-99

An Amendment to the
Land Use Element of the
City of Paso Robles
General Plan
Zone Change 97-008

This notice replaces a
previous notice which
was published on Janu-
ary 6, 1999, where it was
noticed that the a pro-
posed General Plan
Amendment from Office
Professional (OP) to
Multi-Family Low Densi-
ty. The notice should
have read that the pro-
posed General Plan
Amendment from Office
Professional (OP) to
Multi-Family Medium
Density (RMF-M).

THEREFORE, NOTICE
IS HEREBY GIVEN that
the Planning Commis-
sion of the City of El
Paso de Robles will hold
a Public Hearing to con-
sider making recommen-
dations regarding
approval of a General
Plan Amendment (Land
Use Element) and a
Zone Change / Zoning
Code Amendment
request, including the
following component:

Real Property Lenders /
Rod Jarmin: A proposed
General Plan Amend-
ment from Office Profes-
sional (OP) to Multi-
Family Medium Density
(RMF-M) for a one (1)
acre parcel located on
the north side of Creston
Road, between Walnut
Street and Trigo Lane.
The request includes
Zone Change 98-007,
from R-3-O-PD to
R-3-PD.

The Planning Commis-
sion's hearing will take
place in the Conference
Room of the Library /
City Hall at 1000 Spring
Street, Paso Robles,
California, at the hour of
7:30 PM on Tuesday,
January 26, 1999, 1998
at which time all inter-
ested parties may
appear and be heard.

NOTICE IS ALSO
HEREBY GIVEN that the
City Council of the City
of El Paso de Robles will
hold a Public Hearing to
consider the same Gen-
eral Plan Amendment
component and refer-
enced Zone Change
application.

The City Council's hear-
ing will take place in the
Conference Room of the
Library / City Hall at
1000 Spring Street,
Paso Robles, California,

at the hour of 7:30 PM
on Tuesday, February
16, 1999 at which time
all interested parties may
appear and be heard.

Copies of the staff report
will be available for the
cost of reproduction at
the Community Develop-
ment Department, City
Hall, 1000 Spring Street,
Paso Robles, CA 93446.
Please write to this
address or call the Plan-
ning Division at (805)
237-3970 should you
have questions or com-
ments regarding this
notice or related matters.

If you challenge the ordi-
nance in court, you may
be limited to raising only
those issues you or
someone else raised at
the public hearing
described in this notice,
or in written correspon-
dence delivered to the
Planning Commission at,
or prior to, the public
hearing.

Bob Lata, Community
Development Director
Jan. 14, 1999 5117828

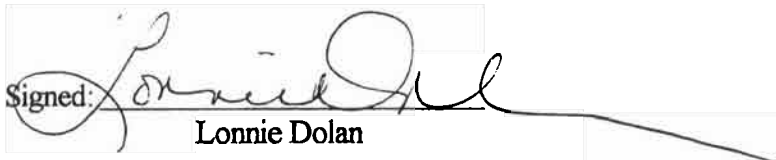
**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project General Plan Amendment 1-99 and Rezone 98007 (Real Property Lenders) for the meetings on January 26, 1999 (Planning Commission) -and- February 16, 1999 (City Council).

Mailed on this 15th day of January 1999.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

forms\mailaffi.691

DATE: 2/16/99 AGENDA ITEM # 3(2)
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *Bob*
SUBJECT: GENERAL PLAN AMENDMENT 1-99 AND ZONE CHANGE 98-008
(APPLICANT: CGC ENTERPRISES) - Part 2 of a 3 Part General Plan
Amendment
DATE: FEBRUARY 16, 1999

Needs: For the City Council to consider a recommendation from the Planning Commission to approve a component of GPA 1-99 and Zone Change 98-008.

- Facts:
1. The applicants are seeking an Amendment to the Land Use Element of the General Plan, along with a Zone Change.
 2. The subject property is a vacant site, approximately seven (7) acres in area, and located in the hills northeast of the intersection of Charolais and South River Roads.
 3. The existing General Plan designation is Residential, Single Family, and the existing Zoning is R-1 (Residential, Single Family).
 4. The applicants are seeking a change in the General Plan designation to Multi-Family Residential, Low Density, with a R-2-PD Zoning (Multi-Family Residential, Low Density, Planned Development).
 5. A Negative Declaration of Environmental Impact is proposed for consideration in conjunction with this component of GPA 1-99 and Zone Change 98-008.

RIMC CODE: Community Development Department
FILE/CAT: Advance Planning
DATE: February 2, 1999
SUBJECT: General Plan Amendment 1-99 - CGC
RETENTION: Permanent

6. On January 26, 1999, the Planning Commission considered the subject applications and unanimously recommended approval of this component of GPA 1-99 and Zone Change 98-008.

Analysis
and

Conclusion:

The applicant is seeking a low-density multi-family residential designation. This designation would be consistent with property directly to the north and under the same ownership.

Continuing the same development pattern / density for both properties would be consistent.

Because of the topographic and open space constraints of the property, the difference in residential density between single family and low-density multi-family would be limited to approximately 3 dwelling units. This difference in density would not seem environmentally or practically significant in terms of impacts on City facilities and services.

Since this is one component of a three-part General Plan Amendment, it is requested that the City Council take a "straw vote" on the General Plan portion of this application and withhold final action on the Resolution to approve GPA 1-99 until the public hearings have been closed on the balance of the parts to this three-part General Plan Amendment.

Policy

Reference:

General Plan, Zoning Code

Fiscal

Impact:

None

Options:

Subject to consideration of public testimony:

- a. By separate actions, that the City Council (1) adopt the attached Resolution approving a Negative Declaration for this component of GPA-1-99 and Zone Change 98-008, (2) take a straw vote on this component of GPA 1-99, and (3) give first reading to the attached Ordinance that would approve Zone change 98-008 (subject to approval of GPA 1-99 including this component).
- b. Amend, modify or reject Option "a".

RESOLUTION NO: 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
GRANTING NEGATIVE DECLARATION STATUS FOR A COMPONENT OF
GENERAL PLAN AMENDMENT 1-99 AND ZONE CHANGE 98-008
(APPLICANT: CGC ENTERPRISES)

WHEREAS, the City has received an application for a component of General Plan Amendment 1-99 and Zone Change 98-008. The request is a General Plan Amendment from Residential, Single Family to Residential, Multi-Family Low Density (RML-M) and an accompanying Zone Change 98-008 from R-1 to R-2-PD for a seven (7) acre property located northeast of the intersection of Charolais and South River Roads; and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which proposed that a Negative Declaration be approved; and

WHEREAS, Public Notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on January 26, 1999 and by the City Council on February 16, 1999 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment if the application was approved.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles to approve a Negative Declaration for this component of General Plan Amendment 1-99 and Zoning Code Amendment 98-008 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED THIS 16th day of February, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DUANE J. PICANCO, MAYOR

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\bob\60\gpa 1-99\neg dec reso CGC 12 Jan 99

RESOLUTION NO. 99-
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING GENERAL PLAN AMENDMENT 1-99

WHEREAS, the City of El Paso de Robles has published a Notice of Public Hearings to consider components of a proposed Amendment to the Land Use Element of the General Plan, under the title of General Plan Amendment 1-99; and,

WHEREAS, General Plan Amendment 1-99 consists of three (3) components that are summarized as follows:

1. Real Property Lenders / Rod Jarmin: A proposed General Plan Amendment from Office Professional (OP) to Residential, Multi-Family Medium Density (RMF-M) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.
2. CGC Enterprises: A proposed change from Single-Family Residential to Residential, Multi-Family Low Density (RMF-L) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road.
3. City Initiated: A General Plan Amendment that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15 and October 6, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

WHEREAS, at its meeting of January 26, 1999, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Conducted a public hearing to obtain public testimony on this amendment;
- c. Based on the information contained in the Initial Study prepared for this amendment, unanimously found that there was no substantial evidence that this amendment would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- d. Recommended that the City Council approve this three component General Plan Amendment; and

WHEREAS, at its meeting of February 16, 1999 the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Considered the recommendations of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on this amendment;

- d. Found that there was no substantial evidence that this amendment would have significant adverse effects on the environment and approved a Negative Declaration for the components of this amendment in accordance with the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, California, to amend the General Plan's Land Use Element as shown on the attached Exhibit "A".

PASSED AND ADOPTED THIS 16th day of February, 1999 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

MAYOR DUANE J. PICANCO

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\gpa\gpa 1-99 res 12 Jan 99

Exhibit A: General Plan Amendment 1-99

General Plan Amendment 1-99 consists of three (3) components:

1. Real Property Lenders / Rod Jarmin: A proposed General Plan Amendment from Office Professional (OP) to Residential, Multi-Family Medium Density (RMF-M) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.
2. CGC Enterprises: A proposed change from Single-Family Residential to Residential, Multi-Family Low Density (RMF-L) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road.
3. City Initiated: A General Plan Amendment that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15 and October 6, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

The purpose of this Exhibit "A" is to identify the specific approved changes to the Land Use Element of the City's General Plan.

Component #1 (Real Property Lenders / Rod Jarmin): Please see the attached map illustrating the location of the change in the Land Use designation.

Component # 2: (CGC Enterprises): Please see the attached map illustrating the location of the change in the Land Use designation.

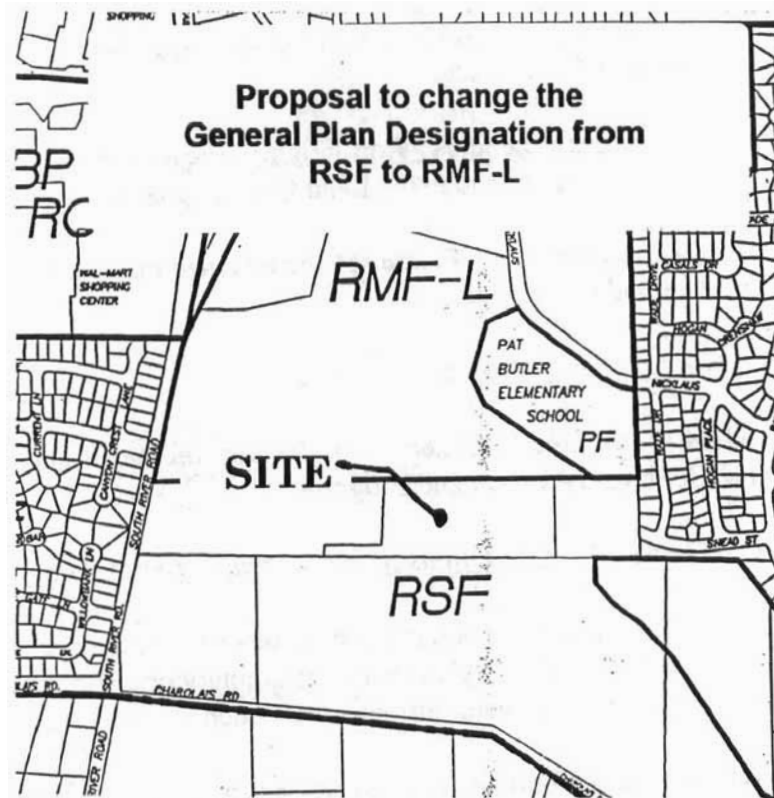
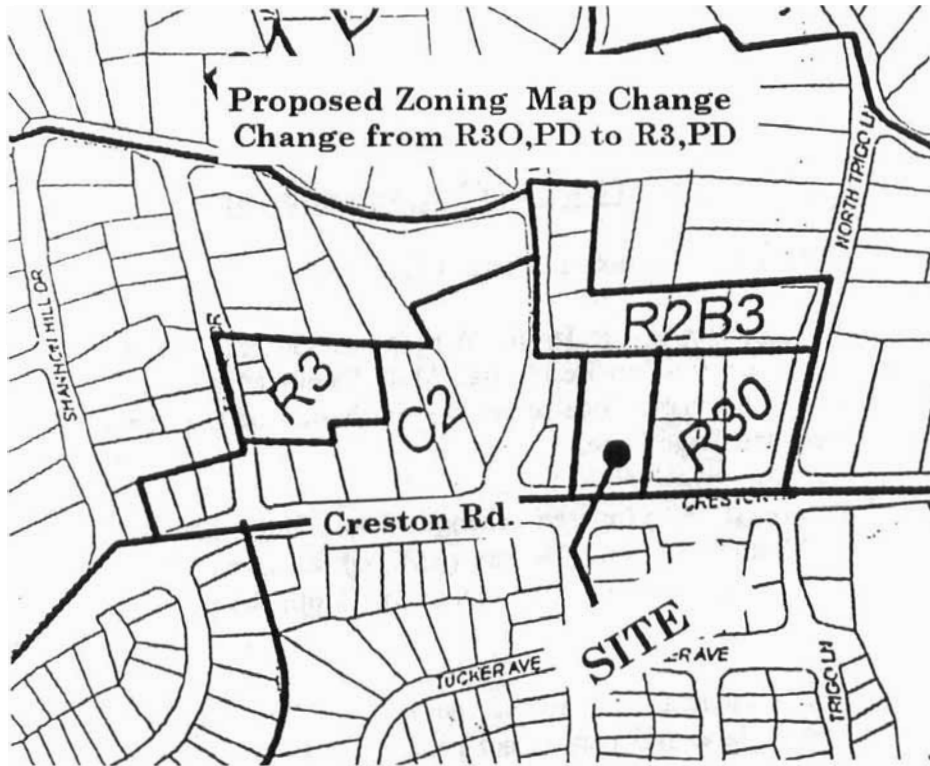
Component #3: (City Initiated - Non-taxable sales):

Page LU-34 of the Land Use Element of the General Plan is amended to add the following Commercial Policy and Program:

POLICY COM-13: Limitations on Non-Taxable Retail Sales:

Policy: To require that large commercial centers be primarily retail oriented to preserve and maintain the City's existing community oriented shopping centers that contain grocery stores as major attractors or "anchors" to the centers.

Program: Amend the Zoning Code, to restrict the amount of non-taxable retail space in buildings of greater than 90,000 square feet, except that the restriction would not apply to wholesale membership stores such as Costco and Sam's Club.



**General Plan Amendment 1-99
(Real Property Lenders,
CGC Enterprises)**

ORDINANCE NO. ___ NS

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE (ZONING MAP)
(APPLICANT - CGC ENTERPRISES)
ZONE CHANGE 98-008

WHEREAS, the City has received an application for Zone Change 98-008, regarding a proposed change from R-1 to R-2-PD for a seven (7) acre property located northeast of the intersection of Charolais and South River Roads; and

WHEREAS, the requested zoning would be consistent with property directly to the north and under the same ownership.

WHEREAS, the Planning Commission conducted a noticed public hearing on January 26, 1999, to consider making a recommendation with regards to the proposed Zoning Code Amendments and 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. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and
- d. Recommended that the City Council approve a Resolution Amending the City's General Plan along with an Ordinance amending the Zoning Code; and

WHEREAS, at its meeting February 16, 1999 the City Council held a public hearing on this subject, and the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the scope and nature of the proposed change to the General Plan and Zoning Code, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and

- d. Considered the Commission's recommendation from the Planning Commission's January 26, 1999 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on March 2, 1999 the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 21.08 of the Zoning Code (Zoning Map) is amended to designate the subject property as R-2-PD (Residential, Multi-Family, Low Density), per the attached Exhibit "A".

Section 1. 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 2. 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.

Section 3. Inconsistency. To the extent that the terms or 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, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

Section 4. 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 invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on February 16, 1999, and passed and adopted by the City Council of El Paso de Robles on the 2nd day of March, 1999, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:

DUANE J. PICANCO, MAYOR
City of El Paso de Robles

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\bob\60\gpa 1-99\cgc ord 12 Jan 99

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

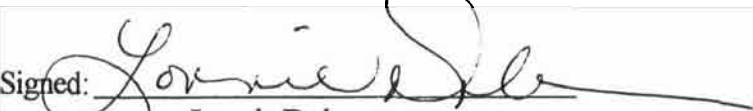
Newspaper: TELEGRAM-TRIBUNE

Date of Publication: January 6, 1999

Meeting Date: January 26, 1999
(Planning Commission)
February 16, 1999
(City Council)

Project: General Plan Amendment 1-99
(Real Property Lenders/Jarmin;
CGC Enterprises; (City initiated)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City of
El Paso de Robles, do hereby certify that this notice is a true
copy of a published legal newspaper notice for the above
named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF
PUBLIC HEARINGS
NOTICE OF INTENT
TO ADOPT NEGATIVE
DECLARATIONS

General Plan Amend-
ment 1-99

A Four-Part Amendment
to the Land Use Element
of the City of Paso Robles
General Plan Zone
Changes 97-008, 98-
007, 98-008 and Code
Amendment 98-009

NOTICE IS HEREBY
GIVEN that the Planning
Commission of the City
of El Paso de Robles will
hold Public Hearings to
consider making recom-
mendations regarding
adoption of Negative
Declarations and
approval of a four (4)
part General Plan
Amendment (Land Use
Element). The four com-
ponent parts, some of
which are also subjects
of Zone Change / Zoning
Code Amendment
requests, are described
as follows:

1. Pete Cagliero: A request to change the land use designation of 32 acres located north of the Williams Plaza (Von's) shopping center from Residential Single Family - 2 units per acre (RSF-2) to Residential Multi-Family Low Density (8 units per acre) (RMF-L). The application includes Zone Change 97-008, a proposal to change the zoning designation of the same 32 acres from R1-PD (Single Family Residential, Planned Development - 2 units per acre) to R2-PD (Duplex/Triplex, Planned Development).
2. Real Property Lenders / Rod Jarmin: A proposed General Plan Amendment from Office Professional (OP) to Multi-Family Low Density (RMF-L) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane. The request includes Zone Change 98-007, from R-3-O-PD to R-3-PD.
3. CGC Enterprises: A proposed change from Single-Family Residential to Multi-Family Residential (Low Density) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road. The General Plan Amendment application is accompanied by a Zone Change request No. 98-008; the requested change is from R-1-PD (Single Family Residential) to R-2-PD (Multi-Family, Low Density).
4. City Initiated: A General Plan Amendment and Zoning Code Amendment 98-009 that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

The Planning Commission's hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, January 26, 1999, 1998 at which time all interested parties may appear and be heard.

NOTICE IS ALSO HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider the same four General Plan Amendment components and referenced Zone Change / Code Amendment applications.

The City Council's hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, February 16, 1999 at which time all interested parties may appear and be heard.

As part of the noticed Public Hearings, the City Council will consider adoption of Negative Declarations of Environmental Impact (statements that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA). The proposed Negative Declarations will be available for public review from Wednesday, January 6 through Tuesday, January 26, 1999. Copies of the staff report and draft Negative Declaration will be available for the cost of reproduction at the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446. Please write to this address or call the Planning Division at (805) 237-3970 should you have questions or comments regarding this notice or related matters.

If you challenge the ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Bob Lata, Community
Development Director

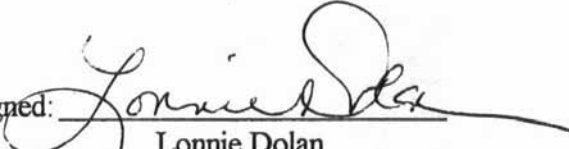
Jan. 6, 1999 5115475

**AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project General Plan Amendment 1-99 and Rezone 98008 (CGC Enterprises) for the meetings on January 26, 1999 (Planning Commission) -and- February 16, 1999 (City Council).

Mailed on this 12th day of January 1999

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

DATE: 2/16/99 AGENDA ITEM # 3 (3)
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BLA*
SUBJECT: GENERAL PLAN AMENDMENT 1-99 AND ZONING CODE
AMENDMENT 98-009 REGARDING NON-TAXABLE SALES) - Part 3
of a 3 Part General Plan Amendment
DATE: FEBRUARY 16, 1999

Needs: For the City Council to consider a recommendation from the Planning Commission to deny a component of GPA 1-99 and Zoning Code Amendment 98-009 relating to restrictions on developments with non-taxable retail sales.

- Facts:
1. On September 15 and October 6, 1998 the City Council considered whether or not to direct staff to initiate a General Plan Amendment and Zoning Code Amendment regarding regulation of non-taxable sales in stores exceeding 90,000 square feet of floor area. Attached is a copy of the September 1998 staff report and background materials.
 2. At the conclusion of discussions, the City Council did direct staff to initiate amendments to consider adoption of provisions similar to those approved by the City of Santa Maria, with explicit language that the restrictions would not apply to "wholesale membership stores such as Costco and Sam's Club". Attached is a copy of the City Council minutes from October 6, 1998.
 3. The purpose of this General Plan Amendment and the accompanying Zoning Code Amendment 98-009 is to carry out the direction of City Council.
 4. A Negative Declaration of Environmental Impact is proposed for consideration in conjunction with this component of GPA 1-99 and Zoning Code Amendment 98-009.

RIMC CODE:	Community Development Department
FILE/CAT:	Advance Planning
DATE:	February 3, 1999
SUBJECT:	General Plan Amendment 1-99 - Sales
RETENTION:	Permanent

5. On January 26, 1999, the Planning Commission considered the subject applications, and on a 4-2 vote recommended that the City Council reject this component of GPA 1-99 and Zoning Code Amendment 98-009.

Analysis

and

Conclusion:

Implementation of the City Council direction of October 6, 1998 would consist of the following components:

- a. Adding a General Plan Policy COM-13 with regards to non-taxable retail sales;
- b. Amending the Definitions portion of the Zoning Code in a manner similar to the definitions incorporated by the City of Santa Maria;
- c. Amending the list of permitted uses (Table 21.16.200) to include a restriction on the amount of floor area devoted to non-taxable merchandise (food products) in commercial uses that exceed 90,000 square feet, with an exception for "wholesale membership stores such as Costco and Sam's Club".

As was explained in the September 15, 1998 staff report, certain entitlements have already been granted to the Woodland Plaza II and The Crossings at Paso Robles (Target) shopping center. Hence, it is staff's understanding that the restrictions that are under consideration per GPA-1-99 and Zoning Code Amendment 98-009 would not apply to those shopping centers. Attached are letters from two developers reflecting their understandings that the restrictions would not apply to already-granted entitlements.

The Planning Commission's recommendation to reject this component of GPA 1-99 and the accompanying Zoning Code Amendment was based on their perception that the City should limit its involvement to establishing the nature and location of permitted land uses.

The Commission majority was of the opinion that the City should not be trying to choose between taxable and non-taxable retail sales, and that such action by the City would be interfering with the competitive market place.

Further, the Commissioners were concerned that establishing restrictions on the nature of retail sales could establish a precedent that would lead the City to becoming involved in other private sector business decisions.

Since this is one component of a three-part General Plan Amendment, it is requested that the City Council take a "straw vote" on this component, and then take separate final action to confirm the content of the Resolution of approval for GPA 1-99.

Policy

Reference: General Plan, Zoning Code

Fiscal

Impact: Potential impacts are unclear / beyond calculation at this point in time.

Options:

Subject to consideration of public testimony:

- a. Per the recommendation of the Planning Commission, that the City Council (1) reject this component of GPA-1-99 and Zoning Code Amendment 98-009, and (2) adopt a revised form of the Resolution approving the remaining two components of GPA 1-99 (approving the applications from Rod Jarmin and CGC Enterprises).
- b. By separate actions, that the City Council (1) adopt the attached Resolution approving a Negative Declaration for this component of GPA-1-99 and Zoning Code Amendment 98-009; (2) approve the attached resolution approving all three components of GPA 1-99; and (3) give first reading to the attached Ordinance that would approve Zoning Code Amendment 98-009.
- c. Amend, modify or reject the foregoing options.

h:\bob\60\gpa1-99\rpt to cc re non-taxable sales 3 Feb 99

RESOLUTION NO: 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
GRANTING NEGATIVE DECLARATION STATUS FOR A COMPONENT OF
GENERAL PLAN AMENDMENT 1-99 AND ZONING CODE AMENDMENT 98-009
(CITY INITIATED)

WHEREAS, the City has initiated a component of General Plan Amendment 1-99 and Zoning Code Amendment 98-009 to consider restrictions on developments with non-taxable retail sales; and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which proposed that a Negative Declaration be approved; and

WHEREAS, Public Notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on January 26, 1999 and by the City Council on February 16, 1999 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination; and

WHEREAS, based on the information contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment if the application was approved.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles to approve a Negative Declaration for this component of General Plan Amendment 1-99 and Zoning Code Amendment 98-009 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED THIS 16th day of February, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DUANE J. PICANCO, MAYOR

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\bob\60\gpa 1-99\neg dec reso for non-taxable sales 12 Jan 99

RESOLUTION NO. 99
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING GENERAL PLAN AMENDMENT 1-99

WHEREAS, the City of El Paso de Robles has published a Notice of Public Hearings to consider components of a proposed Amendment to the Land Use Element of the General Plan, under the title of General Plan Amendment 1-99; and,

WHEREAS, General Plan Amendment 1-99 consists of three (3) components that are summarized as follows:

1. Real Property Lenders / Rod Jarmin: A proposed General Plan Amendment from Office Professional (OP) to Residential, Multi-Family Medium Density (RMF-M) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.
2. CGC Enterprises: A proposed change from Single-Family Residential to Residential, Multi-Family Low Density (RMF-L) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road.
3. City Initiated: A General Plan Amendment that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15 and October 6, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

WHEREAS, at its meeting of January 26, 1999, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Conducted a public hearing to obtain public testimony on this amendment;
- c. Based on the information contained in the Initial Study prepared for this amendment, unanimously found that there was no substantial evidence that this amendment would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- d. Recommended that the City Council approve this three component General Plan Amendment; and

WHEREAS, at its meeting of February 16, 1999 the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment;
- b. Considered the recommendations of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on this amendment;

- d. Found that there was no substantial evidence that this amendment would have significant adverse effects on the environment and approved a Negative Declaration for the components of this amendment in accordance with the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, California, to amend the General Plan's Land Use Element as shown on the attached Exhibit "A".

PASSED AND ADOPTED THIS 16th day of February, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR DUANE J. PICANCO

ATTEST:

MADELYN PAASCH, CITY CLERK

h:\gpa\gpa 1-99 res 12 Jan 99

Exhibit A: General Plan Amendment 1-99

General Plan Amendment 1-99 consists of three (3) components:

1. **Real Property Lenders / Rod Jarmin:** A proposed General Plan Amendment from Office Professional (OP) to Residential, Multi-Family Medium Density (RMF-M) for a one (1) acre parcel located on the north side of Creston Road, between Walnut Street and Trigo Lane.
2. **CGC Enterprises:** A proposed change from Single-Family Residential to Residential, Multi-Family Low Density (RMF-L) for seven (7) acres in a Hillside Area located northeast of the intersection of South River Road and Charolais Road.
3. **City Initiated:** A General Plan Amendment that would place restrictions on large-scale commercial land uses that do not generate retail sales tax. Initiated per City Council direction on September 15 and October 6, 1998. These restrictions would apply to properties that do not already have entitlements for retail commercial developments.

The purpose of this Exhibit "A" is to identify the specific approved changes to the Land Use Element of the City's General Plan.

Component #1 (**Real Property Lenders / Rod Jarmin:**) Please see the attached map illustrating the location of the change in the Land Use designation.

Component # 2: (**CGC Enterprises:**) Please see the attached map illustrating the location of the change in the Land Use designation.

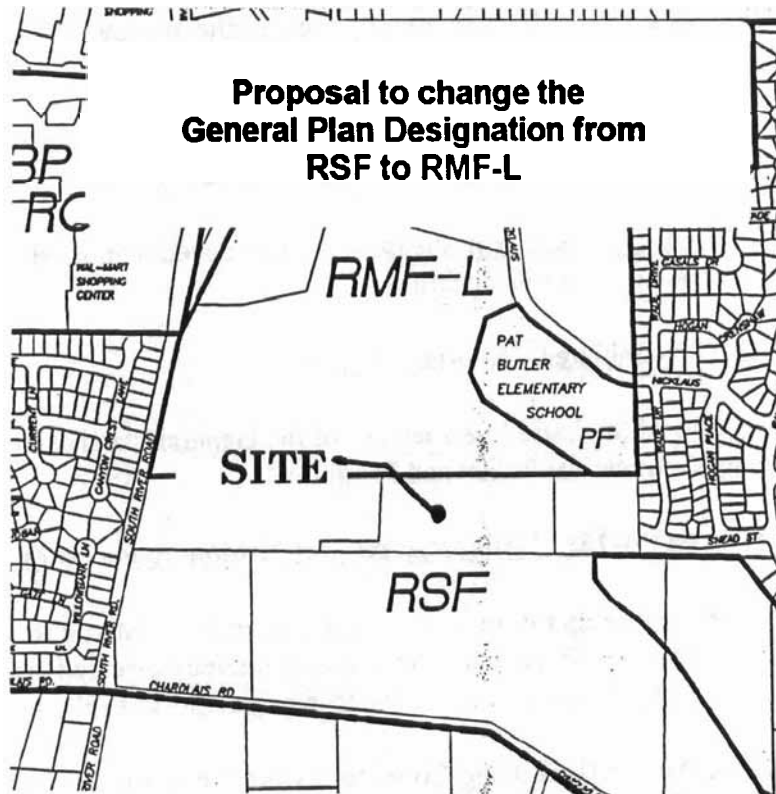
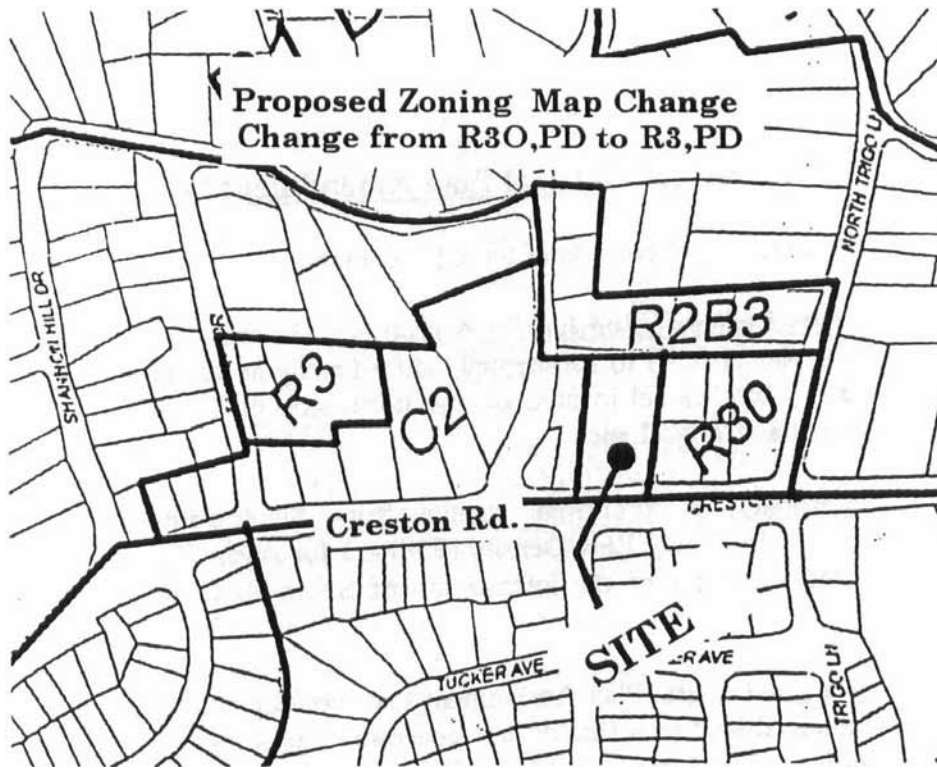
Component #3: (**City Initiated - Non-taxable sales:**)

Page LU-34 of the Land Use Element of the General Plan is amended to add the following Commercial Policy and Program:

POLICY COM-13: Limitations on Non-Taxable Retail Sales:

Policy: To require that large commercial centers be primarily retail oriented to preserve and maintain the City's existing community oriented shopping centers that contain grocery stores as major attractors or "anchors" to the centers.

Program: Amend the Zoning Code, to restrict the amount of non-taxable retail space in buildings of greater than 90,000 square feet, except that the restriction would not apply to wholesale membership stores such as Costco and Sam's Club.



**General Plan Amendment 1-99
(Real Property Lenders,
CGC Enterprises)**

ORDINANCE NO. __ NS

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE
WITH REGARDS TO COMMERCIAL LAND USES
(APPLICANT - CITY INITIATED)
ZONING CODE AMENDMENT 98-009

WHEREAS, On September 15 and October 6, 1998 the City Council considered whether or not to direct staff to initiate a General Plan Amendment and Zoning Code Amendment regarding regulation of non-taxable sales in stores exceeding 90,000 square feet of floor area; and

WHEREAS, At the conclusion of discussions, the City Council did direct staff to initiate amendments to consider adoption of provisions similar to those approved by the City of Santa Maria, but with explicit language that the restrictions would not apply to "wholesale membership stores such as Costco and Sam's Club"; and

WHEREAS, in order to carry out the direction of the City Council, it would be necessary and appropriate to supplement the definitions portion of the Zoning Code, along with providing an amendment to the permitted and conditionally permitted use listing contained in Table 21.16; and

WHEREAS, the Planning Commission conducted a noticed public hearing on January 26, 1999, to consider making a recommendation with regards to the proposed Zoning Code Amendments and 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. In accordance with the California Environmental Quality Act, considered a proposed Negative Declaration of Environmental Impact, and made a recommendation that the City Council approve a Resolution adopting said document; and
- d. Recommended that the City Council approve a Resolution Amending the City's General Plan along with an Ordinance amending the Zoning Code; and

WHEREAS, at its meeting February 16, 1999 the City Council held a public hearing on this subject, and the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff reports prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;

- c. Based on the scope and nature of the proposed change to the General Plan and Zoning Code, found that the proposed Negative Declaration of Environmental Impact Report was adequate in terms of its description of the project and anticipated environmental impacts and approved the Negative Declaration as being in accordance with the California Environmental Quality Act; and
- d. Considered the Commission's recommendation from the Planning Commission's January 26, 1999 public meeting; and
- e. Introduced said ordinance for first reading, and

WHEREAS, on March 2, 1999 the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 21.08 of the Zoning Code is amended to add the following definitions:

21.08.179.5 Floor area, gross. "Gross floor area", for the purposes of determining total gross building area and calculating parking requirements, means the sum of the gross horizontal areas of all floors, mezzanines and lofts of the building. Horizontal dimensions shall be taken from the exterior faces of the exterior walls of the building and shall include all enclosed and conditioned areas except stairways and elevators.

21.08.312 Non-taxable merchandise floor area. "Non-taxable merchandise floor area" means floor area devoted to merchandise, including but not limited to food products, commodities and / or goods, where said items are not subject to California state sales tax. This includes areas for meat and produce processing, packaging, storage, display and merchandising.

21.08.357 Retail floor area. "Retail floor area", for the purposes of determining gross floor area, means the sum of the gross horizontal areas of all enclosed floors, mezzanines, and lofts of the building devoted to retail sales of merchandise, including floor areas used for display, merchandise, access isles, storage, warehousing and distribution.

21.08.358 Retail sales. "Retail sales" means the sale of merchandise for which California state sales tax is required by the State Franchise Tax Board and applicable state law(s).

Table 21.16.200, Item F. 8. is amended to read as follows:

General merchandise (includes department stores, drug stores, discount stores, specialized retail, artisans, manufacturing incidental to retail use, etc.). Note: For commercial buildings with greater than 90,000 square feet of gross floor area, non-taxable merchandise floor area shall not exceed eight (8) percent of the total gross floor area of

the building, except that this limitation shall not apply to wholesale membership stores such as Costco and Sam's Club.

Section 1. 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 2. 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.

Section 3. Inconsistency. To the extent that the terms or 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, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

Section 4. 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 invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on February 16, 1999, and passed and adopted by the City Council of El Paso de Robles on the 2nd day of March, 1999, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

DUANE J. PICANCO, MAYOR
City of El Paso de Robles

ATTEST:

MADELYN PAASCH, CITY CLERK

DATE: 09/15/98 AGENDA ITEM # _____
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BLA*
SUBJECT: LIMITATIONS ON COMMERCIAL LAND USES AND DEVELOPMENT
DATE: SEPTEMBER 15, 1998

Needs: For the City Council to consider whether or not to direct staff to initiate General Plan and Zoning Code Amendments to regulate non-taxable sales in stores exceeding 90,000 square feet.

- Facts:
1. On July 21, 1998 the City Council briefly discussed the purpose and intent of General Plan and Zoning Code Amendments that were adopted in 1997 by the City of Santa Maria.
 2. Attached is a copy of the Staff Report and related materials that were presented to the Santa Maria Planning Commission.
 3. The focus of the Santa Maria staff report is on regulation of floor area devoted to non-taxable sales in stores exceeding 90,000 square feet.

Analysis
and

Conclusion: The Santa Maria staff report identifies concerns regarding preservation of the City's taxable retail sales income. It also expresses concerns regarding the effects of competition among convenience stores / food markets.

The goal of the Santa Maria General Plan and Zoning Code Amendments appears to be to insure that "large commercial centers be primarily retail oriented to preserve and maintain the City's existing community oriented shopping centers that contain grocery stores as major attractors "anchors" to the center."

RIMC CODE: Community Development Department
FILE/CAT: Advance Planning
DATE: September 4, 1998
SUBJECT: Shopping Center Restrictions
RETENTION: Permanent

The City of Santa Maria seeks to achieve the goal of preserving taxable retail sales income by making the following Zoning Code Amendment:

“For ‘commercial uses’ exceeding ninety thousand (90,000) square feet of ‘gross floor area’, the total ‘Non-taxable merchandise floor area’ shall not exceed eight (8) percent of the total ‘gross floor area’ of the building.”

The effect of this Code Amendment is to preclude a large retail store, such as a Wal*Mart or K-Mart, from adding a grocery store / super market.

The City of Paso Robles currently has no restrictions regarding whether or not a land use produces taxable retail sales. One of the policy issues for the City Council will be whether or not the City wishes to regulate land uses on the basis of whether or not sales tax is paid.

The City of Paso Robles has two existing centers in which one could anticipate commercial structures exceeding 90,000 square feet, which could perhaps involve development of a grocery store / supermarket:

- Woodland Plaza II, anchored by Wal*Mart; and
- The Crossings at Paso Robles, anchored by Target

In both of these instances, the City has streamlined the development review process by providing the needed “entitlements” for further development (without the need for the developer to seek Planning Commission or City Council approvals). In both instances, supermarkets are “permitted uses”.

As a result of the City’s prior approvals of these development projects, even if the City were to change its General Plan and Zoning Code in a similar manner as Santa Maria, the City would not be in a position to prevent the construction of supermarket additions to either of these shopping centers.

Further, both the Woodland Plaza and Target shopping centers have substantial vacant entitled space. Grocery stores / supermarkets may be viable options for filling this available space / developing out the balance of these shopping center. Additionally, precluding the development of a grocery store / supermarket could have an adverse impact on the City’s potential Tax Increment for Woodland Plaza II, and the attractiveness of the Target shopping center could perhaps be strengthened by providing for food sales.

Policy

Reference: General Plan, Zoning Code, Economic Development Strategy

Fiscal

Impact: Restricting development of a grocery store / supermarket in the regional shopping centers would reduce potential tax increment (Woodland Plaza II) and the ability to attract customers (Target Center), limiting the revenue potential of both the Redevelopment Agency and the City.

Options:

- a. That the City Council determine that the existing General Plan and Zoning Code provide adequate controls over land use and development patterns, and that it would be counter-productive for the City to become involved in restricting competition between supermarkets and other large-scale retail outlets.
- b. That the City Council direct staff to initiate a General Plan and Zoning Code Amendments to consider adding protective provisions similar to those adopted by the City of Santa Maria.
- c. Amend, modify or reject.


h:\bob\60\cc\98\shopping centers 1 Sep 98

M E M O R A N D U M

Community Development Department

September 12, 1997

TO: Planning Commission

FROM: Community Development Department Director,
William Orndorff 

SUBJECT: GENERAL PLAN TEXT AMENDMENTS (RETAIL SHOPPING CENTERS),
GP-97-01 AND ZONING TEXT AMENDMENTS, Z-97-01, E-97-16

RECOMMENDATION

It is recommended that the Planning Commission adopt a resolution finding no significant environmental impact associated with the subject amendments and recommending that City Council approve the General Plan and Zoning Text Amendments related to commercial retail shopping centers and permitted uses there in.

INTRODUCTION

The purpose of this general plan amendment and zoning text change is to preserve the City's existing shopping centers that are generally located along Broadway and Main Street.

These centers provide convenient shopping and employment in close proximity to most residential neighborhoods in the City. This distribution of shopping and employment creates a land use pattern that reduces the need for vehicular trips and encourages walking and biking for shopping, services and employment.

The City of Santa Maria is also trying to maintain its central coast retail share because the City is very dependent on income from retail sales which totals 42 percent of the General Fund Budget. For comparison purposes, the next largest general fund income sources, property tax and vehicle license fees, each represent 11 percent of the general fund budget. In addition, the retail business and retail market is an ever changing industry. Due to the evolution in retail demand changing from strip centers in the 1960's, downtown redevelopment in the 1970's, big box retail in the 1980's, factory outlet centers and lately superstores that contain everything, including groceries, under one roof in the 1990's, it appears necessary to address commercial uses to preserve the City's existing desirable land use patterns. The proposed general plan and zoning text amendments will require primarily retail sales in freeway and regional shopping centers and will regulate the floor area devoted to non-taxable sales in stores exceeding 90,000 sq. ft.

The City Council, through a legislative action in 1996, conditioned the approval of the Crossroads Regional Commercial center to address the issue concerning the percentage of floor area devoted to non-retail sales. The condition of approval is reproduced as follows: *Table*

"As per City Council action on November 19, 1996, by adopting Ordinance 96-15, a special condition was established regulating the amount of floor area devoted to non-taxable merchandise (food products) in commercial uses that exceed 90,000 sq. ft."

"For commercial uses exceeding 90,000 sq. ft., the total gross floor area devoted to non-taxable merchandise, including food products, shall not exceed eight (8)% of the total gross floor area of the building."

The above is a condition of the ordinance approving the zone change for the Crossroads general plan and zone change. It is now recommended that these provisions be codified and therefore, apply Citywide in order to preserve the City's distribution of retail/commercial centers.

BACKGROUND

The City of Santa Maria has eleven shopping centers that either contain or previously contained a grocery store. These shopping centers were mainly established along Broadway and Main Street to service the community as growth occurred, see Attachment (A). In most cases, a grocery store served as the "major attractor" in the shopping center. In addition, many neighborhood and community retail and service oriented commercial businesses were established in the shopping center as accessory to the primary grocery store.

In centers where the primary grocery store either closed or moved, high vacancy rates occurred and/or deterioration took place in the remaining center. Examples include, Peppertree Plaza; Santa Maria Shopping Center, Penney's; Alpha Beta Center; and Broadway Plaza. For the residents in the area, longer trips became necessary to acquire day-to-day consumer goods.

The retail shopping centers are located on property zoned Central Business District (C-1) and General Commercial (C-2). The General Plan, Land Use Element, Page 15, describes the "purpose" and "types of uses" that are associated with these commercial land use designations which are reproduced in-part as follows:

"To provide areas which offer convenience goods and services to local residents without disrupting residential character of an area"... "Types of uses include supermarkets, convenience grocery stores, drug stores, laundermats, bakeries, shoe repair shops"... "To include the majority of retail uses outside the central core, particularly along the lineal development corridors which have emerged."...

These policy statements recognize the importance of maintaining the City's strip commercial shopping centers.

As very large commercial developments continue to develop, the City must be aware of the direct and indirect effects this development will have on the City's existing commercial retail centers. The City should encourage predominately retail uses and discourage large non-taxable retail uses from these large commercial centers. A regional oriented, non-taxable retail store could cause grocery stores in existing strip centers to close and significantly change land use and employment patterns throughout the City. Once the strip center grocery store (major attractor) is closed, the closure of other retail establishments soon follow. For these reasons, the following general plan and zone amendments are proposed.

General Plan, Land Use Element Amendments

The Land Use Element of the General Plan contains many goals, policies and objectives that are related to the subject amendments. Some of these general plan policies will require amendments and new policies should be added to support the proposed goal to preserve and maintain existing community oriented shopping centers.

Pages 23, 26 and 27 of the Land Use Element have been reproduced containing the recommended amendments and additions necessary to complement the proposed zoning amendments.

SECTION III
GOALS, POLICIES, OBJECTIVES, AND IMPLEMENTING AGENCIES AND PROGRAMS

A. GOAL L.U.1 -- COMMUNITY CHARACTER

Maintain and improve the existing character of the community as the ~~residential~~, industrial, and commercial retail center for northern Santa Barbara County and ~~southern San Luis Obispo County~~.

POLICY L.U.1 -- Balanced Land Use Mix

Establish and ~~maintain~~ a balanced mix of land uses to meet the present and future demands of the community.

OBJECTIVE L.U.1a

Residential: Establish residential areas for 1) the provision of a variety of home sites, housing types, and lifestyles; 2) the promotion of neighborhood integrity; and 3) the protection of individual property values by encouraging compatible uses and proper standards for design and development.

OBJECTIVE L.U.1b

Commercial: Establish and ~~maintain~~ areas in which business may be conducted, merchandise sold and distributed, and public and private services rendered in an efficient, ~~convenient~~ and effective environment with minimal impacts to adjacent land uses.

OBJECTIVE L.U.1c

Commercial: Continue to maintain the City's retail sales emphasis to allow the City to maintain a consistent income to support necessary community services and to preserve the City's smaller retail community strip centers.

OBJECTIVE L.U.1cd

Industrial: Establish areas in which industrial and commercial manufacturing activities may take place without interfering with or interference from adjacent uses.

OBJECTIVE L.U.1de

Open Space: Set aside land to meet the present and future needs for recreation and park facilities and establish adequate buffers to protect prime agricultural land within the Santa Maria Valley from urban encroachment.

OBJECTIVE L.U.1ef

Schools: Identify and reserve future school sites within the planning area.

ACCOMPLISHMENTS TO DATE

1. The City's Zoning Ordinance is consistent with the General Plan Land Use Element. The residential densities permitted by the Zoning Ordinance and General Plan designations are shown in Table LU-2.
2. Since 1985, 340 acres were rezoned to permit additional land for housing.
3. ~~The Sphere of Influence Boundary Study process began in 1986 and an EIR for the project is expected to be completed in 1991.~~
3. In 1996, the City added 35 acres of retail commercial in the vicinity of U.S. 101 and Betteravia Road.

B. GOAL L.U.2 -- URBAN SERVICES (Page 26, L.U.E.)

Provide all necessary urban services and facilities for present and future City residents which includes providing sufficient land for community facilities (i.e., fire station, police station, library, cultural center).

POLICY L.U.2 -- Infrastructure Timing

Insure that all urban services and infrastructure are planned and provided for in a timely manner and sufficient land is reserved for this provision.

OBJECTIVE L.U.2a

Maintain the Land Use Element to ensure a pattern of residential densities which can be served by the sewage, drainage, transportation, and utility systems, schools, and recreational facilities of the community.

OBJECTIVE L.U.2b

Coordinate land uses to match improvements to the urban infrastructure.

OBJECTIVE L.U.2c

Provide for and maintain well-located commercial and industrial sites for new development that are adequately served by highways, railroads, utilities, and other municipal services, and do not impact established residential areas.

OBJECTIVE L.U.2d

Provide for and maintain well-located and community oriented retail shopping centers to allow for convenient community access to essential goods and services as well as convenient employment.

OBJECTIVE L.U.2de

Provide large areas for agricultural related industry that are free from urban type uses, thus, avoiding typical land use conflicts.

OBJECTIVE L.U.2ef

Coordinate future land uses with the Santa Maria-Bonita School District, Orcutt Union School District, and the Santa Maria Unified High School District to ensure that adequate school sites are reserved to support future growth.

OBJECTIVE L.U.2fg

Ensure that development "pays its own way" by minimizing publicly financed and maintained facilities, and assume that development will be phased with construction and provision of supporting infrastructure. Implement developer fees and improvement districts assuring adequate community facilities are provided as development occurs.

OBJECTIVE L.U.2gh

Ensure that adequate land is provided for those institutional and public activities which will serve new development consistent with the established standards of the General Plan.

OBJECTIVE L.U.2hi

Study and propose possible hazardous waste transfer sites, as necessary, consistent with the county's adopted hazardous materials management plan.

ANTICIPATED RESULTS (Page 27, L.U.E.)

Coordinated regional and City agency programs that develop and provide urban services to City residents. This includes infrastructure condition evaluation, infrastructure replacement and modification, funding, capital improvements planning and budgeting, Sphere of Influence coordination, and annexation planning.

IMPLEMENTATION PROGRAMS

1. The preceding implementation programs for Goal L.U.1 will provide the means to implement the above policy and objectives.
2. The City shall require the development of specific and master plans for new development within the City to be annexed to the City, and to be in the Sphere of Influence.
3. Require agreements to annex, as appropriate, as a condition of City utilities and public services extension.

4. Encourage and protect agriculture in the City's Planning Area.
5. Continue to identify the useful life of infrastructure and establish appropriate rehabilitation programs.
6. Continue the land banking and exaction programs that would benefit schools, parks, libraries and other public facilities for site acquisition.
7. Require all developments to include bikeways and linear parkways in their site design, linking adjacent subdivisions with bikeways and parkways consistent with the bikeways plan in the Circulation Element.
8. Evaluate current City fees to determine if they are appropriate and revise, if deemed necessary, to cover direct and indirect costs consistent with AB1600.
9. Implement developer fees, improvement districts, and environmental mitigation measures as conditions to those lands being annexed to "buy in" to and to allow for future infrastructure expansion of the City's existing infrastructure and community facilities deemed necessary to support the new development.
10. Study and propose possible hazardous waste transfer sites as necessary, consistent with the county's adopted hazardous materials management plan, and forward recommendations to Santa Barbara County.
11. Amend the zoning ordinance(s) to require that large commercial centers be primarily retail oriented to preserve and maintain the City's existing community oriented shopping centers that contain grocery stores as major attractors "anchors" to the center.

It is recommended that the Planning Commission adopt a resolution recommending that City Council approve the above stated general plan amendments.

SANTA MARIA RETAIL SHOPPING CENTERS

Food 4 Less Center

Pepper Tree Plaza

Lucky Center

Broadway Plaza-Montgomery Wards

SM Shopping Center-Penney's (vacant market)

AFCO Center-Orchard Supply Hardware
(market moved)

Target Center (market moved)

Lucky Center (vacant market)

Lucky Center (formerly Smith Food King)

Broadway Pavilion - Food 4 Less

Vons Center

Grant and North Broadway

Donovan and Broadway

Alvin and Broadway

Enos and Broadway

Stowell and Broadway

Carmen (extended) and
Broadway

Betteravia and Miller

Betteravia and Miller

McCoy and Broadway

McCoy and Broadway

College/Main

Proposed Municipal Code Amendments

Definitions: Shaded texts denotes proposed text, deleted text is shown as deleted

12-2-68. Floor area, gross.

"Gross floor area," for the purposes of determining total gross building area and calculating parking requirements, means the sum of the gross horizontal areas of ~~the several floors~~ all floors, mezzanines and lofts of the building. Horizontal dimensions shall be taken from the exterior faces of the exterior walls of the building and shall include all enclosed and conditioned areas except stairways and elevators. (Ord. 86-32 # 1(c), eff. 2/19/87: Ord. 83-1065 # 1 (part), eff. 1/5/84: prior code # 10-67 (part))

12-2-127.1. Retail floor area.

"Retail floor area," for the purposes of determining gross floor area, means the sum of the gross horizontal areas of all enclosed floors, mezzanines, and lofts of the building devoted to retail sales of merchandise, as defined in Sec. 12-2-127.1, including floor areas to display, merchandise, access isles, storage, warehousing and distribution.

12-2-127.2 Retail sales.

"Retail sales" means the sale of merchandise for which California state sales tax is required by the State Franchise Tax Board and applicable state law(s).

12-2-127.3 Non-taxable merchandise floor area.

"Non-taxable merchandise floor area" means floor area devoted to merchandise, including but not limited to food products, commodities and/or goods, where said items are not subject to California state sales tax. This, includes areas for meat and produce processing, packaging, storage, display and merchandising.

ZONING ORDINANCE AMENDMENTS

In order to implement the present general plan goals and objectives and the subject general plan policy amendments, the following zoning text additions are recommended. Chapter 12-12, Central Business District (C-1) and Chapter 12-13, General Commercial District (C-2) are proposed to be amended. These amendments will prevent commercial uses within a building with a "gross floor area" (see definition, Attachment B) of ninety thousand (90,000) square feet or greater from allowing "Non-taxable merchandise floor area" (see definition, Attachment B) to exceed eight (8) percent of the total gross floor area of the building.

Sec. 12-12.03. Permitted uses. (C-1 and C-2, Commercial zoning districts)

The following uses are permitted in the (C-1 and C-2) district:

- (a) Retail sales, such as:
 - 1-8 (no change)
 - add #9 as follows:
- (9) For "commercial uses" exceeding ninety thousand (90,000) square feet of "gross floor area" the total "Non-taxable merchandise floor area" shall not exceed eight (8) percent of the total "gross floor area" of the building.

It is recommended that the Planning Commission adopt a resolution recommending that City Council adopt an ordinance amending the municipal code as shown above.

WHO/lb

Attachment A - List of Santa Maria Commercial Shopping Centers
Attachment B - Definitions
Attachment C - Planning Commission Resolution
Attachment D - Initial Environmental Study

L4-MPCGPTA

RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA MARIA RECOMMENDING TO CITY COUNCIL FILING OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN, AND ADOPTION OF AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY'S COMPREHENSIVE ZONING ORDINANCE, GP-97-01, Z-97-01, E-97-16

WHEREAS, the Planning Commission of the City of Santa Maria held a regularly scheduled public hearing on September 17, 1997, for the purpose of considering a proposed amendment to the Zoning Ordinance of the City of Santa Maria; and

WHEREAS, the provisions of the California Environmental Quality Act of 1970, Public Resources Code Sections 21000-21174, as amended, require the evaluation of the environmental impact report or a negative declaration for all projects; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission of the City of Santa Maria has reviewed and considered Initial Environmental Study, E-97-16 (incorporated herein by reference), for the hereinafter described project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Santa Maria that it is the recommendation to the City Council of said City that the City Council authorize the filing of a negative declaration, amend the Land Use Element of the General Plan and the City's Comprehensive Zoning Ordinance in accordance with the Community Development Department memorandum dated September 4, 1997, on file in the Community Development Department.

PROJECT DESCRIPTION

An amendment to the Land Use Element and Title 12 of the Municipal Code to assure that large commercial uses, including uses in the vicinity of the freeway, are primarily retail sales oriented. The amendments to Title 12 will set size requirements for commercial establishments in the C-1 (Central Business) and C-2 (General Commercial) zoning districts.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Santa Maria held , by the following roll call vote:

AYES:

NOES:

ABSENT:

TRENT BENEDETTI, Chairman
City Planning Commission

ATTEST:


JAMES W. STERN, Assistant Secretary
City Planning Commission

M E M O R A N D U M

Community Development Department

September 16, 1997

TO: Planning Commission

FROM: William H. Orndorff, Community Development 

SUBJECT: GP & ZONING TEXT AMENDMENTS
GP-97-01, Z-97-01 AND E-97-16

It is recommended that the following additional findings be incorporated into the draft resolution attached to the staff report dated September 19, 1997.

WHEREAS, the Community Development staff report dated September 12, 1997, (incorporated herein by reference) has indicated the importance to the community of maintaining the City's existing commercial "strip" centers; and

WHEREAS, these commercial strip centers provide convenient shopping and employment to the City's residents, thereby reducing vehicular trips which is consistent with the Circulation and Environmental Resource Management Elements of the General Plan; and

WHEREAS, the Planning Commission recognizes the importance of retail sales as an important ingredient in the City in maintaining an adequate income to provide necessary community services to maintain the public's health, safety and general welfare; and

WHEREAS, the General Plan and Zoning amendments are found to be necessary to maintain the land use patterns of the City's adopted Land Use Element.

WHO/lb

cc: City Attorney

City of Santa Maria
Initial Environmental Study
Negative Declaration
August 27, 1997

GENERAL PLAN AND ZONING TEXT AMENDMENTS, GP-97-01, Z-97-01, E-97-16
FOR PLANNING COMMISSION MEETING OF SEPTEMBER 17, 1997
City Wide

APPLICANT: City of Santa Maria
Community Development Department
110 S. Pine Street, #101
Santa Maria, CA 93454

PROJECT DESCRIPTION: The proposed project is an ordinance amending Title 12 of the Municipal Code, and the General Plan.

LOCATION: City wide, within the Central Business District and General Commercial District.

PROCEDURE: Planning Commission review of recommendations to the City Council regarding a Negative Declaration Amendment to the General Plan, and an ordinance amending Zoning Code Definitions and Permitted Uses in the C-1 and C-2 Zones in Title 12 of the Municipal Code.

GENERAL AREA DESCRIPTION:

The proposed ordinance will affect commercial zoned properties throughout the City. Vacant, undeveloped properties, as well as currently developed properties, may be affected, and contain a wide range of site conditions. Please refer to the Land Use Element Environmental Impact Report (EIR) for a complete description of the environmental setting of the City. The Land Use Element EIR is hereby incorporated by reference into this initial study and is available for review at the City Library and at the Community Development Department.

PROJECT DESCRIPTION:

The proposed project is an ordinance amending sections of Title 12 (Zoning) of the Municipal Code, and amendments to the Land Use Element of the General Plan. The code amendments are summarized below. The complete text of the amendments are hereby incorporated by reference into this initial study and are available for review at the Community Development Department. The following is a summary of the sections to be amended.

Sections 12-12.03, and 12-13.03 Permitted Uses in the C-1 and C-2 Districts.

Item number 9 will be added to this section which reads as follows: For "commercial uses" exceeding ninety thousand square feet of "gross floor area" the total "Non-taxable merchandise floor areas" shall not exceed eight (8) percent of the total "gross floor area" of the building.

Section 12-2-68. Floor area, gross.

The paragraph in this section will clarify the definition of total gross building area. References to calculating parking requirements will be deleted. The new definition will state gross floor area means the sum of the gross horizontal areas of all floors, mezzanines and lofts of the building.

Section 12-2-127.1 Retail Floor Area.

New Section added to the code to define retail floor area. "Retail floor area: for the purpose of determining gross floor area, means the sum of the gross horizontal areas of all enclosed floors, mezzanines, and lofts of the building devoted to retail sales of merchandise, as defined in section 12-2-127.1, including floor areas to display, merchandise, access isles, storage, warehousing and distribution.

Section 12-2-127.1 Retail Sales.

New section added to the code to define retail sales. "Retail sales" means the sale of merchandise for which "California state sales tax is required by the State Franchise Tax Board and applicable state law(s).

Section 12-2-127.2 Non-taxable Merchandise Floor Area.

New Section added to define Non-taxable merchandise floor area. "Non-taxable merchandise floor area" means floor area devoted to merchandise, including but not limited to food products, commodities and/ or goods, where said items are not subject to California state sales tax. This includes areas for meat and produce processing, packaging, storage, display and merchandising.

General Plan

Text changes related to Commercial retail shipping centers and permitted land uses in the Community Commercial (CC) and Neighborhood Commercial (NC) land use classifications.

PROJECT REVIEW:

The environmental impacts associated with the project were determined using the City of Santa Maria Staff Project Environmental Checklist (attached). The checklist has identified that no significant adverse impacts are expected to occur with the adoption and implementation of the proposed ordinance for the following reasons:


1. The proposed ordinance only addresses minor changes and additions to the existing Zoning Ordinance and Land Use Element and these changes do not generate physical impacts to the environment.
2. Any impacts from projects subject to this ordinance are too speculative to address at this time. All applications for development within the City are subject to site specific environmental review, and any unforeseen adverse impacts resulting from this ordinance will be addressed at that time.

Based on the above, the proposed project will not have a significant impact on the environment.

ENVIRONMENTAL RECOMMENDATION:

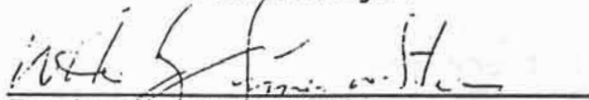
Based upon the information available at the time of the preparation of this report and without benefit of additional information which may come to light at the public hearing, the Environmental Officer recommends that a negative declaration be filed for Z-97-01 based upon the information contained in E-97-16.

PREPARED BY: City of Santa Maria
Community Development Department
110 South Pine Street, #101
Santa Maria, CA 93454



Environmental Analyst

8-27-97
Date



Environmental Officer

8 27-97
Date

L10-IEBIGBOX

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maintenance of the flag areas; and at the time of street dedication, there would be concurrent recordings: the owners of the commercial property would give to the city for recordation an open space agreement for the three (3) flag lots and give to the City a grant deed for dedication of the 48' road on their property; and Mr. Eperly would deed 18 feet (to make 48 feet across his property), consistent with the compensation as was included in the \$158,000 road agreements. Motion passed by the following roll call vote:

AYES: Baron, Macklin, Swanson and Picanco
NOES: Iversen
ABSENT: None

Mayor Picanco called for a break at 10:21 p.m. The meeting reconvened at 10:33 p.m.

19. Alley Abandonment (Jacobson)

Consider intent to vacate an alley west of Paso Robles Street between 12th & 13th Street and set a public hearing for October 20, 1998.

The City abandoned this alley in 1993, therefore, no action was taken on this item.

20. Rambouillet Easement Abandonment Request

Consider vacating a portion of the existing open space access easement located at 1801 Rambouillet and set a public hearing.

It was moved by Councilmember Iversen, seconded by Councilmember Swanson, to **Adopt Resolution No. 98-177, intention for vacating a portion of the open space access easement and set a public hearing for November 3, 1998;** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

21. Commercial Land Uses & Development Limitations

Consider initiating General Plan and Zoning Code Amendments to regulate non-taxable sales in stores exceeding 90,000 square feet. Those persons from the public speaking were: Chris Ivey, addressed the CC on this item.

It was moved by Councilmember Iversen, seconded by Councilmember Swanson to **Direct staff to initiate a General Plan & Zoning Code Amendments to consider adding protective provisions similar to the City of Santa Maria, but incorporating definitions that would be designed to still permit wholesale membership stores such as Costco and Sam's Club.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Swanson and Picanco
NOES: Macklin
ABSENT: None

22. Bridge Development Impact Fee

Consider amendments to Chapter 12.19 of the Municipal Code relating to Bridge Development Fees.

It was moved by Councilmember Iversen seconded by Councilmember Baron, to **take action on Items 18 and 22 at this time.** Motion passed by the following roll call vote:

AYES: Baron, Iversen and Swanson
NOES: Picanco
ABSENT: None
ABSTAINED: Macklin

COUNCIL MINUTES 10/06/98

ELLIS PARTNERS, INC.

RECEIVED

SEP 30 1998

COMMUNITY DEVELOPMENT

September 14, 1998

Mr. Bob Lata
CITY OF EL PASO DE ROBLES
1000 Spring Street
Paso Robles, CA 93446

RE: City Council Review of Non-taxable Retail in stores greater than 90,000 square feet

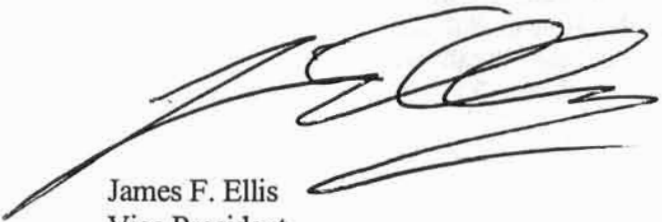
Dear Bob:

We have reviewed the staff report for the September 15 meeting regarding limiting non-taxable sales in stores greater than 90,000 square feet. We agree with the statement in the report that the implementation of such a regulation would not affect the entitlements for The Crossings at Paso Robles.

The permitted land uses for The Crossings at Paso Robles were established through the site plan and use approvals that were granted by the City of Paso Robles in 1996, and would not be affected by a zoning code amendment.

Please forward this letter to the City Council for their review at the September 15 meeting.

Sincerely,



James F. Ellis
Vice President

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HALFERTY DEVELOPMENT COMPANY

JAMES L. HALFERTY
President

September 15, 1998

Via Facsimile and Mail

Mr. Robert Lata
Director, Community Development
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Possible General Plan and Zoning Code Amendments to Regulate
Non-taxable Sales in Stores Exceeding 90,000 Square Feet

Dear Bob:

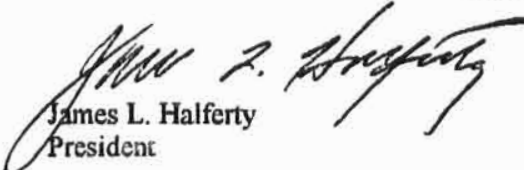
It has been brought to my attention that the City Council will be considering an item on its Agenda tonight regarding changes to the General Plan and Zoning Code Amendments that would regulate non-taxable sales in stores exceeding 90,000 square feet. Apparently, the model for this is one that was adopted by the City of Santa Maria in 1997. I wish to confirm that we believe that a supermarket in Woodland Plaza II would be a permitted use.

Based upon our understanding of the City's development and entitlement process through the approved planned development, Woodland Plaza II has the right to establish any use that is permitted by right pursuant to the City Zoning Code. We believe that Woodland Plaza II would be exempted from this proposed limitation on commercial use and development policy if it was adopted by the City.

If you have any questions regarding our opinion or views on this or if you find the Council has a differing view, please give me a call.

Very truly yours,

HALFERTY DEVELOPMENT COMPANY


James L. Halferty
President

JLH/dg

Copy: Richard J. Woodland

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: TELEGRAM-TRIBUNE

Date of Publication: January 6, 1999

Meeting Date: January 26, 1999
(Planning Commission)
February 16, 1999
(City Council)

Project: General Plan Amendment 1-99
(Real Property Lenders/Jarmin;
CGC Enterprises; (City initiated)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City of
El Paso de Robles, do hereby certify that this notice is a true
copy of a published legal newspaper notice for the above
named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF
PUBLIC HEARINGS
NOTICE OF INTENT
TO ADOPT NEGATIVE
DECLARATIONS

General Plan Amend-
ment 1-99

A Four-Part Amendment
to the Land Use Element
of the City of Paso Robles
General Plan Zone
Changes 97-008, 98-
007, 98-008 and Code
Amendment 98-009

NOTICE IS HEREBY
GIVEN that the Planning
Commission of the City
of El Paso de Robles will
hold Public Hearings to
consider making recom-
mendations regarding
adoption of Negative
Declarations and
approval of a four (4)
part General Plan
Amendment (Land Use
Element). The four com-
ponent parts, some of
which are also subjects
of Zone Change / Zoning
Code Amendment
requests, are described
as follows:

1. Pete Cagliero: A
request to change the
land use designation of
32 acres located north of
the Williams Plaza
(Von's) shopping center
from Residential Single
Family - 2 units per acre
(RSF-2) to Residential
Multi-Family Low Density
(8 units per acre) (RMF-
L). The application
includes Zone Change
97-008, a proposal to
change the zoning desig-
nation of the same 32
acres from R1-PD (Sin-
gle Family Residential,
Planned Development -
2 units per acre) to
R2-PD (Duplex/Triplex,
Planned Development).

2. Real Property Lend-
ers / Rod Jarmin: A pro-
posed General Plan
Amendment from Office
Professional (OP) to
Multi-Family Low Density
(RMF-L) for a one (1)
acre parcel located on
the north side of Creston
Road, between Walnut
Street and Trigo Lane.
The request includes
Zone Change 98-007,
from R-3-O-PD to
R-3-PD.

3. CGC Enterprises: A
proposed change from
Single-Family Residen-
tial to Multi-Family Resi-
dential (Low Density) for
seven (7) acres in a Hill-
side Area located north-
east of the intersection
of South River Road and
Charolais Road. The
General Plan Amend-
ment application is
accompanied by a Zone
Change request No. 98-
008; the requested
change is from R-1-PD
(Single Family Residen-
tial) to R-2-PD (Multi-
Family, Low Density).

4. City Initiated: A Gen-
eral Plan Amendment
and Zoning Code
Amendment 98-009 that
would place restrictions
on large-scale commer-
cial land uses that do not
generate retail sales tax.
Initiated per City Council
direction on September
15, 1998. These restric-
tions would apply to
properties that do not
already have entitle-
ments for retail commer-

The Planning Commis-
sion's hearing will take
place in the Conference
Room of the Library /
City Hall at 1000 Spring
Street, Paso Robles,
California, at the hour of
7:30 PM on Tuesday,
January 26, 1999, 1998
at which time all inter-
ested parties may
appear and be heard.

NOTICE IS ALSO
HEREBY GIVEN that the
City Council of the City
of El Paso de Robles will
hold a Public Hearing to
consider the same four
General Plan Amend-
ment components and
referenced Zone Change
/ Code Amendment
applications.

The City Council's hear-
ing will take place in the
Conference Room of the
Library / City Hall at
1000 Spring Street,
Paso Robles, California,
at the hour of 7:30 PM
on Tuesday, February
16, 1999 at which time
all interested parties may
appear and be heard.

As part of the noticed
Public Hearings, the City
Council will consider
adoption of Negative
Declarations of Environ-
mental Impact (state-
ments that there will be
no significant environ-
mental effects) in accor-
dance with the provi-
sions of the California
Environmental Quality
Act (CEQA). The pro-
posed Negative Declara-
tions will be available for
public review from
Wednesday, January 6
through Tuesday, Janu-
ary 26, 1999. Copies of
the staff report and draft
Negative Declaration will
be available for the cost
of reproduction at the
Community Development
Department, City
Hall, 1000 Spring Street,
Paso Robles, CA 93446.
Please write to this
address or call the Plan-
ning Division at (805)
237-3970, should you
have questions or com-
ments regarding this
notice or related matters.

If you challenge the
ordinance in court, you
may be limited to raising
only those issues you or
someone else raised at
the public hearing
described in this notice,
or in written correspon-
dence delivered to the
Planning Commission at,
or prior to, the public
hearing.

Bob Lata, Community
Development Director

Jan. 6, 1999 5115475

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