

TO: Jim App, City Manager
FROM: Bob Lata, Community Development Director
SUBJECT: Code Amendment 02-009 (Church uses in the Planned Industrial zone)
DATE: September 17, 2002

Needs: For the City Council to consider an amendment to Table 21.16.200 of the Zoning Ordinance to allow churches to locate within the Planned Industrial zoning district with a Conditional Use Permit.

- Facts:**
1. Table 21.16.200 of the Zoning Ordinance specifies the zoning districts that a church may be permitted or conditionally permitted. Church use is conditionally permitted in any zone except CP (Neighborhood Commercial), RC (Regional Commercial), PM (Planned Industrial), AP (Airport), and POS (Parks and Open Space), where it is not a permitted use.
 2. On June 28, 2002, Calvary Chapel of Paso Robles submitted an application to amend Table 21.16.200 of the Zoning Ordinance to conditionally permit churches in the Planned Industrial (PM) zoning district (See Attachment 3, Applicant Letter).
 3. The operational characteristics of a church are similar to those of other uses that are permitted in the Planned Industrial zoning district, such as convention centers, social clubs, gyms and health spas.
 4. Cavalry Chapel of Paso Robles filed the request for a code amendment after the pastor was informed that the PM zoning district does not permit church use. The church was given a building on Commerce Way to occupy rent-free for a period of four years, and they had submitted an application to the Community Development Department for tenant improvements, at which time they learned of the zoning restrictions.
 5. An Initial Study was completed for the project pursuant to CEQA (on file with the Community Development Department). A Negative Declaration has been prepared for adoption since the initial study concludes that the project will not have a potentially significant, unmitigated effect on the environment.
 6. The Planning Commission reviewed this project at their meeting of August 13, 2002, and forwarded a recommendation for adoption of the Negative Declaration and approval of the Code Amendment to the City Council.

**Analysis
and**

Conclusion: The City's General Plan and Zoning Ordinance have two categories generally intended to provide for the manufacturing, industrial and wholesaling type uses. The Planned Industrial zoning applies to the Business Park (BP) General Plan designation, and Manufacturing zoning covers the Industry (IND) General Plan designation. The major policy difference between them is that the Planned Industrial/BP areas are intended for

clean, attractive, indoor industry, while the Manufacturing/IND areas are intended for general industrial uses that may involve outdoor activities.

The Planned Industrial zone currently permits uses such as convention centers, wineries, libraries, museums, and other public facilities, as well as public and trade schools, gyms and health clubs. Many of these uses have operating characteristics that are similar to that of churches. In addition, churches typically operate primarily on evenings and weekends, when many commercial businesses are closed. Some of the uses permitted in the Planned Industrial zone, such as a school or a library, due to operating hours and volume of attendance, could have a much greater impact on the surrounding area than that of a church.

Churches are permitted in the Manufacturing zone, a district that allows for all the same industrial uses as the Planned Industrial zone but with the added component of outdoor uses. If approved, the Code Amendment would allow churches to locate in the Planned industrial zone, subject to the granting of a Conditional Use Permit (CUP). The CUP process provides the Planning Commission with the opportunity to review the site specific circumstances of each church and to impose conditions as may be needed to ensure that the operational characteristics, such as circulation and parking, are compatible with adjacent PM-zone uses.

Cavalry Chapel of Paso Robles has indicated that the church would operate on evenings and Wednesday nights. A separate application for a Conditional Use Permit has been submitted for review, and will be brought to the Planning Commission for final action on September 24, 2002 (pending the outcome of this application). Through the Conditional Use Permit process, issues such as parking and circulation for the church would be addressed.

It would appear that the project would comply with the requirements of the City's General Plan and Zoning Codes.

Policy

Reference: Paso Robles General Plan Land Use Element, Paso Robles Zoning Code.

Fiscal Impact: None

- Options:**
- a. **To approve the project as submitted:**
 - 1) Adopt Resolution No. 02-xx granting a Negative Declaration Status to Code Amendment CA 02-009 (Church use in PM zone).
 - 2) Introduce the Ordinance No. XXX N.S. amending Table 21.16.200 to allow churches as a conditionally permitted use in the PM zone; and set October 1, 2002, as the date for adoption of said ordinance.
 - b. **To approve the project with changes:**
 - 1) Direct staff to prepare an ordinance establishing churches as a permitted use in the PM zone with a series of newly created restrictions for churches in the PM zone.
 - 2. Setting a subsequent public hearing on the ordinance.
 - c. Amend, modify or reject above options.

Attachments:

- 1. Draft Negative Declaration Resolution
- 2. Ordinance adopting Code Amendment 02-009
- 3. Applicant's Letter
- 4. Newspaper Notice Affidavits

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A NEGATIVE DECLARATION FOR CODE
AMENDMENT 02-011 (EMPLOYEE HOUSING)

WHEREAS, the City has initiated Code Amendment 02-011 to amend the City's Zoning Code to permit employee housing in Commercial, Industrial, Agricultural, and Parks and Open Space zoning districts as conditional uses; 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 September 10, 2002 and by the City Council on September 17, 2002 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination for the proposed code amendment; and

WHEREAS, based on the information contained in the Initial Study prepared for this code amendment 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 code amendment was approved.

NOW, THEREFORE, BE IT RESOLVED, that based on the City's independent judgment, the City Council of the City of El Paso de Robles does hereby approve a Negative Declaration for Code Amendment 02-011 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of September 2002 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE
CONDITIONALLY PERMITTING CHURCHES, MEETING HALLS
AND SUNDAY SCHOOLS IN THE PLANNED INDUSTRIAL ZONE
(CODE AMENDMENT 02-009)

WHEREAS, Table 21.16.200 of the Zoning Ordinance provides for the establishment of Churches, including meeting halls and Sunday schools with a Conditional Use Permit in the AG, RA, R-1, R-2, R-3, R30, R-4, OP, C-1, C-2, C-3, and M zoning districts, but specifically excludes them from the CP, RC, POS, PM, and AP zones; and

WHEREAS, Calvary Chapel of Paso Robles desires to locate a church in an existing building located in the PM zone, and has submitted an application to amend Table 21.16.200 of the Zoning Ordinance to allow churches in the Planned Industrial zone with a Conditional Use Permit, and

WHEREAS, churches have many of the same operating characteristics as other uses currently permitted in the Planned Industrial zone; and

WHEREAS, an Initial Study was completed for the project pursuant to CEQA, and a Negative Declaration has been recommended for adoption on the basis that the project will not have a potentially significant, unmitigated effect on the environment; and

WHEREAS, at its meeting of August 13, 2002, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project.
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance.
- c. Recommended that the City Council adopt the a Negative Declaration and approve the proposed ordinance.

WHEREAS, at its meeting of September 17, 2002, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project.
- b. Considered the recommendation of the Planning Commission regarding this code amendment.
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance.

WHEREAS, at its meeting of September 17, 2002, the City Council considered and adopted the Negative Declaration for the ordinance amendment.

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

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

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

Table 21.16.200 of the Zoning Ordinance is hereby amended to read as shown on Exhibit A of this Ordinance.

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. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held September 17, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on October 1, 2002, by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn Ryan, Deputy City Clerk