

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: GENERAL PLAN AMENDMENT 02-03: PART "A" RESORT / LODGING OVERLAY;
PART "B" MUNICIPAL LANDFILL; ZONE CHANGE 02-009 MUNICIPAL LANDFILL;
CODE AMENDMENT 02-014 (CITY INITIATED).

DATE: DECEMBER 17, 2002

Needs: For the City Council to consider the Planning Commission's recommendation to approve a two-part amendment to the City's General Plan, along with an accompanying Zone Change and Zoning Code Amendment.

The proposal has the following parts: (1) A General Plan Amendment to allow a Resort / Lodging Zoning Overlay to be established on a case-by-case basis, along with a related Zoning Code Amendment; (2) a General Plan Amendment and Zone Change to establish a "Public Facilities" designation for the City's Municipal Landfill.

Facts:

1. Developing Paso Robles into an "end destination" tourist attraction is one of the goals in the City's adopted Economic Development Strategy. Providing resort hotels and other forms of lodging in appropriate locations would help implement this goal.
2. The Resort / Lodging component of the General Plan Amendment has been initiated in order to accommodate proposals to develop resorts and other forms of lodging without creating broader and potentially incompatible commercial land use designations. Code Amendment 02-014 provides the details of what would be permitted within the Zoning Overlay areas.
3. The Municipal Landfill component is intended to establish in the record that the City's Landfill has a "Public Facilities" land use and zoning designation (consistent with its actual use).
4. A Negative Declaration is proposed for each component of General Plan Amendment 02-003.
5. On November 26, 2002 the Planning Commission held a public hearing to consider this proposal. The Commission was unanimous in its support of the General Plan Amendment, Zoning Code Amendment and Zone Change.

Analysis and Conclusion: Resort / Lodging Overlay: Providing a Zoning Overlay would allow the Planning Commission and City Council to selectively support establishment of resorts, hotels, and similar lodging land uses in appropriate locations without "opening the door" to the full range of commercial land uses (which may not be appropriate in locations where resorts / lodging could be accommodated).

As proposed, each applicant would need to apply for (1) a Zoning Overlay in a specific location and (2) a Development Plan that details the proposed project. As structured, the Commission and Council could call for project details to be submitted before considering a Zoning Overlay proposal.

No specific locations are being proposed in conjunction with the General Plan Amendment and Zoning Code Amendment. Each application for a Zoning Overlay would be evaluated on its merits, following noticed public hearings related to their specific project site. The Zoning Code Amendment would implement the General Plan policy.

By their nature, hotels and other forms of lodging have a character not dissimilar to residential and office land uses. Although they have a traffic generation characteristic that may be comparable to multi-family residential land uses, they lack the intensity and general nature of a commercial land use. Site design and suitable architecture help insure compatibility with neighboring land uses.

Public Facilities Designation for Municipal Landfill: This General Plan component and Zone Change is intended to provide an appropriate land use and zoning designation for property that has been in the City since 1972. At present, the City's General Plan and Zoning maps do not reflect a land use or zoning designation for the Municipal Landfill.

Policy

Reference: California Government Code Section 65850; General Plan Land Use Element

Fiscal

Impact: None

Options:

After consideration of all public testimony, that the City Council consider taking the following actions:

a. By separate motions:

- (1)** Adopt Resolution No. 02-xx approving a Negative Declaration for General Plan Amendment 02-03 (component "A"; Resort / Lodging Overlay) and Zoning Code Amendment 02-014; and
- (2)** Adopt Resolution No. 02-xx approving a Negative Declaration for General Plan Amendment 02-03 (component "B"; Public Facilities land use element amendment) and Re-zone 02-009; and
- (3)** Adopt Resolution No. 02-xx approving General Plan Amendment 02-03, including both components (The Resort / Lodging Overlay as part "A" and the Public Facilities land use element amendment as part "B").
- (4)** Introduce for first reading Ordinance No. XXX N.S. that would amend the City's Zoning Map, establishing a "Public Facilities" (PF) zoning for the City's Municipal Landfill (APN 025-491-001), and set January 7, 2003, as the date for adoption of said Ordinance.

- (5)** Introduce for first reading Ordinance No. XXX N.S. that would amend the City's Zoning Code, establishing a "Resort / Lodging" (R/L) zoning overlay process, and set January 7, 2003, as the date for adoption of said Ordinance.

- b.** Amend, modify or reject the foregoing option.

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
GRANTING NEGATIVE DECLARATION STATUS FOR A COMPONENT OF
GENERAL PLAN AMENDMENT 02-03 (RESORT/LODGING OVERLAY)
AND ZONING CODE AMENDMENT 02-014
(APPLICANT: CITY INITIATED)

WHEREAS, the City Council of the City of Paso Robles has an adopted goal in its Economic Development Strategy to develop Paso Robles into an "end destination" tourist attraction; and

WHEREAS, in pursuit of that goal, a proposal has been made to provide a "Resort/Lodging" zoning overlay as a tool to establish resorts and other forms of lodging in appropriate locations. Both a General Plan Amendment and a related Zoning Code Amendment are being proposed to accomplish this purpose; and

WHEREAS, for each property that is proposed to have a "Resort/Lodging" zoning overlay, there will be a separate process for consideration of a Zone Change, and no entitlement is being granted by virtue of approving the General Plan Amendment and Zoning Code Amendment; and

WHEREAS, an Initial Study was prepared for this project, a copy of which is attached; 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 November 26, 2002 and by the City Council on December 17, 2002 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, that based on the City Council's independent judgment, the City Council of the City of El Paso de Robles does hereby to approve a Negative Declaration for this component of General Plan Amendment 02-03 and Zoning Code Amendment 02-014, 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 December 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
GRANTING NEGATIVE DECLARATION STATUS FOR A COMPONENT OF
GENERAL PLAN AMENDMENT 02-03 AND REZONE 02-009
(PUBLIC FACILITIES DESIGNATION
FOR MUNICIPAL LANDFILL; CITY INITIATED)

WHEREAS, the City of Paso Robles routinely establishes a General Plan and Zoning designation in conjunction with annexation of property; and

WHEREAS, the City's records do not reflect the City having established a General Plan and Zoning designation for the Municipal Landfill property when the subject property was annexed to the City of Paso Robles in 1972; and

WHEREAS, the purpose of the proposed General Plan Amendment and Zone Change is to establish a General Plan and Zoning designation that is consistent with the existing land use, specifically "Public Facilities"; and

WHEREAS, an Initial Study was prepared for this project, a copy of which is attached; 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 November 26, 2002, and by the City Council on December 17, 2002 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, that based on the City Council's independent judgment, the City Council of the City of El Paso de Robles does hereby to approve a Negative Declaration for this component of General Plan Amendment 02-03 and Zone Change 02-009, 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 December 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit “A”

Zoning Code Amendment 02-014

Chapter 21 et seq. of the Zoning Code of the City of Paso Robles is amended as follows:

Section 21.12.10 (Districts Established); add to the list: “Resort/Lodging district or R/L District”

Section 21.13.020, add to the list: “K. 21.18B, Resort/Lodging (R/L) overlay”

Chapter 21.18 B (new Section):

“Resort / Lodging Overlay District

Sections:

- 21.18B.010 Purpose**
- 21.18B.020 Uses permitted – Approval Process**
- 21.18B.030 Accessory / Ancillary Land Uses**
- 21.18B.040 Conditionally Permitted Land Uses**

21.18B.010 Purpose

The Resort / Lodging (R/L) overlay district is intended to provide a means through which the City Council (and, through the Development Review process, the Planning Commission) can consider and selectively provide appropriate locations resort hotels, motels, bed & breakfast inns, and similar forms of visitor-serving lodging (along with related accessory / ancillary land uses).

The City’s adopted Economic Development Strategy establishes the goal of developing Paso Robles into an “End Destination” tourist attraction. Providing a Resort / Lodging (R/L) zoning overlay can assist in achieving this goal by encouraging consideration of appropriate locations for Resorts, Lodging and related / ancillary land uses (without providing the broader range of permitted and conditionally permitted land uses and the accompanying neighborhood and environmental impacts that are associated with a Commercial or Industrial General Plan or Zoning Designation). The R/L land use overlay can be established on any property, subject to approval of a Zone Change application.

ORDINANCE NO. ____ N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN
SECTION 21.12.020 OF THE ZONING CODE (TITLE 21)
(REZONE 02-009 – MUNICIPAL LANDFILL)

WHEREAS, in conjunction with General Plan Amendment 02-03 (Part 2 of a 2 part General Plan Amendment), it has been proposed that the Municipal Landfill (Assessor Parcel No. 025-491-001) be designated as “Public Facilities” (PF) Zone, consistent with the proposed General Plan for the subject property; and

WHEREAS, at its meeting of November 26, 2002, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (general plan amendment and rezone);
- b. Conducted a public hearing to obtain public testimony on the proposed project;
- c. Recommended that the City Council approve the proposed rezone; and

WHEREAS, at its meeting of December 17, 2002, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on the proposed project;
- d. Based on the information contained in the Initial Study prepared for this project, found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- e. Adopted a resolution to approve General Plan Amendment 02-03, of which this application is the Part 2 component, which enables Rezone 02-009 to be in conformance with the General Plan;

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

1. The above stated facts of this ordinance are true and correct.
2. This rezone 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:

SECTION 1. Section 21.12.020 of the Municipal Code (Zoning Map) is hereby amended as shown on the attached Exhibit A.

SECTION 2. 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 3. 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 4. 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 5. 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 of the City of El Paso de Robles held on December 17, 2002, and passed and adopted on the 7th day of January 2003 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. ____ N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 OF THE CITY'S ZONING CODE
REGARDING RESORT / LODGING ZONING OVERLAY
(CODE AMENDMENT 02-014; CITY INITIATED)

WHEREAS, in conjunction with General Plan Amendment 02-03 (Part 1 of a 2 part General Plan Amendment), it has been proposed that provisions be made to allow for a Resort/Lodging (R/L) Zoning Overlay; and

WHEREAS, Code Amendment 02-014 has been initiated to consider making provisions in the City's Zoning Code as an implementation of General Plan Amendment 02-003 (Part 1); and

WHEREAS, at its meeting of November 26, 2002, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (General Plan Amendment and Zoning Code Amendment);
- b. Conducted a public hearing to obtain public testimony on the proposed project;
- c. Recommended that the City Council approve the proposed General Plan Amendment and Zoning Code Amendment; and

WHEREAS, at its meeting of December 17, 2002, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on the proposed project;
- d. Based on the information contained in the Initial Study prepared for this project, found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration;
- e. Adopted a resolution to approve General Plan Amendment 02-03, of which this application is the Part 1 component, which enables Code Amendment 02-014 to be in conformance with the General Plan;

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

1. The above stated facts of this ordinance are true and correct.
2. This rezone 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:

SECTION 1. Title 21 of the City's Zoning Code is hereby amended as shown on the attached Exhibit A.

SECTION 2. 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 3. 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 4. 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.

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AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Zone Change 02-009

Exhibit Map to be Attached to Ordinance

Exhibit “A”

General Plan Amendment 2002-03, Component # 1

Amend Page LU-70A of the General Plan to add the following:

Resort / Lodging Overlay Zone (R/L): The Resort / Lodging (R/L) zoning overlay is intended to be a tool for implementing the City’s adopted Economic Development Strategy. The Strategy establishes the following goal: Develop Paso Robles into an “End Destination” Tourist Attraction. Providing a Resort / Lodging (R/L) zoning overlay can assist in achieving this goal by encouraging consideration of appropriate locations for Resorts, Lodging and related / ancillary land uses without providing the broader range of permitted and conditionally permitted land uses (and the accompanying neighborhood and environmental impacts) that are associated with a Commercial or Industrial General Plan or Zoning Designation. The General Plan provides for a Resort / Lodging land use to be established on any property, subject to approval of a Zone Change application to evaluate the appropriateness of a Resort / Lodging land use in the proposed location.

General Plan Amendment 2002-03, Component # 2

Amend the City’s General Plan to add Page LU-83-A, providing the location of the City’s Municipal Landfill and illustrating that the Municipal Landfill has a “Public Facilities” (PF) General Plan Land Use designation.

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(PUBLIC FACILITIES DESIGNATION FOR MUNICIPAL LANDFILL -
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WHEREAS, the City of Paso Robles routinely establishes a General Plan and Zoning designation in conjunction with annexation of property; and

WHEREAS, the City's records do not reflect the City having established a General Plan and Zoning designation for the Municipal Landfill property when the subject property was annexed to the City of Paso Robles in 1972; and

WHEREAS, the purpose of the proposed General Plan Amendment and Zone Change is to establish a General Plan and Zoning designation that is consistent with the existing land use, specifically "Public Facilities"; and

WHEREAS, an Initial Study was prepared for this project, a copy of which is attached; 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 November 26, 2002, and by the City Council on December 17, 2002 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 02-03 and Zone Change 02-009 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 December 2002 by the following vote:

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NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk