

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: EXTENSION OF OFF-STREET PARKING CODE PROVISIONS  
PROVIDING INCENTIVES FOR DOWNTOWN DEVELOPMENT

DATE: DECEMBER 2, 2003

Needs: For the City Council to consider an Ordinance that would extend the current off-street parking code provisions that provide incentives for development in the downtown area.

Facts:

1. In 1994, the parking code was amended to give special incentives for development in the downtown area. These incentives are scheduled to expire December 31, 2003 unless they are extended by action of the City Council.
2. For the purposes of the off-street parking requirements, the downtown area is defined as the area generally bounded by 7<sup>th</sup> Street on the south, Oak and Vine Streets on the west, 17<sup>th</sup> Street on the north, and the railroad tracks on the east.
3. The special incentives for the downtown area are described in Section 21.22.035 of the Zoning Code; in summary:
  - a. New construction in the downtown area is allowed to provide off-street parking at the ratio of one space per 1750 square feet of land area instead of the variable parking requirements based on building size or use. (The land based ratio is intended to encourage perpendicular spaces off of alleys.)
  - b. Buildings existing as of November 1, 1992 have no off-street parking requirements for commercial, service and office land uses. (In other words, all existing buildings, regardless of size or commercial use, are “grandfathered” in terms of off-street parking requirements.)
  - c. The Planning Commission has the authority to waive the off-street parking requirement for new construction for “...the class and

nature of land uses that includes movie theaters, theatrical productions, restaurants...”

- d. The Planning Commission also has the authority to waive the off-street parking requirement when the proposed use would support the City’s Economic Development Strategy.
4. The City’s consultant who prepared the Downtown Parking and Circulation Plan that was adopted in October 2002 recommended that the City extend the special parking incentives.
5. The Paso Robles Main Street Program and the Paso Robles Chamber of Commerce were both invited to provide comments on whether or not to extend the parking incentives. Attached are copies of communications from Paso Robles Main Street, including specific recommendations of support from the Board of Directors and three operational committees (Promotions, Design, and Economic Restructuring).
6. At their meeting of November 12, 2003, the Planning Commission unanimously recommended that the City Council approve a five (5) year Time Extension/Code Amendment that would provide for December 31, 2008 as the date on which the parking code incentives would expire.

Analysis  
and

Conclusion:

The special provisions apply through December 31, 2003. They will expire unless the City Council, by ordinance, determines to extend the provisions.

If the City Council does not extend the special provisions for downtown, new construction in the downtown area will revert to the variable off-street parking requirements applicable elsewhere in the City. Under these variable requirements, a standard retail commercial land use requires one space per 250 square feet of gross floor area; other land uses such as restaurants require more off-street parking, based on area available for seating. Changes in land uses can change parking requirements.

Please note that the provisions that “grandfathered” in the use of buildings existing before November 1, 1992 do not expire.

The purpose of making special off-street parking provisions for the Downtown Area was to encourage new investment, per the Economic Development Strategy.

It seems fair to state that substantial new investment has occurred, and that a number of new developments that have resulted could not have been established under the previous off-street parking requirements. Examples include:

- The State Department of Corrections Regional Accounting Office
- McLintocks
- The Park Cinemas
- The Villa Creek Café
- Kelly's
- Alloro
- Buona Tavola
- Odyssey
- Vinoteca
- Paris
- Goshi
- Tiger's Paw
- Village Host Pizza
- Good Times Café
- Panolivo
- Cugini's
- Coldstone Creamery
- In addition there are three other restaurants pending

If the special off-street parking provisions expire December 31, 2003, the primary impact will be on new construction / infill development in the Downtown Area.

Because use of existing buildings continues to be "grandfathered" in terms of off-street parking, there will be a continuing ability for property owners to develop and occupy their existing second story building space (subject to code requirements, of course).

Policy

Reference: General Plan, Redevelopment Plan, Economic Development Strategy

Fiscal

Impact: The special incentives for development in the downtown area are designed to create a positive fiscal impact on downtown business and the City.

- Options:
- a. That the City Council consider any public testimony and/or input from other organizations, take under advisement the recommendations of the City's Downtown Parking consultant, the Paso Robles Main Street Organization, and Planning Commission, and:
    1. Adopt Resolution No. 03-xx adopting a Negative Declaration of environmental impact; and
    2. Determine that the current incentives for development in the downtown area be extended an additional five (5) years, with an expiration on December 31, 2008 unless the City Council takes action to provide a further extension, by introducing for first reading Ordinance No. XXX N.S. amending the City's Zoning Code with regards to the time extension for the provisions of Section 21.22.035; and set December 16, 2003, as the date for adoption of said Ordinance.
  - b. Amend, modify or reject Option "a".

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING A NEGATIVE DECLARATION FOR A TIME EXTENSION  
REGARDING EXISTING PARKING CODE PROVISIONS  
(PARKING CODE - CITY INITIATED)

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WHEREAS, in 1994, the City Council of the City of El Paso de Robles amended the City's Off-Street Parking Code provisions to provide special incentives for development in the Downtown Area; and

WHEREAS, in 1998 the City Council extended the special incentives for development in the Downtown area until December 31, 2003; and

WHEREAS, those provisions, and, in particular, Section 21.22.035C of the Municipal Code, provide that certain of the incentives would expire on December 31, 2003 unless the City Council extends the incentives by ordinance; 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, a public hearing was conducted by the City Council on December 2, 2003 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 a time extension of the provisions of Section 21.22.035 of the Municipal Code in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 2<sup>nd</sup> day of December 2003 by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk



ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 21.22.035C OF THE MUNICIPAL CODE  
(PARKING CODE TIME EXTENSION / AMENDMENT)

WHEREAS, in 1994, the City Council of the City of El Paso de Robles amended the City's Off-Street Parking Code provisions to provide special incentives for development in the Downtown Area; and

WHEREAS, in 1998 the City Council extended the special incentives for development in the Downtown area until December 31, 2003; and

WHEREAS, those provisions, and, in particular, Section 21.22.035C of the Municipal Code, provide that certain of the incentives would expire on December 31, 2003 unless the City Council extends the incentives by ordinance; and

WHEREAS, at its meeting of November 12, 2003 the Planning Commission took the following actions regarding the status of the time extension:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted the recommendations of the City's Downtown Parking Consultant and the Paso Robles Main Street Program, along with public testimony on the proposed ordinance;
- c. Recommended that the City Council approve a time extension for the special development incentives provided by Section 21.22.035C of the Municipal Code; and

WHEREAS, at its meeting of December 2, 2003, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the code amendment and adopted a Negative Declaration in accordance with the California Environmental Quality Act;
- d. Considered the Commission's recommendation from the Planning Commission's November 12, 2003 public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on December 16, 2003, the City Council held second reading of said ordinance.

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 time extension / 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:

Section 21.22.035C of the Municipal Code is hereby amended to read as follows:

C. Effective Dates. The off-street parking requirements and exemptions from said requirements that are provided for in this section shall apply from the effective date of the ordinance codified in this chapter through December 31, 2008. Prior to December 31, 2008, the City Council may, by ordinance, determine to extend the effective period of said requirements and/or exemptions. In the absence of an affirmative action by the City Council to extend the requirements and/or exemptions provided for in this chapter, on January 1, 2009 off-street parking requirements for new constructions within the downtown area, as defined in Section 21.22.030 et seq. of the Paso Robles Municipal Code, shall revert to the off-street parking requirements contained in Section 21.22.040 of the Paso Robles Municipal Code. Even if the City Council does not extend the off-street parking requirements and/or exemptions provided for by this chapter, any buildings and structures, existing as of January 1, 2009, shall continue to be exempt from off-street parking requirements.

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 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 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 on December 2, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 16<sup>th</sup> day of December by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk