

TO: James L. App

FROM: Ron Whisenand, Community Development Director

SUBJECT: Uptown/Town Centre Specific Plan, General Plan Amendment 2011-001, and Code Amendment 11-001

DATE: May 3, 2011

Needs: For the City Council to consider approval of the Uptown/Town Centre Specific Plan, General Plan Amendment 2011-001, Code Amendment 11-001, and certification of the Final Environmental Impact Report (EIR) for these actions.

Facts:

1. At its meeting of March 1, 2011, the City Council conducted a public hearing to consider the Draft Uptown/Town Centre Specific Plan, the general plan amendment, code amendment, and the Final EIR. The Council closed the public hearing but continued discussion of the specific plan to May 3, 2011 in order that a Final Public Draft Specific Plan that incorporated all of the changes desired by the Council, as recorded in the Addendum, be prepared and distributed.
2. A Final Public Draft Specific Plan was prepared and distributed to Council on April 19. Copies of the Final Draft were placed in the Library and on the City's web site. CD copies were provided to the Planning Commission. Notice of availability of the Final Draft was made to an extensive list of stakeholders and interested parties via email and letter (for those without email).
3. The City has conducted extensive public outreach in the preparation and review of the plan. Several public workshops and a 5 day charrette were conducted; meetings were held with stakeholders; several public workshops were conducted after the draft plan was circulated. Attached is a one-page chronology of this input (Attachment 2).
4. The documents and testimony to be included as part of consideration of the specific plan and its attendant general plan and zoning code amendments are:
 - a. Final Public Draft Specific Plan, dated 18 April 2011 (not attached to this report);
 - b. Final EIR for the project (not attached to this report);
 - c. This staff report;
 - d. Oral public testimony to be made at the public hearing.

Copies of the Public Draft Specific Plan, Addendum, and Final EIR are available for review on the City's Website: www.prcity.com, in the City Library, and at the Community Development Department in City Hall.

5. Since the Council's meeting of March 1, the City has received a single letter from Thomas Madden, dated March 7. A copy of that letters is attached. (Attachment 8). It is discussed in the Analysis Section of this report.
6. At its meeting of March 1, discussions on aspects of the plan that could have conflicts of interest for certain Councilmembers were conducted in a manner to avoid such conflicts. The votes by geographic subareas are summarized in the Analysis section of this report.

7. At its meeting of March 1, the City Council closed the public hearing and continued discussion on the plan to May 3. The Council is not required to re-open the public hearing. However, the Council may accept public comments as it regularly does for any item on the Agenda.

Analysis and

Conclusion: Policy Basis and Public Input

As noted in the staff reports for prior hearings before the City Council and Planning Commission, the General Plan and Economic Strategy contain several policies and actions calling for a specific plan and form-based zoning code. Additionally, as noted in Fact #3, above, the City has conducted extensive public outreach in the preparation and review of the plan. The consultants assembled a draft plan that strove to implement the policies and actions and incorporate the comments made by the public at the workshops, meetings, and hearings listed in the attached Chronology (Attachment 2).

The Specific Plan is complex, and it is not perfect. It is anticipated that it will need to be amended from time to time to adjust it to local realities and new information that the City will receive in the future. It is suggested that the Council direct staff to schedule semi-annual reviews (every 6 months) of the Plan at which the plan, including Chapter 5, the Form-Based Zoning Code, can be amended if it is deemed necessary. After a period of time, e.g. five years, the frequency of reviews could be lengthened.

If the Council agrees with this suggestion, it is recommended that it take a minute action (voice vote) directing staff to schedule semi-annual reviews, which shall include public hearings before both the Planning Commission and City Council so that the Specific Plan might be amended if necessary. A suggested schedule would have the Council hearings occur on the first meetings of March and September. Such reviews would continue on a semi-annual basis until the Council directs that the frequency of reviews be reduced.

Avoidance of Conflicts of Interest

State law provides that councilmembers cannot participate in the discussions or vote on plans or codes that affect land use where proposed facilities or land uses are located within 500 feet of real property that they own. The City Attorney has advised that, in the case of land use plans and codes, the area of conflict cannot be limited to that radius, but must include a neighborhood.

A map dividing the Specific Plan Area into three geographic subsections was prepared for the March 1 hearing (Attachment 7). During discussion of Chapters and plan components (e.g. proposed public works project and zoning) that affected real property, only those councilmembers without conflicts of interest in any given geographic subsection participated in the discussion and took straw votes. The straw votes were as noted below. All recommendations for approval were made subject to changes to be noted in the Addendum and incorporated into the Final Public Draft Specific Plan.

Chapter 1 (no Councilmembers had conflicts) 5-0 to approve

Chapter 2

Subarea A (no Councilmembers had conflicts) 5-0 to approve

Subarea B (Councilmember Hamon had conflicts)..... 4-0-1 to approve
Subarea C (Councilmember Gilman had conflicts) 4-0-1 to approve

Chapter 3* (no Councilmembers had conflicts) 5-0 to approve

Chapter 4* (no Councilmembers had conflicts) 5-0 to approve

Chapter 5

Subarea A (no Councilmembers had conflicts)..... 5-0 to approve
Subarea B (Councilmember Hamon had conflicts)..... 4-0-1 to approve **
Subarea C (Councilmember Gilman had conflicts) 4-0-1 to approve **

* In the Final Public Draft Specific Plan, Chapters 3 and 4 were “reversed”, i.e., Chapter 3 became Chapter 4 and vice versa.

** One recommendation made to the Zoning Map, to place T-3F Zoning between 13th and 16th Streets and between Vine and Oak Streets, straddled Subareas B and C. The vote for that recommendation was 3-0-2.

As long as the City Council does not reconsider their prior straw votes, the full Council can now vote on the Specific Plan, the General Plan Amendment, the Code Amendment, and Certification of the Final EIR.

Architectural Styles Appendix

The Form-Based Code will include architectural style guidelines in Section 5.5.3, and as the City Council has previously directed, these guidelines are not to be mandatory. These guidelines will be graphic (i.e. include photos and drawings of acceptable architectural features), which should help developers and designers more-easily understand the types of design features that the City is seeking, thereby streamlining the permit process.

The architectural style guidelines in Section 5.5.3 show nine specific styles for residential and commercial development. Examples include Victorian, Craftsman, Spanish Revival, Main Street Commercial, and Warehouse Industrial. In the planning area are numerous examples of other styles of both residential and commercial that have been accepted, but which are not specifically described in the Draft Specific Plan. Section 5.5.3.C (Page 5:47) of the Final Draft Specific Plan suggests that the City prepare an appendix to the specific plan that shows photographs, and possibly drawings and explanatory text, of other architectural styles for existing buildings in the City that would be complementary with the nine styles described in Section 5.5.3.

General Plan and Zoning Code Amendments

State Planning Law requires that Specific Plans and the Zoning Code be consistent with the General Plan. State Law also provides that the General Plan may be amended up to four times a year. The General Plan and Zoning Code Amendments accompanying the Specific Plan serve to make adjustments so that all three documents, General Plan, Specific Plan, and Zoning Code, are consistent with each other.

Letter from Thomas Madden

Mr. Madden's letter (Attachment 8) appreciates the Council's direction that the area between 24th and 28th Streets and between the Railroad and the east side of properties fronting Spring Street should be zoned RC (Riverside Corridor). However, his letter requests that the RC Zoning specifically permit metal fabrication, industrial coating, sand blasting on the Paso Robles Tank site and elsewhere in this area, mini-storage, construction yards and construction storage yards.

Attachment 9 is an aerial photo of this area annotated to show existing land uses.

Table 5.3-1 on Pages 5:9-10 of the Final Draft Specific Plan provide that, within the RC Zone, metal fabrication, contracted services, and outdoor storage (if screened) are permitted uses. Industrial coating and sand blasting would be incidental to metal fabrication, and therefore, permitted as well.

The specific plan was drafted to prohibit the establishment of new mini-storage warehouses anywhere in the planning area, on the theory that such uses do not fit the vision for this area and should be located in other industrial areas of the City. The 2 existing mini-storage warehouses in this area would become nonconforming uses. It is worth noting that there are presently 3 mini-storage warehouses that have been approved by the Planning Commission for other areas of the City (two on Theatre Drive and one on North River Road) that have yet to be developed.

Environmental Impact Report and Mitigation Measures

Following Council discussions on March 1 regarding the FEIR, several mitigation measures were revised to clarify their intent. Briefly, the changes are as follows:

Measure 6.2-1 (Air Quality): Provides that development of sensitive land uses (e.g. schools, parks) within 500 feet of Highway 101, urban roads with 100,000 or more vehicles per day, or rural roads with 50,000 or more vehicles per day be minimized, where possible. If not possible, the design of such uses should consider mitigation measures that may include passive electrostatic filtering systems (for heating, ventilating and air conditioning systems), changing the location of air intakes, or installing non-operable windows where appropriate.

Measure 6.3-2 (Biological):

Requires preparation of a habitat evaluation, by a qualified biologist, to determine if suitable habitat for nesting birds is present, prior to approval of any development project in the Specific Plan area located within 300 feet of the Salinas River, as measured from the nearest riparian vegetation. Also provides that, if there is any existing development or use between the project site and the river, this habitat evaluation is not required.

Measure 6.3-3 (Biological):

Limits access to the river via hiking and biking trails and calls for signage at trail entrances requesting that all pets be leashed and kept on the trail and indicating that hunting, fishing, and off-trail bike riding are not permitted.

Measure 6.4-1 (Cultural Resources):

In the event that previously unknown paleontological resources are encountered during excavation and/or construction activities, contractors are required to notify the City and stop work within 100 feet of the resource discovered to allow a certified paleontologist to evaluate and appropriately remove the find for preservation, identification, analysis and the eventual storage of paleontological resources. This measure clarifies that work may continue in areas located further than 100 feet from the location of the resource.

Measure 6.4-5 (Cultural Resources):

Provides that any proposed repair, alteration, relocation, or demolition of a historic resource, as defined in the City's Historic Preservation Ordinance, shall be subject to the standards for review and approval in that ordinance.

Measures 6.4-8 through 13 (Cultural Resources): These were deleted as the City's Historic Resource Ordinance will provide the necessary mitigation.

Measure 6.10-7 (Noise):

Clarifies that specified noise mitigation measures shall be determined to be appropriate on a case by case basis, to be incorporated into contract specifications to reduce the impact of construction noise where appropriate and feasible.

At the March 1 Council Meeting, Councilmember Strong requested copies of the State Environmental Laws cited in Mitigation Measures 6.4-3 and 6.4-4 (Cultural Resources). The cited laws are attached in Attachment 10.

Reference: General Plan; 2006 Economic Strategy; State laws governing Specific Plans and Zoning Consistency with the General Plan

Fiscal Impact: The primary purpose of the Uptown/Town Centre Specific Plan is to establish a vision, policies, and standards for development and redevelopment of the historic West Side so that the City might continue to attract investment in high quality development, which will, in the long term, reap increased property tax, sales tax, and transient oriented tax revenues to the City. To pursue this end, the City has invested a little more than \$1.5 million in Redevelopment Funds (regular and housing) for consultant services and a considerable amount of City Council, Planning Commission, and staff time.

The plan recommends a palette of improvements to public facilities and infrastructure to help catalyze the vision. The expectation of the plan is that it will be implemented over 25 to 50 or more years, and that investment in public facilities and infrastructure will occur incrementally as funds are or become available. Some improvements may be accomplished with AB 1600 fees, but many may be accomplished with grants that would be facilitated via the adoption of a specific plan that documents the need and benefits of improvements.

The EIR identifies only two mitigation measures that are public facilities: a new traffic signal at Riverside and 10th Streets and some signal modifications to the existing light at Riverside and 13th Street. The latter improvements will be installed as part of the Highway 101/46 Dual Left-Turn Project to commence construction in 2011. The former will be programmed to occur as the need for the signal becomes warranted.

(Additional development in the Downtown envisioned by the specific plan would create increased traffic that would indicate such a warrant.)

Options: That the City Council approve one of the following sets of options:

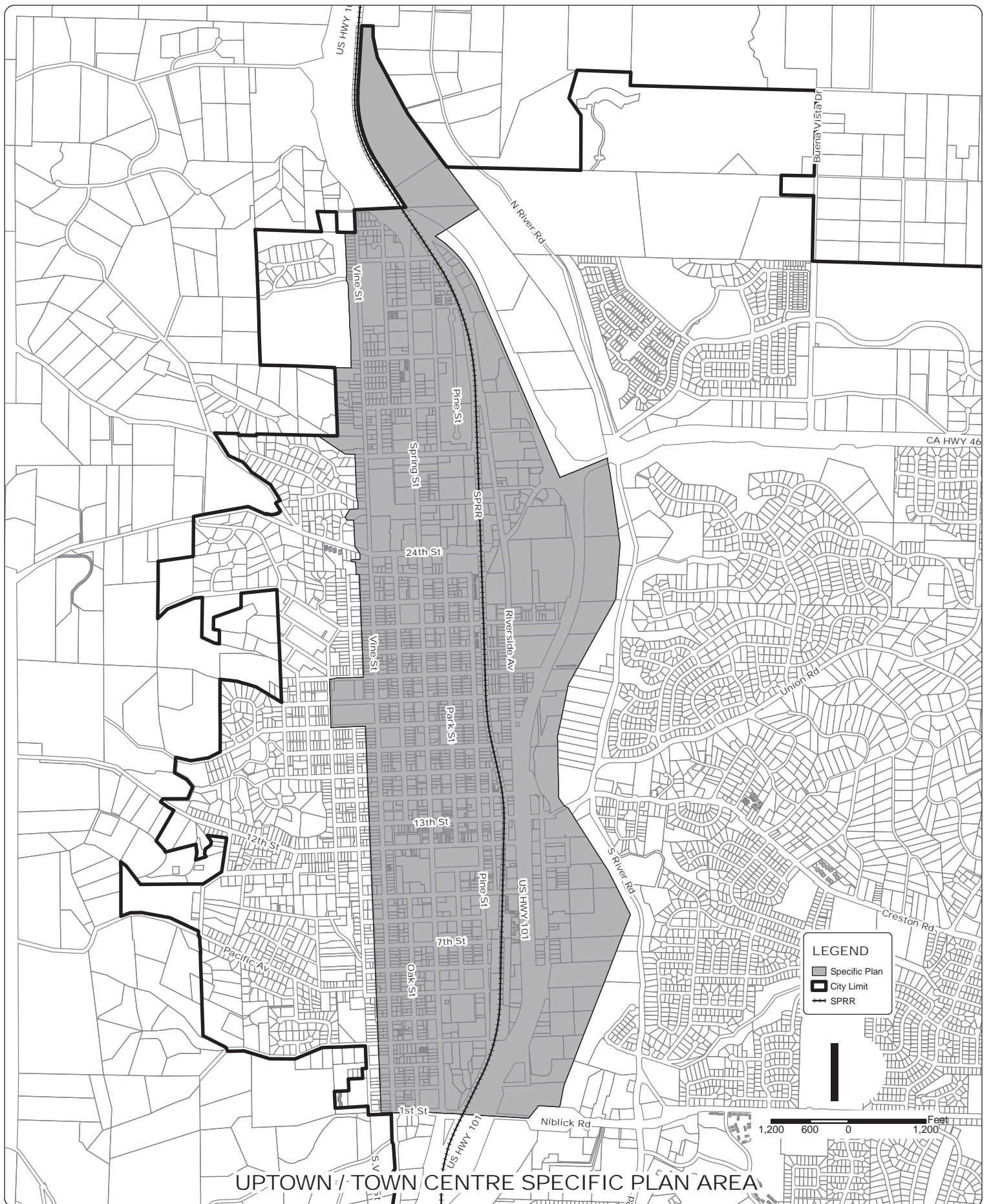
- a.
 - (1) Adopt the attached Resolution Certifying the Environmental Impact Report and Adopting a Statement of Overriding Considerations;
 - (2) Adopt the attached Resolution Adopting General Plan Amendment 2011-001;
 - (3) Adopt the attached Resolution Adopting the Uptown/Town Centre Specific Plan, which shall consist of the Public Draft Uptown/Town Centre Specific Plan dated April 15, 2011 and incorporate any additional changes that may be directed by the City Council in its motion to adopt this resolution;
 - (4) Adopt the attached Ordinance Approving Code Amendment 11-001;
 - (5) By minute action, direct staff to schedule the Form-Based Code for semi-annual review at public hearings before the Planning Commission and City Council at which amendments to the Specific Plan could be considered; it is suggested that the schedule provide for hearings before the City Council on the first meetings of March and September;
 - (6) By minute action, direct staff to initiate the preparation of an appendix to the Specific Plan to describe architectural styles that are complementary to the nine styles listed in Section 5.5.3.
- b. Amend, modify, or reject the above options.

Prepared by: Ed Gallagher, City Planner

ATTACHMENTS:

1. Map of the Uptown/Town Centre Specific Plan Area
2. Chronology of Public Input
3. Resolution Certifying the EIR and Adopting a Statement of Overriding Considerations
4. Resolution Adopting General Plan Amendment 2011-001
5. Resolution Adopting the Uptown/Town Centre Specific Plan
6. Ordinance Approving Code Amendment 11-001
7. Conflict of Interest Map
8. Letter from Thomas Madden, dated March 7, 2011
9. Annotated Aerial Photo of the Area Between 24th and 28th Streets and Between Spring Street and the Railroad
10. State Environmental Laws Pertaining to Cultural Resources

Copies of the Public Draft Specific Plan, Addendum, and Final EIR are available for review on the City's Website: www.prcity.com, in the City Library, and at the Community Development Department in City Hall.



February 13 - 14, 2008	Consultant Team Tour and stakeholder meetings
February 19, 2008	Dan Burden Workshop
March 19 - 20, 2008	Stakeholder meetings
April 10, 2008	Uptown Workshop, stakeholder meetings
April 11, 2008	Downtown Workshop (at Paso Robles Inn)
April 17, 2008	Combined Workshop (at Paso Robles Event Center), Stakeholder meetings
April 21-22, 2008	Stakeholder meetings
May 9, 2008	Stakeholder meetings
May 12-16, 2008	Charrette with several stakeholder meetings and an Oak Park Meeting
May 27, 2008	PC/CC Workshop to discuss Charrette recommendations
February 5, 2009	Property Owner briefing on traffic
July 6, 2009	Public Draft Specific Plan published
August 11-12, 2009	Stakeholder meetings
September 3, 2009	PC/CC Workshop on Draft Plan and EIR Scoping, Meeting with Paso Robles Housing Authority?
September 22, 2009	Stakeholder meeting with Housing Authority re Oak Park Redevelopment
Sept – Dec. 2009	Ad Hoc Committee meetings
September 16, 2009	Stakeholder meeting (PREC)
May 26, 2010	PC/CC Workshop: Addendum contents determined
September 9, 2010	PC/CC Workshop: Form-Based Code Training
October 26, 2010	PC/CC Workshop: Salinas River
December 8, 2010	Form-Based Code Workshop for Development Community
January 11 & 25, 2011	Planning Commission public hearing on the Draft Specific Plan

Stakeholders included: Parks & Rec Advisory Commission, REC Foundation, Oak Park Concept Group, County Office of Education, Tourism & Promotions Committee, Hoteliers, Wine Country Alliance, Jeanesville Pump/Ole Viborg, Pioneer Day Committee, Paul Viborg, Chamber of Commerce, Main Street, Community Historians, Pioneer Museum, Historical Society, School District, Housing Authority, Paso Robles Nonprofit Housing Corp. Historical Society, PREC/Fair Board, Library Board and Foundation)

RESOLUTION NO. 11-XXX
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
MAKING FINDINGS, ADOPTING STATEMENT OF OVERRIDING CONSIDERATIONS, AND
CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE ADOPTION OF THE UPTOWN/TOWN CENTRE SPECIFIC PLAN, GENERAL PLAN
AMENDMENT 2011-001, AND CODE AMENDMENT 11-001

WHEREAS, an Environmental Impact Report (EIR) was prepared for the preparation of the Uptown/Town Centre Specific Plan to establish a vision and development regulations for the continued development and redevelopment of an 1,100 acre area generally bounded by 1st Street on the South, 38th Street and the Paso Robles Hot Springs property on the North, the Salinas River on the east, and those properties fronting the west side of Vine Street on the West; and

WHEREAS, the EIR also addressed the potential environmental impacts associated with General Plan Amendment 2011-001 and Zoning Code Amendment 11-001, which were necessary actions to support the Uptown/Town Centre Specific Plan, which collectively comprise "the Project"; and

WHEREAS, a Draft EIR was circulated for public review beginning July 2, 2010 and ending on August 16, 2010, and a public meeting at which interested persons could make oral comments on the Draft EIR was conducted on August 10, 2010 during a regular meeting of the Planning Commission; and

WHEREAS, a Final EIR was prepared to respond to comments made on the Draft EIR during the public review period; and

WHEREAS, the Final EIR was considered by the Planning Commission at a public hearing on the Project, as part of its recommendation to the City Council on these activities; and

WHEREAS, the EIR was considered by the City Council after extensive review by City staff and other agencies on May 3, 2011, and with the comments of the Planning Commission and concerned public; and

WHEREAS, the potential environmental impacts of the project have been evaluated in accordance with the California Environmental Quality Act (CEQA) and the City's Rules and Procedures for Implementation of CEQA; and

WHEREAS, the City Council has duly considered all evidence, including the testimony of interested parties and the recommendations made by the Planning Commission;

BE IT RESOLVED by the City Council as follows:

SECTION 1. Environmental Determination. The City Council hereby certifies that the Final EIR adequately identifies the Project's potentially significant impacts, alternatives to the proposed Project, and recommended mitigation measures.

SECTION 2. Final EIR Findings and Statement of Overriding Considerations. Based upon all the evidence, the City Council makes the following findings and statement of overriding considerations in certifying the Final EIR:

SECTION 2. Final EIR Findings and Statement of Overriding Considerations. Based upon all the evidence, the City Council makes the following findings and statement of overriding considerations in certifying the Final EIR:

1. The Final EIR has been completed in compliance with CEQA and was considered by the City prior to any approvals of the Project.
2. The Final EIR reflects the independent judgment of the City
3. For each significant effect identified in the Final EIR under the categories of Air Quality (with respect to exposure of sensitive receptors to pollutants and conflicts with agency plans, policies, and regulations), Biological Resources, Cultural Resources, Noise, and Transportation and Traffic, the approved mitigation measures contained in the Final EIR will avoid or substantially lessen the identified adverse environmental impacts of the Project to a level where they are not significant and have been incorporated into the Project.
4. The significant effects identified in the Air Quality section of the EIR related to an increase in population that exceeds the population forecast in the San Luis Obispo Council of Governments (SLOCOG) 2005 Regional Transportation Plan (RTP) will not be fully mitigated to a degree where they are not significant with the incorporation of all of the identified mitigation measures contained in the Final EIR. However, the City Council finds that the adverse environmental effects are acceptable and makes a statement of overriding considerations for those significant and unavoidable environmental impacts because:
 - SLOCOG is preparing the 2010 RTP, which recognizes the need to make available an adequate housing supply, including new residential opportunities. The 2010 RTP will also account for the updated population projections in the City's 2003 General Plan. Therefore, the population forecast for the City in 2025 could be higher in the 2010 RTP than what was projected in the 2005 RTP. In addition, the San Luis Obispo County Air Pollution Control District (SLOCAPCD) is developing the 2011 Clean Air Plan, which would take into account the population projection contained in the City's 2003 General Plan and the 2010 RTP (to the extent that SLOCOG's data is made available to the SLOCAPCD). Therefore, the Uptown/Town Centre Specific Plan would likely be consistent with the forthcoming 2011 Clean Air Plan.
5. The City Council has identified the following overriding economic, social, and other public benefits of the project, which are additional reasons that the significant and unavoidable impacts identified in the Final EIR can be found acceptable, and hereby adopts them as a statement of overriding considerations:
 - a. The EIR identifies beneficial impacts of the Project from restoration of habitat in the Salinas River (Biological Resources), improvements to stormwater drainage and water

quality violations (Hydrology and Water Quality, Utilities – Wastewater)), and implementing alternative transportation plans (Traffic and Transportation).

- b. The Project implements goals set forth in the General Plan for the project area. The development standards included in the Specific Plan will ensure that future growth under the General Plan will be developed sustainably.
 - c. Under the specific plan, the Uptown and Town Centre areas will be developed as pedestrian-friendly, mixed-use neighborhoods, districts, and corridors.
 - d. New development will be accommodated while preserving significant historical resources, enhancing open space, and enhancing livability and quality of life.
 - e. The Project includes improvements to the roadway system in the western portion of the City needed to accommodate expected future increases in traffic.
 - f. The Project includes improvements to transportation facilities in the project area that will likely increase the use of nonvehicular modes of travel, including public transit, bicycles, and walking.
 - g. The Project provides for infill development, which reduces the need for extension of infrastructure into currently undeveloped and unserved areas.
 - h. The Project would result in economic benefit to the City by increasing commercial development, and locating such development near existing and future housing.
6. The Mitigation Monitoring Program, attached as Exhibit A to this resolution, has been reviewed by the City Council in conjunction with its review of the final EIR, and shall be carried out by the responsible parties by the identified deadlines.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of May, 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

The following environmental mitigation measures were either incorporated into the approved plans or were incorporated into the conditions of approval. Each and every mitigation measure listed below has been found by the approving body indicated above to lessen the level of environmental impact of the project to a level of non-significance. A completed and signed checklist for each mitigation measure indicates that it has been completed.

Explanation of Headings:

Type: Project, ongoing, cumulative
 Monitoring Department or Agency: Department or Agency responsible for monitoring a particular mitigation measure
 Shown on Plans: When a mitigation measure is shown on the plans, this column will be initialed and dated.
 Verified Implementation: When a mitigation measure has been implemented, this column will be initialed and dated.
 Remarks: Area for describing status of ongoing mitigation measure, or for other information.

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
6.2-1 In accordance with CARB recommendations, development of sensitive land uses within the specific plan area within 500 feet of US Highway 101, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day shall be minimized. Where this is not possible, development of sensitive land uses shall include project features that minimize the health impacts associated with freeways and heavily traveled roadways, as determined to be feasible during the design of individual buildings. Example measures to be considered include installing passive electrostatic filtering systems, changing the location of building air intakes, installing non-operable windows where appropriate to reduce particulate matter exposure, and other appropriate measures.	Project	Community Development	N/A		
6.3-1 Prior to approval of any development entitlements within the Salinas River subarea, surveys shall be conducted to determine the potential for occurrence of any of the species described in Tables 1 and 2 as having potential to occur within the Specific Plan area. If it is determined that special-status species may be present within areas to be disturbed by proposed development activities, a strategy for	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
<p>relocation, avoidance, or restoration of the affected populations or individuals must be developed and followed, as determined to be appropriate by the permitting authority.</p>					
<p>6.3-2 Prior to approval of any development project within the Specific Plan area located within 300 feet of the Salinas River, as measured from the nearest riparian vegetation, a habitat evaluation to determine if suitable habitat for nesting birds is present shall be completed by a qualified biologist. If there is any existing development or use between the project site and the river, this habitat evaluation is not required. Active nests of native bird species are protected by the Migratory Bird Treaty Act (16 U.S.C. 704) and the California Fish and Game Code (Section 3503). If the habitat evaluation determines there is suitable habitat that could be impacted by activities associated with construction or grading planned during the bird nesting/breeding season, generally January through March for early nesting birds (e.g., Coopers hawks or hummingbirds) and from mid-March through September for most bird species, the applicant shall have a qualified biologist conduct surveys for active nests. To determine the presence/absence of active nests, pre-construction nesting bird surveys shall be conducted weekly beginning 30 days prior to initiation of ground-disturbing activities, with the last survey conducted no more than three days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional pre-construction surveys shall be conducted so that no more than three days have elapsed between the survey and ground-disturbing activities.</p> <p>Surveys shall include an examination of trees, shrubs, and the ground for nesting birds. Protected bird nests that are found within or adjacent to the construction zone shall be protected by a buffer deemed suitable by a qualified biologist, and verified by the</p>	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
California Department of Fish and Game. Typically, a 300-foot buffer is required for most species and a 500-foot buffer for raptor species. Buffer areas shall be delineated with orange construction fencing or other exclusionary material that would inhibit access within the buffer zone. Installation of the exclusionary material delineating the buffer zone shall be verified by a qualified biologist prior to initiation of construction activities. The buffer zone shall remain intact and maintained while the nest is active (i.e., occupied or being constructed by the adults bird[s]) and until young birds have fledged and no continued use of the nest is observed, as determined by a qualified biologist.					
6.3-3 Trails in the Salinas River subarea for hiking and biking shall be designed to minimize access to the Salinas River to minimize potential impacts to native habitat present in the river by incorporating the following design features: <ul style="list-style-type: none"> • Signs shall be installed on all trails asking that all pets be leashed and kept on the trail. • Signs shall be installed on all trails indicating that hunting, fishing, and off-trail bike riding are not permitted. • Roads and bridges that cross the Salinas River subarea shall have adequate barriers at their perimeters to discourage access to the River adjacent to the structures. 	Ongoing	Community Development	N/A		
6.3-4 Turbidity in stormwater runoff will be controlled through implementation of a Construction Stormwater Pollution Prevention Plan (SWPPP).	Project	Community Development	N/A		
6.4-1 In the event that previously unknown paleontological resources are encountered during excavation and/or construction activities, the City of El Paso de Robles shall be notified immediately and work	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
within 100 feet of the resource discovered shall stop to allow a certified paleontologist to evaluate and appropriately remove the find for preservation, identification, analysis and the eventual storage of paleontological resources found during excavation and/or construction activities. Work may continue in areas located further than 100 feet from the location of the resource.					
6.4-2 Archaeological resources shall be avoided, or unavoidable disturbance shall be mitigated through data recovery, documentation, analysis, and curation. Archaeological treatment plans shall be developed and implemented, as applicable. All materials and records resulting from implementation of the archaeological treatment plans shall be curated in accordance with 36 Code of Federal Regulations, Part 79 (Curation of Federally Owned and Administered Archaeological Collections).	Project	Community Development	N/A		
6.4-3 If archaeological resources are uncovered on the project site during excavation, the developer must notify the City of Paso Robles immediately and work must stop within a 100-foot radius until a qualified archeologist (one who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists) has evaluated the find. Construction activity may continue unimpeded on other portions of the project site. If the find is determined by the qualified archeologist to be a unique archaeological resource, as defined by Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of Section 21083.2 of the Public Resources Code. If the find is determined not to be a unique archeological resource, no further action is necessary and construction may continue.	Project	Community Development	N/A		
6.4-4 If potential human remains are encountered during ground-disturbing activities, all work shall halt, and the San Luis Obispo	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
County Coroner's Office shall be notified, as prescribed in Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the Coroner determines that the remains are of Native American origin, the Coroner shall proceed as directed in Section 15064.5(e) of the State CEQA Guidelines. City of El Paso de Robles shall follow all guidelines outlined in Public Resources Code Section 5097.98 and Section 5097.94(k).					
6.4-5 Any proposed repair, alteration, relocation, or demolition of a historic resource, as defined in the City's Historic Preservation Ordinance, shall be subject to the standards for review and approval in the City's Historic Preservation Ordinance.	Project	Community Development	N/A		
6.4-6 Any individual project with the potential to impact a cultural resource shall follow the Secretary of the Interior's Standards and have specifications for the treatment of character-defining features. The specifications should include (but are not limited to) sections for treatment of historic fabric; quality control; substitution procedures; demolition; selective removal and storage of historic materials; protection, patching, and cleaning; determination of repair options and potential replacement of severely deteriorated features. Materials conservation plans should be incorporated into the plans and specifications as necessary.	Project	Community Development	N/A		
6.4-7 Original character-defining features of a cultural resource shall be retained and rehabilitated according to the Secretary of the Interior's Standards in order to ensure that all remaining historic fabric is appropriately treated and returned to its original appearance wherever possible. Regarding proposed activities at City Park, the Paso Robles Event Center and the Pioneer Museum, the individual components of each site shall be studied and character-defining features of each site shall be identified.	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
<p>6.10-1 New development shall reduce indoor and outdoor noise levels resulting from the railroad line by including noise mitigation techniques in design and during construction of neighborhood layout. Noise levels for outdoor use areas shall be reduced to 65 dB or less and indoor noise levels to 45 dB in the Specific Plan land use along the railroad tracks. Measures that may be employed include, but are not limited to:</p> <ul style="list-style-type: none"> • Providing a buffer, of approximately 140 feet wide between the centerline of the tracks and the boundary of the new introduced Specific Plan land use. This buffer may be part of the linear park/floodable terrace for stormwater detention. The buffer will reduce sound levels to approximately 65 dB for outdoor areas under future railroad conditions. • Where the buffer is not adequate, a combination of low berm and sound wall may be constructed between the railroad line and introduced land use. Sound walls must be high enough to interrupt the line of sight to noise-sensitive uses. • Building materials and architectural design features, such as installation of noise-insulating windows, the provision of mechanical ventilation or air conditioning to allow for windows to remain closed, may be used to reduce interior noise levels. • Land uses near the railroad tracks should be oriented away from the railroad. As much as if feasible, windows should also face away from the railroad tracks. Balconies, if included, should also face away from the railroad tracks. Useable backyards should have fencing or orientation such that the line-of-sight to the railroad tracks is blocked. 	Project	Public Works: Building Division	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
<ul style="list-style-type: none"> In developments with parking lots, the parking lots should be placed between the land use and the railroad tracks to provide additional buffer. 					
6.10-2 Where determined to be necessary by the Community Development Department, parking lots constructed as part of individual projects developed within the Specific Plan shall be designed to use buildings or sound walls to break the line of sight between residential or other sensitive land uses and parking areas. Acoustical analysis shall be performed to demonstrate that the parking lots do not result in noise levels that exceed City standards at nearby residential or other sensitive land uses property lines. These components shall be incorporated into the plans to be submitted by the individual project applicants to the City of Paso Robles for review and approval prior to the issuance of building permits	Project	Community Development	N/A		
6.10-3 Where determined to be necessary by the Community Development Department, loading docks constructed as part of individual project developed within the Specific Plan shall be designed to have either a depressed (i.e., below grade) loading dock area; an internal bay; or wall to break the line of sight between residential or other sensitive land uses sand loading operations. Acoustical analysis shall be performed to demonstrate that the loading docks do not result in noise levels that exceed City standards at nearby residential or other sensitive land uses property lines. These components shall be incorporated into the plans to be submitted by the individual project applicants to the City of Paso Robles for review and approval prior to the issuance of building permits	Project	Community Development	N/A		
6.10.-4 Individual projects developed as part of the Specific Plan shall minimize noise impacts from electrical and mechanical equipment,	Project	Public Works:	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
such as ventilation and air conditioning units, by locating equipment away from receptor areas, proper selection and sizing of equipment, installation of equipment with proper acoustical shielding and incorporating the use of parapets into building design.		Building Division			
<p>6.10.-5 Where determined to be necessary by the Community Development Department, individual projects developed as part of the Specific Plan shall use best management practices (BMPs) to reduce vibration due to construction activities by implementing any of the following:</p> <ul style="list-style-type: none"> • Identifying all uses in the vicinity that may be adversely affected by the vibrations, including residences built in earlier phases and non-residential land uses that may contain vibration-sensitive equipment; • Installing seismographs at the aforementioned sensitive locations to ensure that vibration thresholds are not exceeded, and/or that construction activities would not cause structural damage or adversely affect vibration-sensitive equipment; • Adjusting vibration amplitudes of the construction equipment used on site such as limiting the number of pieces operating in one location at the same time in areas where conditions would effect structures, the sensitivity of vibration sensitive equipment, and/or human tolerance; • Utilizing cast-in-drilled-hole (CIDH) piles in lieu of pile driving; • Providing notification to the residential land uses directly adjacent to the project site, at least 10 days in advance, of construction activities that are anticipated to result in vibration levels above the thresholds; 	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
<ul style="list-style-type: none"> Conducting demolition, earthmoving, and ground-impacting operations sequentially, so as not to have two such operations occurring on the project site at the same time; Selecting a demolition method to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers); and/or Operating earth-moving equipment on the construction site as far away as possible or practical from vibration-sensitive sites; using wheeled or rubber-tracked equipment, and using small pieces of equipment such as smaller bulldozers when possible. 					
6.10-6 Demolition and construction activity for site preparation and for future development shall be limited to the hours between 7:00 AM and 7:00 PM. Non-noise generating construction activities such as interior painting are not subject to these restrictions.	Project	Community Development	N/A		
6.10-7 For all demolition and construction activities in the Specific Plan area, the following measures, or other measures determined to be appropriate on a case by case basis, shall be incorporated into contract specifications to reduce the impact of construction noise where appropriate and feasible: <ul style="list-style-type: none"> Ensure that construction equipment is properly muffled according to industry standards and in good working condition. Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible. Schedule high noise-producing activities between the hours of 7:00 AM and 7:00 PM to minimize disruption to sensitive uses. Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise 	Project	Community Development	N/A		

Mitigation Measure	Type	Monitoring Department or Agency	Shown on Plans	Verified Implementation	Remarks
<p>barriers or noise blankets around stationary construction noise sources.</p> <ul style="list-style-type: none"> • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 30 minutes. <p>Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the City or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a grading permit.</p>					
<p>6.17-1 To mitigate LOS impacts at the intersection of Riverside Avenue and 10th Street, a traffic signal shall be installed. Installation of a traffic signal would improve the LOS at Riverside Avenue and 10th Street to B in the AM peak hour and C in the PM peak hour.</p>	Project	Community Development	N/A		
<p>6.17-2 To mitigate LOS impacts at the intersection of Riverside Avenue and 13th Street, signal timing improvements and/or signal phasing modification shall be implemented as determined by the City Traffic Engineer. Signal timing improvements could include optimizing cycle lengths to accommodate future traffic conditions and signal timing coordination along the corridor to increase traffic volume throughput. Phasing modifications could include improvements such as right turn overlap phasing.</p>	Project	Public Works: Capital Projects Engineering Division	N/A		

RESOLUTION NO. 11-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING GENERAL PLAN AMENDMENT 2011-001 AMENDING THE LAND USE ELEMENT TO ESTABLISH THE UPTOWN/TOWN CENTRE SPECIFIC PLAN OVERLAY DISTRICT ON 1,100 ACRES GENERALLY LOCATED NORTH OF 1ST STREET, SOUTH OF 38TH STREET AND THE PASO ROBLES HOT SPRINGS PROPERTY, WEST OF THE SALINAS RIVER, AND EAST OF PROPERTIES FRONTING ON THE WEST SIDE OF VINE STREET, TO DELETE THE UPTOWN SPECIFIC PLAN OVERLAY DISTRICT, TO DELETE THOSE PORTIONS OF THE OFFICE PROFESSIONAL (OP) AND MIXED-USE (MU) OVERLAYS LOCATED WEST OF THE SALINAS RIVER, TO DELETE THE SENIOR HOUSING OVERLAY DISTRICT, TO AMEND THE LAND USE MAP, TO ESTABLISH THE MIXED USE, 8 UNITS PER ACRE, THE MIXED USE, 12 UNITS PER ACRE, AND THE DOWNTOWN COMMERCIAL LAND USE CATEGORIES, AND TO AMEND THE PARKS AND RECREATION ELEMENT TO ADD PARKS AND TRAILS FACILITIES (CITY-INITIATED)

WHEREAS, the Land Use Element of the City's General Plan contains the following policy statements:

- Maintain/enhance the City's image/identity (Goal LU-2);
- Promote architectural and design excellence by imposing stringent design and construction standards (Policy LU-2B);
- Adopt design standards to clearly articulate how important public views, gateways and landmarks are to be maintained/enhanced (Action Item 2 supporting Policy LU-2B);
- Continue to enhance the downtown as a priority (Action Item 4 supporting Policy LU-2B);
- Strive to maintain and create livable, vibrant neighborhoods and districts with:
 - Attractive streetscapes;
 - A pedestrian friendly setting;
 - Coordinated site design, architecture, and amenities;
 - Adequate public and private spaces; and,
 - A recognizable and high quality design aesthetic (Policy LU-2D);
- Continue to revitalize the historic Downtown. Focus efforts on developing Downtown Paso Robles as the specialty retail, government, office, cultural, conference, and entertainment center of the City and North County region. (Policy LU-2H);
- Continue requiring new projects to implement the adopted Downtown Design Guidelines and to adhere to the development standards of the Zoning Ordinance. (Action Item 1 supporting Policy LU-2H);
- Promote a vibrant Downtown using the following methods:
 - Implement the City's Economic Development Strategy.
 - Continue to support Main Street and Chamber of Commerce efforts to use media, publications and technology to encourage retailers and entrepreneurs to locate and build in downtown.
 - Encourage Main Street to recruit specialty stores to the Downtown;
 - Promote special events in the downtown developed by the City, Farmer's Market, Main Street, Chamber of Commerce and other community groups.
 - Accommodate and encourage special festivals and events, and public art in the Downtown area. (Action Item 2 supporting Policy LU-2H); and

WHEREAS, the Economic Strategy adopted by the City Council in 2006 contains the following policy statements:

- Improve quality of place to attract investment and knowledge workers;
- Maintain safe, healthy and attractive physical environment;
- Establish cohesive, compact and livable community for individuals and families;
- Improve overall quality of built form (design/architecture);
- Develop distinctive design standards and invest in design excellence to:
 - Create inspiring and memorable places;
 - Emphasize the appearance and qualities of the public realm;
 - Create streetscapes, pathways, and public spaces of beauty, interest, and functional benefit to pedestrians;
 - Encourage adaptive reuse of historic buildings;
 - Develop and implement form based code and architectural design standards.
- Encourage community development in live/work, mixed use, and compact, pedestrian oriented forms to accommodate all income levels and lifestyles;
- Prepare road, utility, and communications infrastructure to facilitate private investment;
- Increase labor force resident in the City.
- Preserve energy and natural resources.
- Expand and diversify hotel products, including end destination full-service resorts; and

WHEREAS, to implement the policy statements set forth in the Land Use Element and the Economic Strategy, the City has initiated the preparation of the Uptown/Town Centre Specific Plan to establish a vision for the continued development and redevelopment of an 1,100 acre area generally bounded by 1st Street on the South, 38th Street and the Paso Robles Hot Springs property on the North, the Salinas River on the east, and those properties fronting the west side of Vine Street on the West; and

WHEREAS, the Draft Uptown/Town Centre Specific Plan recommends changes to the base land use categories and overlay districts affecting several properties, thereby necessitating adoption of a General Plan Amendment in conjunction with adoption of the Specific Plan; and

WHEREAS, the horizon for the Draft Uptown/Town Centre Specific Plan is the year 2035, which extends 10 years beyond the current General Plan horizon in the year 2025; and

WHEREAS, Section 4.A of Resolution 03-232, which adopted the General Plan, provides for a maximum City population of 44,000 residents; and

WHEREAS, the number of potential dwelling units that could be built within the Uptown/Town Centre Specific Plan Area in conformance with the current General Plan would be 989 units; and

WHEREAS, the Draft Uptown/Town Centre Specific Plan anticipates that as many as 1,649 dwelling units could be built within the Uptown/Town Centre Specific Plan Area; and

WHEREAS, Chapter 5 of the Draft Uptown/Town Centre Specific Plan includes a provision that calls for the City to annually monitor residential growth within the Uptown/Town Centre Specific Plan Area and to develop and institute growth management measures to ensure that the number of dwelling units developed within the Uptown/Town Centre Specific Plan Area remains within the limits established by the General Plan; and

WHEREAS, Table PR-1 of the Parks and Recreation Element is a list of Parks and Recreation Facility Improvements to be considered for inclusion in a Parks Master Plan, Recreational Facility & Trails Plan; and

WHEREAS, the Draft Uptown/Town Centre Specific Plan proposes additional park and trails facilities; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to describe the effects of the Specific Plan, the attendant General Plan and Zoning Code Amendments, which collectively comprise "the Project"; this EIR was circulated for public review in the manner prescribed by CEQA, and mitigation measures were identified to address any potential impacts associated with the Project; and

WHEREAS, the EIR identifies only one impact that is significant and which cannot be mitigated to a point of non-significance which is that the population projections in the Draft Specific Plan exceed the population projections used in the 2001 Air Quality Plan and those adopted by the San Luis Obispo Council of Governments, which could result in the surpassing of the emission inventories in the Clean Air Plan, potentially affecting the attainment status of the region, and CEQA, therefore, requires preparation of an EIR and adoption of a Statement of Overriding Considerations if the Project is to be approved; and

WHEREAS, a Statement of Overriding Considerations was included within the resolution certifying the EIR; and

WHEREAS, pursuant to SB 18 (Chapter 905, Statutes of 2004), the City took the following actions relative to this general plan amendment and specific plan:

- a. In November 2006 and February 2008, sent letters to those Native American Tribes identified by the Native American Heritage Commission as having an interest in protecting and/or mitigating impacts to cultural places in Paso Robles inviting them to request consultation pursuant to SB 18;
- b. In November 2006 and March 2008, received letters from the Northern Chumash Tribal Council and the Santa Ynez Band of Mission Indians stating that they would like to comment on the project as it progresses;
- c. In March 2008, received a letter from the Native American Heritage Commission stating that a record search failed to indicate the presence of Native American cultural resources in the project area;
- d. In December 2010, sent letters to those Native American Tribes identified by the Native American Heritage Commission as having an interest in protecting and/or mitigating impacts to cultural places in Paso Robles informing them of the public hearings to consider adoption of this general plan amendment and specific plan and inviting them to provide comments on the project; and

WHEREAS, in the process of preparing the Uptown/Town Centre Specific Plan, the City conducted several public workshops, including a five day charrette in May 2008; and

WHEREAS, at its meetings of January 11 and 25, 2011, the Planning Commission conducted a public hearing on the Project and on January 25, 2011, took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the Project;
- b. Conducted a public hearing to obtain public testimony on the parts of the Project;
- c. Considered public testimony from all parties;
- d. Recommended that the City Council certify the EIR and approve the Project; and

WHEREAS, at its meetings of March 1 and May 3, 2011, the City Council conducted a public hearing on the Project and on May 3, 2011, took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this amendment, including the recommendation of the Planning Commission;
- b. Conducted a public hearing to obtain public testimony on this amendment;
- c. Based on its independent judgment, adopted a Statement of Overriding Considerations and certified an Environmental Impact Report for the Project 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, does hereby amend the Land Use Element of the General Plan as follows:

1. To amend Land Use Element Map LU-3 to add the Uptown/Town Centre Specific Plan Overlay District and to delete the Uptown Specific Plan Overlay District as shown in Exhibit A;
2. To amend Land Use Element Maps LU-4 and LU-4A to delete the Senior Housing Overlay and those portions of the Office Professional and Mixed Use Overlays located within the Uptown Specific Plan Overlay as shown in Exhibit B;
3. To amend Land Use Element Map LU-6 as shown in Exhibit C to:
 - a. Add the Uptown/Town Centre Specific Plan Overlay District;
 - b. Delete the Senior Housing and Oak Park Overlay Districts;
 - c. Reassign land use categories.
4. To amend Policy LU-2G of the Land Use Element Text on Page LU-8, as shown in Exhibit D, to:
 - a. Delete the reference to the Oak Park Specific Plan;
 - b. Add a reference to the Uptown/Town Centre Specific Plan;
 - c. Add a limitation on the Uptown/Town Centre Specific Plan to limit the collective build-out potential to 989 dwelling units to ensure that the overall citywide population does not exceed 44,000 by the year 2025 (per City Council Resolution 03-232).

5. To amend Section 4.0 of the Land Use Element Text on Pages LU-17 through LU-25, as shown in Exhibit E, to:
 - a. Add the Downtown Commercial (DC), Mixed Use, 8 Units per Acre (MU-8), and Mixed Use, 12 Units per Acre (MU-12) land use categories.
 - b. Delete the Senior Housing Overlay District;
 - c. Delete a note under the Commercial Service Land Use Category pertaining to mixed use in the area between Highway 101 and the Railroad, and between 18th and 24th Streets;
 - d. Make other minor typographical changes.
6. To amend Table PR-1, Parks and Recreation Facility Improvements in the Parks and Recreation Element to read as follows:

Table PR-1. Park & Recreation Facility Improvements

<i>EXISTING IDENTIFIED PARK AND FACILITY NEEDS</i>
10-acre park north of 24th Street. <u>This should include ballfields, which may replace that at Pioneer Park, and may be located between Spring Street and the Railroad.</u>
Aquatic center, preferably covered, probably a joint venture between the City, school district, and Cuesta College. Most likely to be located at Cuesta College.
10-acre park near the Borkey area
Chandler Ranch Area Specific Plan: park in conjunction with any new school site
7-10 acre park in Union/46 Specific Plan area
<i>OTHER NEEDED IMPROVEMENTS</i>
<i>Recreation Facilities</i>
Youth Center
Neighborhood Center (on east side)
Nature Center, with large contiguous open space area
Enhance crossing of Riverside <u>Avenue</u> to allow for connectivity between fairgrounds and parking lot east of Riverside <u>Avenue</u>
Public Equestrian staging area
General Recreation Services
<i>Parks</i>
No Pocket Parks needed, only larger facilities
<u>The redevelopment of Oak Park Public Housing needs rehabilitation, possibly with park or recreational amenities should include provision of a park to serve the recreational needs of the neighborhood</u>
<u>Develop a neighborhood park in conjunction with the First 5 Early School Readiness and Family Center on the northeast corner of Oak and 36th Streets</u>
<u>Redevelop Robbins Field as envisioned in the Uptown/Town Centre Specific Plan, provided that a replacement ballfield of similar size and amenities is first developed in a location that is easily accessible to West Side residents.</u>
<u>Conversion of Marie Bauer Elementary School Site to a public park that provides educational facilities to the community.</u>
<i>Bikeways and Trails</i>
Bikeways as indicated in the City's Bikeway Plan
Trail near railroad within 4th Street Specific Plan

Table PR-1. Park & Recreation Facility Improvements

<i>EXISTING IDENTIFIED PARK AND FACILITY NEEDS</i>
Make trail connections between parks facilities citywide
Pursue De Anza Trail along Salinas River
Salinas River trail on either side of the river between <u>Robert Rader</u> (13th Street) and Veteran's Memorial (<u>Niblick Road</u>) bridges
Chandler Ranch Area Specific Plan trail system
Complete the Class I pathway from Creston Road along South River Road
<i>Plans/Programs</i>
Pursue Public Art in Parks Program (development should fund public art in parks)
Implement Master Plan of Bikeways
Develop Multi-Purpose Trail Plan
Expand Bikeway trails map to include pedestrian trails

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of May 2011 by the following vote:

AYES:

NOES:

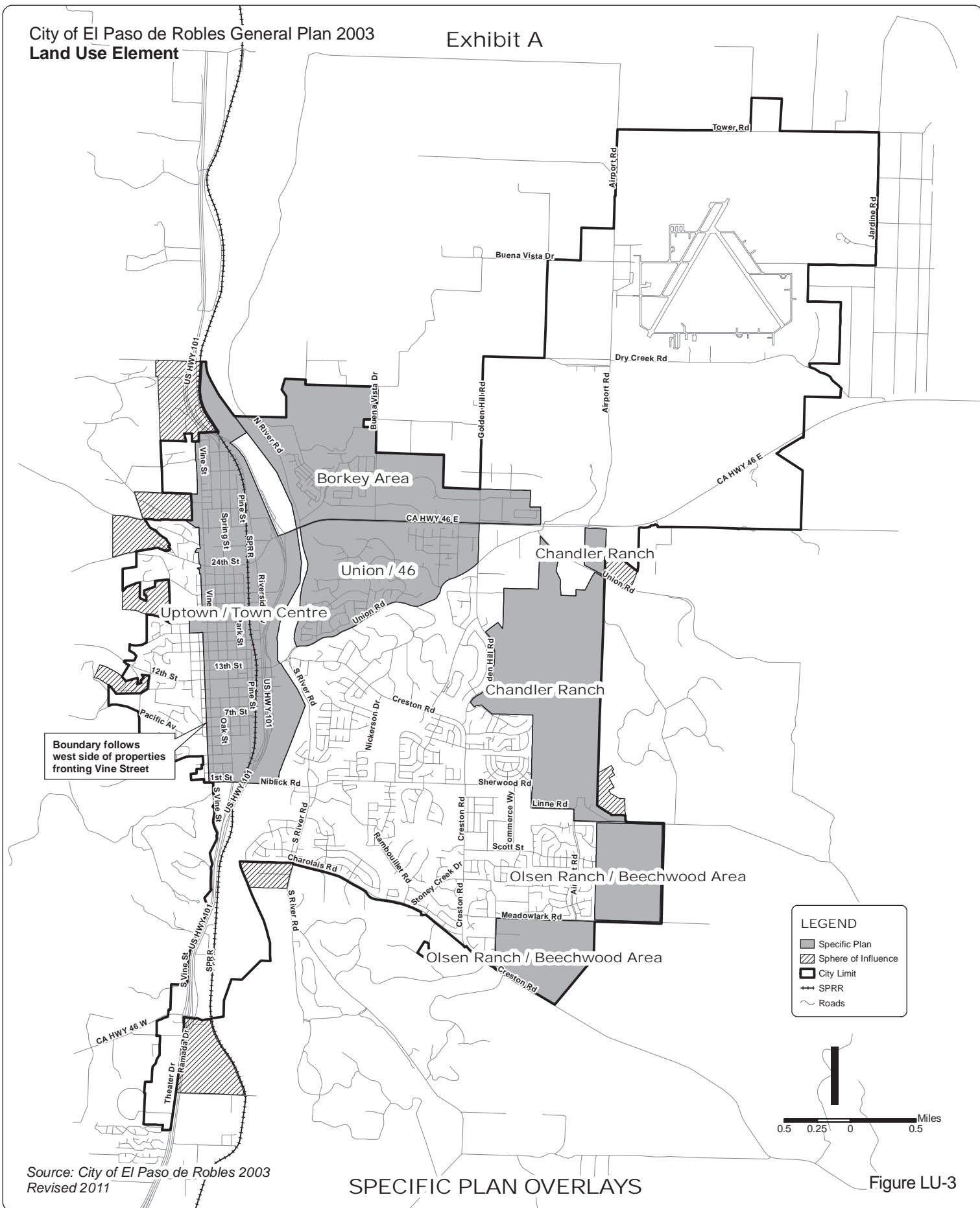
ABSTAIN:

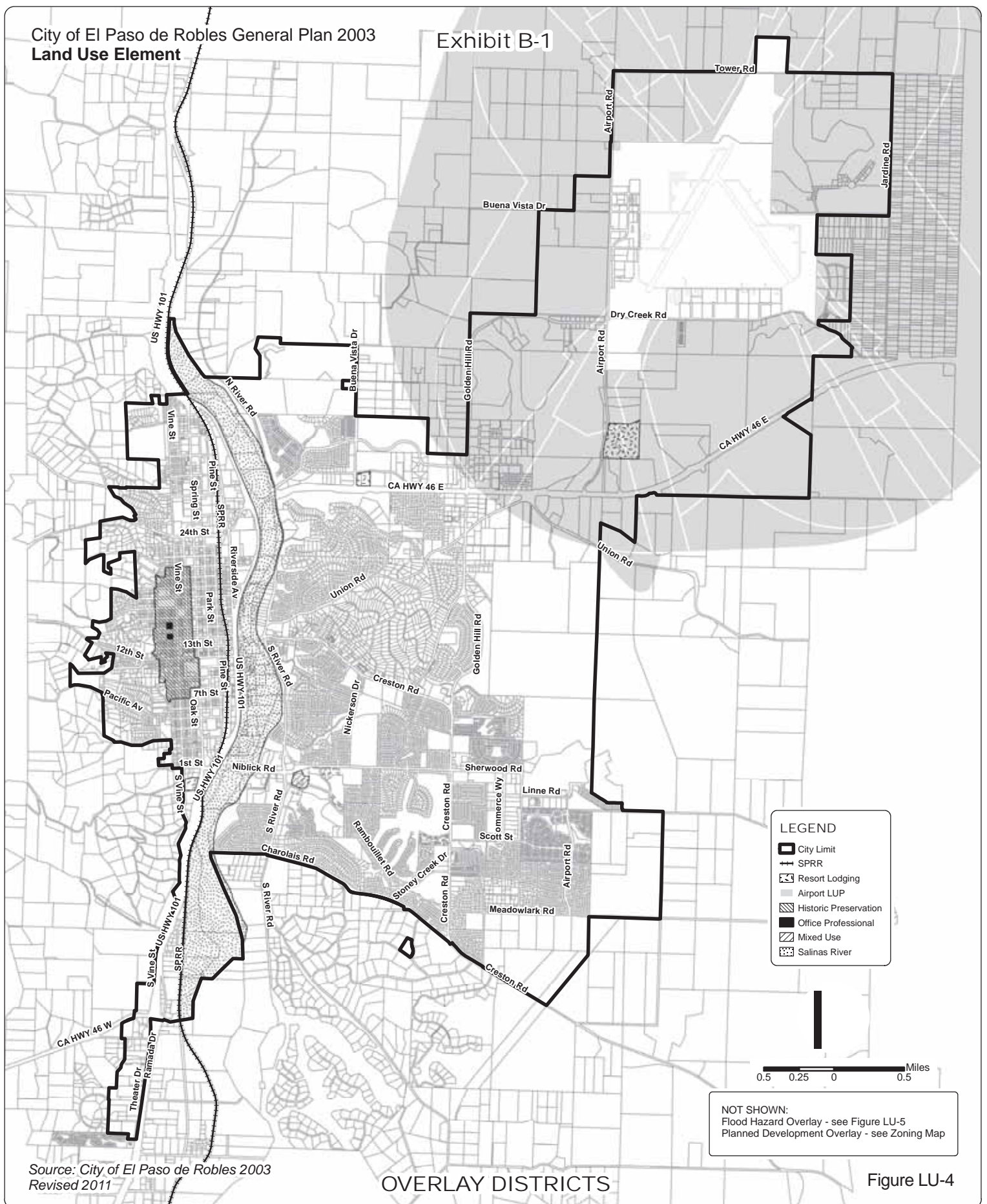
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk





Source: City of El Paso de Robles 2003
Revised 2011

OVERLAY DISTRICTS

Figure LU-4

City of El Paso de Robles



EXHIBIT C of Resolution 11- _____
 General Plan Amendment 2011-001
 Land Use Designation Changes for the
 Uptown/Town Centre Specific Plan

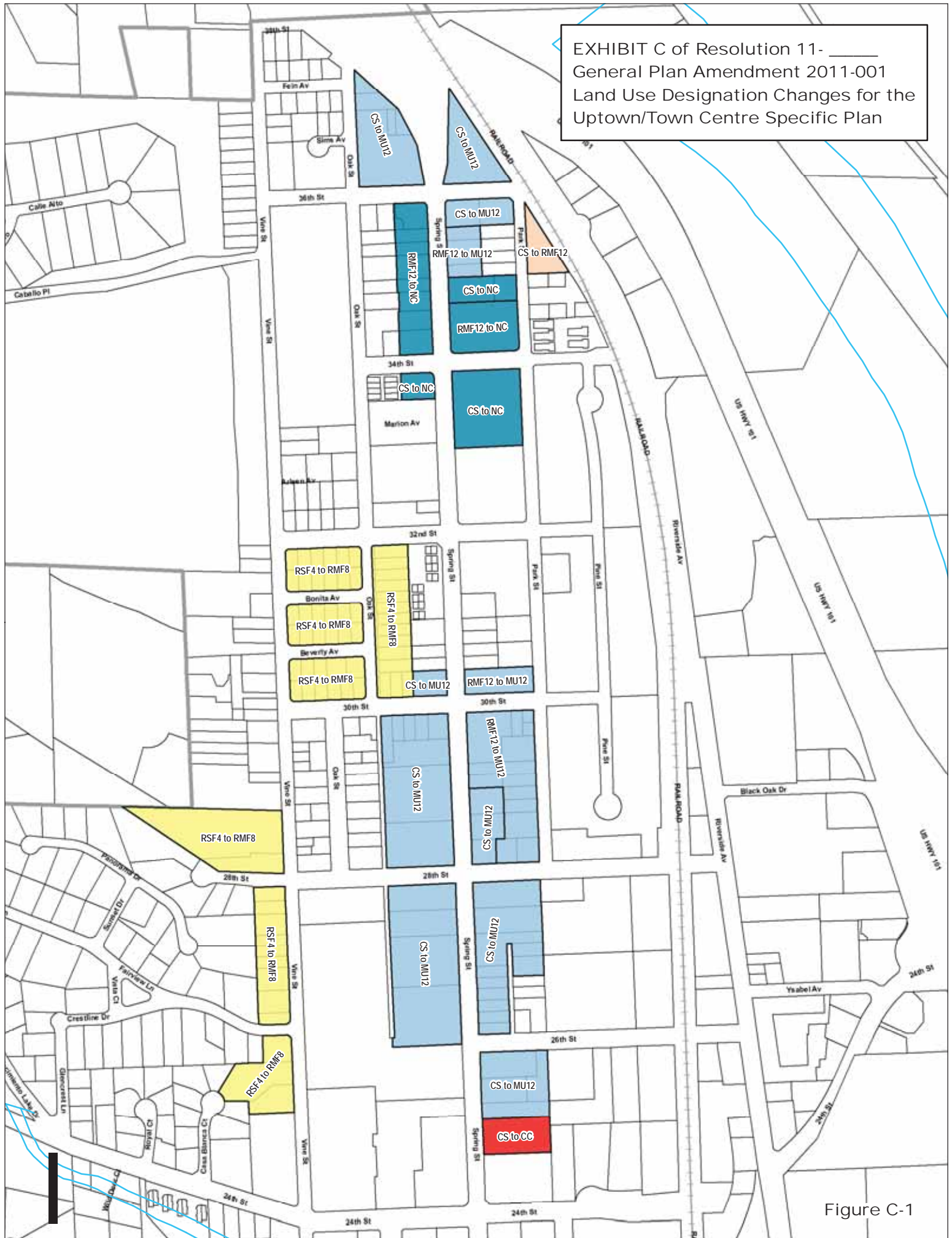


Figure C-1

EXHIBIT C of Resolution 11- _____
 General Plan Amendment 2011-001
 Land Use Designation Changes for the
 Uptown/Town Centre Specific Plan



Figure C-2

EXHIBIT C of Resolution 11-_____
 General Plan Amendment 2011-001
 Land Use Designation Changes for the
 Uptown/Town Centre Specific Plan

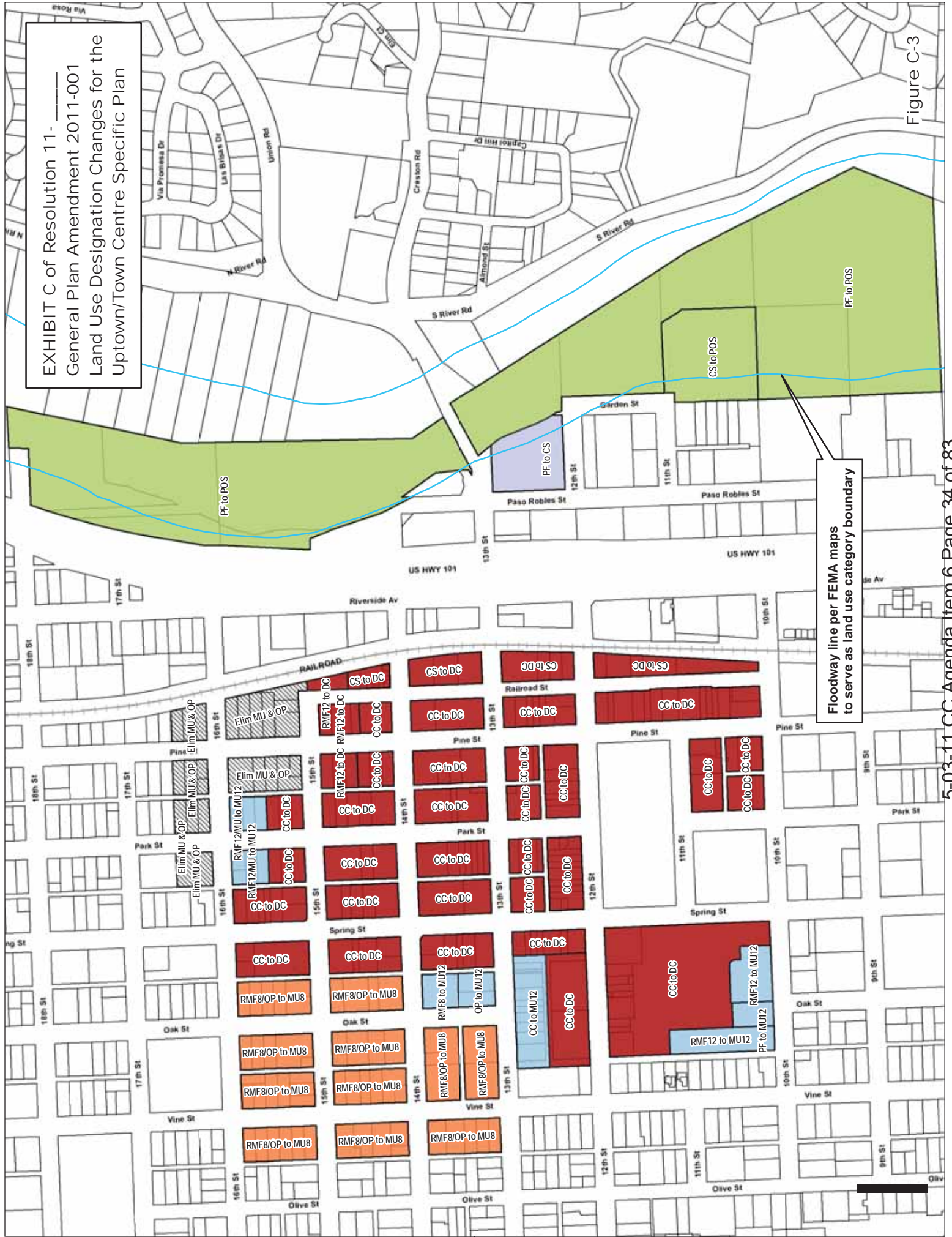


Figure C-3

[illegible][illegible][illegible]

Action Item 2: Continue to review and comment on planning efforts and development projects being considered by the County within the City's Planning Impact Area.

POLICY LU- 2G: Specific Plans. Require for large, vacant and/or underutilized areas, as well as for areas with special planning needs, as follows (refer to Figure LU-3):

- Areas outside of and southeast of the 2003 City limits, within Subarea "D" (proposed Annexation Areas between Linne Road and Creston Road). Two specific plans, which include:
- Olsen Ranch Specific Plan (Areas S2 and E3)
- Beechwood Area Specific Plan (Areas S1, E1 and E2)
- Chandler Ranch Area Specific Plan (Areas C1 and S3)
- ~~Oak Park Area Specific Plan~~ Uptown/Town Centre Specific Plan
- Other areas as established by the City Council

Limitations on Chandler Ranch Area Specific Plan, Olsen Ranch Specific Plan, ~~and~~ Beechwood Area Specific Plan, and Uptown/Town Centre Specific Plan.

1. The following shows the maximum number of dwelling units that can be accommodated within each of the specific plans. These numbers may be reduced, depending on topographic, environmental, or other development constraints:
 - *Chandler Ranch Area Specific Plan (Areas C1 and S3): 1,439 dwellings*
 - *Olsen Ranch Specific Plan (Areas S2 and E3): 673 dwellings*
 - *Beechwood Area Specific Plan (Areas S1, E1 and E2): 674 dwellings*
2. At no time shall the collective buildout potential of the Chandler Ranch Area Specific Plan, Olsen Ranch Specific Plan, and Beechwood Area Specific Plan exceed a total of **2,786** dwelling units (exclusive of second dwellings), to ensure that the overall citywide population does not exceed 44,000 by the year 2025 (per City Council Resolution 03-232).
3. At no time shall the collective buildout potential of the Uptown/Town Centre Specific Plan exceed a total of 989 dwelling units built after January 1, 2010, to ensure that the overall citywide population does not exceed 44,000 by the year 2025 (per City Council Resolution 03-232).

Within the scope of a specific plan, the Planning Commission and City Council have the authority to:

- ☒ Provide flexibility in terms of:
 - Distribution of densities within the geographic area covered
 - Parcel sizes and location (including clustering to retain unique site features)
 - Development Standards and other Zoning Ordinance requirements
 - Allowable land uses by providing an opportunity for mixed use provisions (e.g. neighborhood serving commercial land uses) within the overall residential densities anticipated in the General Plan. This flexibility includes the ability to provide for multi-family land uses as long as the total dwelling unit count is within the scope of the General Plan designation for the geographic area under consideration.

4.0 Land Use Categories

There are ~~23~~ 26 land use categories and ~~40~~ 9 special study overlay categories. The purpose of the Land Use Categories and the Land Use Map are to provide designations to guide the general distribution, location and extent of the various types of land uses in the City.

Agricultural Land Use ~~Designation~~ Category

Agriculture (AG)

Purposes:

- To allow and protect the operation of agricultural uses;
- To provide open space;
- To provide a viable land use in areas impacted by airport operations.

Residential Land Use ~~Designations~~ Categories

There are 13 residential land use categories under the General Plan, which address a range of housing types and allowed densities.

Residential Rural (RR) Land Use Category

Purposes:

- To provide a transition/buffer zone between urban and semi-urban land uses and viable agricultural uses;
- To provide an area, at the edge of the City, for relatively large lot residential development, at a maximum of 1 dwelling unit per 5 acres.

Residential Suburban (RS) Land Use Category

Purpose: To provide semi-rural single-family residential neighborhoods, at a maximum of 1 dwelling unit per 2.5 acres.

Residential Single-Family (RSF-1, -2, -3, -4, and -6) Land Use Category

Purpose: To provide urban single-family residential neighborhoods with a range between 1 and 6 dwelling units per gross acre (prior to dedication for streets). In order to attain an orderly land use pattern, some areas will have density caps of 1, 2, 3, 4, or 6 units per gross acre. Such areas are indicated on the General Plan Land Use Map as RSF-1, RSF-2, RSF-3, RSF-4, and RSF-6, respectively.

Residential Multiple Family, Low Density (RMF-8, RMF-9) Land Use Category

Purposes:

- To provide multiple family residential neighborhoods at relatively low densities, typically consisting of buildings with 2 to 3 dwelling units, at densities up to 8 or 9 dwelling units per acre;
- To permit clustered and/or attached housing production in environmentally sensitive locations;
- To permit multi-family development without giving the impression of a high density environment;
- To meet the needs of persons seeking rental housing units, at various price levels;
- To provide housing in close proximity to schools, shopping, and other services, including public transit;
- To provide a transition zone between single-family residential neighborhoods and higher-intensity land uses.

Net lot area does not include the following:

- (1) The full right-of-way for interior and adjacent streets;
- (2) Areas with slopes exceeding 35 percent;
- (3) Oak woodlands (e.g., north-facing slopes with dense oak growth);
- (4) Areas within the 100 year flood zone as determined by the City Engineer;
- (5) Areas occupied by significant resources (e.g., archaeological or historical) that may be identified as a result of environmental review.

Residential Multiple Family, Medium Density (RMF-12) Land Use Category

Purposes:

- To provide multiple family residential neighborhoods consisting of buildings with four or more dwelling units at densities up to 12 dwelling units per acre.
- To provide multi-family residential neighborhoods consisting of buildings with less than four dwelling units (including single-family detached units) when the following criteria can be met:
 - a. provide an innovative site and building design that promotes architectural and design excellence;
 - b. provide a density as close to 12 dwelling units per acre as possible;
 - c. provide multi-family type design features such as common outdoor areas, courtyards and recreation areas;
- To provide multi-family development on sites that can accommodate increased density;
- To meet the needs of persons seeking rental housing units, at various price levels;
- To provide housing in close proximity to schools, shopping, and other services, including public transit;
- To provide a transition zone between single-family residential neighborhoods and higher-traffic areas.

Residential Multiple Family, Medium-High Density (RMF-16) Land Use Category

Purposes:

- To provide multiple family residential neighborhoods consisting of buildings with four or more dwelling units on sites that are 2 acres or larger in area, allowing up to 16 dwelling units per acre;
- To meet the needs of persons seeking rental housing units, at various price levels;
- To provide housing in close proximity to schools, shopping, and other services, including public transit.

Residential Multiple Family, High Density (RMF-20) Land Use Category

Purposes:

- To provide multiple family residential neighborhoods consisting of buildings with four or more dwelling units on sites that are 2 acres or larger in area, allowing up to 20 dwelling units per acre.
- To provide the highest permissible density, located where such density can be accommodated through sensitive site and building design;
- To meet the needs of persons seeking rental housing units, at various price levels;
- To provide housing in close proximity to schools, shopping, and other services, including public transit;
- To provide a transition zone between single-family residential neighborhoods and higher-intensity land uses.

Mobile Home Park/Subdivision (MH) Land Use Category

Purpose: To provide areas for the development of mobile home parks and subdivisions, at a maximum intensity of 5 dwelling units per acre.

Commercial Land Use ~~Designations~~ Categories

There are ~~five~~ six commercial ~~designations~~ categories, which typically accommodate commercial development, but can under some circumstances allow residential or industrial uses. Areas along highways, arterials and the downtown core are reserved for a more intensive mixture of uses. Uses that tend to not be aesthetically appealing, such as mini-storages, should be placed away from viewsheds and gateway areas to the City.

Neighborhood Commercial (NC) Land Use Category

Purpose: To provide for the convenience shopping needs of the surrounding neighborhood.

Office Professional (OP) Land Use Category

Purpose: To provide areas to serve the City's needs for professional office space.

Note: The OP designated site at the northeast corner of Creston and Rolling Hills Roads shall be developed in such a manner that any drive approach into Creston Road shall permit only right turns into and out of the site.

Downtown Commercial (DC) Land Use Category

Purpose: To provide a land use category for the historic downtown, which is to serve as a center for entertainment, culture, the arts, civic facilities and events, education, community, regional, and visitor-serving retail, and offices. In order to enhance the economic vibrancy of the downtown, priority for ground floor space is to be given to uses that generate a substantial amount of pedestrian traffic, such as retail, restaurants, theatres, wine-tasting, and services such as banks, realty offices, and personal services. Offices that do not generate pedestrian traffic and residential uses may be limited to occupying upper floors.

Community Commercial (CC) Land Use Category

Purpose: To provide a land use category for commercial centers that serve the City as a whole, such as the historic downtown and designated shopping centers.

Regional Commercial (RC) Land Use Category

Purpose: To provide for the retail shopping needs of the City and region.

Commercial Service (CS) Land Use Category

Purpose: To provide areas for highway-related, commercial services, and light industrial uses.

~~*Note: In the CS designated area east of the railroad and west of Highway 101, between 18th and 24th Streets, Residential Single Family and Multi-Family Low Density types and intensities of development may occur as a conditional use.*~~

Mixed Use Land Use Categories

Two mixed use land use categories are established to accommodate multi-family residential and light commercial uses both within the same district and on the same property within such districts.

Mixed Use, 8 Units per Acre (MU8) Land Use Category

Purpose: Applied within the Uptown/Town Centre Specific Plan Area to allow a mix of multi-family residential at 8 units per acre and limited commercial uses such as offices, personal services, and neighborhood markets.

Mixed Use, 12 Units per Acre (MU8) Land Use Category

Purpose: Applied within the Uptown/Town Centre Specific Plan Area to allow a mix of multi-family residential at 12 units per acre and limited commercial uses such as offices, personal services, neighborhood markets, banks, retail shops, and restaurants.

***Industrial and Business Park Land Use* Designations Categories**

The Industrial land use category has been developed to encourage the continued viability of existing industrial development while providing encouragement for new industry to locate in the City. In addition, a Business Park (BP) category is proposed to accommodate campus-like light industrial development.

Business Park (BP) Land Use Category

Purpose: To provide areas for clean and attractive businesses and industries in which all activities are conducted indoors (some limited outdoor storage and/or activities may be permitted via approval of a conditional use permit and if completely screened). Where appropriate, compatible convenience and highway commercial land uses may be located in the Business Park category.

The Business Park category is established in the following areas:

- Airport and surrounding areas;
- Commerce Way;
- Ramada Drive, north of Highway 46 West.

Note: Within the Business Park category, nonconforming industrial land uses may be permitted to expand with City Council approval via Planned Development or its equivalent and/or Conditional Use Permit.

Industrial (M) Land Use Category

Purpose: To provide areas for general industrial uses that involve outdoor activities.

The Industrial category is established for the following areas:

- North River Road;
- 24th – 28th Streets (West of Union Pacific Railroad);
- Ramada Drive, south of Highway 46 West.

***Public Facility and Open Space* Designations Categories**

The Open Space designation is used on land where the conservation of resources is the primary concern. The Public Facility designation is established for public lands, typically where utilities, civic or institutional functions are found.

Public Facilities (PF) Land Use Category

Purpose: To provide a land use category for facilities owned and operated by public agencies (City, County, State, and local districts). Public school sites are included within this category.

Parks and Open Space (POS) Land Use Category

Purpose: To provide a category for public and private properties that are to be used only for open space and recreation.

Table LU-4 summarizes each basic land use category, uses in the category, allowable land uses in the category, and the associated development density. For mapping purposes, the area within the City Limits and Planning Impact Area are divided into subareas in order to show land use designations in greater detail and fit into the General Plan format. These subarea maps are in Figure LU-6A through LU-6W.

Table LU-4. General Plan Land Use Category Summary

Category	Typical Uses and Development Intensity/Density ¹
Land Use Designations Categories	
Agriculture (AG)	Single-family residential and agricultural uses. Two dwelling units per 20 acres (0.1 unit/acre).
Residential Rural (RR)	Single family residential and accessory uses, as well as agricultural uses, churches, and schools. Maximum 1 dwelling unit per 5 acres.
Residential Suburban (RS)	Single family residential and accessory uses, as well as limited agricultural uses (crop production, limited animal raising), churches, and schools. Up to 1 unit/2.5 acres.
Residential Single Family (RSF-1)	Single family residential with accessory uses, as well as churches, schools, and limited commercial recreational uses such as golf courses, tennis clubs, resort hotels, and equestrian facilities. Maximum 1 dwelling unit per acre.
Residential Single Family (RSF-2)	Single family residential with accessory uses, as well as churches, schools, and limited commercial recreational uses such as golf courses, tennis clubs, resort hotels, and equestrian facilities. Maximum 2 dwelling units per acre.
Residential Single Family (RSF-3)	Single family residential with accessory uses, as well as churches, schools, and limited commercial recreational uses such as golf courses, tennis clubs, resort hotels, and equestrian facilities. Maximum 3 dwelling units per acre.
Residential Single Family (RSF-4)	Single family residential with accessory uses, as well as churches, schools, and limited commercial recreational uses such as golf courses, tennis clubs, resort hotels, and equestrian facilities. Maximum 4 dwelling units per acre.
Residential Single Family (RSF-6)	Single family residential with accessory uses, as well as churches, schools, and limited commercial recreational uses such as golf courses, tennis clubs, hotels, and equestrian facilities. Maximum 6 dwelling units per acre.

Table LU-4. General Plan Land Use Category Summary

Category	Typical Uses and Development Intensity/Density ¹
Residential Multi-Family Low Density (RMF-8)	Single-family or multi-family residential with accessory uses, churches and schools. Up to 8 units/acre allowed.
Residential Multi-Family Low-Medium Density (RMF-9)	Single-family or multi-family residential with accessory uses, churches, and schools. Maximum 9 units/acre allowed.
Residential Multi-Family Medium Density (RMF-12)	Single-family or multi-family residential with accessory uses, churches and schools. Maximum 12 units/acre allowed.
Residential Multi-Family Medium-High Density (RMF-16)	Single-family or multi-family residential with accessory uses, churches, and schools. Maximum 16 units/acre allowed.
Residential Multi-Family High Density (RMF-20)	Single-family or multi-family residential with accessory uses, churches, and schools. Maximum 20 units/acre allowed.
Mobile Home Park/Subdivision (MHP)	Mobile home parks and subdivisions. Maximum 5 units/acre.
Neighborhood Commercial (NC)	Convenience shopping and personal services. (General offices only if located within multi-tenant centers designed for neighborhood retail use, and limited numbers of dwelling units to enhance security and to reduce vehicle miles traveled).
Office Professional (OP)	Professional offices, medical clinics and laboratories, and retail and services that support professional offices, as well as limited numbers of dwelling units to enhance security and to reduce vehicle miles traveled.
<u>Mixed Use, 8 Units per Acre (MU8)</u>	<u>Applied within the Uptown/Town Centre Specific Plan Area to allow a mix of multi-family residential at 8 units per acre and limited commercial uses such as offices, personal services, and neighborhood markets.</u>
<u>Mixed Use, 12 Units per Acre (MU8)</u>	<u>Applied within the Uptown/Town Centre Specific Plan Area to allow a mix of multi-family residential at 12 units per acre and limited commercial uses such as offices, personal services, neighborhood markets, banks, retail shops, and restaurants.</u>
<u>Downtown Commercial (DC)</u>	<u>The historic downtown area, which is to serve as a center for entertainment (restaurants, wine-tasting, theaters, art galleries) and retail, such as department stores and specialty shops, that serves the City-wide, regional, and visitor shopping needs, which are to be given priority for ground floor space. Limited amounts of services such as banks, realty offices, and personal services may occupy ground floor space. In general, offices and residential uses may be limited to occupying upper floors.</u>
Community Commercial (CC)	Commercial centers that serve the City as a whole: such as the historic downtown and designated shopping centers. food markets, department stores, variety stores, drug stores, banks, offices, clinics, specialty retail, personal services establishments, and similar uses. <u>In the Uptown/Town Centre Specific Plan Area, residential uses may occupy upper floors and rear portions of buildings.</u> Elsewhere in the City, as well as limited numbers of dwelling units <u>may be combined with commercial uses on the same lot</u> to enhance security and to reduce vehicle miles traveled.
Regional Commercial (RC)	Retail and service uses that serve the region as a whole, such as general merchandise, department stores, clothing, office supplies and stationary, autos and recreational vehicles, and electronic items, gasoline service stations, as well as limited numbers of dwelling units to enhance security

Table LU-4. General Plan Land Use Category Summary

Category	Typical Uses and Development Intensity/Density ¹
	and to reduce vehicle miles traveled. Certain land uses such as restaurants, hotels and motels may be considered only if they will not have an adverse impact on downtown revitalization efforts.
Commercial Service (CS)	Areas for highway-related, commercial services, and light industrial uses. Auto sales, rental and repair, restaurants, motels, building and landscaping materials sales, large appliance sales and repair, equipment rental, contracted services, light manufacturing and assembly, as well as limited numbers of dwelling units to enhance security and to reduce vehicle miles traveled.
Business Park (BP)	Areas for clean and attractive businesses and industries in which all activities are conducted indoors (some limited outdoor storage and/or activities may be permitted via approval of a conditional use permit and if completely screened). Manufacturing, fabrication, assembly, research and development, industrial services, warehousing, wholesale distribution, and convenience commercial uses, particularly those that support industrial uses (e.g., copy/blueprint services, coffee shops, convenience markets, gasoline sales).
Industrial (M)	Areas for general industrial uses that involve outdoor activities. Manufacturing and fabrication, industrial services, outside storage, auto repair, warehousing, and wholesale distribution.
Public Facilities (PF)	Facilities owned and operated by public agencies (City, County, State, and local districts). Hospitals, community centers, government offices, schools, cemeteries, public service facilities, and parks.
Parks and Open Space (POS)	Public and private properties that are to be used only for open space and recreation. Parks, City-owned land in the Salinas River and along creeks and steep, wooded hillsides, golf courses, hotels and motels in close proximity to golf courses, and commercial recreation.
<i>Overlay Districts (as shown in Figures LU-3 and LU-4)</i>	
Specific Plan (SP)	<p>Development subject to Specific Plan requirements, to be prepared in accordance with State law. Applied to the following areas shown in Figure LU-3:</p> <ul style="list-style-type: none"> • Borkey Specific Plan area bordering State HWY 46 to the north and the Salinas River; • Union/46 Specific Plan area bounded by Union Road and State HWY 46 between North River Road and Prospect Avenue; • Chandler Ranch Specific Plan area located east of Golden Hill Road, south of Union Road and north of the intersection of Sherwood Road and Fontana Road; • Olsen Ranch Specific Plan, located south of Linne Road, west of Hanson Road, north of Meadowlark Road, and east of the 2003 city limit • Beechwood Area Specific Plan, located north of Creston Road, east of Beechwood Drive, south of Meadowlark Road, and west of the PG and E right of way. • Oak Park Area Specific Plan, located on properties east of Park Street to the Railroad that are north of 28th Street north until the CS boundary line north of 34th Street.

Table LU-4. General Plan Land Use Category Summary

Category	Typical Uses and Development Intensity/Density ¹
Airport (AP)	Development subject to special review based on inclusion within Airport Land Use Plan. Applies to all properties within the adopted Airport Land Use Plan area.
Flood Hazard (FH)	Development subject to special requirements due to flood hazards mapped by FEMA.
Office Professional (OP)	Office professional development allowed pursuant to Commercial Land Use policies.
Resort/Lodging (RL)	Allows resorts, lodging and related ancillary land uses without providing the broader range of land uses associated with a Commercial or Industrial General Plan designation. Can be applied on any property.
Mixed Use (MU)	High Density Multi-Family Residential uses (up to 20 units per acre) allowed pursuant to Multi-Family Residential and Commercial Land Use policies, as applicable. With the General Plan Update, this new overlay category would be established as provided under General Plan Multi-Family Residential Land Use Policies. Under this General Plan Update, this overlay would be applied to <u>the area located on the southeast quadrant of Niblick and South River Roads, which is designated for Regional Commercial (RC) use Community Commercial (CC) or Commercial Service (CS) use in the portion of downtown bounded by 24th Street, Vine Street, 1st Street, and Riverside Street</u> and other designated locations. With this overlay district, properties could be developed with multi-family residential uses, and multifamily residential units could be established on second stories above existing commercial or office uses.
Salinas River (SR)	Development subject to special review for standards related to conservation, access and recreational opportunities along the Salinas River corridor. Standards would be developed to address conservation, access and recreational opportunities along this corridor.
Historic Preservation (HP)	Development subject to special review for consistency with historic preservation standards. This overlay category is applied to the district bordered by Chestnut Street, Oak Street, 8 th Street and 21 st Street, inclusive of both sides of these boundary streets. Standards would be developed to address preservation of historic structures within this area.
Planned Development (PD)	To provide for innovation and flexibility in the design of residential, commercial and industrial developments. Approval of a planned development can allow modification of certain development standards if it results in better design or greater public benefit. Would apply to all areas designated for residential, commercial, and industrial land use and does not require a "PD" overlay to be established for each property.
Senior Housing (SH)	To provide for senior housing subject to conformance with specific design and construction standards. To be applied to the area south of Hwy 101, west of the Railroad, north of 24th Street, and east of Oak Street.

¹ The City may establish lower maximum densities, on an individual site basis, based on environmental constraints, hillside development ordinance and discretionary review requirements (e.g., subdivision maps and Planned Developments, or their equivalents). The table indicates typical land development that could be accommodated under a particular designation in the absence of an established physical or policy constraint. Specifically allowed uses would be established through the Zoning Ordinance.

RESOLUTION NO. 11-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING THE UPTOWN/TOWN CENTRE SPECIFIC PLAN

WHEREAS, the Land Use Element of the City's General Plan contains the following policy statements:

- Maintain/enhance the City's image/identity (Goal LU-2);
- Promote architectural and design excellence by imposing stringent design and construction standards (Policy LU-2B);
- Adopt design standards to clearly articulate how important public views, gateways and landmarks are to be maintained/enhanced (Action Item 2 supporting Policy LU-2B);
- Continue to enhance the downtown as a priority (Action Item 4 supporting Policy LU-2B);
- Strive to maintain and create livable, vibrant neighborhoods and districts with:
 - Attractive streetscapes;
 - A pedestrian friendly setting;
 - Coordinated site design, architecture, and amenities;
 - Adequate public and private spaces; and,
 - A recognizable and high quality design aesthetic (Policy LU-2D);
- Continue to revitalize the historic Downtown. Focus efforts on developing Downtown Paso Robles as the specialty retail, government, office, cultural, conference, and entertainment center of the City and North County region. (Policy LU-2H);
- Continue requiring new projects to implement the adopted Downtown Design Guidelines and to adhere to the development standards of the Zoning Ordinance. (Action Item 1 supporting Policy LU-2H);
- Promote a vibrant Downtown using the following methods:
 - Implement the City's Economic Development Strategy.
 - Continue to support Main Street and Chamber of Commerce efforts to use media, publications and technology to encourage retailers and entrepreneurs to locate and build in downtown.
 - Encourage Main Street to recruit specialty stores to the Downtown;
 - Promote special events in the downtown developed by the City, Farmer's Market, Main Street, Chamber of Commerce and other community groups.
 - Accommodate and encourage special festivals and events, and public art in the Downtown area. (Action Item 2 supporting Policy LU-2H); and

WHEREAS, the Economic Strategy adopted by the City Council in 2006 contains the following policy statements:

- Improve quality of place to attract investment and knowledge workers;
- Maintain safe, healthy and attractive physical environment;
- Establish cohesive, compact and livable community for individuals and families;
- Improve overall quality of built form (design/architecture);
- Develop distinctive design standards and invest in design excellence to:
 - Create inspiring and memorable places;
 - Emphasize the appearance and qualities of the public realm;
 - Create streetscapes, pathways, and public spaces of beauty, interest, and functional benefit to pedestrians;
 - Encourage adaptive reuse of historic buildings;
 - Develop and implement form based code and architectural design standards.

- Encourage community development in live/work, mixed use, and compact, pedestrian oriented forms to accommodate all income levels and lifestyles;
- Prepare road, utility, and communications infrastructure to facilitate private investment;
- Increase labor force resident in the City.
- Preserve energy and natural resources.
- Expand and diversify hotel products, including end destination full-service resorts; and

WHEREAS, to implement the policy statements set forth in the Land Use Element and the Economic Strategy, the City has initiated the preparation of the Uptown/Town Centre Specific Plan to establish a vision for the continued development and redevelopment of an 1,100 acre area generally bounded by 1st Street on the South, 38th Street and the Paso Robles Hot Springs property on the North, the Salinas River on the east, and those properties fronting the west side of Vine Street on the West as shown in the map attached as Exhibit A of this resolution; and

WHEREAS, the Uptown/Town Centre Specific Plan was prepared to conform to the requirements of Section 65451 of the California Government Code, which specifies that specific plans must contain: text and one or more diagrams that specify the distribution, location, and extent of land uses and infrastructure; standards and criteria by which development will proceed; and a program of implementation measures; and

WHEREAS, Section 65454 of the California Government Code provides that Specific Plans shall be consistent with the General Plan; and

WHEREAS, the Uptown/Town Centre Specific Plan: recommends changes to the base land overlay and use categories affecting several properties; would accommodate the addition of 660 more dwelling units than the population planning threshold in the current General Plan would accommodate; and proposes to add public parks and trails to the list contained in Table PR-1 of the Parks and Recreation Element, thereby necessitating adoption of a General Plan Amendment in conjunction with adoption of the Specific Plan; and

WHEREAS, Chapter 5 of the Uptown/Town Centre Specific Plan includes a provision that calls for the City to annually monitor residential growth within the Uptown/Town Centre Specific Plan Area and to develop and institute growth management measures to ensure that the number of dwelling units developed within the Uptown/Town Centre Specific Plan Area remains within the limits established by the General Plan; and

WHEREAS, General Plan Amendment 2011-001 was prepared to address the changes in base and overlay land use categories, include a statement that development in the Uptown/Town Centre Specific Plan Area shall not allow construction of dwelling units that would cause the population planning threshold established by Resolution 03-232, which adopted the General Plan, to be exceeded, and to revise Table PR-1 to add the proposed parks and trail facilities; and

WHEREAS, Chapter 5 of the Uptown/Town Centre Specific Plan proposes a form-based zoning code that will supplement and supersede many zoning regulations within the Uptown/Town Centre Specific Plan Area; and

WHEREAS, Code Amendment 11-001 was prepared to adopt Chapter 5 of the Uptown/Town Centre Specific Plan and to make other necessary changes to Chapters and sections of Title 21, Zoning, of the Municipal Code to eliminate conflicts between the regulations set forth in Chapter 5 and Title 21; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to describe the effects of the Uptown/Town Centre Specific Plan, General Plan Amendment 2011-001, and Code Amendment 11-001, which collectively comprise "the Project"; this EIR was circulated for public review in the manner prescribed by CEQA, and mitigation measures were identified to address any potential impacts associated with the Project; and

WHEREAS, the EIR identifies only one impact that is significant and which cannot be mitigated to a point of non-significance which is that the population projections in the Draft Specific Plan exceed the population projections used in the 2001 Air Quality Plan and those adopted by the San Luis Obispo Council of Governments, which could result in the surpassing of the emission inventories in the Clean Air Plan, potentially affecting the attainment status of the region, and CEQA, therefore, requires preparation of an EIR and adoption of a Statement of Overriding Considerations if the Project is to be approved; and

WHEREAS, a Statement of Overriding Considerations was included within the resolution certifying the EIR; and

WHEREAS, pursuant to SB 18 (Chapter 905, Statutes of 2004), the City took the following actions relative to the Project:

- a. In November 2006 and February 2008, sent letters to those Native American Tribes identified by the Native American Heritage Commission as having an interest in protecting and/or mitigating impacts to cultural places in Paso Robles inviting them to request consultation pursuant to SB 18;
- b. In November 2006 and March 2008, received letters from the Northern Chumash Tribal Council and the Santa Ynez Band of Mission Indians stating that they would like to comment on the project as it progresses;
- c. In March 2008, received a letter from the Native American Heritage Commission stating that a record search failed to indicate the presence of Native American cultural resources in the project area;
- d. In December 2010, sent letters to those Native American Tribes identified by the Native American Heritage Commission as having an interest in protecting and/or mitigating impacts to cultural places in Paso Robles informing them of the public hearings to consider adoption of this general plan amendment and specific plan and inviting them to provide comments on the project; and

WHEREAS, in the process of preparing the Uptown/Town Centre Specific Plan, the City conducted several public workshops, including a five day charrette in May 2008; and

WHEREAS, at its meetings of January 11 and 25, 2011, the Planning Commission conducted a public hearing on the Project and on January 25, 2011, took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the Project;
- b. Conducted a public hearing to obtain public testimony on the parts of the Project;
- c. Considered public testimony from all parties;

- d. Recommended that the City Council certify the EIR and approve the Project; and

WHEREAS, at its meetings of March 1 and May 3, 2011, the City Council conducted a public hearing on the Project and on May 3, 2011, took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the Project;
- b. Conducted a public hearing to obtain public testimony on the Project;
- c. Based on its independent judgment, adopted a Statement of Overriding Considerations and certified an Environmental Impact Report for the Project 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, as follows:

SECTION 1: The Uptown/Town Centre Specific Plan is hereby adopted and shall consist of the Public Draft Uptown/Town Centre Specific Plan dated April 15, 2011 and incorporate any additional changes that may be directed by the City Council in its motion to adopt this resolution.

SECTION 2: Chapter 5 of the Uptown/Town Centre Specific Plan, which contains zoning regulations that supplement and supersede many zoning regulations contained within Title 21, Zoning, of the El Paso de Robles Municipal Code, shall be adopted and amended by Ordinance.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of May 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

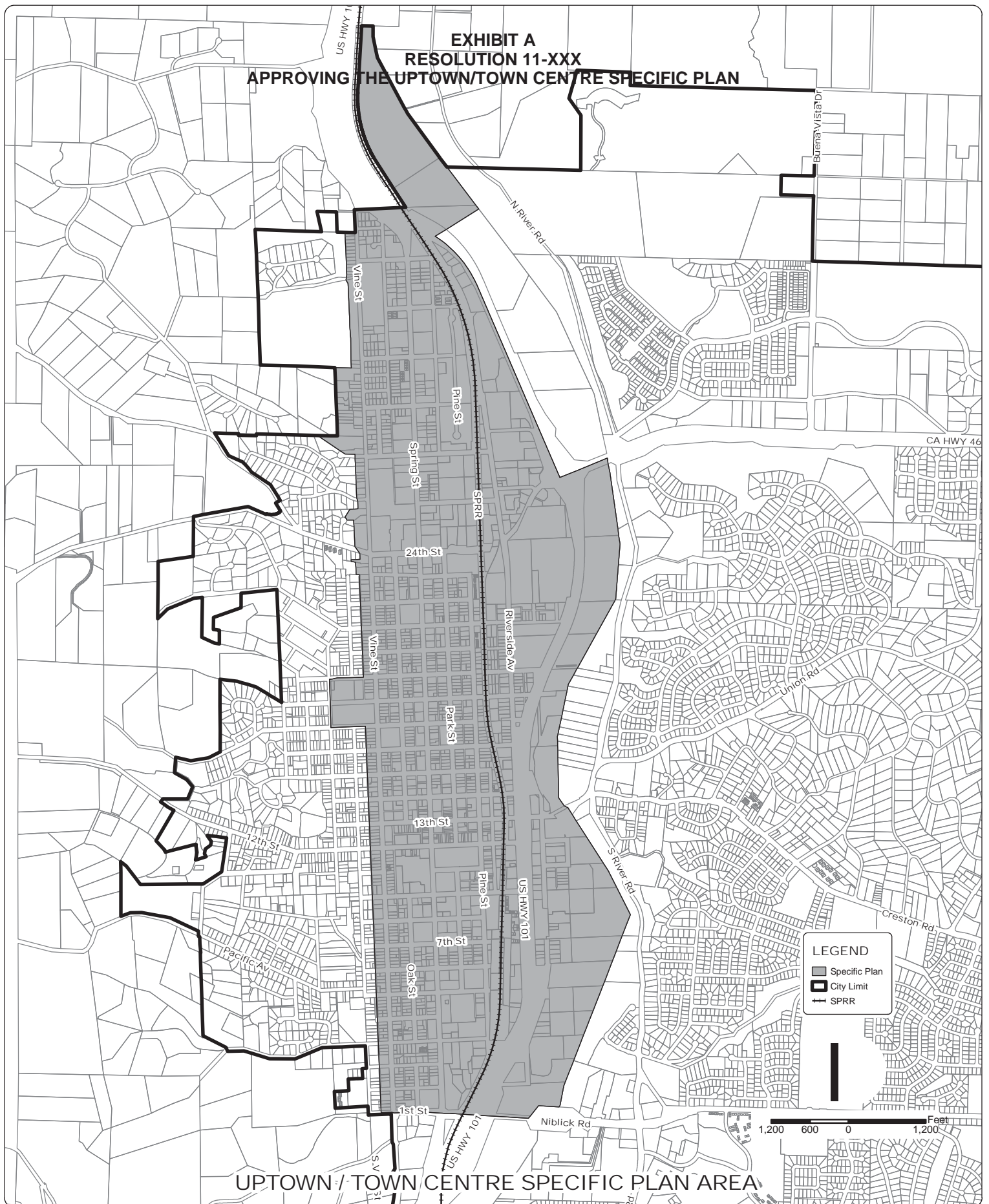
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

**EXHIBIT A
RESOLUTION 11-XXX
APPROVING THE UPTOWN/TOWN CENTRE SPECIFIC PLAN**



ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO ESTABLISH
CHAPTER 21.XX – SPECIFIC PLANS, ADOPTING THE FORM-BASED ZONING CODE
INCLUDING THE ZONING MAP (REGULATING PLAN) CONTAINED WITHIN CHAPTER
FIVE OF THE UPTOWN/TOWN CENTRE SPECIFIC PLAN, AND MAKING OTHER CHANGES
TO TITLE 21 (ZONING) RELATED TO THE ADOPTION OF SAID SPECIFIC PLAN
(CODE AMENDMENT 11-001)

WHEREAS, On May 3, 2011, pursuant to policy statements contained within the Land Use Element of the General Plan and the Economic Strategy, the City Council of the City of El Paso de Robles (City) adopted Resolution 11-XXX to amend the General Plan and Resolution 11-XXX to adopt the Uptown/Town Centre Specific Plan; and

WHEREAS, Chapter Five of the Uptown/Town Centre Specific Plan is a Form-Based Zoning Code that will both supplement and supersede several chapters and sections within Title 21 for land located within the Specific Plan Area, which is generally bounded by 1st Street on the South, 38th Street and the Paso Robles Hot Springs property on the North, the Salinas River on the east, and those properties fronting the west side of Vine Street on the West; and

WHEREAS, Section 65860 of the California Government Code requires that zoning codes be consistent with the General Plan; and

WHEREAS, Section 65451 of the California Government Code provides that Specific Plans shall include a text and diagram or diagrams, which specify the following and would have the effect of zoning regulations:

- a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; and
- b. Standards and criteria by which development will proceed; and

WHEREAS, Section 65454 of the California Government Code provides that Specific Plans shall be consistent with the General Plan.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to describe the effects of the Specific Plan, the attendant General Plan and Zoning Code Amendments; this EIR was circulated for public review in the manner prescribed by CEQA, and mitigation measures were identified to address any potential impacts associated with the project; and

WHEREAS, the EIR identifies only one impact that is significant and which cannot be mitigated to a point of non-significance which is that the population projections in the Draft Specific Plan exceed the population projections used in the 2001 Air Quality Plan and those adopted by the San Luis Obispo Council of Governments, which could result in the surpassing of the emission inventories in the Clean Air Plan, potentially affecting the attainment status of the region, and CEQA, therefore, requires preparation of an EIR and adoption of a Statement of Overriding Considerations if the project is to be approved; and

WHEREAS, a Statement of Overriding Considerations was included within the resolution certifying the EIR; and

WHEREAS, at its meetings of January 11 and 25, 2011, the Planning Commission conducted a public hearing on the Project and on January 25, 2011, took the following actions regarding this ordinance:

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

WHEREAS, at its meetings of March 1 and May 3, 2011, the City Council conducted a public hearing on the Project and on May 3, 2011, took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. Based on its independent judgment, adopted a Statement of Overriding Considerations and certified an Environmental Impact Report for the Specific Plan and its attendant General Plan and Zoning Code amendments in accordance with the California Environmental Quality Act;

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, hereby finds as follows:

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

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

SECTION 1: Chapter Five of the Uptown/Town Centre Specific Plan is hereby adopted as the primary zoning code for the area addressed by this specific plan. A copy of this Specific Plan shall be kept on file in the Community Development Department.

SECTION 2: Section 21.12.010 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.12.010 Districts established.

The several districts established are as follows:

Residential agriculture district or R-A district
Single-family residential district or R-1 district
Duplex/triplex district or R-2 district
Multifamily residential district or R-3 district
Multifamily/office district or R-3-O district
Multifamily/mobilehome district or R-4 district
Multifamily residential district or R-5 district
Neighborhood commercial district or CP district
Office professional district or OP district
Office professional overlay district or OP overlay district
General retail commercial district or C-1 district
Highway commercial district or C-2 district
Commercial/light industry district or C-3 district
Regional commercial district or RC district
Industrial district or M district
Planned industrial district or PM district
Airport planned development district or AP, PD district
Parks and open space district or POS district
Combining building size district or B district
Planned development overlay district or PD district
Hillside development overlay district or H district
Historical and architectural overlay district or HP district
~~Primary floodplain overlay district or PF district~~
~~Secondary floodplain overlay district or SF district~~
~~Senior housing overlay district or SH district~~
~~Redevelopment overlay district or RD district~~
Specific plan overlay district or SP district
Agricultural district or AG district.

SECTION 3: The Zoning Map referenced in Section 21.12.020 of the El Paso de Robles Municipal Code is hereby amended to add the Specific Plan (SP) Overlay District and to delete all existing underlying base and overlay districts within the Uptown/Town Centre Specific Plan as shown in Exhibit A.

SECTION 4: Section 21.13.020, Applicability, is hereby amended to read as follows:

21.13.020 SP Applicability.

The provisions of this chapter shall apply to all uses in the primary zone and shall be in addition to the regulations for the primary zone. Whenever conflicts exist between this chapter and other sections of the zoning ordinance the most restrictive shall apply.

Overlay districts include:

- A. Chapter 21.14, flood damage prevention regulations;
- B. Chapter 21.14A, hillside development;
- C. Chapter 21.15, historical and architectural preservation;
- D. Chapter 21.15A, mobile homes on private lots;
- E. Chapter 21.16A, planned developments;
- F. Chapter 21.16B, ~~redevelopment~~ specific plans;
- G. Chapter 21.16C, rural development;
- H. Chapter 21.17, surface mining and reclamation;
- I. Chapter 21.18A, office professional (OP) overlay;
- J. Special conditions attached to certain properties as enumerated in Section 21.13.030.
- K. 21.18B, resort/lodging (R/L) overlay.

SECTION 5: Section 21.13.030, Special Conditions Attached to Certain Properties, is hereby amended to delete subsection “H” (Drive-through restrictions along Spring Street) and Figure 21.13-6. Subsections I and J shall be renumbered to subsections H and I, accordingly.

SECTION 6: Section 21.16.190, SP Overlay District is hereby established to read as follows:

21.16.190 SP Overlay District. The land uses and regulations set out in Chapter 21.16B shall apply in the SP Overlay District.

SECTION 7: Chapter 21.16B, Redevelopment District, is hereby deleted.

SECTION 8: New Chapter 21.16B, Specific Plans, is hereby established as shown in Exhibit B.

SECTION 9: Table 21.16.210 (Development Standards for C-1, C-2, C-3, M, and PM Districts) is hereby amended to delete Note #2a (which requires a 15 foot setback along Spring Street).

SECTION 10: Section 21.16I.060 (Multi-Family Residential Density) is hereby amended to read as follows:

21.16I.060 Density of Residential Development.

- A. There are three distinct areas of the City, each area with its own pattern of land subdivision, street layouts, lot sizes, and lot dimensions, which affects multiple family residential densities differently.

1. West Side (of the Salinas River), in Blocks No. 1 Through 196 of the Original City Subdivision. Lots within Blocks 1 through 196 of the original subdivision of the City of El Paso de Robles that have been categorized by the Land Use Element of the General Plan for multiple family residential use, as shown in Figure 21.16L.060, were originally designed to measure 50 feet wide by 140 feet deep and have an area of 7,000 square feet. Such lots fronted onto a grid pattern of streets with right-of-way widths of 80 feet, and backed up to alleys with right-of-way widths of 20 feet. Consistent with the intent of this subdivision, on lots with said dimensions, a maximum of two dwelling units may be established on an R-2 zoned lot and a maximum of three dwelling units may be established on an R-3 zoned lot. Note: Properties within the Uptown/Town Centre Specific Plan are not subject to this Chapter.

On lots that have been reconfigured to have depths more or less than 140 feet and/or widths more or less than 50 feet, densities shall be calculated as two units per 7,000 square feet (or one unit per 3,500 square feet) in the R-2 zone and three units per 7,000 square feet (or one unit per 2,333 square feet) in the R-3 zone. The provisions of Section 21.16L.050 (Fractions) shall not be used to create new lot configurations that would result in densities that exceed these ratios.

The ability to develop a lot located within blocks 1 through 196 of the original subdivision of the City of El Paso de Robles to its maximum density is subject to demonstrating that development will conform with general plan policies, city ordinances and standards regarding preservation of oak trees, hillside protection, providing proper storm drainage, and providing safe vehicular access.

- ~~2. West Side (of the Salinas River), Outside of Blocks No. 1 Through 196 of the Original City Subdivision. In this area, lot sizes vary, and are generally larger than 7,000 square feet. Streets are designed in a grid pattern. Spring Street has a right of way width of 80 feet, but the right of way width of most streets is 60 feet. Many blocks in this area do not have alleys.~~

~~The number of dwelling units that may be established shall be calculated based on the "average slope" of the "developable area" of a lot. Methods for determining average slope and developable area are defined below.~~

- ~~a. Developable Area. The "developable area" of a lot is defined as net area remaining after deducting the following excluded areas:~~

~~(1) Any area of the lot with natural slopes of thirty five percent or greater;~~

~~(2) Any area of the lot within the critical root zones of a compact grouping of ten or more mature oak trees ("mature" as defined in Chapter 10.01 of this code), where critical root zones between trees in the grouping are~~

~~separated by ten feet or less. Exception: On those lots created prior to the effective date of Ordinance 835 N.S. on September 20, 2002, "driplines" may be used instead of "critical root zones". The "dripline" is that area directly beneath the outer edges of the canopy of an oak tree.~~

- ~~b. **Average Slope:** The average slope of the developable area shall be calculated using the following formula:~~

$$\text{Average slope (\%)} = \frac{I \times L \times 100}{SF}$$

~~Where:~~

~~I — Contour interval in feet. Contour intervals shall not exceed five feet.~~

~~L — Combined length of contour lines measured within the developable area.~~

~~SF — Square feet of developable area.~~

- ~~c. **Maximum Density Determination:**~~

- ~~(1) Policy C-5B of the 2003 Conservation Element of the General Plan provides that densities shall decrease as the underlying natural slope increases. The maximum density of a lot shall be determined by dividing the lot's developable area by the minimum site area per unit listed in Table 21.161.060.A.2 for the average slope of the developable area.~~

~~**Table 21.161.060.A.2**~~

Average Slope of Developable Area (%)	Maximum density (units/square foot)		
	R-2 Zone	R-3 Zone *	R-4 Zone *
0-4	4,000	2,667	2,000
5-9	5,000	3,333	2,500
10-14	6,250	4,167	3,125
15-24	7,500	5,000	3,750
25-34	10,000	6,667	5,000

~~* See exceptions below.~~

- ~~(2) Exceptions to Table 21.161.060.A.2 are as follows:~~

- ~~(a) For those R-3 zoned lots located west of Vine Street, between 32nd and 36th Street, which were re-categorized by the 1991 and 2003 General Plan as RMF-8, the densities for the R-2 Zone shall apply.~~

~~(b) For those R-4 zoned lots located north of 24th Street, east and west of Spring Street, which were re-categorized by the 1991 and 2003 General Plan as RMF-12, the densities for the R-3 Zone shall apply.~~

3. East Side (of the Salinas River. On the East Side of the City, lot sizes of multiple family zoned lots tend to be larger than those on the West Side. Streets are laid out to follow topography. Most local streets have rights-of-way widths of 60 feet.

General Plan policy provides that densities decrease as the underlying natural slope increases. The maximum density of a lot shall be determined by multiplying the acreage of a lot's developable area by the density factors listed in Table 21.16I.060.A. ~~23~~ for the average slope of the developable area. The method of determining the "average slope" of the "developable area" of a lot shall be ~~the same as that set forth in subdivision A.2 of this section~~ is described in subsections "a" and "b", below. Additionally, the area within any dedication for public streets within or adjacent to a lot proposed for development shall be included within the developable area for purposes of calculating allowable density.

a. Developable Area. The "developable area" of a lot is defined as net area remaining after deducting the following excluded areas:

(1) Any area of the lot with natural slopes of thirty-five percent or greater;

(2) Any area of the lot within the critical root zones of a compact grouping of ten or more mature oak trees ("mature" as defined in Chapter 10.01 of this code), where critical root zones between trees in the grouping are separated by ten feet or less. Exception: On those lots created prior to the effective date of Ordinance 835 N.S. on September 20, 2002, "driplines" may be used instead of "critical root zones". The "dripline" is that area directly beneath the outer edges of the canopy of an oak tree.

b. Average Slope: The average slope of the developable area shall be calculated using the following formula:

$$\text{Average slope (\%)} = \frac{I \times L \times 100}{SF}$$

Where:

I = Contour interval in feet. Contour intervals shall not exceed five feet.

L = Combined length of contour lines measured within the developable area.

SF = Square feet of developable area.

Table 21.16I.060.A. ~~23~~

Average Slope of Developable Area (%)	Maximum density (units/acre)			
	R-2 Zone *	R-3 Zone *	R-4 Zone	R-5 Zone
0 – 4	8.0	12.0	16.0	20.0
5 – 9	6.5	9.5	13.0	16.0
10 – 14	5.0	7.5	10.0	13.0
15 – 24	4.0	6.5	8.5	10.5
25 – 34	3.0	5.0	6.5	8.0

Exceptions to Table 21.16L.060.A.3 are as follows:

- (a) Those R-2,B-3-zoned lots located in the Orchard Bungalow subdivision, north of Creston Road, between Walnut Drive and Orchard Drive may have a maximum of three units for every twenty thousand square feet of lot area, regardless of the underlying average slope category.
- (b) For those R-3 zoned lots located west of Creston Road at Cedarwood Drive, which were re-categorized by the 1991 and 2003 General Plan as RMF-8, the densities for the R-2 Zone shall apply.

- B. Densities for Convalescent Homes and Residential Care Facilities for the Elderly. Regardless of where a multiple family zoned property is located in the City, density limits for dwelling units shall not apply to the allowable intensity of land use for such facilities as convalescent homes, skilled nursing facilities, residential care facilities for the elderly, and similar facilities as defined by state law. The number of rooms and/or occupants for such a facility shall be determined on a case-by-case basis in conjunction with an application for a conditional use permit.

SECTION 11: Section 21.16L.040 (Density Bonuses for New Housing) is hereby amended to read as follows:

21.16L.040 Density bonuses - new housing

- A. Except as provided for properties located within the Uptown/Town Centre Specific Plan in the manner set forth in Subsection E, below, the number of density bonus dwelling units to be granted for a new housing development shall be determined as follows:
 - 1. For those projects described by Subsections A and B of Section 21.16L.030: The minimum density bonus shall be twenty percent (20%) of the maximum number of dwelling units permitted on a property under the Land Use Element of the General Plan. For projects described by Subsections A and B that propose greater percentages of dwelling units for low and very low income households, the

density bonuses shall be increased as shown in the table below. Any resulting decimal fraction shall be rounded to the next larger integer.

Percent of units affordable to low income households	Minimum density bonus	Percent of units affordable to very low income households	Minimum density bonus
10%	20.0%	5%	20.0%
11%	21.5%	6%	22.5%
12%	23.0%	7%	25.0%
13%	24.5%	8%	27.5%
14%	26.0%	9%	30.0%
15%	27.5%	10%	32.5%
16%	29.0%	11% and above	35.0%
17%	30.5%		
18%	32.0%		
19%	33.5%		
20% and above	35.0%		

The density bonus shall not be included when determining the number of dwelling units that equal to the percentages of the units in the first and third columns above. For example, if the general plan would permit development of 40 units on a property, and an applicant proposes to provide 10% of the units affordable to low income households, the applicant would be granted a density bonus of 8 units (20% of 40 units allowable under the general plan). The housing project would, therefore, consist of 48 units, of which 4 (10% of 40 units) must be made to be affordable to low income households.

2. For those projects listed in subsection C of Section 21.16L.030: The density bonus for any project that sets aside a minimum number of thirty-five (35) dwelling units for use by qualified senior citizens, as that term is defined in Civil Code section 51.3(b)(1) shall be entitled to a twenty percent (20%) density bonus unless a lesser percentage is elected by the applicant/developer.
3. For those projects listed in subsection D of Section 21.16L.030: The minimum density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10

Percentage Low-Income Units	Percentage Density Bonus
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

Any resulting decimal fraction shall be rounded to the next larger integer.

The density bonus shall not be included when determining the number of dwelling units that equal to the percentages of the units affordable to moderate income households between ten and thirty-five percent.

- B. An applicant may, in writing, elect to accept a density increase less than the percentages specified in Subsections A.1, A.2, and A.3 of this Section. In such a case, the City may grant such a lesser density bonus provided that the same proportion of target dwelling units is maintained. For example, if the general plan would permit development of 40 units on a property, and an applicant proposes to provide 10% of the units affordable to low income households, should the applicant request only a 10% density bonus (instead of the 20% allowed), the City could approve a 44 unit project (instead of 48 units) with 2 target dwelling units (instead of 4 target dwelling units).

- C. If an applicant requests a density bonus of more than the percentages specified in Subsections A.1 through A.3 of this Section, the requested density increase shall be considered an additional density bonus. The City Council may, at its discretion, grant an additional density bonus if a written finding is made by the City Council that the additional density bonus is required in order for allowable housing expenses for the proposed housing development to be set as affordable. In granting an additional density bonus, the City may require some portion of the additional density bonus to be designated as target dwelling units.
- D. A density bonus housing agreement shall be a condition of discretionary permits (i.e., tentative maps, parcel maps, and development plans) for all applicants who request a density bonus and incentives or concessions. The relevant terms and conditions of the density bonus housing agreement shall be filed and recorded as a deed restriction on those individual lots or units of a housing development which are designated for the location of target dwelling units. The density bonus housing agreement shall be consistent with Section 21.16L.130.
- E. In the Uptown/Town Centre Specific Plan Area, densities are not established as a function of the number of dwelling units per acre, but rather by meeting development standards for building placement (setbacks), off-street parking, and open space. In this specific plan area, higher densities may generally be achieved by building dwelling that are relatively smaller in floor area and with fewer bedrooms. Developers of target dwelling units for lower income residents may apply for incentives, which may act to increase densities.

SECTION 12: Chapter 21.16M, Senior Housing (SH) Overlay District, is hereby deleted.

SECTION 13: Section 21.18C.020 (Mixed Use Overlay District Applicability) is hereby amended to read as follows:

21.18C.020. Applicability

Mixed-use development regulations apply to mixed-use development projects that include residential and commercial land uses on the same project site in locations designated on the zoning map as a mixed-use overlay zoning district.

There are general development standards and guidelines that apply to all mixed-use development projects, ~~and there are three mixed-use overlay sub-areas that have specific site development criteria and design guidelines that apply to land within those sub-areas only. The three subareas are: (1) Downtown Core; (2) Outer Core; and (3) the Eastside.~~

Property designated with a mixed-use overlay may also be developed with only the uses permitted or conditionally permitted in the underlying zoning district.

SECTION 14: Section 21.18C.060 (Mixed Use Overlay District – Subarea Site Development Criteria and Design Guidelines) is hereby amended to read as follows:

21.18C.060. Subarea Site Development Criteria and Design Standards

- ~~A. Downtown Core. The Downtown Core of Paso de Robles is envisioned to continue the historical character of development. The design of development in this area is generally implemented through the Downtown Design Guidelines. Existing oak trees shall be preserved, consistent with the City's oak tree preservation ordinance.~~
- ~~B. Outer Core. The Outer Core generally supports continued residential uses with office uses mixed in. The overall scale and design of uses in the Outer Core areas should be consistent with the underlying zoning district. For instance, mixed uses in the multi-family zoned areas should be designed to fit within the residential context of the neighborhood with residentially-oriented building details and scale.~~
- ~~C. Eastside Area. Mixed-use development in the Eastside Area shall be designed to retain oak trees and protect water course drainages, and be designed to reduce cut and fill slopes by use of multi-level foundation systems, post and beam construction, etc.~~

SECTION 15: Section 21.20.010 (General Regulations and Exceptions - Generally) is hereby amended to read as follows:

21.20.010. Generally

The regulations specified for this title shall be subject to the general provisions and exceptions set forth in this chapter. Exception: Only those sections of this chapter that are specifically referenced in Chapter Five of the Uptown/Town Centre Specific Plan shall apply within the Uptown/Town Centre Specific Plan Area.

SECTION 16: Section 21.20.215 (Residential uses in commercial zones) is hereby deleted.

~~In the commercial service area bounded by 18th Street, 24th Street, the railroad tracks and Highway 101, residential single-family (R-1) and multiple family low (R-2) uses may occur subject to approval of a conditional use permit. The development of residential single-family (R-1) shall use the development standards as specified in Chapter 21.16E (R-1 District Regulations). The development of multiple family low residential (R-2) shall use the development standards as specified in Chapter 21.16I (Multiple Family Residential Districts).~~

SECTION 17: Section 21.20.260 (Fire Control) is hereby deleted.

~~See fire control regulations in the Uniform Building Code.~~

SECTION 18: Section 21.22.030 (Definitions for Off-Street Parking) is hereby amended to read as follows:

21.22.030. Definitions

~~"Downtown parking assessment district" means the boundaries of the district in effect on July 1, 1987.~~

~~"Downtown area" means the geographical area generally bounded by 7th Street on the south, 17th Street on the north, Oak and Vine Streets on the west, and State Highway 101 on the east; the more precise boundaries are illustrated in Figure 21.22-4.~~

"Fixed seats" means two lineal feet of pews, benches or other stationary seating.

"Freestanding" means one land use or combination of land uses, subject to a single business license, on one parcel of land. Except as specifically noted, all off-street parking standards apply to freestanding land uses.

"Multitenant" means multiple land uses (subject to multiple business licenses) on one parcel of land.

"Spaces" means off-street parking spaces, open or enclosed, developed in accordance with the provisions of this chapter.

SECTION 19: Section 21.22.035 (Downtown Area Parking Space Requirements) is hereby deleted.

Note: An amended version of this section is proposed to be inserted in Section 5.7.2 of the Uptown/Town Centre Specific Plan.

SECTION 20: 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 21. 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 22. 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 23. 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 May 3, 2011, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of May 2011 by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

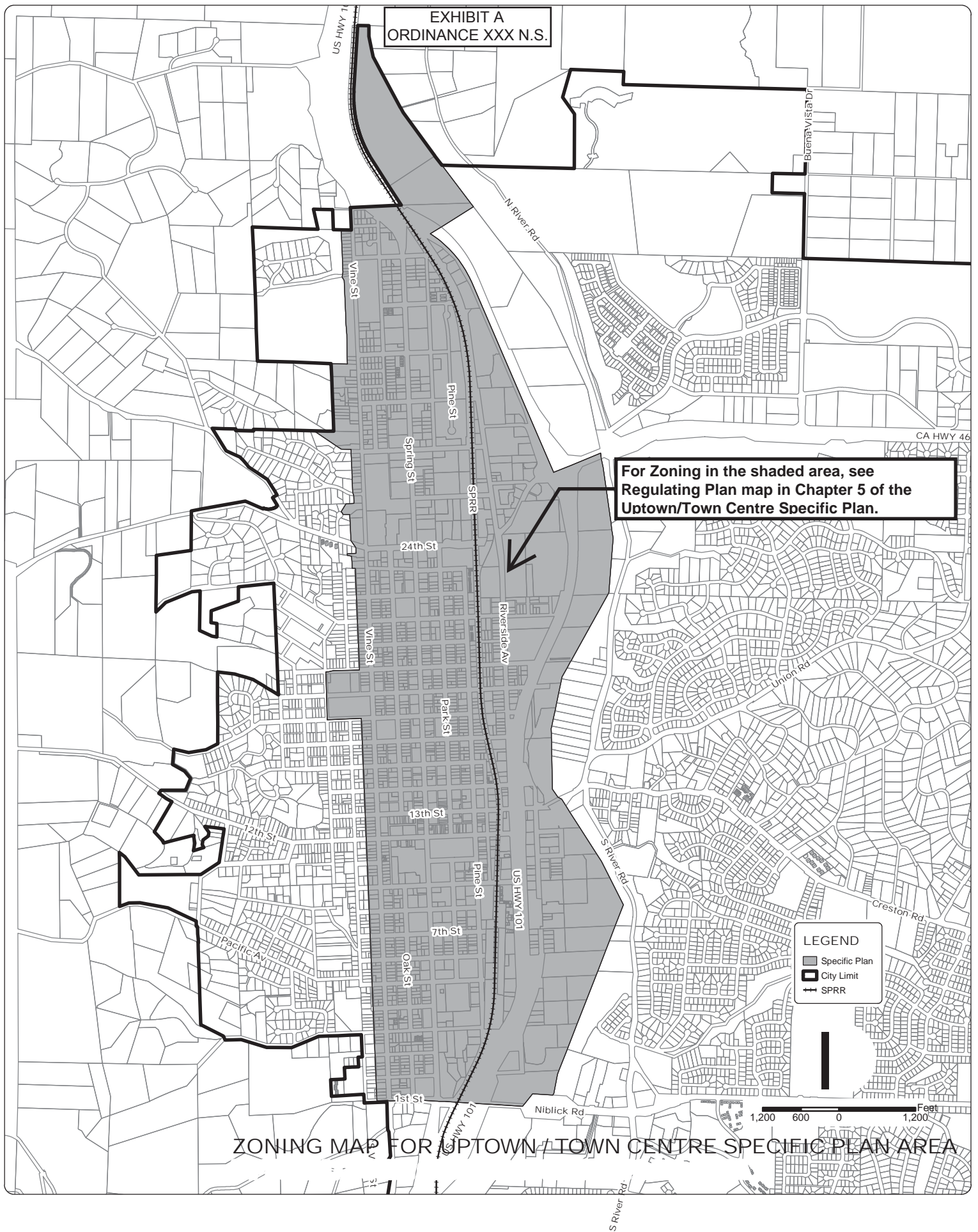


Exhibit B

Chapter 21.16B

SPECIFIC PLAN (SP) OVERLAY ZONE

Sections:

21. 16B.010	Purpose
21. 16B.020	Applicability
21. 16B.030	Contents of Specific Plans
21. 16B.040	Adoption and Amendment of Specific Plans
21. 16B.050	Fees
21. 16B.060	Development Regulations Contained Within Specific Plans
21. 16B.070	Approval Procedure for Projects After Adoption of Specific Plan
21. 16B.080	Effect of Plan

21. 16B.010 Purpose.

- A. The Land Use Element of the General Plan provides for the adoption of Specific Plans, as defined by Government Code Sections 65450 et seq., where it would be appropriate to:
 1. Retain unique site features;
 2. Insure a cohesive development pattern for the area; (A Specific Plan could establish site planning, design and architectural parameters that could integrate the uses of the different parcels in the area).
 3. Lend themselves to long-term development and infrastructure phasing; and
 4. Allow for flexibility in site planning in order to encourage creative and higher quality design and to ensure compatibility with surrounding land uses.
- B. The Land Use Element of the General Plan establishes the authority to use specific plans to provide flexibility in terms of the following:
 1. Distribution of densities within the geographic area covered;
 2. Parcel sizes and location (including clustering to retain unique site features);
 3. Development Standards and other Zoning Ordinance requirements;
 4. Allowable land uses by providing an opportunity for mixed use provisions (e.g. neighborhood serving commercial land uses) within the overall residential densities anticipated in the General Plan. This flexibility includes the ability to provide for multi-

family land uses as long as the total dwelling unit count is within the scope of the General Plan designation for the geographic area under consideration.

- C. To implement these Land Use Element Policies, the Specific Plan (SP) Overlay Zoning District is established. The purpose of this Chapter is to explain:
1. The contents of specific plans;
 2. The process for adopting and amending specific plans;
 3. Fees that the City may charge to recover the costs of preparing, amending, and administering specific plans;
 4. The effect that development regulations adopted as part of specific plans have on regulations contained within this Chapter.

21. 16B.020 Applicability

The Specific Plan (SP) Overlay Zone is applied to those properties designated by the Land Use Element of the General Plan for being subject to the preparation of a specific plan.

21. 16B.030 Contents of Specific Plans

- A. As specified in Government Code Section 65451, Specific plans shall include the following components:
1. A text and a diagram or diagrams which specify all of the following in detail:
 - (a) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
 - (b) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
 - (c) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 - (d) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).
 2. The specific plan shall include a statement of the relationship of the specific plan to the general plan.

- B. As specified in Government Code Section 65452, Specific Plans may address any other subjects which in the judgment of the City are necessary or desirable for implementation of the General Plan.

21.16B.040 Adoption and Amendment of Specific Plans

- A. Specific Plans shall be adopted by both resolution and ordinance.
- B. Resolutions shall govern those components of specific plans that are:
 - 1. Policy statements describing the vision for development;
 - 2. Descriptions of the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities; and
 - 3. Programs of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items (1) and (2).
- C. Ordinances shall govern those components of specific plans that act as zoning regulations for the areas covered by specific plans:
 - 1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; this would include "regulating plans", land use/zoning maps; and
 - 2. The regulations for development of said lands.
- D. Adoption and amendment of specific plans shall be accomplished in the manner set forth in Chapter 21.23A.
- E. Prior to adopting or amending a specific plan, the City Council shall make the following findings:
 - 1. That the specific plan or amendment thereto is consistent with the goals, objectives, and policies of the General Plan;
 - 2. That the specific plan or amendment thereto would not be detrimental to the public health, safety, or welfare of the community;
 - 3. That the specific plan or amendment thereto includes provisions which ensure that adequate public facilities will be available to serve the range of development described in the plan.

21.16B.050 Fees

- A. As provided in Government Code Section 65456, the City may establish a fee to recover the estimated cost of preparing, amending, and administering individual specific plans. Said fee shall be adopted by resolution and may be amended from time to time by resolution to account for adjustments for inflation. For those specific plans for which fees are established, said fees shall be made a condition of issuance of building permits for new dwelling units and for new commercial floor area, but collectible at the time of issuance of certificates of occupancy.
- B. Fees will be established for specific plan areas in which land that had been used for agricultural or very-low intensity rural use will be re-designated to be developed with substantially higher intensity urban and/or suburban uses. In such areas, the expected number and frequency of building permits for new development would make cost recovery feasible.
- C. Fees may not be established for specific plan areas that are already largely developed with urban uses where the purpose of the specific plan is to guide infill development and redevelopment. In such areas, the expected number and frequency of building permits for new development would not be sufficient to make cost recovery feasible.

21. 16B.060 Development Regulations Contained Within Specific Plans

- A. As provided by Government Code Section 65451, specific plans shall address the distribution, location, and extent of the uses of land within the area covered by the plan and standards and criteria by which development will proceed. Such components shall have the effect of zoning regulations that may supplement and/or supersede development regulations set forth in this Title.
- B. This section will establish the understanding of the relationships of development regulations, including zoning districts, adopted by individual specific plans.
- C. Union/46 Specific Plan: The Union/46 Specific Plan was adopted in 1988. Chapter 3 of this specific plan establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, maximum developable slopes, setbacks, and grading limitations that supplement and supersede certain development regulations for underlying zoning districts shown on the Zoning Map adopted pursuant to Section 21.12.020.
- D. Borkey Area Specific Plan: The Borkey Area Specific Plan was adopted in 1990. Chapter 3 of this specific plan establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, agricultural buffers, setbacks, and other standards that supplement and supersede certain development regulations for underlying zoning districts shown on the Zoning Map adopted pursuant to Section 21.12.020.

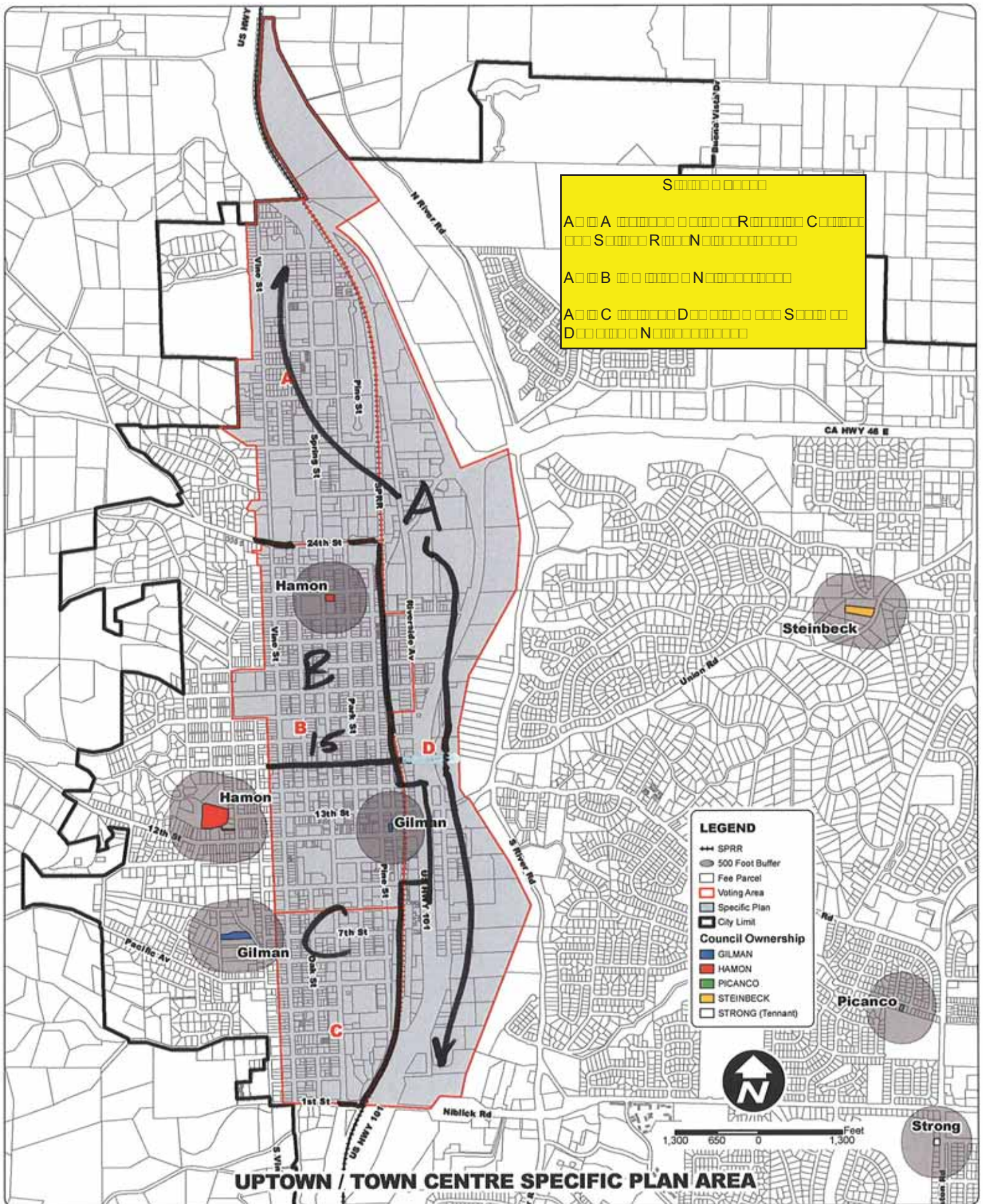
- E. Uptown/Town Centre Specific Plan: The Uptown/Town Centre Specific Plan was adopted in 2011. Chapter 5 of this specific plan is a form-based zoning code that includes a regulating plan and detailed regulations for development of properties within the area covered by this specific plan. This regulating plan map supersedes the Zoning Map adopted pursuant to Section 21.12.020, which was amended to delete all zoning districts, base and overlay, that predated adoption of this specific plan. The regulations in Chapter 5 do refer to certain chapters and sections in this Title as having effect within the area covered by this specific plan.
- F. Chandler Ranch Area Specific Plan (Reserved)
- G. Olsen Ranch/Beechwood Area Specific Plan (Reserved)

21. 16B.070 Approval Procedure for Projects After Adoption of Specific Plan

- A. No zoning code amendment, tentative tract map, tentative parcel map, lot line adjustment, development plan, site plan, plot plan, conditional use permit, variance, waiver, or street abandonment may be approved unless it is consistent with the applicable specific plan.
- B. Development within the specific plan areas is subject to the review process set forth in Chapter 21.23A unless the text of the applicable specific plan provides otherwise.

21. 16B.080 Effect of Plan

- A. Within an area designated by the Land Use Element of the General Plan for adoption of a specific plan, no discretionary land use approval (tentative tract map, tentative parcel map, development plan, conditional use permit, variance, waiver, or street abandonment) may be approved until a specific plan is adopted.
- B. On a case-by-case basis, the City Council may grant relief from the restriction described in subsection "A" and provide exceptions for the following:
 - 1. Conditional use permits for occupancy of existing buildings.
 - 2. Development that is consistent with the General Plan and with the planned use of the property and which is adequately served with existing public improvements such as transportation, water, sewer, storm drain, parks and open space facilities.



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RECEIVED

MAR 07 2011

Engineering Division

March 7, 2011

VIA HAND DELIVERY

Honorable Duane Picanco
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Fred Strong, Mayor Pro Tem
City of Paso Robles
1000 Spring Street
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John Hamon, Councilman
City of Paso Robles
1000 Spring Street
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City of Paso Robles
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Ed Steinbeck, Councilman
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Ed Gallagher, City Planner
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

RE: City of Paso Robles Uptown Specific Plan

Gentlemen:

Thank you for hearing the concerns of the citizens of Paso Robles at the City Council meeting on the evening of March 1, 2011. We appreciate your understanding that the potential re-zoning of the area bounded on the south by 24th Street, the east by the railroad tracks, the north by 28th Street and the west by an area just east of Spring Street should be maintained as industrial or RC Zoning.

In reviewing the RC Zoning following the meeting, there are certain existing uses which do not seem to be allowed within the current zoning. I know that Council instructed staff to be sure that the existing uses on those properties be allowed to continue under the new uptown plan.

Please specifically provide for the allowance of not only the steel tank fabrication but also other metal fabrication, industrial coating and sand blasting on the Paso Robles Tank site. Because there is already one mini storage within this area, mini storage should also be an allowed use, as should construction yards and construction storage yards.

We look forward to reviewing the updated plan to be sure that all of the existing uses within this area continue to be allowed uses, and not non-conforming uses.

September 20, 2010

Page 2

Again, thank you for listening to the citizens of Paso Robles.

Sincerely,

ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP



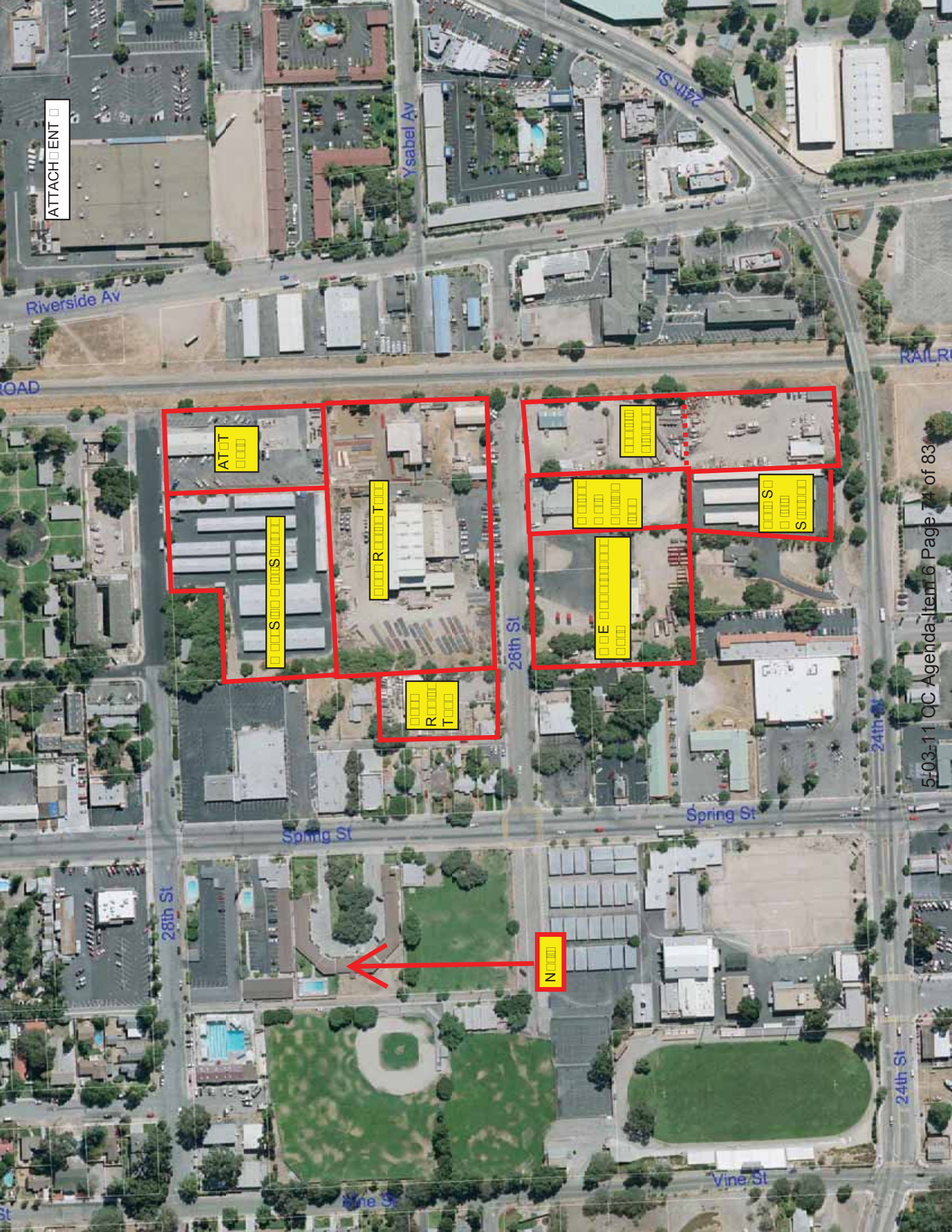
THOMAS J. MADDEN

TJM:st

cc: Shawn Owens, Paso Robles Tank
Michael Joe Goldstein, MGE Underground
Madden Family
John E. D. Nicholson, Esq.

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A. Mitigation Measures

- 6.4-3** If archaeological resources are uncovered on the project site during excavation, the developer must notify the City of Paso Robles immediately and work must stop within a 100-foot radius until a qualified archeologist (one who meets the Secretary of the Interior's guidelines and is listed in the Register of Professional Archaeologists) has evaluated the find. Construction activity may continue unimpeded on other portions of the project site. If the find is determined by the qualified archeologist to be a unique archeological resource, as defined by **Section 21083.2 of the Public Resources Code**, the site shall be treated in accordance with the provisions of **Section 21083.2 of the Public Resources Code**. If the find is determined not to be a unique archeological resource, no further action is necessary and construction may continue.
- 6.4-4** If potential human remains are encountered during ground-disturbing activities, all work shall halt, and the San Luis Obispo County Coroner's Office shall be notified, as prescribed in **Public Resources Code Section 5097.98** and **Health and Safety Code Section 7050.5**. If the Coroner determines that the remains are of Native American origin, the Coroner shall proceed as directed in **Section 15064.5(e) of the State CEQA Guidelines**. City of El Paso de Robles shall follow all guidelines outlined in **Public Resources Code Section 5097.98** and **Section 5097.94(k)**.

B. Public Resources Code Section 21083.2 (CEQA)

21083.2. (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a

project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

- (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
- (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
- (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
 - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
 - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
 - (C) One hundred dollars (\$100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

(h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

(i) As part of the objectives, criteria, and procedures required by Section 21082 or as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required

under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

(j) This section does not apply to any project described in subdivision (a) or (b) of Section 21065 if the lead agency elects to comply with all other applicable provisions of this division. This section does not apply to any project described in subdivision (c) of Section 21065 if the applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

C. Public Resources Code Section 5097.98 (Native American Historical, Cultural, and Sacred Sites)

5097.98. (a) Whenever the commission (State Native American Heritage Commission) receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

(b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

(1) The descendants' preferences for treatment may include the following:

(A) The nondestructive removal and analysis of human remains and items associated with Native American human remains.

(B) Preservation of Native American human remains and associated items in place.

(C) Relinquishment of Native American human remains and associated items to the descendants for treatment.

(D) Other culturally appropriate treatment.

(2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures.

(c) For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.

(d) (1) Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness.

(2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.

(e) Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, the landowner shall do one or more of the following:

(1) Record the site with the commission or the appropriate Information Center.

(2) Utilize an open-space or conservation zoning designation or easement.

(3) Record a document with the county in which the property is located. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the owner of the property, and the owner's acknowledged signature, in addition to any other information required by this section. The document shall be indexed as a notice under the name of the owner.

(f) Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with the descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of the discovery may be ascertained from a review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).

(g) Notwithstanding Section 5097.9, this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(h) Notwithstanding Section 30244, this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)).

D. Health and Safety Code Section 7050.5 (Dead Bodies)

7050.5. (a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.

(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

E. California Administrative Code Section 15064.5(e) (State CEQA Guidelines)

15064.5. Determining the Significance of Impacts to Archaeological and Historical Resources.

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subdivision (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subdivision (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission." Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.
2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

F. Public Resources Code Section 5097.94 (Native American Historical, Cultural, and Sacred Sites)

5097.94. The commission (State Native American Heritage Commission) shall have the following powers and duties:

(a) To identify and catalog places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. The identification and cataloguing of known graves and cemeteries shall be completed on or before January 1, 1984. The commission shall notify landowners on whose property such graves and cemeteries are determined to exist, and shall identify the Native American group most likely descended from those Native Americans who may be interred on the property.

(b) To make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by

the state or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans.

(c) To make recommendations to the Legislature relative to procedures which will voluntarily encourage private property owners to preserve and protect sacred places in a natural state and to allow appropriate access to Native American religionists for ceremonial or spiritual activities.

(d) To appoint necessary clerical staff.

(e) To accept grants or donations, real or in kind, to carry out the purposes of this chapter.

(f) To make recommendations to the Director of Parks and Recreation and the California Arts Council relative to the California State Indian Museum and other Indian matters touched upon by department programs.

(g) To bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds, on clear and convincing evidence, that the public interest and necessity require otherwise. The Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General has determined to represent the agency against whom the commission's action is directed, in which case the commission shall be authorized to employ other counsel. In any action to enforce the provisions of this subdivision the commission shall introduce evidence showing that such cemetery, place, site, or shrine has been historically regarded as a sacred or sanctified place by Native American people and represents a place of unique historical and cultural significance to an Indian tribe or community.

(h) To request and utilize the advice and service of all federal, state, local, and regional agencies.

(i) To assist Native Americans in obtaining appropriate access to sacred places that are located on public lands for ceremonial or spiritual activities.

(j) To assist state agencies in any negotiations with agencies of the federal government for the protection of Native American sacred places that are located on federal lands.

(k) To mediate, upon application of either of the parties, disputes arising between landowners and known descendents relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

The agreements shall provide protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction and provide for sensitive treatment and disposition of Native American burials, skeletal remains, and associated grave goods consistent with the planned use of, or the approved project on, the land.

(l) To assist interested landowners in developing agreements with appropriate Native American groups for treating or disposing, with appropriate dignity, of the human remains and any items associated with Native American burials.