

TO: James L. App, City Manager
FROM: Ed Gallagher, Community Development Director
SUBJECT: General Plan Amendment 2013-0012
DATE: December 3, 2013

Needs: For City Council to consider a City-initiated amendment to the Land Use Element of the General Plan to amend the Land Use Element's Land Use Map (Figure LU-6) to redesignate 60 lots developed with urban uses located in the historic downtown (between Vine Street and the UP Railroad and between 10th and 21st Streets – as shown in the map in Attachment 1), to more-accurately reflect the applicable zoning established by the Uptown/Town Centre Specific Plan.

Facts:

1. The Uptown/Town Centre Specific Plan was adopted on May 3, 2011. Zoning for the specific plan area was a part of this adoption.
2. At its meeting of August 27, 2013, the Planning Commission considered this general plan amendment (as GPA 2013-001A). At that meeting, less than a quorum of 4 commissioners who had conflicts of interest with the proposed amendment were present and could vote to formulate a written recommendation (i.e., minutes) to the City Council.
3. Following the August 27 Planning Commission meeting, the City Attorney advised that California Government Code Section 65354 requires that the Commission make a written recommendation on the amendment of a general plan, and that a recommendation for approval requires an affirmative vote of not less than a majority of the total membership.
4. GPA 2013-001 consisted of four components (A-D). On October 1, the City Council adopted a Negative Declaration for all four components and approved the remaining three components (B-D) and, based on the City Attorney's advice, remanded Component A to the Planning Commission in order to achieve a recommendation from a majority of its membership. Component A was renumbered GPA 2013-002.
5. To minimize the amount of conflict of interest among Planning Commissioners, GPA 2013-002 was divided into subcomponents A and B as shown in the map in Attachment 1.
6. At its meeting of November 12, 2013, the Planning Commission considered GPA 2013-002 and in two votes (one for each subcomponent: 4-0-3 on subcomponent A and 5-0-2 on subcomponent B), recommended that the City Council approve these applications as proposed. There were no public comments on this matter.

Analysis and

Conclusion: The 60 lots that are the subject of this amendment are developed with urban uses. For 5 lots, the general plan should have been amended at the time of adoption of the plan as the specific plan called for changes in the range of permitted uses and intensity of development on those parcels. This error was an oversight on City staff's part.

The other 55 lots were zoned T-3F, which allows for mixed use residential development at densities up to 8 units per acre, office uses, and limited amounts of retail commercial uses. The existing land use designation on these 55 lots is "Office Professional", which allows residential use in conjunction with office uses. However, the description of this designation in the General Plan is not clear about allowable density and permissibility of retail commercial uses. The majority of other lots in the specific plan area that had been zoned T-3F were re-designated as "Mixed Use, 8 units per acre (MU-8)", for which the description of this designation in the General Plan is clear. The proposed general plan amendment will make all T-3F zoned lots within the specific plan area designated as MU-8.

None of the zoning adopted by the Uptown/Town Centre Specific Plan in May 2011 is proposed to be changed.

Conflict of Interest

Councilmember Hamon owns property within 500 feet of Subcomponent A and should be absent from the meeting either during discussion of that Subcomponent or of the General Plan Amendment as a whole. There is no statute that requires the Council to adopt an amendment by a 4/5 vote. Therefore, the Council may opt either to consider Subcomponents A and B individually or the Amendment as a whole. If the Council chooses the latter, Councilmember Hamon will need to be absent for the entire discussion of this amendment.

Reference: General Plan: Land Use and Circulation Elements; Uptown/Town Centre Specific Plan; Sphere of Influence as Updated February 2013

Fiscal

Impact: The proposed general plan amendment does not change policy and it will not have an effect on the General Fund.

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

- a. Adopt the attached Resolution Adopting General Plan Amendment 2013-002;
- b. Amend, modify, or reject the above option.

ATTACHMENTS:

- 1. Resolution Adopting General Plan Amendment 2013-002
- 2. Newspaper and Mail Notice Affidavits

RESOLUTION NO. 13-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING GENERAL PLAN AMENDMENT 2013-002 AMENDING THE
LAND USE MAP (FIGURE LU-6)
(CITY-INITIATED)

WHEREAS, the City has initiated General Plan Amendment 2013-002 to amend Figure LU-6 to clarify land use designations for 60 lots in the historic downtown (between Vine Street and the UP Railroad and between 10th and 21st Streets, to more-accurately reflect the applicable zoning ("the Project"); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), a Negative Declaration was prepared to describe the effects of the general plan amendment; and

WHEREAS, at its meeting of August 27, 2013, the Planning Commission conducted a public hearing on General Plan Amendment 2013-001, which included the Project as Component A, and on a 3 – 0 – 3 (abstain due to conflicts of interest) – 1 (absent) vote recommended that the City Council approve General Plan Amendment 2013-001A; and

WHEREAS, California Government Code Section 65354 requires that a majority of the Planning Commission must make recommendations on any general plan amendment; and

WHEREAS, at its meeting of October 1, 2013, the City Council approved a Negative Declaration for all components of General Plan Amendment 2013-001, including the Project, but remanded the Project to the Planning Commission for a recommendation from a majority of its membership; and

WHEREAS, the Project was renumbered General Plan Amendment 2013-002 and was divided into two geographical subcomponents, Areas A and B – as shown in Exhibit A to this resolution, to minimize the number of Commissioners that had conflicts of interest with the Project; and

WHEREAS, at its meeting of November 12, 2013, the Planning Commission conducted a public hearing on the Project and 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; no public testimony was given on the Project;
- c. On a 4-0-3 vote, recommended that the City Council approve Subcomponent A, and on a 5-0-2 vote recommended that the City Council approve Subcomponent B; and

WHEREAS, at its meeting of December 3, 2013, the City Council conducted a public hearing on the Project and 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;

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 shown in Exhibit A.

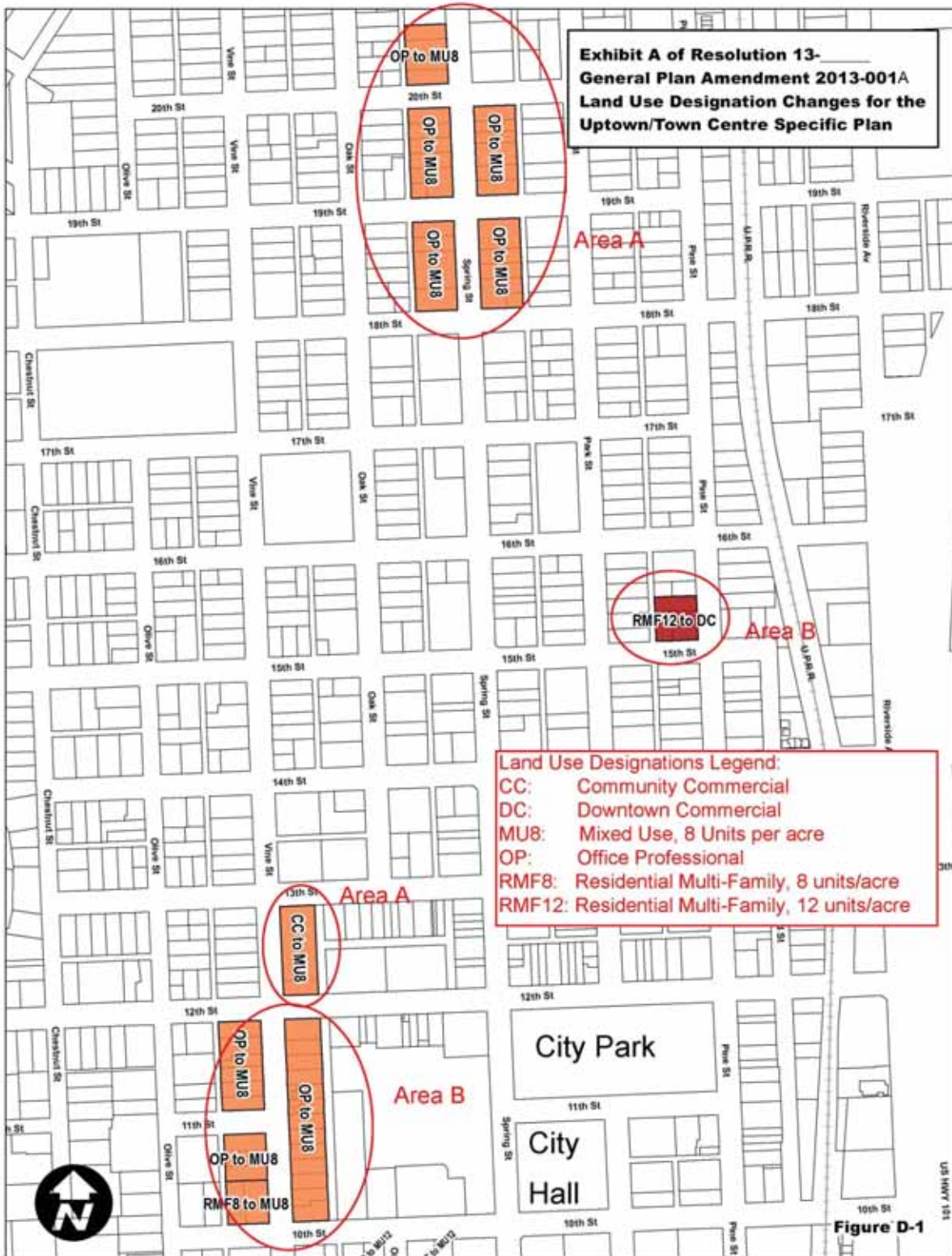
PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of December, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk



THE *Newspaper of the Central Coast*
TRIBUNE

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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 7037432
CITY OF PASO ROBLES

STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; NOVEMBER 20, 2013, that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)

DATED: NOVEMBER 20, 2013

AD COST: \$100.40

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider General Plan Amendment 2013-002, which was initiated by the City of Paso Robles to amend the Land Use Element's Land Use Map (Figure LU-6) to redesignate 60 lots developed with urban uses located in the historic downtown (between Vine Street and the UP Railroad and between 10th and 21st Streets, to make their land use designations more closely conform to zoning applied by the Uplowr/Town Centre Specific Plan.

The public hearing will be conducted on Tuesday, December 3, 2013 in the Conference Room at the Paso Robles Library/ City Hall, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 pm. All interested parties are invited to attend and be heard on this matter.

Written comments on the proposed General Plan Amendment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to: ed@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this project, please call Ed Gallagher at (805) 237-3870 or send email to ed@prcity.com.

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

/s/Ed Gallagher
Community Development Director
November 20, 2013 7037432



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

AFFIDAVIT

OF MAIL NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Kristen Buxkemper, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for General Plan Amendment (GPA) 2013-002, on this 22nd day of November, 2013.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Kristen Buxkemper