

TO: Planning Commission

FROM: Ed Gallagher, Community Development Director

SUBJECT: General Plan Amendment 2013-002

DATE: October 22, 2013

Needs: For the Planning Commission to make a recommendation to the City Council for 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. 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. The City Attorney has since 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. At its meeting of October 1, 2013, the City Council remanded GPA 2013-001A to the Planning Commission in order to achieve a recommendation from a majority of its membership.
5. To minimize the amount of conflict of interest, GPA 2013-001A has been divided into subcomponents A and B as shown in the map in Attachment 1. Commissioner Vanderlip has conflicts with both subcomponents; Commissioner Gregory has a conflict with Subcomponent A; and Commissioner Barth has a conflict with Subcomponent B.
5. At its meeting of October 1, 2013, the City Council adopted a Negative Declaration for all components (A-D) of General Plan Amendment 2013-001.

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. (These are 3 lots on the northwest corner of Pine and 15th Streets and 2 lots on the east side of Vine Street, between 12th and 13th Streets.) This error was an oversight on City staff's part.

The other 55 lots are zoned T-3F, which allows for mixed use residential development at densities up to 8 units per acre and office 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. 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.

Commissioner Vanderlip will need to recuse himself during discussion and voting on this general plan amendment. Commissioner Gregory will need to recuse himself during discussion and voting on Subcomponent A. Commissioner Barth will need to recuse himself during discussion and voting on Subcomponent B.

Reference: General Plan: Land Use and Circulation Elements; Uptown/Town Centre Specific Plan; Brown Act

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 2013-001;
- b. Amend, modify, or reject the above options.

ATTACHMENTS:

1. Resolution Adopting General Plan Amendment 2013-001A
2. Newspaper Notice Affidavit
3. Mail Notice Affidavits

RESOLUTION NO. 13-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING GENERAL PLAN AMENDMENT 2013-001A AMENDING THE
LAND USE MAP (FIGURE LU-6)
(CITY-INITIATED)

WHEREAS, the City has initiated General Plan Amendment 2013-001A 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 the Project 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 has been divided into two geographical subcomponents, Areas A and B – as shown in Exhibit A to this resolution, to minimize the number of Commissioners that have conflicts of interest with the Project; and

WHEREAS, at its meeting of October 22, 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;
- c. Considered public testimony from all parties;
- d. Recommended that the City Council approve the general plan amendment; and

WHEREAS, at its meeting of November 5, 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.

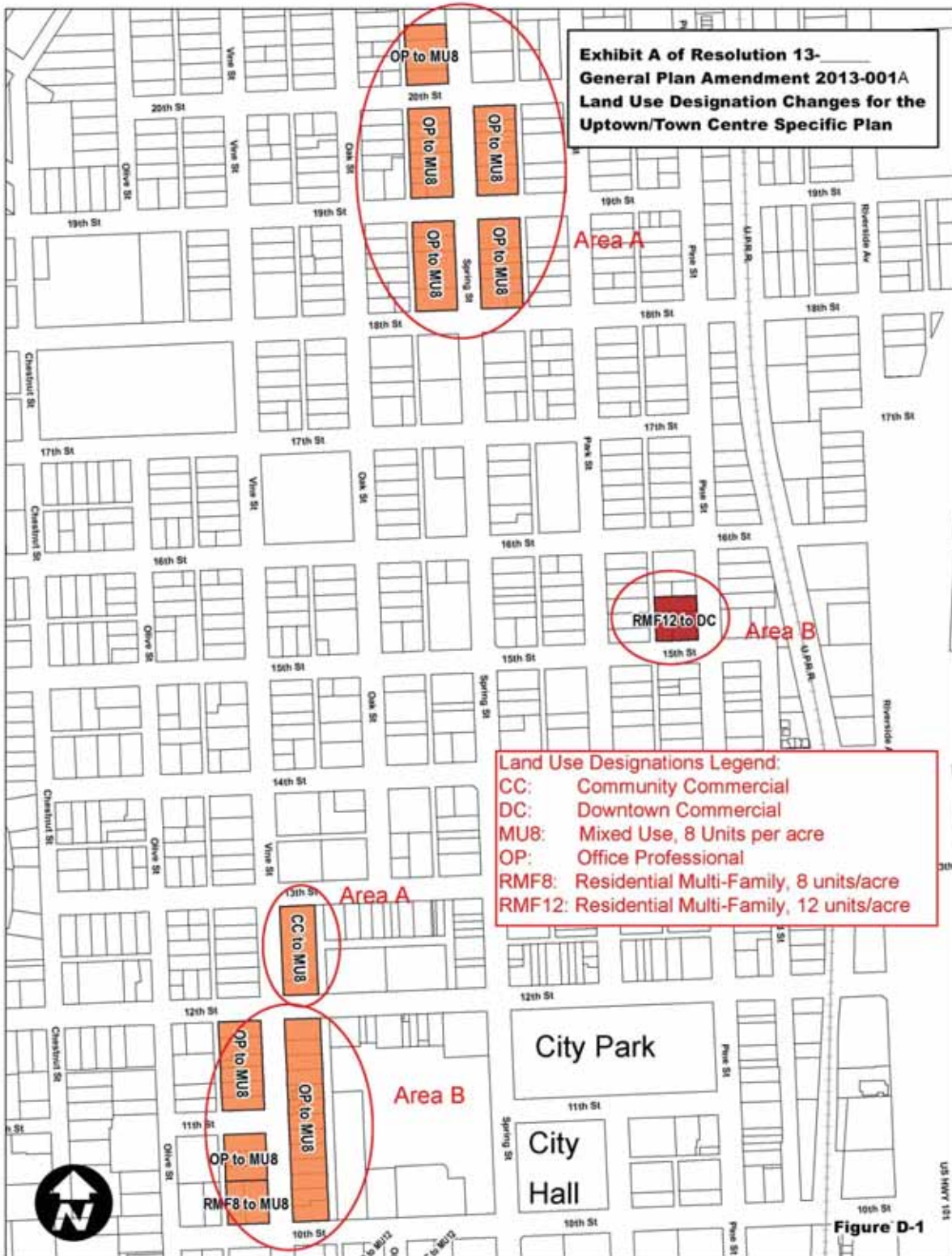
PASSED AND ADOPTED by the City Council of the City of Paso Robles this 5th day of November, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

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 # 7034405
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; OCTOBER 11, 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: OCTOBER 11, 2013
AD COST: \$116.62

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
NOTICE OF INTENT TO ADOPT
A NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider General Plan Amendment 2013-001A, 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 Uptown/Town Centre Specific Plan.

The public hearing will be conducted on Tuesday, October 22, 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.

At the conclusion of the public hearing, the Planning Commission will consider making a recommendation to the City Council regarding approval of General Plan Amendment 2013-001A.

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: ad@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) 237-3970.

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 Planning Commission at or prior to the public hearing.

/s/Ed Gallagher,
 Community Development Director
 October 11, 2013 7034405

RECEIVED

OCT 15 2013

City of Paso Robles
Community Development Dept.



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

ATTACHMENT 3

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) 2013-001A, on this 11th day of October, 2013.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Kristen Buxkemper

1000 SPRING STREET • PASO ROBLES, CALIFORNIA 93446 • www.prcity.com



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

October 11, 2013

Re: General Plan Amendment (GPA) 2013-001A

Dear Property Owner:

At its meeting of October 1, 2013, the City Council remanded GPA 2013-001A (described below and on the map on the reverse side of this letter) to the Planning Commission in order that the Commission might formulate a recommendation from the majority of its members. On August 27, 2013, the Planning Commission voted three in favor, three abstained (due to conflicts of interest), and one absent to recommend that the City Council approve GPA 2013-001A. State law requires that the City Council may only consider a general plan amendment following a recommendation for approval from a majority of members of the Planning Commission. The Planning Commission is comprised of seven members; a majority is four members.

The Planning Commission will conduct a new public hearing on Tuesday, October 22, 2013 at 7:30 pm in the City Council Chambers at City Hall, 1000 Spring Street, Paso Robles, CA. ALL INTERESTED PERSONS are invited to attend this hearing and provide oral comments and/or to comment in writing, provided that letters or emails are received by the City prior to the hearing. Comments may be mailed to Community Development Department, located on the 2nd floor at 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com.

In order to minimize opportunities for conflicts of interest (in which individual Planning Commissioners own property within 500 feet of property proposed for re-designation, GPA 2013-001A has been divided into two sub-components: A and B, as shown on the map on the reverse side of this letter.

As you were informed in previous letters describing GPA 2013-001A, the purpose of this amendment is 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 that was assigned with the adoption of the Uptown/Town Centre Specific Plan on May 3, 2011. **None of the zoning for the properties shown on the attached map is proposed to be changed.**

The Planning Commission will make a recommendation to the City Council on this general plan amendment. It is anticipated that the City Council will conduct a separate public hearing on this matter on November 5, 2013. You will receive a separate notice of that hearing once the date is confirmed.

A copy of the staff report for this application may be viewed on the City's website at the following link: <http://www.prcity.com/government/plancommission/agendas.asp>. To open the staff report, open the agenda and place your cursor on the title of the item (#1) and select (click). Printed copies of the staff report may be viewed at the Community Development Department, located on the 2nd floor at 1000 Spring Street, Paso Robles, CA.

If you challenge this application 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 hearings.

Should you have any questions regarding this general plan amendment, please call me at (805) 237-3970 or send an email to ed@prcity.com.

Ed Gallagher, Community Development Director