

RESOLUTION NO: 02-077

A RESOLUTION OF THE PLANNING COMMISSION
OF
THE CITY OF EL PASO DE ROBLES

RECOMMENDING ADOPTION OF A NEGATIVE DECLARATION FOR CODE AMENDMENT 02-013 REVISING THE PROCESS AND STRENGTHENING THE FINDINGS FOR ALLOWING BUILDINGS TO EXCEED HEIGHT RESTRICTIONS WHEN APPROPRIATE

WHEREAS, Chapter 21.16A of the Zoning Ordinance establishes the Planned Development (PD) Zoning District Overlay in order to allow for innovation and flexibility in the design of residential, commercial, and industrial development projects; and

WHEREAS, the PD process provides the Planning Commission with the ability to modify certain development standards on a case-by-case basis; and

WHEREAS, certain development standards (including allowable building heights) can be modified if it is demonstrated that the modification would result in a better design and/or a greater public benefit than would otherwise be afforded through strict application of the prescribed development standards; and

WHEREAS, Chapter 21.23B of the Zoning Ordinance establishes the Development Plan review process, but does not allow for modification of allowable building heights for commercial, industrial, and institutional projects; and

WHEREAS, as a result of the Emergency Services Department purchasing new equipment and as a result of changes in the Uniform Building Code and the Uniform Fire Code, it is no longer necessary to limit allowable building heights due to public health and safety considerations; and

WHEREAS, it is reasonable to provide the Planning Commission with the ability to establish the

allowable building height or heights for a specific development project based on due consideration of:

- The proportion, scale, and nature of the project;
- The visual quality and aesthetics of the project;
- The design of the project;
- The project's compatibility with the established character of surrounding development; and
- The project's ability to not create an adverse visual impact or otherwise have a negative effect on public views from nearby roads and other public vantage points.

WHEREAS, reliance on a case-by-case review of the specific characteristics of the project site and the project design is an appropriate way to determine the allowable building height or height(s) for a development project; and

WHEREAS, the proposed Code Amendment would modify the existing provisions of the Planned Development District that provide the City with an opportunity to allow buildings to exceed the height limitations of the Zoning Ordinance when appropriate by strengthening the findings to be made; and

WHEREAS, the proposed Code Amendment would modify the existing provisions of the Development Plan review process to provide the Planning Commission with the ability to allow commercial, industrial, and institutional buildings to exceed the height limitations of the Zoning Ordinance when appropriate; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed code Amendment qualifies for adoption of a Negative Declaration; and

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted on November 26, 2002 to accept public testimony on the environmental determination and the proposed Code Amendment.

NOW, THEREFORE, the Planning Commission of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

1. Find and determine that the proposed Code Amendment will not have a significant impact on the environment. This finding and determination was made based upon the substantial evidence

presented at the public hearing, including the whole record before the Planning Commission (including the Initial Study, the Staff Report, the proposed Code Amendment, and any public comments or testimony received thereon); and,

2. Recommend that the City Council adopt a Negative Declaration for the proposed Code Amendment.

PASSED AND ADOPTED THIS 26th day of November, 2002, by the following roll call vote:

AYES: Calloway, Ferravanti, Johnson, Kemper, McCarthy, Steinbeck
NOES: None
ABSENT: Warnke
ABSTAIN: None

CHAIRMAN STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY