

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 04-006, ZONING CODE AMENDMENT TO AMEND THE REGULATIONS ON VETERINARY CLINICS FOR SMALL ANIMALS

DATE: OCTOBER 19, 2004

Needs: For the City Council to consider an amendment to the Zoning Ordinance to allow veterinary clinics for small animals in the Office Professional (OP) district at the Gateway Center and along the Creston Road corridor, in the General Commercial (C-1) and Neighborhood Commercial (CP) zoning districts, subject to approval of a Conditional Use Permit.

- Facts:**
1. Currently animal hospitals and veterinary clinics are only allowed in the Residential Agricultural, Highway Commercial, Commercial/Light Industrial, and Manufacturing zoning districts with approval of a Conditional Use Permit.
 2. This Code Amendment would amend Section 21.16.200 of the Zoning Ordinance to allow animal hospitals and veterinary clinics for small animals (with overnight boarding as an accessory use), in the Office Professional (O-P) district at the Gateway Center and on Creston Road, and in the General Commercial (C-1) and Neighborhood Commercial (CP) zoning districts, subject to approval of a Conditional Use Permit.
 3. The Planning Commission recommended approval of this Zoning Amendment to the City Council at their regular meeting on September 28, 2004.
 4. This project is subject to the California Environmental Quality Act (CEQA). An Initial Study has been completed and a Negative Declaration has been prepared for this project. Based on the information contained in the Initial Study, staff has determined that this Code Amendment would not have a significant effect on the environment.

**Analysis
And**

Conclusion: In the past, veterinary clinics and animal hospitals were limited on where they could be located because of potential impacts that may have affected neighboring properties. At this time, this use is more specialized between businesses that work with small or large animals. Small animal pet clinics generally do not impact surrounding properties provided they are regulated by development standards and/or conditions of approval.

Given this, it would be appropriate to conditionally allow small animal veterinary clinics in the OP (at the Gateway Center) and along the Creston Road corridor in the OP, C-1 and C-P zoning districts. These zones could accommodate the use with minimal potential impacts that could be controlled through implementation of conditions of approval. This amendment would provide additional opportunities for this type of business to locate in the city. The amendment would not permit

veterinary uses in the Vine Street corridor or elsewhere in the downtown area except where currently permitted in the C-2 and C-3 zones.

Policy

Reference: General Plan and Zoning Code.

Fiscal

Impact: No direct fiscal impacts have been identified, however, implementation of the this amendment to the regulations would likely encourage economic development and additional locations where this type of use could be located.

Options: The City Council will be asked to select one of the following options:

- a. (1) Adopt Resolution No. 04-xx adopting the Negative Declaration relating to Zoning Code Amendment No. 04-006; and
- (2) Introduce for first reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning map change, and zoning text amendment; and set November 2, 2004, as the date for second reading of said ordinance.
- b. Amend, modify, or reject the above option.

Attachments:

1. Resolution adopting the Negative Declaration
2. Ordinance amending the Zoning Districts that conditionally permit veterinary clinics

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE
TO ALLOW VETERINARY OFFICES WITHIN THE GATEWAY CENTER
AND ALONG THE CRESTON ROAD CORRIDOR IN THE OFFICE PROFESSIONAL
ZONE (OP), AND ALL AREAS OF THE GENERAL RETAIL (C-1) AND NEIGHBORHOOD
COMMERCIAL (CP) ZONES SUBJECT TO APPROVAL OF A CONDITIONAL USE PERMIT
(CODE AMENDMENT 04-006)

WHEREAS, the City of El Paso de Robles has initiated Code Amendment 04-006 to allow animal hospitals and veterinary clinics for small animals as defined in Municipal Code Section 8.04.110 (including overnight boarding as an accessory use) in the Gateway Center and along the Creston Road corridor in the Office Professional (OP) Zone, General Retail Commercial (C-1) and Neighborhood Commercial (CP) zones subject to approval of a Conditional Use Permit; and

WHEREAS, this Code Amendment does not conflict with the General Plan; and

WHEREAS, by providing additional zoning districts where small animal clinics may be permitted with approval of a Conditional Use Permit, additional locations and opportunities to permit this type of business would be provided in the city, and

WHEREAS, by allowing veterinary clinics for small animals in the Gateway Center and along the Creston Road Corridor in the Office Professional (OP) zone, and in the General Commercial Retail (C-1) and Neighborhood Commercial (CP) zoning districts with approval of a Conditional Use Permit would not be detrimental to the character, health, safety and welfare of the community, and

WHEREAS, a resolution was adopted by the City Council approved a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed Code Amendment application in accordance with the California Environmental Quality Act.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. *Table 21.16.200.A.1 of the Municipal Code is hereby amended to read as shown on attached Exhibit A*

SECTION 2. 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 3. 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 4. 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 5. 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 October 19, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd day of November 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR CODE AMENDMENT 04-006

WHEREAS, the proposed Code Amendment 04-006, would amend Section 21.16.200 to allow veterinary clinics for small animals in the Gateway Center and along the Creston Road corridor in the Office Professional Zone, General Commercial Retail, and Neighborhood Commercial Zoning Districts, with approval of a Conditional Use Permit; and

WHEREAS, the Ordinance is consistent with the General Plan; and

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

WHEREAS, no public comments or responses were received in regard to the Draft Negative Declaration and Initial Study; and

WHEREAS, Public Notice of the proposed Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 28, 2004 and the City Council on October 19, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed code amendment and environmental determination; and

WHEREAS, based on information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the proposed code amendment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Paso Robles based on its independent judgment, that it does hereby adopt a Negative Declaration for Code Amendment 04-006 in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's procedures for implementing CEQA.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of October 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk