

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONING CODE AMENDMENT 05-002 AND SPECIFIC PLAN AMENDMENT (CHURCHES IN THE REGIONAL COMMERCIAL ZONE)

DATE: JULY 19, 2005

NEEDS: For the City Council to consider amending the Zoning Ordinance (Chapter 21.16, Table 21.16.200) to add churches to the list of conditionally permitted uses in the Regional Commercial (R-C) Zoning District.

FACTS:

1. This zoning code amendment would add churches to the list of uses conditionally permitted uses in the R-C zoning district.
2. The intent of the R-C zoning district is to implement the Regional Commercial land use designation of the General Plan and to cohesively plan for centers that coordinate shared facilities.
3. The intent of the Regional Commercial land use designation is to provide for retail and service uses that serve the region as a whole.
4. Conditionally permitted uses provide the ability for the City allow uses in an appropriate zoning district and to control specific aspects of a use that could otherwise result in impacts.
5. This request was initiated by applicants, Richard DeBeikes and Jim Halferty, who are pursuing a joint venture in a mixed-use project on vacant property located at the corner of Oak Hill Road and Old South River Road, with a church as one of the uses proposed in their project.
6. This amendment would apply to all properties zoned R-C.
7. The Planning Commission considered this request at their meeting on June 28, 2005, and recommended approval of the rezone to the City Council.
8. Per the California Environmental Quality Act (CEQA), an Initial Study was conducted. No significant environmental impacts were identified as result of this project and a Draft Negative Declaration was prepared.

**Analysis  
and  
Conclusions:**

Although churches do not usually include a retail component, they do provide for regional service needs. Since developments in the R-C district generally include more than one occupant or building to attract a regional market, they are typically comprehensively designed and include shared access, driveways, and other on- and off-site amenities and improvements. If churches were allowed in this district they would also need to comprehensively plan and design for integrated improvements.

It is suggested that churches be considered with a requirement for approval of a Conditional Use Permit so that the Planning Commission could identify potential land use issues that could be addressed through the application of conditions of approval to reduce potential impacts. If it was determined that impacts could not be adequately addressed through conditions, the Commission would retain the authority to not approve the establishment of a church in this zoning district.

A Planned Development, Tract Map and Negative Declaration were approved by the Planning Commission to allow for a mixed-use development on vacant property located at the corner of Oak Hill Road and Old South River Road. One of the uses requested as part of this development project is a Presbyterian church. The Planning Commission's approval of a church as a part of that project was contingent upon City Council approval of related legislation.

An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), which was required because this project is a legislative act. It was determined that no significant environmental impacts would result from this project, and a Negative Declaration was prepared for consideration.

**Reference:** Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance and CEQA.

**Fiscal Impact:** No direct fiscal impact.

**Options:** After opening the public hearing and taking public testimony, the City Council is requested to take one of the actions listed below:

- a.** That the City Council consider all applicable public testimony and introduce for first reading Ordinance No. XXX N.S. to amend the list of conditionally permitted land uses in the Regional Commercial zone; and set August 2, 2005, as the date for adoption of said Ordinance.
- b.** Amend, modify, or reject the above option.

**Attachments:**

1. Ordinance No. XXX N.S. amending the City's Zoning Ordinance
2. Newspaper and Mail Notice Affidavits

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

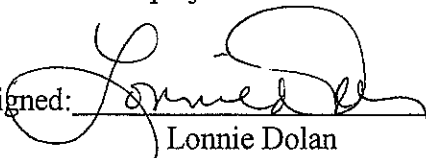
Newspaper: Tribune

Date of Publication: July 6, 2005

Meeting Date: July 19, 2005  
(City Council)

Project: Rezone 05-002  
(Halferty/Debeikes)

I, Lonnie Dolan, employee of the Community  
Development Department, Planning Division, of the City  
of El Paso de Robles, do hereby certify that this notice is  
a true copy of a published legal newspaper notice for the  
above named project.

Signed:   
Lonnie Dolan

**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 on Tuesday, July 19, 2005, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to hear a first reading of a Zoning Ordinance Amendment (Rezone 05-002) as described:

To amend Municipal Code, Title 21, Zoning, Chapter 21.16, to allow Churches in the (RC) Regional Commercial zoning district with approval of a Conditional Use Permit.

Written comments on the proposed amendment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, 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 application, please contact Susan DeCarl at (805) 237-3970.

If you challenge the amendment 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.

Susan DeCarl, AICP  
City Planner  
July 6, 2005 6210640

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE  
TO AMEND THE ZONING ORDINANCE TO ADD CHURCHES TO THE  
USE LIST AS A CONDITIONALLY PERMITTED USE IN THE  
RC (REGIONAL COMMERCIAL) ZONING DISTRICT  
ZONING CODE AMENDMENT 05-002

WHEREAS, the intent of this Zoning Ordinance Amendment is to conditionally permit churches in the RC zoning district; and

WHEREAS, churches typically have regional membership and they are a non-residential land use; and

WHEREAS, churches would be compatible with other land uses in the RC zoning district; and

WHEREAS, churches would be compatible with the City's adopted General Plan which identifies ". . . service uses that serve the region as a whole. . ."; and

WHEREAS, by requiring a Conditional Use Permit be approved prior to allowing this use to locate in the RC zoning district potential impacts that may result from this use can be identified and addressed through conditions of approval that may apply to the property; and

WHEREAS, at its meeting of June 28, 2005, the Planning Commission took the following actions regarding this ordinance:

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

WHEREAS, based on consideration of information received at its meeting of July 19, 2005, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's June 28, 2005 public meeting;

d. Introduced said ordinance for the first reading; and

WHEREAS, on August 2, 2005, the City Council held second reading of said ordinance.

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

SECTION 1. The zoning map amendment is hereby established on the official Zoning Map as shown in 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 5. Inconsistency. To the extent that the terms or 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, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on July 19, 2005 and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd day of August 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk