

ORDINANCE NO. 910 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AMENDING SECTION 21.22 ET SEQ. AND RELATED PROVISIONS OF THE
MUNICIPAL CODE (MUNICIPAL CODE AMENDMENT 2005-004 –
DOWNTOWN PARKING)

WHEREAS, in 1994 the City Council of the City of El Paso de Robles adopted an Amendment to the City's Municipal Code to provide a special set of off-street parking standards for the Downtown Area as defined by Figure 21.22-4 of the Zoning Code; and

WHEREAS, in 1998 and 2003 the City Council approved extensions of time under which the special parking code provisions would apply; and

WHEREAS, under the most current code provisions found in Section 21.22.035.C, the special off-street parking requirements are scheduled to expire December 31, 2005 unless they are extended by the City Council; and

WHEREAS, Municipal Code Amendment 2005-004 proposes a further extension of the Downtown Parking Provisions, in conjunction with establishment of a Parking Financing Program which is the subject of a separate City Council consideration; and

WHEREAS, at its meeting of December 13, 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 meetings of December 20, 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 December 13, 2005, public meeting;
- d. Introduced said ordinance for first reading.

WHEREAS, on January 3, 2006, the City Council held second reading of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Section 21.22 et seq. is hereby amended to replace the current text with the text of the code amendment attached and labeled Exhibit "A" (Downtown Area Parking Space Requirements).

SECTION 1. 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 2. 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 3. 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 and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. 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 December 20, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 3rd day of January 2006 by the following roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham
NOES:
ABSTAIN:
ABSENT: Heggarty

Frank R. Mecham, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

Exhibit “A” to Zoning Code Amendment 2005-004
21.22.035 Downtown area parking space requirements.

A. Commercial, service and office land uses located within the downtown area shall be required to provide off-street parking spaces at the ratio of one space per one thousand seven hundred fifty (**1,750**) square feet of land area, in order to encourage economic investment and a pedestrian oriented development pattern.

B. Exceptions to the downtown area parking space requirements:

1. Within the downtown area, buildings existing as of November 1, 1992, shall have no requirement to provide off-street parking spaces for commercial, service and office land uses.
2. There are no off-street parking requirements for the class and nature of land uses that includes movie theaters, theatrical productions, restaurants and other assembly type land uses that typically, but not exclusively, are in operation after usual business hours (i.e., after five p.m.); the applicability of this standard shall be determined by the planning commission.
3. The planning commission shall have the authority to waive the one space per one thousand seven hundred fifty (**1,750**) square foot off-street parking requirement in the downtown area when such waiver would support the city’s economic development strategy, dated May 18, 1993, and no health or safety concerns would be adversely impacted by such waiver.

C. Conditions on the applicability of the Downtown area parking space requirements: Any incremental increase in usable building area as a result of new construction (e.g. a new building or adding additional floors to an existing building) shall be subject to payment of an “in lieu” parking fee of an amount to be established by Resolution of the City Council and shall be based on the difference between the number of new off-street parking spaces that are provided on-site and the City-wide off-street parking requirements of Section 21.22.040 of the Paso Robles Municipal Code or any other Parking Code requirement subsequently adopted for the Downtown Area. In addition, as a condition of the granting of any entitlement for an increase in building area, the property owner shall enter into an agreement in a form to be approved by the City Attorney, committing the property owner and his or her tenants to participating in a proportionate share in the financing of off-street parking facilities in the Downtown Area in a form and amount specified by City Council Resolution. Exception: Replacement for demolished structures (e.g. as a result of the 2003 Earthquake or property owner decision to replace a structure) shall receive credit for pre-existing square footage.

D. Effective Dates. The off-street parking requirements and exemptions from said requirements that are provided for in this section shall apply from the effective date of the ordinance codified in this chapter through **December 31, 2007**. Prior to **December 31, 2007**, the city council may, by ordinance, determine to extend the effective period of said requirements and/or exemptions. In the absence of an affirmative action by the city council to extend the requirements and/or exemption provided for in this chapter, on **January 1, 2008** off-street parking requirements for new constructions within the downtown area, as defined in Section 21.22.030 et seq. of the Paso Robles Municipal Code, shall revert to the off-street parking requirements contained in Section 21.22.040 of the Paso Robles municipal code. Even if the city council does not extend the off-street parking requirements and/or exemptions provided for by this chapter, any buildings and structures, existing as of **January 1, 2008**, shall continue to be exempt from off-street parking requirements. ***Payment of in lieu fees and participation in financing public parking shall apply to any projects approved by the Planning Commission or Development Review Committee projects after January 1, 2006, with the above noted exception.***
(Ord. 910 N.S. 2006; Ord. 868 N.S., 2003; Ord. 756 N.S., 1999; Ord. 669 N.S. 3, 1994)