

ORDINANCE NO. 924 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.22 et seq. AND RELATED PROVISIONS OF THE
MUNICIPAL CODE
(MUNICIPAL CODE AMENDMENT 2006-001 – 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, 2003, and 2005 the City Council approved extensions of time under which the special parking code provisions would apply; and

WHEREAS, Municipal Code Amendment 2006-001 proposes to modifications to 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 October 10, 2006, 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 October 17, 2006, 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 October 10, 2006, public meeting;
- e. Introduced said ordinance for first reading; and

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 October 17, 2006, and passed and adopted by the City Council of the City of El Paso de Robles on the 7th of November, 2006 by the following roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

21.22.035 Downtown area parking space requirements.

A. Retail Commercial, Service Commercial, and Commercial Recreation land uses located within the downtown area shall be required to provide off-street parking spaces at the ratio of one (1) space per 400 square feet of gross floor area.

B. Residential Uses

1. Dwellings containing two (2) bedrooms or more shall be required to provide off-street parking spaces at the ratio of one and a half (1.5) parking spaces per dwelling unit.
2. Dwellings containing one (1) bedroom shall be required to provide off-street parking spaces at the ratio of one parking space per dwelling unit.
3. Studio dwellings shall be required to provide off-street parking spaces at the ratio of three quarters (.75) of a parking space per dwelling unit.

C. All parking provided for any downtown building or use shall be located within an enclosed structure or behind the building and accessed off an alley. When alley access is not available, parking should be accessed from a local street if available and from the arterial street if no other access is available. In any case, parking shall be completely screened from the primary street through the use of sufficient landscaping, screen walls or a combination of landscaping or screen walls. This requirement does not apply to municipal parking facilities provided for general downtown use.

D. Downtown buildings not meeting current parking requirements that are replaced or reconstructed, shall not be required to provide more on-site parking than existed at the time of demolition or remodel. Expanded floor area beyond what previously existed shall be subject to downtown parking requirements.

E. The Downtown Area parking requirements contained in this section may be satisfied partially or in full through the payment of an In-Lieu Parking Fee. The In-Lieu Parking Fee program shall be administered as follows:

1. **Establishment of Amount of Fee:** The amount of the In-Lieu Parking Fee shall be set by separate resolution of the City Council. The City Council may adjust the fee at their discretion as frequently as is deemed necessary based on factors including, but not limited to, inflation, the cost of providing new parking spaces, and the market value of parking spaces.
2. **Applicable Geographic Area:** Properties eligible to apply to participate in the In-Lieu Parking Fee program shall be those parcels located within the Geographic Boundaries of the Downtown Area as shown on Exhibit "A", Figure 21.22-4 of the City's Zoning Regulations
3. **Payment of Fee:** Payment of In-Lieu Parking Fees shall be made to the City in one lump sum calculated and paid at the time of building permit issuance or if a building permit is not required, within fourth-five (45) days of request by City for payment. The In-Lieu Parking Fee shall be a one-time-only, non-refundable payment and shall be considered full satisfaction of the off-street parking requirement for the number of parking spaces for which the fee was paid.
5. **Effect of Payment:** In-Lieu Parking Fees shall be used exclusively to make available additional parking spaces for public use within the Downtown Area and does not guarantee the construction of spaces in any particular area of the Downtown Parking Area or within any particular period of time. In-Lieu Parking fees are solely an alternative means of satisfying the applicant's obligations to provide off-street parking as required by this Chapter and payment of the In-Lieu Fee does not carry any other guarantees, rights, or privileges to the applicant. The location, type, and configuration of parking spaces funded by In-Lieu Parking Fees are at the City's sole discretion.