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ORDINANCE NO. XXXX N.S. (A)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING A COMPREHENSIVE, REPEAL AND REPLACE OF THE TITLE 21 ZONING CODE
AMENDMENT RZN 23-02 REGARDING UPDATES TO THE EL PASO DE ROBLES ZONING CODE
AND ZONING MAP AND FINDING THE ACTION EXEMPT FROM CEQA UNDER STATE CEQA
GUIDELINES SECTIONS 15060(c)(2) AND (c)(3) AND 15061(b)(3)**

WHEREAS, the City of El Paso de Robles, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Zoning Code has not been comprehensively updated since the 1970s. Over the years, revisions have been made to address evolving land use and development practices, incorporate Specific Plans and new zoning districts, and address changes in State law; and

WHEREAS, MIG, Inc. (MIG), an independent consultant, was retained by the City to assist with comprehensive updates to the Zoning Code; and

WHEREAS, the main objectives of the update to the Zoning Code include:

- a. Providing intuitive and user-friendly development regulations;
- b. Eliminating conflicts to create an internally consistent document;
- c. Complying with recent legislation and case law; and
- d. Modernizing the Zoning Code to reflect best practices, with a focus on streamlining housing entitlement and permitting processes, plus providing for flexibility and innovation; and

WHEREAS, in pursuit of these objectives, the City desires to amend its Zoning Code, currently codified as Title 21 of the El Paso De Robles Municipal Code; and

WHEREAS, the early stages of the Zoning Code update process included initial data collection, conducting stakeholder interviews, and providing a diagnostic summary of issues concerning the Zoning Code, including recommendations for reorganizing the Code; and

WHEREAS, from there, staff worked collaboratively with MIG in reorganizing the Zoning Code into 9 articles, updating each, and bringing them through a series of public study sessions to ensure public input and thoroughness of the edits being proposed; and

WHEREAS, on October 22, 2022, the Planning Commission held a study session and as part of the meeting reviewed a portion of Article 1 and portions of Articles 3, 6, and 9 of the Zoning Code; and

WHEREAS, on September 26, 2023, the Planning Commission held a study session and as part of the meeting reviewed Article 2 and a portion of Article 4; and

WHEREAS, on November 28, 2023, the Planning Commission held a study session and as part of the meeting reviewed Articles 5 and 7 and a portion of Article 4; and

WHEREAS, on February 13, 2024, the Planning Commission held a study session and as part of the meeting reviewed additional portions of Article 4; and

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WHEREAS, on March 26, 2024, the Planning Commission held a study session and as part of the meeting reviewed Article 8 and portions of Article 3; and

WHEREAS, the City published a complete draft of all Zoning Code Articles on June 14, 2024, to encourage public participation and input on the changes being proposed throughout the Zoning Code; and

WHEREAS, on July 9, 2024, the Planning Commission held a study session and reviewed a complete draft of the Zoning Code; and

WHEREAS, concurrently with the Zoning Code update process, updates to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22, have been made to clean up code references that will be outdated if Title 21 is amended; and

WHEREAS, on August 13, 2024, the Planning Commission held a public hearing for amendments to Title 21 and amendments to the Zoning Map including removing special conditions overlays D and E as well as removing of Hillside District Overlay, and on six successive votes of 6-0-1 (one Commissioner absent), recommended the City Council approve said amendments; and

WHEREAS, on August 27, 2024, the Planning Commission held a public hearing for amendments to Municipal Code Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, and 19, and on five successive votes of 5-0-2 (two Commissioners absent), recommended the City Council approve said amendments; and

WHEREAS, the City Council finds that these updates to the Zoning Code, Zoning Map, and updates to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22 do not qualify as a project under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, § 15060, subd. (c)(2)-(3), and are exempt from CEQA under State CEQA Guidelines, § 15061(b)(3); and

WHEREAS, a duly noticed public hearing was conducted by the City Council on September 17, 2024, to consider the facts as presented in the staff report prepared for this Zoning Code update, Zoning Map amendments, and Municipal Code amendments, and to afford the public an opportunity to comment upon such items.

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

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. Findings for Approval. Based on the facts and analysis presented to it, including all written and oral testimony, the City Council hereby finds and determines:

- a. RZN 23-02 is consistent with the following Goals and Policies of the General Plan – Land Use Element Policy LU-2B Action Item 1: By defining and implementing updated zoning standards through the proposed Zoning Code, the City ensures that zoning regulations are not only up-to-date but also promote the enhancement and conformity of existing structures throughout the City. Housing Element Policy H-3.3: By updating the Zoning Code and Zoning Map, the proposed updates ensure that the City remains current in recent legislation, particularly as it relates to housing, thereby helping remove and

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reduce governmental constraints while facilitating compliant and effective housing development throughout the City.

- b. The proposed amendments will not adversely impact the public health, safety, and welfare, because the proposed amendments are designed primarily for organizational purposes and to enhance clarity, consistency, and compliance with state and federal laws, thereby providing a more predictable and efficient regulatory framework for all community stakeholders. By establishing clearer standards and processes, this Zoning Code update helps protect public interests, facilitate responsible growth, and maintain the integrity of communities throughout the City. Moreover, the enhanced provisions relating to housing helps support the provision of adequate housing in the City of El Paso de Robles, which in turn contributes positively to the overall welfare of the City and its residents.

Section 3. The Council hereby adopts the language attached hereto as Exhibits A, B, and C, and incorporated herein by reference.

Section 4. Environmental Determination. The City Council finds that this Zoning Code does not qualify as a “project” under CEQA because the Zoning Code text amendments do not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (See State CEQA Guidelines, § 15378 [defining “project”], § 15060(c)(2)-(3).) Alternatively, even if the Zoning Code amendments did qualify as a project under CEQA, they are exempt from CEQA because it can be seen with certainty that there is no possibility that the zone code text amendments may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 7. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36937.

INTRODUCED at a regular meeting of the City Council held on September 17, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A – Title 21 Zoning Code Amendment

Exhibit B – Zoning Map Amendment for the Special Conditions Overlays D and E

Exhibit C – Zoning Map Amendment for the Hillside Development Overlay