CT Text Amendment ZCH 2006-0130
9700 El Camino Real
(Jacobson / Patel)

(Proposal for the construction of a Hotel at 9700 El Camino Real.)

RECOMMENDATION:

Council adopt on second reading, by title only, Draft Ordinance A approving Zone Change 2006-0130 amending the CT zoning code text to conditionally allow “health care services” based on findings.

DISCUSSION:

The proposed Zone Change consists of a Zone Text Amendment to the conditionally allowed uses within the Commercial Tourist Zone to allow health care services/medical offices.

On May 8, 2007, the City Council conducted a public hearing to consider the Zone Text Amendment to conditionally allow “health care services” in the Commercial Tourist zone, and adopted Draft Ordinance A for first reading by title only.

FISCAL IMPACT:

None

ATTACHMENTS:

Attachment 1: Draft Ordinance A
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE
2006-0130 TO ESTABLISH “HEALTH CARE SERVICES” AS A
CONDITIONAL USE IN THE COMMERCIAL TOURIST (CT) ZONE
(Jacobson)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Ted Jacobson (8055 Cristobal Avenue, Atascadero, CA 93422) Applicant and Property Owner to consider Zone Text Amendment to add “health care services” as a conditional use within the Commercial Tourist (CT) zone; and,

WHEREAS, the City of Atascadero’s 2025 General Plan incorporated a series of Smart Growth goals that include efficient use and reuse of existing lands and for more compact, pedestrian scaled development through intensification of commercially designated land uses; and,

WHEREAS, the General Plan contains Policies and Programs to provide a sound economic base to sustain the City’s unique character by establishing a range of employment and business opportunities and generate sufficient revenue to support adequate levels of public services, and environment, social and educational quality and to retain and expand existing businesses and attract new businesses to improve the availability of goods and services; and,

WHEREAS, the General Plan contains Policies and Programs to provide public and Planning Commission review of uses which may have potential impacts to surrounding uses and neighborhoods; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0002 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Code Text to protect the health, safety, and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,
WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on April 3, 2007 studied and considered Zone Change 2006-0130, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on May 8, 2007, studied and considered Zone Change 2006-0130, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project; and,

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Zone Text Change. The City Council finds as follows:

1. The zone change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

2. Amendment of the zoning ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

3. The zone change will not, in itself, result in significant environmental impacts.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on June 12, 2007 resolved to introduce for first reading by title only, an ordinance that would amend the City Zoning code text with the following:

9-3.243 Conditional uses.

The following uses may be allowed in the Commercial Tourist Zone. The establishment of conditional uses shall be as provided by Section 9-2.109:
(a) Amusement services;
(b) Auto, mobilehome and vehicle dealers and supplies (see Section 9-6.163);
(c) Bar/tavern;
(d) Eating and drinking places with drive-through facilities;
(e) Health Care Services;
(f) Sales lots (see Section 9-6.139);
(g) Caretaker’s residence (see Section 9-6.104);
(h) Pipelines.
SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: ______________________________

Dr. George Luna, Mayor

ATTEST:

Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________

Patrick L. Enright, City Attorney