

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE B-05

The City's zoning regulations, based on the General Plan, guide the development of the City in an orderly manner, protect and enhance the quality of the natural and built environment, and promote the public health, safety and welfare by regulating the use of land and buildings and the location and basic form of structures. The zoning regulations set forth with particularity what uses and types and sizes of structures are permitted. The zoning regulations allow for a planned development overlay zone to provide greater flexibility in applying zoning standards in order to address special site features, land uses on adjoining properties and environmental factors. The regulations also allow for special consideration overlay zones for especially sensitive sites where a use permit with further City review is required before development may be finalized.

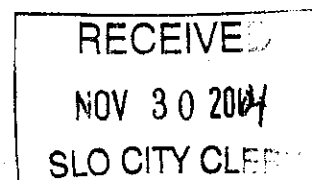
The 131-acre Dalidio property is adjacent to the SLO Promenade shopping center, southeast of Madonna Road and the Post Office, northeast of Prefumo Creek, and west of Highway 101. The property is not within the City limits, has not yet been annexed to the City, and therefore was not covered by City zoning regulations until the Council adopted Ordinance No. 1449 on August 3, 2004. The ordinance was the subject of a referendum petition signed by more than 10% of registered voters that required the Council to either repeal the ordinance or put it before the voters. On November 16, 2004, the Council directed this measure be placed before the voters.

This ordinance rezoned the Dalidio property, subject to eventual annexation into the City, as follows:

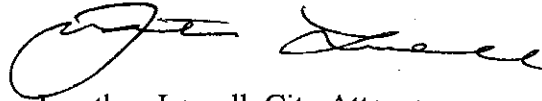
- 48.7 acres Retail Commercial with a planned development overlay (this part of the action also approved a preliminary development plan for the project, i.e. the shopping center design, but that plan is subject to further City review by the Architectural Review Commission and City staff)
- 8.1 acres Office with special consideration overlay
- 3.3 acres Medium High Residential with special consideration overlay
- 45.0 acres Agriculture
- 9.7 acres Conservation/Open Space
- 16.2 acres for interchange and roads

All of these changes are conditioned upon final annexation of the area into the City, whereupon the rezoning designations will become the zoning regulations for the property. The rezoning/zoning changes are consistent with the General Plan Land Use Map adopted by the Council on July 7, 2004.

A "yes" vote on this measure by a majority of those voting means Ordinance No. 1449 will go into effect allowing the rezoning, zoning and preliminary development plan approval for the development proposal upon annexation of the Dalidio property into the City.



A "no" vote by a majority of those voting means Ordinance No. 1449 is repealed, thereby not allowing for rezoning, zoning and approval of a preliminary development plan for the Dalidio property.

A handwritten signature in black ink, appearing to read "Jonathan Lowell", written in a cursive style.

Jonathan Lowell, City Attorney

The above statement is an impartial analysis of Measure B-05. If you desire a copy of the measure, please call the City Clerk's office at 781-7100 and a copy will be mailed to you at no cost.