TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONING CODE AMENDMENT 99-001 (DWELLING UNIT
                 DENSITY CALCULATION / GHOST MAP PROCESS)

DATE: MAY 18, 1999

Needs: That the City Council consider approval of Zoning Code Amendment 99-001. The
                 subject Code Amendment would replace the existing methodology for establishing
                 dwelling unit density ("ghost map") with a numerical formula.

Facts: 1.   The City's Economic Development Strategy calls for the elimination of the
                       current "ghost map" process for establishing residential densities in the Single
                       Family Residential Zone.

                 2.   The "ghost map" process is a time-consuming methodology that involves
                       preparing a theoretical subdivision plan, establishing the maximum number of
                       dwelling units that could be constructed on a particular property.

                 3.   The "ghost map" process is proposed to be replaced with a numerical formula
                       that would serve the same purpose.

                 4.   A Negative Declaration of Environmental Impact (a finding of no significant
                       impact) is proposed to be considered in conjunction with this Zoning Code
                       Amendment.

                 5.   On April 27, 1999, the Planning Commission unanimously (4-0, with three
                       Commissioners absent) recommended approval of both the Negative
                       Declaration and Zoning Code Amendment 99-001.

Analysis
and
Conclusion: As described in the attached Analysis, the proposed Zoning Code Amendment would
                 replace the existing "ghost map" process of the Single Family Residential Zone with a
                 numerical formula.

RIMC CODE: Community Development Department
FILE/CAT: Advance Planning
DATE: April 14, 1999
SUBJECT: Zoning Code Amendment 99-001
RETENTION: Permanent

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The numerical formula is similar to the methodology already provided for in the Multi-Family Residential Zone.

This Zoning Code Amendment would be a step toward implementing the City's Economic Development Strategy.

The new approach to determining dwelling unit density will save time and effort for both applicants and the City.

In conjunction with preparing the draft Ordinance Amendment, the following Engineering firms were invited to meet with staff on March 31, 1999 to review and comment on the proposal:

> Cannon Associates
> Central Coast Engineering
> EDA
> EMK & Associates
> North Coast Engineering
> Tim Roberts
> Dan Stewart
> Vaughan Surveys

Supportive comments were received from Tim Roberts, and Larry Werner of NCE met and discussed the draft with Ed Gallagher. It is staff's understanding that NCE is comfortable with the approach being taken in the draft Ordinance.

Notices of the Planning Commission's public hearing were provided to all of the above Engineering Firms. There was no testimony provided to the Planning Commission.

Policy
Reference: Zoning Code

Fiscal
Impact: Project processing cost savings for both private sector developers and the City.

Options: a.   That the City Council, by separate actions, approve the attached resolution adopting a Negative Declaration and introduce for First Reading an Ordinance that would amend the City's Zoning Code with regards to the process for determining permitted density in the R-1 (Single Family Residential Zone), and set June 1, 1999 as the date for adoption of said Ordinance.

                b.   Amend, modify or reject Option "a".

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ORDINANCE NO. _____N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21.16E et seq. OF THE MUNICIPAL CODE
(CODE AMENDMENT 99-001 - DWELLING UNIT DENSITY CALCULATION)

WHEREAS, in 1999 the City Council of the City of El Paso de Robles adopted an update to its Economic Development Strategy; and

WHEREAS, the Task Force that prepared the Economic Development Strategy recommended that the City eliminate its current process for determining dwelling unit density (the so called "ghost map" process) based on the amount of time and effort that the process entails for both private sector developers and the City; and

WHEREAS, Code Amendment 99-001 would Amend the City's Zoning Code to replace the current "ghost map" process with an equivalent numerical formula that would result in essentially the same dwelling unit densities as anticipated by the City's General Plan and Zoning Code; and

WHEREAS, at its meeting of April 27, 1999 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, at its meeting of May 18, 1999, 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.   Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the code amendment and adopted a Negative Declaration in accordance with the California Environmental Quality Act; and

    d.   Considered the Commission's recommendation from the Planning Commission's April 27, 1999, public meeting;

    e.   Introduced said ordinance for first reading; and

WHEREAS, on June 1, 1999, 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.

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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:

Chapter 21.16E et seq. of the Zoning Code is hereby amended to be consistent with the attached "Exhibit A"

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 May 18, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of June, 1999, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

_____
Duane J. Picanco, Mayor

ATTEST:

_____
Madelyn Paasch, City Clerk

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Section 21.16E.030 Planned development overlay district applicability.

A. The planned development overlay district (Chapter 21.16A) may be used as an overlay district to the R-1 district for the purposes of modifying the R-1 development standards contained within this chapter ~~section~~ in order to create a subdivision with uniform lot areas and/or dimensions or to cluster lots in order to provide common open space.

B. The number of single family lots that may be created on a property via a subdivision or parcel map in the R-1,PD zoning district may be determined via application of density factors to the net developable acreage of a property via the two-step process outlined in this subsection.

    1. Step 1: Determine net developable acreage of a property. The area eligible for calculation of density shall consist of the acreage of a parcel, minus the following:

        a. Any dedication necessary to provide for the full rights-of-way of arterial and/or collector streets, as designated by the Circulation Element of the General Plan, adjacent to and/or within a proposed subdivision, parcel map or lot line adjustment, in accordance with adopted standards for city streets;

        b. Any areas of the site with natural slopes of thirty-five percent or greater;

        c. Any areas of the site within the outer driplines of a compact grouping of ten or more oak trees ("mature" as defined in Chapter 10.01 of this code), where driplines between trees in the grouping are separated by ten feet or less;

        d. Any areas of the site within the floodway of the Salinas River.

    2. Step 2: Determine maximum density.

        a. Determine average slope of net developable area. General plan policy provides that densities be decreased as the underlying slope increases. Prior to applying the maximum densities allowed under a property's land-use category to the net developable acreage, the average slope of the net developable acreage shall be calculated using the following formula:

$$\text{Average slope} = \frac{I \times L \times 0.0023}{A}$$

Where:

I   =   Contour interval in feet. Contour intervals shall not exceed five feet.

L   =   Combined length of contour lines measured within the net developable area.

0.0023   =   A constant that converts square feet into acres and expresses slope in percent.

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A   =   Acreage of net developable area.

b. Determine maximum density for average slope. The maximum density (single family lots per acre) of a property proposed for development shall be determined by dividing the property's net developable acreage by the minimum site area per unit listed in the table below for the average slope of the net developable area.

Average Slope of Net Developable Area (%)	Maximum number of dwelling units (single family lots) per net developable acre					
	R-1,PD	R-1,B-1,PD	R-1,B-2,PD	R-1,B-3,PD	R-1,B-4,PD	R-1,B-5,PD
0-4.99	4.2	4.0	3.3	1.7	0.9	0.45
5-9.99	3.3	3.3	3.3	1.7	0.9	0.45
10-14.99	2.7	2.7	2.7	1.7	0.9	0.45
15-24.99	2.1	2.1	2.1	1.7	0.9	0.45
25-34.99	1.7	1.7	1.7	1.7	0.9	0.45

Exceptions:

(1) On properties where the Land Use Element of the General Plan establishes maximum densities at 1, 2 or 3 units per acre (i.e., RSF-1, RSF-2 and RSF-3 land use categories), maximum densities shall not exceed that established by the General Plan.

(2) On properties that have been assigned zoning that includes a density factor appended to the base zoning district (e.g., R-1,PD2, which allows up to 2 single family lots per acre), maximum densities shall not exceed the appended density factor.

~~The planning commission may grant approval of such modifications to the R-1 district regulations if the city council can find that the proposed density does not exceed the maximum density which could be achieved under strict adherence to the hillside development standards contained within this chapter. To support this finding, applicants seeking modifications to the R-1 and hillside development standards shall submit an alternative conceptual subdivision map that shows dimensioned lots and streets, contours at two- foot intervals (except that five-foot intervals may be used where slopes are thirty percent or greater), and slope categories required by this chapter.~~

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ANALYSIS FOR
CODE AMENDMENT 99-001
(PROCESS FOR DETERMINING DWELLING UNIT DENSITY)

Background

According to Zoning Code Section 21.16A.010, the purpose of the Planned Development (PD) Overlay Zone is to provide innovation and flexibility in the design of residential, commercial and industrial developments. The PD Overlay Zone functions as a negotiated exchange through which the city can offer flexibility of certain development standards in exchange for specific project amenities (e.g., recreational facilities, usable open space, special design features). Toward this objective, approval of a planned development can allow modifications of certain development standards.

A common use of PD Zoning in the R-1 residential zone is to modify such development standards as lot sizes, widths and depths. This is usually done, either to cluster smaller lots in order to provide more usable open space, or to provide a more uniform pattern of lots on varied topography where strict adherence to the R-1 Zone's standards might result in a "patchwork" of varied lot sizes and shapes.

Section 21.16A.010 also stipulates that the planned development process shall not be used to change the nature of the permitted land uses or increase project density.

Zoning Code Section 21.16E.030 provides the policy for using PD Overlay Zoning in the R-1 (single family residential) Zone. This section currently reads as follows:

> **Section 21.16E.030 Planned development overlay district applicability.**
>
> A. The planned development overlay district (Chapter 21.16A) may be used as an overlay district to the R-1 district for the purposes of modifying the R-1 development standards contained within this section in order to create a subdivision with uniform lot areas and/or dimensions or to cluster lots in order to provide common open space.
>
> B. The planning commission may grant approval of such modifications to the R-1 district regulations if the city council can find that the proposed density does not exceed the maximum density which could be achieved under strict adherence to the hillside development standards contained within this chapter. *To support this finding, applicants seeking modifications to the R-1 and hillside development standards shall submit an alternative conceptual subdivision map that shows dimensioned lots and streets, contours at two- foot intervals (except that five-foot intervals may be used where slopes are thirty percent or greater), and slope categories required by this chapter.*

The "alternative conceptual subdivision map" has come to be called a "ghost map". Its purpose has been to provide consistency with that provision in Section 21.16A.010 that specifies that the planned development process shall not be used to change the nature of the permitted land uses or increase project density.

During the 1998/1999 update of the City's Economic Development Strategy, the Economic Task Force received testimony that the ghost map process adds time and expense to the processing of tentative maps. The Task Force recommended that the ghost map process be eliminated and replaced with a density formula that is similar to that allowed in the R-2, R-3, and R-4 (multi-family residential) Zones.

R-2, R-3 and R-4 Zone Density Formula

In the R-2, R-3, and R-4 Zones, maximum density is determined by a relatively simple two-step process. The first step is to identify the "Net Developable Area" of a development site, which is any area that does not include the following:

- any dedication necessary to provide the full rights-of-way for streets bordering the site or any General Plan-designated collector or arterial street that may bisect the site;

- slopes of 35% or greater;

- outer driplines of a compact grouping of ten or more mature oak trees;

- floodway of the Salinas River.

The second step is to determine maximum density by dividing the Net Developable Area (in square feet) by specified minimum site areas per dwelling unit. The specified minimum site areas per dwelling unit increases with the *average slope* of the Net Developable Area. The purpose of increasing minimum site areas as slope increase is to implement General Plan policy that density (number of dwelling units per acre) decreases as slope increases (Policy ENV-11).

Proposed R-1,PD Zone Density Formula

A two-step process similar to that used in the R-2, R-3 and R-4 Zones is proposed to replace the current ghost map process. It should be noted that the process described here is for the R-1,PD Zone and would not apply in the R-1 Zone without PD Overlay Zoning.

1. Determine Net Developable Acreage of a Property: The same deductions used in the R-2, R-3 and R-4 Zones for street dedications, slopes of 35% or greater, Salinas River Floodway and oak woodlands are proposed to apply in the R-1,PD Zone. It should be noted that the area to be occupied by interior "local" (i.e. non-arterial or non-collector) streets is eligible for inclusion in the Net Developable Acreage. (Note: There are not presently any vacant R-1 zoned parcels with land in the Salinas River.)

   City codes and policies essentially already prevent the design of subdivisions that would place developable areas of R-1 lots on slopes of 35% or greater, the Salinas River Floodway, and within oak woodlands.

2. Determine Maximum Density: The *average slope* of the Net Developable Area would be calculated using the same formula used in the R-2, R-3 and R-4 Zones. The draft ordinance, however, proposes that the maximum density factors be expressed in single family lots (dwelling units) per acre, rather than minimum site areas (in square feet) per dwelling unit. The density factors would decrease as slope increases, achieving the objective of General Plan Policy ENV-11.

   The density factors shown in the table in the draft ordinance were derived by preparing a series of layouts of subdivisions on hypothetical 10 acre square parcels with combinations of abutting arterial, collector and local streets and combinations of slopes. Attached is an example of one such layout, for 0-4% slope.

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In all of the layouts, lot sizes and dimensions conformed to R-1 standards for the slope underlying the developable area; streets, including knuckles and cul-de-sac bulbs conformed with existing City standards. Lots on cul-de-sac bulbs and knuckles have 40 foot widths at the front setback line. Areas for dedication of abutting streets were deducted, reducing the net developable areas to 8.82 - 9.55 acres. With different configurations of abutting streets, the density factors came out the same, for a uniform slope area, each time.

For purposes of comparison with the proposed draft ordinance, the table below shows the "as-built" density for several tracts in the City.

Tract	Name/Developer	Min. Lot Size	Acres	# of Lots	Density
1895-1	Willhoit (BASP)	7,000 sf	11.3	48	4.25
1942	Katherine Court	7,000 sf	4.84	18	3.7
2281	John Wilson	7,000 sf *	65.8	150	2.3
1457	Meadowlark Estates	10 - 15,000 sf	32.8	89	2.7
2223	Bella Vista Estates	10 - 12,000 sf	40.3	105	2.6
1886	The Summit	20,000 sf	47	81	1.7
2286	Cowden & Mulholland	20,000 sf	14.45	21	1.45
1215	Almond Springs	1 acre	30	27	0.9

* The topography in this tract varies greatly and the R-1 Code/Hillside Ordinance required many lots to be larger than 7,000 sq ft in area.

Conclusion

The draft ordinance proposes a method of determining maximum allowable density that provides essentially the same results as the "ghost map" process, but does not require that developers go through the time and expense of preparing a subdivision map that will not be built. Given a survey map that shows dedications for adjacent streets, topographical contours, the extent of any oak woodland canopy, the calculations of Net Developable Area, average slope and maximum allowable density can be completed in a substantially shorter amount of time.

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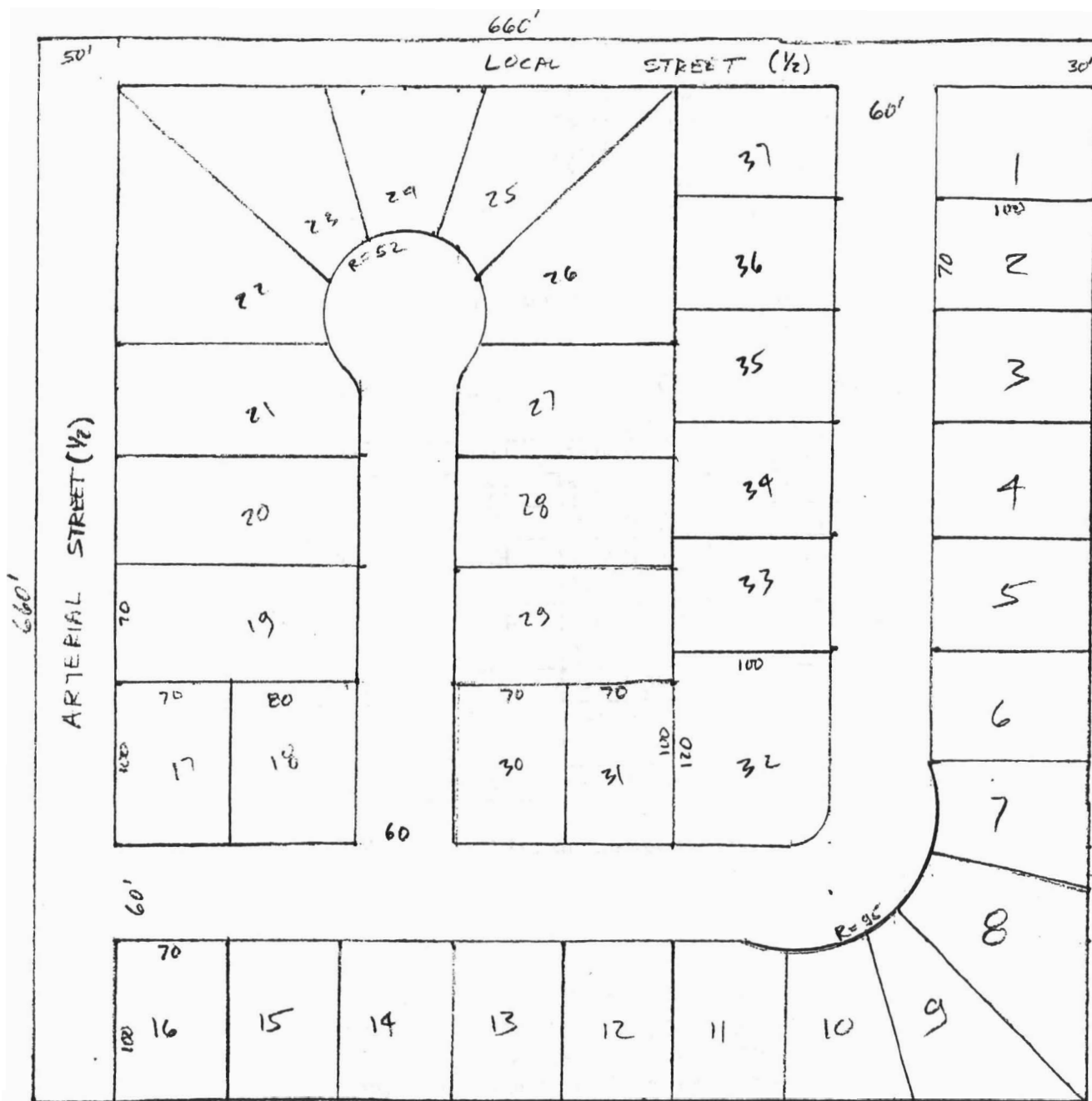
0-4% slope.
7000 # lots

If either arterial st. was a local or local (on top of sheet)
was not there an additional lot could be gained.

| 8.82 | net developable acres | 37 lots → 4.2 | (610'x630') |
| 9.11 | net developable acres | 38 lots → 4.2 | (630'x630') |

RESOLUTION NO: 99-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING A NEGATIVE DECLARATION FOR CODE AMENDMENT 99-001 (PROCESS FOR DETERMINING DWELLING UNIT DENSITY - CITY INITIATED)

WHEREAS, in 1999 the City Council of the City of El Paso de Robles adopted an update to its Economic Development Strategy; and

WHEREAS, the Task Force that prepared the Economic Development Strategy recommended that the City eliminate its current process for determining dwelling unit density (the so called "ghost map" process) based on the amount of time and effort that the process entails for both private sector developers and the City; and

WHEREAS, Code Amendment 99-001 would Amend the City's Zoning Code to replace the current "ghost map" process with an equivalent numerical formula that would result in essentially the same dwelling unit densities as anticipated by the City's General Plan and Zoning Code; and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which proposed that a Negative Declaration be approved; and

WHEREAS, Public Notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on April 27, 1999 and by the City Council on May 18, 1999 to consider the proposed Negative Declaration for this application, and to accept public testimony regarding this proposed environmental determination for the proposed code amendment; and

WHEREAS, based on the information contained in the Initial Study prepared for this code amendment and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment if the code amendment was approved.

NOW, THEREFORE, BE IT RESOLVED, that based on the City's independent judgment, the City Council of the City of El Paso de Robles does hereby approve a Negative Declaration for Code Amendment 99-001 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED THIS 18th day of May, 1999 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
DUANE J. PICANCO, MAYOR

ATTEST:

_____
MADELYN PAASCH, CITY CLERK

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
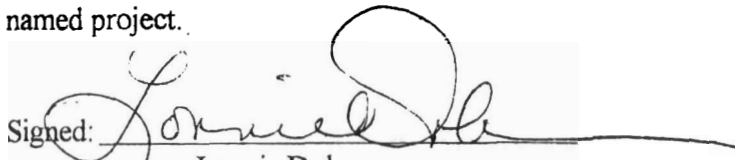PROJECT NOTICING

Newspaper: TELEGRAM-TRIBUNE

Date of Publication: April 16, 1999

Meeting Date: April 27, 1999
      (Planning Commission)
      May 18, 1999
      (City Council)

Project: Zoning Code Amendment 99001
    (City initiated "Ghost Map Process)

I, ___Lonnie Dolan___, employee of the Community

Development Department, Planning Division, of the City of

El Paso de Robles, do hereby certify that this notice is a true

copy of a published legal newspaper notice for the above

named project.

Signed: _____
    Lonnie Dolan

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