

DATE: 9/7/99 AGENDA ITEM # 5  
( ) APPROVED ( ) DENIED  
( ) CONTINUED

TO: JAMES L. APP, CITY MANAGER  
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BL*  
SUBJECT: URGENCY INTERIM ZONING ORDINANCE REGARDING  
MULTI-FAMILY RESIDENTIAL DEVELOPMENT PROJECTS  
DATE: SEPTEMBER 7, 1999

Needs: For the City Council to consider adoption of an Urgency Interim Zoning Ordinance that would preclude acceptance of applications for multi-family residential development projects of five or more dwelling units.

Facts:

1. On August 17, 1999 the City Council considered the subject ordinance. There were three Council members supporting adoption; four affirmative votes are needed to adopt an Urgency Ordinance.
2. The Council continued the discussion on this topic to September 7, 1999.
3. During the Council's deliberations, concerns were expressed regarding two subjects:
  - a. The adequacy of opportunity for public input;
  - b. That any appeal process should be directed to the City Council, not the Planning Commission.
4. Notices of the Council's scheduled discussion of the Urgency Ordinance were mailed to local engineering firms and major multi-family residential property owners. A legal notice was also published.
5. The draft Urgency Ordinance has been modified to reflect the Council as the body that would hear any hardship appeal.
6. Four out of five Council members would need to vote in the affirmative to pass the attached Urgency Ordinance. If passed, the Urgency Ordinance would be effective for 45 days unless the Council held a noticed hearing and extended the Urgency Ordinance prior to the end of the 45 day effective period.

Analysis  
and

Conclusion:

As the attached draft Urgency Ordinance is structured, multi-family residential projects that are less than five (5) dwelling units in size would be exempt. Also exempted would be projects that were found to be complete prior to September 7, 1999.

As noted above, the Urgency Ordinance would be effective for 45 days unless extended by action of the City Council prior to its expiration. The Council could extend the Ordinance for an additional 10 months and 15 days.

Having an Urgency Ordinance in place would provide the Planning Commission and City Council with the opportunity to review and, as appropriate, up-date the City's Multi-Family Residential Zoning development standards without running the risk of a potentially conflicting development application being filed.

An ad hoc subcommittee of the Planning Commission has already started the process of reviewing the Multi-Family Zoning development standards. In light of the volume of development projects currently underway and the complexity of the issues, it is anticipated that the Planning Commission and City Council will not be able to complete the review and up-date process in less than six to nine months. Hence, if the Urgency Ordinance is passed, it is anticipated that a continuance of the Moratorium would be scheduled for City Council consideration on October 19, 1999.

Policy

Reference:

Zoning Code

Fiscal

Impact:

None

Options:

- a. That the City Council adopt, by at least a 4/5 vote, the attached Urgency Interim Zoning Ordinance declaring a Moratorium on acceptance of applications to construct Multi-Family Residential Development projects.
- b. Amend, modify or reject Option "a."

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ORDINANCE NO. \_\_\_\_\_

**AN URGENCY INTERIM ZONING ORDINANCE TO TAKE EFFECT IMMEDIATELY DECLARING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS TO CONSTRUCT MULTI-FAMILY RESIDENTIAL DEVELOPMENT PROJECTS, TO BE EFFECTIVE FOR 45 DAYS UNLESS EXTENDED BY FURTHER ACTION OF THE CITY COUNCIL**

WHEREAS, multi-family residential developments have a unique set of development standards, provided in Chapter 21.16I of the Paso Robles Municipal Code (Zoning Code); and

WHEREAS, by virtue of the relatively higher density of multi-family residential developments, increased numbers of persons are concentrated into a smaller geographic area, exacerbating concerns over the adequacy of design parameters, including but not limited to consideration for fire protection, crime prevention, recreation and open space areas, and other amenities that provide residents of multi-family dwelling units with the Quality of Life described in General Plan Policy RES-3; and

WHEREAS, General Plan Land Use Element Policy RES-3 states that "As the City Council determines necessary and appropriate to preserve the community's quality of life, the City will consider General Plan and Zoning changes ... to adequately address growing concerns regarding traffic congestion, over-crowding, crime, inadequate off-street parking, insufficient open-space, and other indicators of potential decline in the community"; and

WHEREAS, General Plan Land Use Element Policy RES-8 calls for the City to "improve the development standards for multi-family residential as follows:

- a. Provide more usable open space (especially play areas for young children), better community appearance, and less traffic congestion;
- b. Encourage clustered multiple family residential development with increased yards/setbacks, passive and active open space, and streets that meet City street standards;
- c. Avoid excessive concentrations of high density multi-family developments, particularly housing low income families; the housing needs of low income families are better met through dispersed distribution and mixed use development."; and

WHEREAS, multiple family residential development increases the demand for Emergency Services responses by concentrating greater numbers of persons in smaller geographic areas, warranting particular study and attention; and

WHEREAS, the City is in the process of soliciting proposals to prepare a Strategic Master Plan study for Emergency Services, which will address the long-term emergency services needs of the City; and

WHEREAS, the concept of "defensible space" calls for increased attention to crime prevention in the design and development of multi-family residential developments; and

WHEREAS, concerns have been expressed regarding the adequacy of the City's current multi-family residential development standards to address the City's General Plan policies, facilitate response to future Emergency Service needs, and to adequately anticipate and implement crime prevention techniques that should be considered as a part of the multi-family residential development process; and

WHEREAS, the City of Paso Robles wishes to ensure that the character of existing neighborhoods is preserved and that multi-family residential developments, where permitted, are subject to appropriate zoning standards, including standards that address General Plan policies including those regarding Quality of Life and Multiple Family Residential development, Emergency Services and crime prevention needs;

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

Section 1. Finding, Declaration of Urgency.

The City Council of the City of Paso Robles hereby finds and declares that there is an urgent need to enact an urgency interim ordinance establishing a moratorium on the acceptance of applications for multi-family residential development within the City, subject to the findings and conditions contained in this ordinance because the City intends to review and potentially prepare amendments to the multi-family residential development standards to address concerns focusing on quality of life, development standards, emergency services, and crime prevention. Continuing to accept applications for development of multi-family residential projects while this review is being conducted may preclude the City from implementing appropriate revised standards proposed during the study period. In certain neighborhoods, this may result in significant irreversible change to or loss of neighborhood character and significant impacts on properties adjacent to multi-family zoned or designated properties. Accepting applications for multi-family residential projects during this study period could seriously impact neighborhood character and living conditions within the City.

Based on the foregoing, the City Council does hereby declare that this urgency ordinance is necessary to protect the public health, safety and welfare to prohibit new applications for multi-family residential projects while the current development standards for multi-family residential projects are reviewed and proposals are made for modifications to these regulations.

Section 2. Moratorium.

Except as provided in Section 3 of this Ordinance, the City Council hereby declares a moratorium on the filing, processing and approval of any application for discretionary approval of a multi-family residential project (i.e.: a Development Plan, as required by Chapter 21.23B of the City's Municipal Code - Zoning Code). No City officer or employee shall accept or process any application for any permit described herein.

Section 3. Hardship Exception.

Any person may apply for an exception from the provisions of this Ordinance on the grounds of economic hardship. Such application shall state the nature of the hardship and the reasons why an exception to this Ordinance is warranted. The application shall explain the relationship of the proposed multi-family residential development in relation to the character of its surroundings, the impacts, or mitigation of any impacts, the multi-family residential development may have on surrounding properties in terms of the General Plan policies regarding Quality of Life, Multiple Family Residential, future emergency services needs and crime prevention techniques generally described as "defensible space". The application shall state why the delay in pursuing the multi-family residential development until the study period is complete would constitute a taking in contravention of the law. The application shall also explain whether there are alternatives to the multi-family residential development which have been investigated and the applicant's opinion of such alternatives. The application for a hardship exemption shall be heard by the City Council pursuant to the procedures established in Chapter 21.23 for the hearing of applications for conditional use permits. The City Council shall consider the provisions of this Ordinance together with the provisions of Section 21.23.250 in determining whether to grant a hardship exception under this Ordinance.

Section 4. Exemption.

Notwithstanding Section 2 of this Ordinance, the following applications for multi-family residential development projects may be processed and approved:

1. Applications for discretionary review (e.g. Development Plan applications) that have been filed and deemed complete prior to September 7, 1999; and
2. Applications for multi-family residential development that do not require a discretionary review pursuant to Chapter 21.23B of the Paso Robles Municipal Code (Zoning Code).

Section 5. Effective Date.

This Interim Ordinance shall become effective immediately upon adoption and shall remain in force and effect through October 22, 1999, forty-five (45) days following adoption, unless extended prior to the expiration date.

PASSED AND ADOPTED THIS 7th DAY OF September, 1999, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

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Duane J. Picanco, Mayor

ATTEST:

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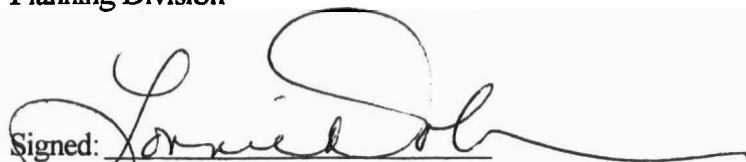
Sharilyn Ryan, Deputy City Clerk

**AFFIDAVIT  
OF MAIL NOTICES  
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project Urgency Interim Zoning Ordinance regarding new applications for Multi-Family Developments for the meeting on September 7, 1999 (City Council)

Mailed on this 24<sup>th</sup> day of August 1999

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Lonnie Dolan

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING


Newspaper: THE TRIBUNE

Date of Publication: August 25, 1999

Meeting Date: September 7, 1999  
(City Council)

Project: Public Hearing Urgency Interim  
Zoning Ordinance regarding  
New Applications for Multi-  
Family Developments

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

forms/newsaffi.691

NOTICE OF  
PUBLIC HEARING  
URGENCY INTERIM  
ZONING ORDINANCE  
REGARDING  
NEW APPLICATIONS  
FOR MULTI-FAMILY  
DEVELOPMENTS

NOTICE IS HEREBY  
GIVEN that the City  
Council of the City of El  
Paso de Robles will hold  
a Public Hearing to con-  
sider adoption of an  
urgency interim zoning  
ordinance that would,  
with specified excep-  
tions, place a moratorium  
on acceptance of appli-  
cations for new Multi-  
Family Development  
Projects.

If adopted, the ordinance  
would be effective for 45  
days unless extended by  
further action of the City  
Council.

This hearing will take  
place in the Community  
Room of the Paso Robles  
Library / City Hall,  
1000 Spring Street, Paso  
Robles, California 93446,  
at the hour of 7:30 PM on  
Tuesday, September 7,  
1999 at which time all  
interested parties may  
appear and be heard.

If you challenge the ordi-  
nance in court, you may  
be limited to raising only  
those issues you or  
someone else raised at  
the public hearing  
described in this notice,  
or in written correspon-  
dence delivered to the  
City Council at, or prior  
to, the public hearing.

Please direct any ques-  
tions regarding this pub-  
lic notice to Bob Lata,  
Community Develop-  
ment Department, City of  
Paso Robles, at (805)  
237-3970.

Bob Lata, Community  
Development Director  
Aug. 25, 1999 5185003