

DATE: 10/19/99 AGENDA ITEM # 5
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *Bob*

SUBJECT: URGENCY INTERIM ZONING ORDINANCE REGARDING
MULTI-FAMILY RESIDENTIAL DEVELOPMENT PROJECTS:
REQUEST TO CONSIDER EXTENSION

DATE: OCTOBER 19, 1999

Needs: For the City Council to consider extending the recently adopted Urgency Interim Zoning Ordinance that precludes acceptance of applications for multi-family residential development projects of five or more dwelling units.

- Facts:
1. On September 7, 1999 the City Council adopted an Ordinance precluding acceptance of new applications for multi-family residential projects of five (5) or more dwelling units.
 2. Based on State Law, the Council Ordinance adopted by the Council on September 7, 1999 will expire on October 22, 1999 unless, following a noticed Public Hearing, the Council adopts a new Ordinance extending the Moratorium. The required public notice has been provided.

Analysis and Conclusion: The adopted Urgency Ordinance precludes submittal of applications for multi-family residential project of five (5) or more dwelling units; projects of lesser size would be exempt. Also exempted would be projects that were found to be complete prior to September 7, 1999.

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. The subcommittee has met twice and is undertaking a comprehensive review of development standards in the multi-family zones. Attached is an outline of the topics under review.

The subcommittee would need to meet at least one more time to formulate a consensus on their recommendation to the Planning Commission. The Commission, in turn, would need to recommend to the City Council whatever changes to the Zoning Code that the Commission believes are warranted.

Based on the Council's consideration of the Planning Commission's recommendation, the Council would then determine whether or not to direct staff to initiate a formal amendment to the Zoning Code, modifying the Multi-Family development standards. This process is anticipated to be completed in less than six (6) months.

Options before the City Council are:

- Adopt the attached Ordinance extending the Moratorium on acceptance of applications for Multi-Family projects of five (5) or more dwelling units for an additional six (6) month period, providing that the Moratorium would terminate earlier if reviewing the multi-family code standards is completed sooner;
- Do not adopt an extension to the Moratorium, but direct staff and the Planning Commission to proceed with their review of the multi-family code standards, thereby accepting the risk that projects may be filed and be under consideration that might be inconsistent with new development standards. Attached is an inventory of the multi-family zoned parcels in the City that could be the subject of development applications; the current inventory reflects that 884 dwelling units could be developed in projects subject to the current Moratorium;
- Do not adopt an extension to the Moratorium and direct staff and the Planning Commission to terminate current studies of multi-family development standards.

Conclusion: 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 months. An extension of the Urgency Ordinance would allow the multi-family development standards to be reviewed in a thorough and comprehensive manner without the potential for projects to be filed that may be inconsistent with new development standards.

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 extending the adopted Moratorium on acceptance of applications to construct Multi-Family Residential Development projects.
- b. Amend, modify or reject Option "a."

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 SIX (6) MONTHS 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 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 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, and to meet parking needs and/or City parking requirements, the owners of these dwellings often pave significant portions of the front yard area of the property, thereby removing open and green space from the neighborhood and changing the neighborhood character on a permanent basis; 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’s Planning Commission has begun the process of reviewing the multi-family residential development standards and that process, including the formal consideration of a Zoning Code Amendment, is expected to require an additional six (6) month period; and

WHEREAS, the City of Paso Robles wishes to ensure that the character of existing neighborhoods are 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 finding 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 regulations 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 Planned Development or 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 impact, 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 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. Planned Development or 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 April 19, 2000, six (6) months following adoption, unless extended prior to the expiration date, or upon the effective date of an up-date of the Multi-Family Zoning Code development standards, whichever shall first occur.

PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 1999, BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

Duane J. Picanco, Mayor

ATTEST:

Sharilyn Ryan, Deputy City Clerk

MULTI-FAMILY RESIDENTIAL REGULATIONS UPDATE DISCUSSION OUTLINE

Standards being *discussed and considered* by the Planning Commission's Subcommittee regarding the multi-family residential regulations update include the items listed below. The Planning Commission may or may not recommend that all of the items listed below be incorporated into the update.

The Development Review Chapter of the Zoning Code (Chapter 21.23B) authorizes the Planning Commission to require a wide range of design features. The regulations update could amend the multi-family regulations (Chapter 21.16I) and parking regulations (Chapter 21.22): (a) to require certain features; and/or (b) to restate within the multi-family regulations that the Planning Commission has the authority to require them as part of the development review process.

The subcommittee is discussing thresholds for imposing certain requirements at the number of units commensurate with the above densities. For some of the standards listed below, project sizes of 16 or 32 units are used as thresholds at which certain requirements are triggered. These numbers are commensurate with zoning density limits for 1 and 2 acre sites.

Parking

- Number of resident spaces per unit as a function of the number of bedrooms;
- Number of visitor spaces per unit;
- Covered parking spaces;
- Parking of RV's and boats.

Open Space/Recreation/Appurtenances

- Amount of shared open space;
- Types of recreational amenities;
- Recreation rooms/buildings;
- Laundry rooms.

Site Design

- Setbacks;
- Parking lots along street frontages;
- Backflow valves, transformers, gas & electric meters screening .
- Trash enclosures;
- Thresholds for bus shelters;
- "Defensible Space" design features;
- 2nd story windows orientation;
- Bike racks.

Architectural Design

- Roofing materials;
- Roof design;
- Wall modulations ("jogs");
- Plywood siding;
- Storage rooms/lockers;
- Insulation above Title 24 requirements;
- 4-sided architecture.

**MULTI-FAMILY RESIDENTIAL STANDARDS UPDATE
DISCUSSION OUTLINE, Page 2**

Fire Prevention

- Fire access road requirements;
- Distance from fire access drive to exterior of building;
- Sill height limit;
- On-site hydrants;
- Directories, annunciators, etc.

Maintenance

- Prohibit major auto repair in parking lots;
- Placement of storage sheds in front and street side yards.

Other

- Development plan requirements;
- Barbed wire, razor wire and electric fences.

Low Income Apartments

For low income housing that receives subsidy in the form of welfare (property tax) exemption and/or other public funds (CDBG, HOME, LMIH, Tax Credit, CHFA, Rural Development and/or HUD Programs):

- Require that a local non-profit or public entity with a proven track record in ownership and management be the general managing partner or controlling ownership interest in the project. (1999 Economic Strategy: Implementation Measure II for Objective A of the Housing Section)
- Require such enrichment services as:
 - Family (non-senior) Projects: day care, after-school programs, ESL classes, etc. for projects with 32 or more units.
 - Senior housing: recreation programs, health classes, transportation (van) services for projects with 32 or more units.

INVENTORY OF SITES FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT

APN	Book	Page	Lot	Sub Area	Base LUCAT	Overlay LUCAT	Zoning	Acres	Land Use	#DU	
										Exist	Pot
LOTS 2 ACRES OR GREATER IN AREA											
9	571	10	8		RMF-H		R-4,PD	10.00	SFR, vac land ne/o Creston & Sherwood	1	159
8	381	01p	1		RMF-L		R-3,PD	5.90	vacant land (w/s Vine @36th)	0	47
8	381	03p	1		RMF-L		R-3	2.90	vacant land (w/s Vine @36th)	0	23
8	381	04p	1		RMF-L		R-3	9.70	vacant land (w/s Vine @36th)	0	77
8	431	34	2		RMF-L		R-2	2.03	vacant land ("Mortuary" site)	0	16
9	541	07	6		RMF-L		R-2	2.70	SF residence (w/o Ferro Lane)	1	20
9	541	08	6		RMF-L		R-2	3.50	vacant land ("Devine" site, w/o Ferro Lane)	0	28
9	611	42p	6		RMF-L	RD	R-2,PD	18.00	Former Meat Plant	0	144
9	751	63	7		RMF-L		R-3,PD	2.34	vacant land next to Creston Village	0	18
9	761	63p	7		RMF-L		R-2,PD	2.81	vacant land (Pcl 1 of PR 99-013, e/s S. River Rd)	0	23
9	761	64p	7		RMF-L		R-2,PD	7.36	vacant land (PD 97012, n/o NOVA site)	0	44
9	761	64p	7		RMF-L		R-2,PD	14.44	vacant land (TT 2047-63 lots, e/o NOVA site)	0	63
25	391	57p	3		RMF-M	BASP	R-2,PD	8.50	vacant land (Wilhoit, w/s/ Buena Vista Rd)	0	90
											752
LOTS 1-2 ACRES IN AREA											
8	092	25	2		RMF-L		R-2	1.77	SF residence (s/s 24th @ Royal Ct)	1	13
8	391	21	1		RMF-L		R-2,B-1	1.58	vacant lot (nw/o Vine & 28th)	0	12
9	256	07	2		RMF-L		R-2	0.52	3 vacant lots (drainage way included)	0	6
9	256	08	2		RMF-L		R-2	0.92	5 vacant lots (drainage way included)	0	10
9	441	14	5		RMF-L		R-2,B-3	0.99	vacant land (PR89-375: 2 lots app'd)	0	6
9	451	10	5		RMF-L		R-1,B-3	1.00	SF residence (n/s Creston)	1	7
9	451	12	5		RMF-L		R-1,B-3	1.00	SF residence (n/s Creston)	1	7
9	451	17	5		RMF-L		R-1,B-3	0.84	vacant land (n/s Creston)	0	6
9	451	19	5		RMF-L		R-1,B-3	1.00	SF residence (n/s Creston)	1	7
9	451	22	5		RMF-L		R-1,B-3	1.00	vacant land (n/s Creston)	0	8
9	451	28	5		RMF-L		R-1,B-3	1.00	SF residence (n/s Creston)	1	7
9	451	30	5		RMF-L		R-1,B-3	1.00	vacant land (n/s Creston)	0	8
9	531	24	6		RMF-L		R-2	0.90	2 lots (Capitol Hill)	0	7
9	641	02	5		RMF-L		R-1	1.00	SF residence (n/s Creston)	1	7
9	641	03	5		RMF-L		R-1	1.35	2 SF residences (n/s/ Creston)	2	8
8	041	26	1		RMF-M	RD	R-4,PD	1.10	vacant land (ne/o 34th & Park)	0	13
											132
VACANT INFILL LOTS											
8	092	36	2		RMF-L		R-2,PD	0.30	vacant lot	0	1
8	092	39	2		RMF-L		R-2,PD	0.47	vacant lot	0	1
8	152	18	2		RMF-L		R-2	0.16	vacant lot	0	2
8	222	04	2		RMF-L	RD	R-2	0.16	vacant lot	0	2
8	231	03	2		RMF-L	RD	R-2	0.08	vacant lot	0	1
8	232	14	2		RMF-L	RD	R-2	0.06	vacant lot	0	1
8	234	15	2		RMF-L	RD	R-2	0.16	vacant lot	0	2
8	317	10	2		RMF-L		R-2	0.16	vacant lot	0	2
8	391	08	1		RMF-L		R-2,B-1	0.36	vacant lot	0	3
8	391	13	1		RMF-L		R-2,B-1	0.06	vacant lot	0	1
8	391	24	1		RMF-L		R-2,B-1	0.43	vacant lot	0	3
8	391	25	1		RMF-L		R-2,B-1	0.42	vacant lot	0	3
9	252	10	2		RMF-L		R-2	0.27	vacant lot	0	2
9	252	12	2		RMF-L		R-2	0.16	vacant lot	0	2
9	252	13	2		RMF-L		R-2	0.16	vacant lot	0	2
9	252	14	2		RMF-L		R-2	0.16	vacant lot	0	2
9	252	15	2		RMF-L		R-2	0.16	vacant lot	0	2
9	252	16	2		RMF-L		R-2	0.16	vacant lot	0	2
9	282	20	2		RMF-L		R-2	0.21	vacant lot	0	2
9	441	16	5		RMF-L		R-2,B-3	0.33	vacant land	0	3
9	441	47	5		RMF-L		R-2,B-3	0.52	vacant land	0	3
9	531	23	6		RMF-L		R-2	0.50	vacant lot	0	4
9	531	28	6		RMF-L		R-2	0.30	2 vacant lots	0	2
8	011	27	1		RMF-M	RD	R-3	0.12	vacant land	0	1
8	011	35	1		RMF-M	RD	R-3	0.24	vacant land	0	3
8	011	68	1		RMF-M	RD	R-3	0.08	vacant land	0	1
8	031	03p	1		RMF-M	RD	R-4,PD	0.39	vacant land	0	4
8	031	16	1		RMF-M	RD	R-4,PD	0.28	vacant land	0	3
8	032	11	1		RMF-M	RD	R-4,PD	0.14	vacant land	0	2
8	165	09	2		RMF-M	RD	R-3	0.29	vacant land	0	6
8	172	13	2		RMF-M	RD	R-3	0.36	vacant land	0	6
8	226	08	2		RMF-M	RD	R-3	0.16	vacant lot	0	3
8	227	9p	2		RMF-M	RD	R-3	0.16	vacant land	0	3
8	244	11	2		RMF-M	RD	R-3	0.15	vacant lot	0	2
8	286	10	2		RMF-M	RD, OP	R-3/OP	0.08	vacant lot	0	1
8	292	03	2		RMF-M	RD	R-3	0.14	vacant lot	0	3
8	292	15	2		RMF-M	RD, OP	R-3/OP	0.16	vacant lot	0	3
											89
Total											973

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: THE TRIBUNE

Date of Publication: September 29, 1999

Meeting Date: October 19, 1999
(City Council)

Project: Intent to adopt a Negative Declaration to Extend a Moratorium on Acceptance of 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 AND NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION TO EXTEND A MORATORIUM ON ACCEPTANCE OF 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 consider adoption of a Negative Declaration and approval to extend the length of an Urgency Interim Zoning Ordinance declaring a Moratorium on acceptance of applications to construct Multi-Family Residential Development projects for up to an additional 10 months and 15 days from the Urgency Interim Ordinance's current expiration date of October 22, 1999.

The City Council hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, October 19, 1999, at which time all interested parties may appear and be heard.

The City Council will consider adoption of a Negative Declaration of Environmental Impact (statement that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA). The proposed Negative Declaration is available for public review through Tuesday, October 19, 1999.

If you challenge the negative declaration or ordinance 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 correspondence delivered to the City Council at, or prior to, the noted public hearing.

Copies of the staff report and draft Negative Declaration will be available for the cost of reproduction at the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446. Please direct any questions regarding this public notice to Bob Lata, Community Development Department, City of Paso Robles, at (805) 237-3970.

Bob Lata, Community Development Director
Sept. 29, 1999 5196370