

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CODE AMENDMENT 02-011 - EMPLOYEE HOUSING
DATE: SEPTEMBER 17, 2002

Needs: For the City Council to consider a City-initiated amendment to the Zoning Code to establish employee housing as a conditionally-permitted use in Commercial, Industrial, Agricultural, and Parks and Open Space zoning districts.

- Facts:
1. The City has recently received inquiries from owners and developers of visitor-serving commercial businesses about the possibility of providing employee housing on the same site as their proposed commercial facilities.
 2. Employee housing would be defined as more than one rental housing unit per lot or parcel in which occupancy will be reserved for employees of a particular commercial or industrial development.
 3. As will be discussed in the Analysis below, the General Plan allows for limited amounts of residential in commercial and industrial land use categories. Visitor-serving commercial uses, which include hotels, are allowed in Agricultural and Parks and Open Space zoning districts.
 4. The Planning Commission is scheduled to consider the draft code amendment on September 10. The Planning Commission's recommendation to the Council regarding the proposed ordinance will be orally reported to the Council at its meeting of September 17.
 5. The proposed code amendment is subject to the California Environmental Quality Act (CEQA). An Initial Study has been conducted (copy on file in the Community Development Department), which concludes that the proposed code amendment will not have any significant effect on the environment and that no mitigation measures are necessary. It is proposed, therefore, that the City Council adopt a Negative Declaration for this code amendment.

Analysis and
Conclusion:

As provided for in the 1991 Land Use Element of the General Plan, the City has pursued, embraced, and experienced considerable growth in retail commercial, tourist-serving/recreational commercial, and industrial development.

Since 1991, housing prices have continued to rise and many employees of the new commercial and industrial development find it increasingly difficult to find affordable housing, a situation that could hamper further commercial and industrial development.

Policy COM-12 of the 1991 Land Use Element calls for the city to facilitate the establishment of limited amounts of residential use in any of the commercial land use categories in order to achieve several purposes, including provision of affordable housing to employees and their families.

Policies 1.1 and 1.7 of the 1994 Housing Element of the General Plan call for maintaining a variety of types of housing and for encouraging development of limited amounts of residential use on commercial and industrial properties.

The code amendment proposes to designate employee housing as a conditionally permitted use in Commercial, Industrial *, Agricultural, and Parks and Open Space zoning districts. The requirement for a conditional use permit will provide the City with a means by which to ensure that the design, density, and even the provision of employee housing is appropriate for any given property.

* The AP Zone is an exception to the industrial zoning districts. All AP-zoned properties are located on, or adjacent to the Airport, and long-term housing would seem to be incompatible with airport operations.

Policy

Reference: General Plan: Land Use and Housing Elements.

Fiscal

Impact: It is not anticipated that the proposed ordinance will have any measurable effect on the General Fund.

Options: After consideration of all public testimony, that the City Council consider the following options:

- a. (1) Adopt Resolution No. 02-xx approving a Negative Declaration for Code Amendment 02-011.
- (2) Introduce Ordinance No. XXX N.S. amending the Zoning Code to Permit Employee Housing in Commercial, Industrial, Agricultural, and Parks and Open Space Zoning Districts as a Conditional Use, and set October 1, 2002, as the date for adoption of said Ordinance.
- b. Amend, modify or reject the foregoing options.

Prepared by:

Ed Gallagher
Housing Programs Manager

Attachments:

1. Resolution Adopting a Negative Declaration
2. Ordinance Amending the Zoning Code to Permit Employee Housing in Commercial, Industrial, Agricultural, and Parks and Open Space Zoning Districts as a Conditional Use
3. Newspaper Notice

ED\CODE AMEND\EMPLOYEE HOUSING\CCR 091702

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE
TO AMEND TABLE 21.16.200 TO PERMIT EMPLOYEE HOUSING IN COMMERCIAL,
INDUSTRIAL, AGRICULTURAL, AND PARKS AND OPEN SPACE DISTRICTS AS A
CONDITIONAL USE (CODE AMENDMENT 02-011)

WHEREAS, as provided for in the 1991 Land Use Element of the General Plan, the City has pursued, embraced, and experienced considerable growth in retail commercial, tourist-serving/recreational commercial, and industrial development; and

WHEREAS, since 1991, housing prices have continued to rise and many employees of the new commercial and industrial development find it increasingly difficult to find affordable housing, a situation that could hamper further commercial and industrial development; and

WHEREAS, Policy COM-12 of the 1991 Land Use Element calls for the city to facilitate the establishment of limited amounts of residential use in any of the commercial land use categories in order to achieve several purposes, including provision of affordable housing to employees and their families; and

WHEREAS, Policies 1.1 and 1.7 of the 1994 Housing Element of the General Plan call for maintaining a variety of types of housing and for encouraging development of limited amounts of residential use on commercial and industrial properties; and

WHEREAS, the City has recently received inquiries from owners and developers of visitor-serving commercial businesses about the possibility of providing employee housing on the same site as their proposed commercial facilities; and

WHEREAS, visitor-serving commercial uses are allowed in Agricultural and Parks and Open Space zoning districts; and

WHEREAS, the city has initiated an ordinance to allow for the provision of “employee housing” on the same site as commercial and industrial uses in commercial, industrial, agricultural, and parks and open space zoning districts; and

WHEREAS, at its meeting of September 10, 2002, 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 adopt the proposed ordinance; and

WHEREAS, at its meeting of September 17, 2002, 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. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. 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;

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.
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 HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section B. Residential of Table 21.16.200 is hereby amended to read as shown on the attached Exhibit A of this ordinance.

SECTION 2. 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 3. 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 4. Inconsistency. To the extent that the terms of 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 5. 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 September 17, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of October 2002 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Frank R. Mecham

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 02-012: PROHIBIT RECREATIONAL VEHICLES AS RESIDENCES

DATE: SEPTEMBER 17, 2002

Needs: To consider a City-initiated amendment to the Zoning Code to explicitly provide that the use of recreational vehicles, trailers, and campers as residences in residential zoning districts is prohibited.

Facts:

1. Ordinance 690 N.S., adopted in 1995, amended Section 21.20.230 of the Zoning Code to prohibit the use of travel trailers, recreational vehicles, campers, and similar vehicles as residences in residential zoning districts.
2. In 2000, Ordinance 791N.S. adopted regulations establishing unlawful areas to use recreational vehicles, camp, and sleep, replacing the Ordinance 690 text of Section 21.20.230. This newer code amendment inadvertently deleted the prohibitions on use of travel trailers, recreational vehicles, campers, and similar vehicles as residences in residential zoning districts.
3. The City has now initiated a code amendment to restore the text of Section 21.20.230 so that it is clear to the public that the use of travel trailers, recreational vehicles, campers, and similar vehicles as residences in residential zoning districts is prohibited.
4. The Planning Commission is scheduled to consider the draft code amendment on September 10. The Planning Commission's recommendation to the Council regarding the proposed ordinance will be orally reported to the Council at its meeting of September 17.
5. The proposed code amendment would not have a direct physical change on the environment, nor would it foreseeably have an indirect physical change on the environment and, therefore, is not a project, as defined by Section 21065 of the California Public Resources Code, and no further environmental study for this ordinance is required under the California Environmental Quality Act.

Analysis and Conclusion: The restoration of the text adopted by Ordinance 690 N.S. would eliminate confusion and help the City's code enforcement efforts.

Policy Reference: Ordinances 690 N.S. and 791 N.S.

Fiscal Impact: It is not anticipated that the proposed ordinance will have any effect on the General Fund.

Options: After consideration of all public testimony, that the City Council consider the following options:

- a. Introduce Ordinance No. XXX N.S. amending the zoning code to re-establish regulations prohibiting use of travel trailers, recreational vehicles, and campers as residences in residential zoning districts, and set October 1, 2002, as the date for adoption of said Ordinance.
- b. Amend, modify or reject the foregoing option.

Prepared by:

Ed Gallagher
Housing Programs Manager

Attachment:

1. Ordinance Amending the Zoning Code to Re-Establish Regulations Prohibiting Use Of Travel Trailers, Recreational Vehicles, and Campers as Residences in Residential Zoning Districts
2. Newspaper Notice

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ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE
TO AMEND CHAPTER 21.20 TO RE-ESTABLISH REGULATIONS PROHIBITING USE
OF TRAVEL TRAILERS, RECREATIONAL VEHICLES, AND CAMPERS AS RESIDENCES IN
RESIDENTIAL ZONING DISTRICTS (CODE AMENDMENT 02-012)

WHEREAS, Section VI of Ordinance 690 N.S. amended Section 21.20.230 of the Municipal Code to prohibit the use of travel trailers, recreational vehicles, campers, and similar vehicles as residences in residential zoning districts; and

WHEREAS, Ordinance 791N.S., which adopted regulations establishing unlawful areas to use recreational vehicles, camp, and sleep, supplanted the text of Section 21.20.230, as it had been adopted via Ordinance 690 N.S., and inadvertently deleted the prohibitions on use of travel trailers, recreational vehicles, campers, and similar vehicles as residences in residential zoning districts; and

WHEREAS, the proposed re-establishment of an ordinance that prohibits a certain use of property would not have a direct physical change on the environment, nor would it foreseeably have an indirect physical change on the environment and, therefore, is not a project, as defined by Section 21065 of the California Public Resources Code, and no further environmental study for this ordinance is required under the California Environmental Quality Act; and

WHEREAS, at its meeting of September 10, 2002, 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 adopt the proposed ordinance; and

WHEREAS, at its meeting of September 17, 2002, 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. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed 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.
2. This code amendment is consistent with the City's General Plan.
3. That the use of travel trailers, recreational vehicles, campers, and similar vehicles as residences in residential zoning districts is detrimental to the health, safety, and welfare of the City's residents;

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

SECTION 1. Section 21.20.234 is hereby established to read as follows:

“21.20.234 Limitations on use of travel trailers, recreational vehicles, and campers as residences.

Travel trailers, recreational vehicles, campers, and similar vehicles shall not be used for residences in any residential district for any amount of time. Subject to approval of a conditional use permit, they may be used as caretaker residences in commercial and industrial districts for temporary events such as Christmas trees sales or construction activities.”

SECTION 2. 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 3. 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 4. Inconsistency. To the extent that the terms of 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 5. 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 September 17, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of October 2002 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Frank R. Mecham

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk