

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 02-013 (BUILDING HEIGHT REGULATIONS)

DATE: DECEMBER 17, 2002

Needs: For the City Council to review the proposed Code Amendment revising the City's building height regulations and Negative Declaration therefor.

- Facts:
1. Chapter 21.16A of the Zoning Ordinance establishes the Planned Development (PD) Zoning District Overlay in order to allow for innovation and flexibility in the design of residential, commercial, and industrial development projects.
 2. The PD process provides the Planning Commission with the ability to modify certain development standards on a case-by-case basis.
 3. Through the PD process, the Planning Commission is authorized to modify development standards (including allowable building heights) if it is demonstrated that the modification would result in a better design and/or a greater public benefit than would otherwise be afforded through strict application of the prescribed development standards.
 4. Chapter 21.23B of the Zoning Ordinance establishes the Development Plan review process, but does not grant the Planning Commission with the authority to modify allowable building heights for commercial, industrial, and institutional projects.
 5. As a result of the Emergency Services Department purchasing new equipment and the changes in the provisions of the Uniform Building Code and the Uniform Fire Code, it is no longer necessary to limit allowable building heights due to public health and safety considerations.
 6. The proposed Code Amendment would modify the existing provisions of the Planned Development (PD) District by revising and strengthening:
 - The purpose and intent of a PD;
 - The PD application submittal requirements; and,
 - The PD findings to be made when authorizing projects that exceed the building height limitations.
 7. The proposed Code Amendment would provide the Planning Commission with the authority to modify the allowable building heights of commercial, industrial, and institutional projects through the Development Plan review process and through reliance on the strengthened PD findings.

8. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment. Based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Code Amendment qualifies for adoption of a Negative Declaration.

Analysis
And Conclusions:

The proposed Code Amendment implements the City's goals as expressed in its General Plan. It does so by providing the Planning Commission with the authority through the Planned Development process to modify certain development standards, including allowable building heights, if such modification would serve to further enhance Paso Robles' unique small town character and high quality of life.

The purpose of the Planned Development District (Chapter 21.16A of the Zoning Ordinance) is to provide for innovation and flexibility in the design of projects.

Based on the following factors:

- The City has new equipment to address fires in taller structures;
- The Uniform Building Code has been recently revised to include much stronger fire resistive and fire protective standards; and
- The Uniform Fire Code has been recently revised to include much stronger fire resistive and fire protective standards.

It is reasonable to provide the Planning Commission with the ability to establish the allowable building height or heights for a specific development project.

The proposed Code Amendment modifies the provisions of the Planned Development District relating to building heights by revising and strengthening:

- The purpose and intent of a PD;
- The PD application submittal requirements; and,
- The PD findings to be made when authorizing projects that exceed the building height limitations.

Additionally, the proposed Code Amendment modifies the Development Plan review process to provide the Planning Commission with the ability to establish the allowable building height or heights for commercial, industrial, and institutional projects.

Reliance on a case-by-case review of the specific characteristics of the project site and the project design is thought to be an appropriate way for determining the allowable building height or height(s) for a development project.

Policy

Reference: General Plan and Zoning Ordinance

Fiscal

Impact: None

Options: **a.** For the City Council to:

- 1.** Adopt Resolution No. 02-xx, adopting a Negative Declaration for the Code Amendment 02-013; and
- 2.** Introduce for First Reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code revising the process and strengthening the findings for allowing buildings to exceed height restrictions when appropriate (Code Amendment 02-013), and set January 7, 2003, as the date for adoption of said Ordinance.

b. Request additional information and analysis.

c. Amend, modify, or reject the foregoing options.

Attachments:

Draft Negative Declaration Resolution for CA 02-013

Draft Ordinance Adopting CA 02-013

Initial Study

Newspaper Affidavit

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR THE CODE AMENDMENT 02-013
REVISING THE PROCESS AND STRENGTHENING THE FINDINGS FOR ALLOWING
BUILDINGS TO EXCEED HEIGHT RESTRICTIONS WHEN APPROPRIATE

WHEREAS, Chapter 21.16A of the Zoning Ordinance establishes the Planned Development (PD) Zoning District Overlay in order to allow for innovation and flexibility in the design of residential, commercial, and industrial development projects; and

WHEREAS, the PD process provides the Planning Commission with the ability to modify certain development standards on a case-by-case basis; and

WHEREAS, certain development standards (including allowable building heights) can be modified if it is demonstrated that the modification would result in a better design and/or a greater public benefit than would otherwise be afforded through strict application of the prescribed development standards; and

WHEREAS, Chapter 21.23B of the Zoning Ordinance establishes the Development Plan review process, but does not allow for modification of allowable building heights for commercial, industrial, and institutional projects; and

WHEREAS, as a result of the Emergency Services Department purchasing new equipment and as a result of changes in the Uniform Building Code and the Uniform Fire Code, it is no longer necessary to limit allowable building heights due to public health and safety considerations; and

WHEREAS, it is reasonable to provide the Planning Commission with the ability to establish the allowable building height or heights for a specific development project based on due consideration of:

- The proportion, scale, and nature of the project;
- The visual quality and aesthetics of the project;
- The design of the project;
- The project's compatibility with the established character of surrounding development; and
- The project's ability to not create an adverse visual impact or otherwise have a negative effect on public views from nearby roads and other public vantage points.

WHEREAS, reliance on a case-by-case review of the specific characteristics of the project site and the project design is an appropriate way to determine the allowable building height or height(s) for a development project; and

WHEREAS, the proposed Code Amendment would modify the existing provisions of the Planned Development District that provide the City with an opportunity to allow buildings to exceed the height limitations of the Zoning Ordinance when appropriate by strengthening the findings to be made; and

WHEREAS, the proposed Code Amendment would modify the existing provisions of the Development Plan review process to provide the Planning Commission with the ability to allow commercial, industrial, and institutional buildings to exceed the height limitations of the Zoning Ordinance when appropriate; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its November 26, 2002 meeting, the Planning Commission held a duly noticed public hearing on the proposed Code Amendment to accept public testimony on the proposal, including the environmental determination therefor; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission recommended to the City Council that the proposed Code Amendment be approved and that a Negative Declaration be adopted.

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed code Amendment qualifies for adoption of a Negative Declaration; and

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

1. Find and determine that the proposed Code Amendment will not have a significant impact on the environment. This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report, the proposed Code Amendment, and any public comments or testimony received thereon); and,
2. Adopt a Negative Declaration for the proposed Code Amendment.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of December 2002 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE
REVISING THE PROCESS AND STRENGTHENING THE FINDINGS
FOR ALLOWING BUILDINGS TO EXCEED HEIGHT RESTRICTIONS
WHEN APPROPRIATE (CODE AMENDMENT 02-013)

WHEREAS, Chapter 21.16A of the Zoning Ordinance establishes the Planned Development (PD) Zoning District Overlay in order to allow for innovation and flexibility in the design of residential, commercial, and industrial development projects; and

WHEREAS, the PD process provides the Planning Commission with the ability to modify certain development standards on a case-by-case basis; and

WHEREAS, certain development standards (including allowable building heights) can be modified if it is demonstrated that the modification would result in a better design and/or a greater public benefit than would otherwise be afforded through strict application of the prescribed development standards; and

WHEREAS, Chapter 21.23B of the Zoning Ordinance establishes the Development Plan review process, but does not allow for modification of allowable building heights for commercial, industrial, and institutional projects; and

WHEREAS, as a result of the Emergency Services Department purchasing new equipment and as a result of changes in the Uniform Building Code and the Uniform Fire Code, it is no longer necessary to limit allowable building heights due to public health and safety considerations; and

WHEREAS, it is reasonable to provide the Planning Commission with the ability to establish the allowable building height or heights for a specific development project based on due consideration of:

- The proportion, scale, and nature of the project;
- The visual quality and aesthetics of the project;
- The design of the project;
- The project's compatibility with the established character of surrounding development; and
- The project's ability to not create an adverse visual impact or otherwise have a negative effect on public views from nearby roads and other public vantage points.

WHEREAS, reliance on a case-by-case review of the specific characteristics of the project site and the project design is an appropriate way to determine the allowable building height or height(s) for a development project; and

WHEREAS, the proposed Code Amendment would modify the existing provisions of the Planned Development District that provide the City with an opportunity to allow buildings to exceed the height limitations of the Zoning Ordinance when appropriate by strengthening the findings to be made; and

WHEREAS, the proposed Code Amendment would modify the existing provisions of the Development Plan review process to provide the Planning Commission with the ability to allow commercial, industrial, and institutional buildings to exceed the height limitations of the Zoning Ordinance when appropriate; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Code Amendment qualifies for adoption of a Negative Declaration; and

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the whole record before the City Council (including the Initial Study, the Staff Report, the proposed Code Amendment, and any public comments or testimony received), the City Council, using its independent judgment and analysis, finds and determines that the proposed project will not have a significant impact on the environment.

WHEREAS, at its meeting of November 26, 2002, the Planning Commission took the following actions:

- a. Considered the facts and analysis presented in the staff report and associated materials prepared for the proposed Code Amendment.
- b. Conducted a public hearing to obtain public testimony on the environmental determination and the proposed Code Amendment.
- c. Recommended that the City Council adopt a Negative Declaration and approve the proposed Code Amendment.

WHEREAS, at its meeting of December 17, 2002, the City Council took the following actions:

- a. Considered the facts and analysis presented in the staff report and associated materials prepared for the proposed Code Amendment.
- b. Considered the recommendation of the Planning Commission on the environmental determination and the proposed Code Amendment.
- c. Conducted a public hearing to obtain public testimony on the environmental determination and the proposed Code Amendment.

WHEREAS, at its meeting of September 17, 2002, the City Council adopted a Negative Declaration for the proposed Code Amendment.

NOW, THEREFORE, BE IT KNOWN that the City Council of the City of El Paso de Robles, 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 the Code Amendment are true and correct.
2. The 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:

SECTION 1. Chapter 21.16A (Planned Development District) of the Zoning Ordinance is hereby amended to read as shown on Exhibit A.

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 of the City of El Paso de Robles held on December 17, 2002, and passed and adopted on the 7th day of January 2003 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"

ORDINANCE NO. XXX N.S.

AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE REVISING THE
PROCESS AND STRENGTHENING THE FINDINGS FOR ALLOWING BUILDINGS
TO EXCEED HEIGHT RESTRICTIONS WHEN APPROPRIATE (CODE
AMENDMENT 02-013)

SECTION 1. Section 21.16A.010, Purpose and Intent, is hereby amended to add a new Subsection (i) to read as follows:

"(i) Encourage establishment of specific building heights for an individual planned development project where it is determined that allowing the buildings to exceed the height limitations of the Zoning Ordinance would be appropriate based on due consideration of:

- The proportion, scale, and nature of the project;
- The visual quality and aesthetics of the project;
- The design of the project;
- The project's compatibility with the established character of surrounding development; and
- The project's ability to not create an adverse visual impact or otherwise have a negative effect on public views from nearby roads and other public vantage points."

SECTION 2. Section 21.16A.040, Development Plan Applications, is hereby amended to add a new Subsection (a)(6) to read as follows:

"(6) Applications for planned developments seeking to increase the allowable building heights beyond the existing limitations prescribed by the Zoning Ordinance shall be accompanied by: (a) a shadow diagram for the hours of 9:00 a.m., noon, and 3:00 p.m. on December 21st to determine where shadows will be cast; and (b) schematic drawings or other graphic exhibits illustrating how the project will be seen from nearby roads and other public vantage points."

SECTION 3. Subsections (c), (d), and (f) of Section 21.16A.070, Required Findings of Approval, are hereby amended to read as follows (the new text is shown in bold and the deletions are shown in strike out):

"(c) The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area, **and would not have an adverse effect on public views from nearby roads and other public vantage points.**"

"(d) The proposed project's design and density of the developed portion of the site is compatible with **the established character and scale** of surrounding development and **would** does not ~~create a~~ **be a** disharmonious or disruptive element to the neighborhood."

"(f) Modification of the standards as set forth in this chapter **or elsewhere in the Zoning Ordinance** shall only be approved upon a finding that greater public benefit **would** ~~may~~ be achieved through such modifications. **Additionally, for planned development projects that are seeking an increase in allowable building heights, modification of the height limitations shall only be approved upon a finding that the proportion, scale, and nature of the project is such that the modifications would not create an adverse visual impact.**"

SECTION 4. Section 21.23B.040, Authority and Scope, is hereby amended to add a new Subsection (A)(4) to read as follows:

"4. For Commercial, Industrial, and Institutional Projects subject to Development Plan Review pursuant to Section 21.23B(A)(5), the Planning Commission shall have the authority to increase the allowable building heights beyond the existing limitations prescribed by the Zoning Ordinance as set forth in Section 21.16A.030 (4), subject to additional findings as set forth in Section 21.16A.070.