

TO: JAMES L. APP, CITY MANAGER  
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: CODE AMENDMENT 02-011 - EMPLOYEE HOUSING  
DATE: FEBRUARY 18, 2003

Needs: For the City Council to give second reading of 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. At its meeting of September 17, 2002, the City Council gave first reading to an employee housing ordinance.
2. Shortly after the first reading, a question was raised whether the State's Employee Housing Act may have had bearing on the proposed ordinance. In order to allow for further investigation of this matter, on October 1, 2002, the Council opted to table second reading.
3. The City Attorney's office has provided an opinion that the Employee Housing Act allows for cities to use their zoning codes to regulate the location of employee housing. The Employee Housing Act does require owners of employee housing to obtain a permit from the State Department of Housing and Community Development, but it does not require cities to become involved in that permitting process.

Analysis and Conclusion: The City Attorney's office reviewed the proposed ordinance prior to its first reading. There is no need for any further revisions before its second reading.

Policy Reference: California Employee Housing Act (Health and Safety Code Sections 17000 et seq.)

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

Options:

- a. Read, by title only, and adopt Ordinance No. XXX N.S. amending 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).
- b. Amend, modify or reject the foregoing option.

Prepared by:

Ed Gallagher  
Housing Programs Manager

Attachment: Employee Housing Ordinance







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)

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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 18th day of February 2003 by the following roll call vote, to wit:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Mayor Frank R. Mecham

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk