

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 03-006, TO ALLOW ZERO SETBACKS FOR BUILDINGS ALONG SPRING STREET (CULVER)

DATE: AUGUST 5, 2003

Needs: For the City Council to review a request for a Code Amendment filed by Mitchell Culver that would amend Table 21.16.210 to allow zero setbacks for buildings along Spring Street south of 9th Street.

Facts:

1. The City's Zoning Code allows buildings to be constructed with no front yard setbacks in commercial zones.
2. The adopted design guidelines for development in the downtown area encourage site designs that minimize front yard setbacks and encourage off-street parking to be accessed from an alley whenever feasible.
3. An exception to the City's setback standards for commercial development is made for certain areas of Spring Street.
4. Table 21.16.210 currently requires a 15-foot landscaped setback for buildings along Spring Street except for the area between 9th and 16th Street, where no setback is required.
5. Mitch Culver has submitted PD 03-007, proposing to construct a 4,200 square foot building where the bottom floor is commercial/retail, and the upper floor would be residential/care taker unit on the vacant parcel located at 724 Spring Street. The plan proposes the building to have a zero setback on Spring Street.
6. When staff identified the requirement for the 15-foot setback, Mr. Culver pointed out that with the setback, the desired number of parking spaces would not be able to be provided. (The property is located within the downtown parking area where only four spaces would be required for the parcel, but Mr. Culver is proposing eight spaces to accommodate both the commercial and residential uses for the building.)
7. Mr. Culver submitted Code Amendment 03-006 requesting a change in the Zoning Code to allow zero setbacks for the part of Spring Street that includes his property.
8. If adopted, Code Amendment 03-006 would allow zero setbacks for buildings along Spring Street between 1st and 9th Street, to be consistent with the existing policy of zero setback between 9th and 16th Streets.

9. Properties along Spring Street north of 16th Street have not been studied, but if desired by the City Council, staff could study this area and come back with a separate code amendment that addresses this area in the future.
10. The Planning Commission at their meeting on July 8, 2003 recommended that the City Council approve the Code Amendment (At the same meeting they approved Mr. Culver's PD, contingent upon Council approving the Code Amendment.)

Analysis and
Conclusion:

Attached to this staff report is a Land Use and Setback Study of the existing development along Spring Street, from 1st Street to 9th Street. The inventory identifies the use of the buildings, the building setback from Spring Street and the approximate age of the buildings. Most of the properties are developed with buildings that have been operating for over 20 years (many of these uses are motel or apartment type uses).

Some of the properties are vacant, such as the properties in the Vicinity of 4th Street, the Culver parcel at 724 Spring, and the property on the northeast corner of 8th and Spring. There are, on the other hand, some buildings that are fairly new, such as the Wells Fargo Plaza between 5th and 6th Street, the Valley Oak Plaza at 6th and Spring and the Taken's building at 7th Spring.

It would appear that most of the properties in the study area have existed for a long time or are vacant and may be subject to development in the future. The proposed Code Amendment would be a benefit for these properties by providing for more options in the design of the sites upon development.

With the success of downtown revitalization in the area between 9th and 16th Street, there is a demand for new development outside or those areas along the Spring Street corridor. With the request to construct new buildings, developers are looking for an option to build with a zero setback along Spring Street.

It would appear that allowing for zero setbacks would better accommodate for "mixed-use" types of buildings, such as the one that Mr. Culver is proposing (See PD 03-007), and be consistent with both the Main Street Design Guidelines and goals being discussed in the General Plan Update.

Providing a zero setback would be consistent with zoning code setbacks elsewhere in the City and would allow fuller use of the properties in the downtown area.

Reference: City Zoning Code and General Plan Land Use Element. Main Street Design Guidelines

Fiscal
Impact: None.

Options: After consideration of all public testimony, the City Council by separate actions should consider the following options:

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

- a. (1)** Adopt Resolution No. 03-xx adopting a Negative Declaration for Code Amendment 03-006 application;
- (2)** Introduce Ordinance No. xxx N.S. approving Code Amendment 03-006, to amend Table 21.16.210, to allow zero setbacks for buildings along Spring Street between 1st Street and 9th Street, and set August 19th, 2003 as the date for adoption of said Ordinance.
- b.** That the City Council amend, modify, or reject the above options.

Attachments:

1. Letter from Mitch Culver Requesting Code Amendment
2. Spring Street Land Use and Setback Study
3. Draft Negative Declaration Resolution
4. Draft Ordinance approving Code Amendment 03-006
5. Newspaper Notice Affidavit

h:/Darren/codeamend/CA03-006/CCRpt

**ALL ATTACHMENTS TO THIS STAFF REPORT MAY NOT BE AVAILABLE
IN DIGITAL FORMAT FOR VIEWING ON-LINE.**

A hard-copy of the complete agenda packet, along with all staff reports, exhibits and attachments, is available for review in the City Clerk's Office.

**Packets are also available for loan from the City Library,
beginning on the Friday before each Council meeting.**

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE
TO ALLOW FOR ZERO SETBACKS FOR BUILDINGS ALONG SPRING STREET
BETWEEN 1ST AND 9TH STREETS
(CODE AMENDMENT 03-006)

WHEREAS, Mitch Culver has submitted PD 03-006, proposing to construct a 4,200 square foot building where the bottom floor is commercial/retail, and the upper floor would be residential/care taker unit on the vacant parcel located at 724 Spring Street, and the plan proposes the building to have a zero setback on Spring Street; and

WHEREAS, Table 21.16.210 currently requires a 15-foot landscaped setback for buildings along Spring Street except for the area between 9th and 16th Street, where no setback is required; and

WHEREAS, Mitch Culver submitted Code Amendment 03-006 requesting a change in the Zoning Code to allow zero setbacks for his property at 724 Spring Street; and

WHEREAS, Code Amendment 03-006 was noticed to include other areas along Spring Street in which the code amendment could apply to; and

WHEREAS, a resolution was adopted by the City Council approved a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed code amendment application in accordance with the California Environmental Quality Act; and

WHEREAS, at its meeting of July 8, 2003, 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. Recommend that the City Council adopt a Negative Declaration for the Code Amendment;
- d. Recommended that the City Council adopt the proposed ordinance;

WHEREAS, at its meeting of August 5, 2003, 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. Considered the content of the Environmental Initial Study and adopted a Negative Declaration status for the Code Amendment.

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 ORDAIN AS FOLLOWS:

SECTION 1. *Table 21.16.210 of the Municipal Code is hereby amended to read as shown on 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 August 5, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of August, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT A

TABLE 21.16.210

DEVELOPMENT STANDARDS FOR C-1, C-2, C-3, M AND PM DISTRICTS

District	Height Limit	Minimum Lot Area (sq ft)	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard		Minimum Rear Yard
					Street Side	Interior	
C-1	40 ft	2,000	none	none ¹	none ¹	none ⁴	none ⁵
C-2	50 ft	5,000	50 ft	none²	none ²	none ^{4,6}	none ^{5,6}
C-3	50 ft	5,000	50 ft	none ²	none ²	none ^{4,6}	none ^{5,6}
M	50 ft	5,000	50 ft	none	none	none	none
PM	50 ft	10,000	none	15 ft ³	15 ft ³	none ⁴	none ⁵

Notes:

1. 25 foot landscaped front and street side yards (setbacks) are required adjacent to streets for properties located outside of the historic downtown (i.e., on the east side of the City.)

2. a. A 15 foot landscaped yard (setback) is required along Spring Street except between 9th 1st and 16th Streets, where no front or street side yard (setback) is required.

b. Where the frontage in a block (on the same side of the street) is partially in an R district, a front yard (setback) of 10 feet and a street side yard (setback) of 5 feet is required.

3. The 15 foot front and street side yard (setback) shall be appropriately landscaped and maintained except for area required for sidewalks and driveways, which shall not use more than 40 percent of the front yard.

4. Where the interior side yard of any lot is adjacent to the interior side yard of any lot in an R district, an interior side yard (setback) of 5 feet is required.

5. Where the rear yard of any lot is adjacent to the rear or interior side yard of any lot in an R district, a rear yard (setback) of 10 feet is required.

6. Section 21.20.205 specifies circumstances under which the required interior side and rear yards of C-2 and C-3 zoned lots that are adjacent to R-zoned lots may be waived.