

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CODE AMENDMENT 04-007: MULTIPLE FAMILY RESIDENTIAL REGULATIONS
DATE: MAY 3, 2005

Needs: To consider a City-initiated amendment to the Zoning Code to revise the multiple family residential development regulations.

- Facts:
1. The 2003 Land Use Element and the 2004 Housing Element of the General Plan call for the City to amend the zoning code to establish development regulations to implement the Residential, Multiple Family, Very High Density (20 units per acre) Land Use Category.
 2. In addition to establishing regulations for the RMF-20 Land Use Category, the proposed code amendment includes several minor changes to clarify multiple family residential development regulations and to bring them into conformance with the intent of General Plan policies.
 3. This code amendment only establishes development regulations; it does not rezone any property to R-5.
 4. This code amendment was originally scheduled for a hearing before the City Council on April 5, 2005. On that date a public hearing was opened and continued to May 3. This continuance accommodated a change in the Planning Commission's hearing schedule that continued their hearing from March 22 to April 26 so that the Housing Programs Manager, who prepared the code amendment, could be in attendance to answer any questions.
 5. A verbal report of the Planning Commission's recommendation will be presented to the City Council at the May 3 hearing.
 6. The proposed ordinance is subject to the California Environmental Quality Act (CEQA). The attached Initial Study 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:

The existing multiple family residential zoning regulations establishes the R-2, R-3, and R-4 zoning districts, which provide regulations for land use categories with densities between 8 and 16 units per acre. The proposed ordinance would establish an R-5 Zone to implement the RMF-20 Land Use Category. The 2003 General Plan has assigned the RMF-20 Land Use Category to three locations: 10 acres located on the east side of Creston Road, north of Sherwood Road; 9 acres located on the northwest corner of Creston and Rolling Hills Roads; and 3 acres located on the southeast corner of South River Road and Serenade Drive.

The existing multiple family residential development regulations (adopted in 1995) provide for two areas in which allowable density is calculated differently.

1. On the West Side of the City, within the original subdivision of the City (into standard 50' x 140' lots with alleys), the ordinance basically allows 2 dwelling units per standard R-2 lot and 3 dwelling units per standard R-3 lot.
2. Elsewhere in the city, the regulations provided a table that specified the minimum number of square feet of lot per dwelling unit as a function of average slope of the developable area of a lot.

The provisions for calculating density on multiple family residential lots within the original subdivision of the City have long been considered consistent with General Plan policy.

Following adoption of the 2003 General Plan it was noted that the square foot-based table for the density calculations elsewhere (outside of the original subdivision) had a rather substantial flaw. The table had been prepared using similar square footage factors as those for lots in the original subdivision, where lots were relatively small (e.g., 7,000 sq ft) and arranged in blocks with public streets and alleys. However East Side lots tended to be larger (e.g. 1 to 10 acres) and were not served with streets and alleys. Multiple family residential projects using private drives could, therefore, theoretically be developed with densities that substantially exceeded those established by the General Plan.

The attached ordinance is designed to define three density areas as follows:

1. Retain the existing provisions for calculating density on West Side multiple family residentially-designated lots within the original subdivision;
2. Retains the square foot-based density table for West Side multiple family residentially-designated lots outside the original subdivision. In this area, there are 21 vacant lots that are served with public streets. Of these, 14 lots are 0.2 acre or less in area, 4 lots are between 0.2 and 0.5 acre, and 3 lots are 1 acre or larger. (The 2 larger lots have areas with steep slopes, which would either mandate substantial decreases in density or, if 35% or greater would be ineligible for density calculations.)
3. Establishes a new acreage-based density table for East Side lots that implements the density limits established by the General Plan without creating substantial disparities as the square-footage tables had done.

Both the square-footage and acreage-based density tables incorporate Conservation Element Policy C 5-B, which provides that densities decrease as underlying slope increases.

The attached ordinance also makes several minor changes to clarify the development regulations. As an example, the building setback requirements are reformatted into a table that should be easier to use.

Policy

Reference:

General Plan: Land Use, Housing, and Conservation Elements

Fiscal Impact: None.

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

- a. (1) Adopt Resolution No. 05-xx approving a Negative Declaration for Code Amendment 04-007; and

(2) Introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to revise Multiple Family Residential Development Regulations; and set May 17, 2005, 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 for the Proposed Ordinance (with attached Initial Study)
2. Ordinance Amending the Zoning Code to Revise Multiple Family Residential Development Regulations
3. Newspaper Notice

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

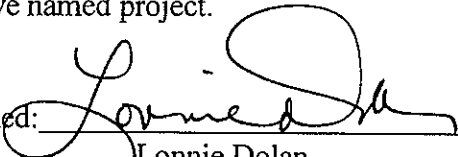
Newspaper: Tribune

Date of Publication: March 9, 2005

Meeting Date: March 22, 2005
(Planning Commission)
April 5, 2005
(City Council)

Project: Code Amendment 04-007
(City initiated - Multi-Family
Residential Regulations)

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

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS
Zoning Code Amendment
Regarding Multiple Family Residential Regulations
Code Amendment 04-007

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council of the City of El Paso de Robles will hold Public Hearings to consider Code Amendment 04-007, Initiated by the City of Paso Robles, to amend the Zoning Code (Title 21 of the Municipal Code) to revise multiple family residential development regulations.

The proposed code amendment is initiated to accomplish the following objectives:

- To establish development regulations to implement the Residential, Multiple Family Very High Density (20 units per acre) Land Use Category established by the 2003 Land Use Element of the General Plan.
- To make several minor changes to clarify multiple family residential development regulations and bring them into conformance with the intent of General Plan policies.

These hearings will take place in the Conference Room at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 pm on the following dates:

Planning Commission: Tuesday, March 22, 2005
City Council: Tuesday, April 5, 2005

All interested parties may appear and be heard at the above hearings.

At these hearings, the Planning Commission and City Council will consider adopting a Negative Declaration (a 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 may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California between the date of publication of this notice and the date of the hearings.

Comments on the proposed code amendment and Negative Declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or e-mailed to CDdirector@pcity.com provided that such comments are received prior to the time of the respective hearings.

If you challenge the Code Amendment 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 Planning Commission or City Council at, or prior to, the public hearing.

Ed Gallagher, Housing Programs Manager
March 9, 2005 6148154

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A NEGATIVE DECLARATION FOR CODE AMENDMENT 04-007 (RESIDENTIAL
MULTIPLE FAMILY HOUSING REGULATIONS)

WHEREAS, the City has initiated Code Amendment 04-007 to amend the City's Zoning Code to accomplish the following objectives:

- To establish development regulations to implement the Residential, Multiple Family, Very High Density (20 units per acre) Land Use Category established by the 2003 Land Use Element of the General Plan;
- To make several minor changes to clarify multiple family residential development regulations and bring them into conformance with the intent of General Plan policies; and

WHEREAS, an Initial Study was prepared for this project (attached to this resolution), which proposed that a Negative Declaration be approved; and

WHEREAS, Public Notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on March 22 and April 26, 2005 and by the City Council on April 5 and May 3, 2005 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination for the proposed code amendment; and

WHEREAS, based on the information contained in the Initial Study prepared for this code amendment and testimony received as a result of the public notice, the City Council finds no substantial evidence that there would be a significant impact on the environment if the code amendment was approved.

NOW, THEREFORE, BE IT RESOLVED, that based on the City's independent judgment, the City Council of the City of El Paso de Robles does hereby approve a Negative Declaration for Code Amendment 04-007 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of May 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

**ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM
CITY OF PASO ROBLES
PLANNING DIVISION**

- 1. PROJECT TITLE:** Code Amendment 04-007
- Concurrent Entitlements:** None
- 2. LEAD AGENCY:** City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446
- Contact:** Ed Gallagher, Housing Programs Manager
Phone: (805) 237-3970
- 3. PROJECT LOCATION:** City-wide
- 4. PROJECT PROPONENT:** City of Paso Robles
- Contact Person:** Ed Gallagher, Housing Programs Manager
Phone: (805) 237-3970
- 5. GENERAL PLAN DESIGNATION:** Multiple Family Residential Land Use Categories
- 6. ZONING:** Multiple Family Residential Zoning Districts
- 7. PROJECT DESCRIPTION:** This code amendment proposes to amend the City's Zoning Code to accomplish the following objectives:
- To establish development regulations to implement the Residential, Multiple Family, Very High Density (20 units per acre) Land Use Category established by the 2003 Land Use Element of the General Plan;
 - To make several minor changes to clarify multiple family residential development regulations and bring them into conformance with the intent of General Plan policies.
- 8. ENVIRONMENTAL SETTING:** See the Environmental Impact Report for the 2003 Update of the City's General Plan

9. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED): none

10. PERSONS PARTICIPATING IN THE PREPARATION OF THE INITIAL STUDY:

Ed Gallagher, Housing Programs Manager

11. RELATED ENVIRONMENTAL DOCUMENTATION: none

12. CONTEXT OF ENVIRONMENTAL ANALYSIS FOR PROJECT: The access to density bonuses and “other incentives” are a right secured by State Law for residential development projects that will reserve certain minimum percentages of the units for occupancy by low and moderate income households (provided that certain conditions exist). The code amendment itself will not cause any residential development to occur. As required by the California Environmental Quality Act, each future development project designed in accordance with the proposed code amendment will be the subject to preparation of its own environmental document.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or is “Potentially Significant Unless Mitigated,” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy & Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. **A NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but one or more effects (1) have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) have been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or is “potentially significant unless mitigated.” An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effect(s) that remain to be addressed.

I find that although the proposed project could have a significant effect(s) on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. (See item #11 above, for a specific reference to that EIR.)

Signature

Ed Gallagher

Printed Name

3/02/05

Date

Housing Programs Manager

Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Potentially Significant Impact” is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more “Potentially Significant Impact” entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. “Potentially Significant Impact Unless Mitigated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided at the end of the checklist. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix I of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the needs and requirements of the City of Paso Robles.

(Note: Standard Conditions of Approval - The City imposes standard conditions of approval on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers’ information, a list of applicable standard conditions identified in the discussions has been provided as an attachment to this document.)_

SAMPLE QUESTION:

<i>ISSUES (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<p><i>Would the proposal result in or expose people to potential impacts involving:</i></p> <p><i>Landslides or Mud flows? (Sources: 1, 6)</i></p> <p><i>Discussion: The attached source list explains that 1 is the Paso Robles General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the Proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with general plan designation or zoning? (Source: Paso Robles Zoning Code.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: This code amendment implements the 2003 General Plan | | | | |
| b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See response to Item #1a. | | | | |
| c) Be incompatible with existing land use in the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See response to Item #1a. | | | | |
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See response to Item #1a. | | | | |
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: See response to Item #1a. | | | | |

II. POPULATION AND HOUSING. Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: This code amendment implements the 2003 General Plan and is consistent with its population projections. | | | | |
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: | | | | |
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: | | | | |

III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- | | | | | |
|-------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Discussion: | | | | |

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Seismic ground shaking? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Seismic ground failure, including liquefaction? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Landslides or Mud flows? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Subsidence of the land? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expansive soils? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Unique geologic or physical features? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER. Would the proposal result in:

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (Source: 9) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding? (Source: 9) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
water quality (e.g. temperature, dissolved oxygen, turbidity)?				
Discussion:				
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
e) Changes in currents, or the course or direction of water movement?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (Source: 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				

V. AIR QUALITY. Would the proposal:

a) Violate any air quality standard or contribute to an existing or projected air quality violation? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
b) Expose sensitive receptors to pollutants? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
c) Alter air movement, moisture, or temperature? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create objectionable odors? (Source: 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				

VI. TRANSPORTATION/CIRCULATION. Would the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increased vehicle trips or traffic congestion? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Any increase in City-wide traffic associated with the RMF-20 land use category and its implementing R-5 Zone was addressed in the EIR for the 2003 General Plan. There may be traffic impacts associated with individual multiple family residential development projects that would be address at the time of consideration of development applications.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Inadequate emergency access or inadequate access to nearby uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Insufficient parking capacity on-site or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Hazards or barriers for pedestrians or bicyclists? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Rail, waterborne or air traffic impacts? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

VII. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian and vernal pool)? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors? Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES. Would the proposal:

a) Conflict with adopted energy conservation plans? (Source: 1) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use non-renewable resource in a wasteful and inefficient manner? (Source: 1) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (Source: 1) Discussion:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HAZARDS. Would the proposal involve:

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?				
Discussion:				
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
c) The creation of any health hazard or potential hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
d) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				

X. NOISE. Would the proposal result in:

a) Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
b) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				

XI. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

a) Fire protection? (Source: 1,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
b) Police Protection? (Source: 1,9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	-----------

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Other governmental services? (Source: 1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

XII.UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Power or natural gas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Communication systems? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Local or regional water treatment or distribution facilities?
(Source: 1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Sewer or septic tanks? (Source: 1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Storm water drainage? (Source: 1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Solid waste disposal? (Source: 1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Local or regional water supplies? (Source: 1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

XIII.AESTHETICS. Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Create light or glare? (Source: 1, 2, 9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

XIV.CULTURAL RESOURCES. Would the proposal:

- | | | | | |
|---------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|--------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Disturb archaeological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Affect historical resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

XV.RECREATION. Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Affect existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

XVI.MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Discussion:

- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?

Discussion:

- c) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Discussion:

- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion:

EARLIER ANALYSIS AND BACKGROUND MATERIALS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis and Background / Explanatory Materials

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
2	City of Paso Robles Zoning Code	Same as above
3	City of Paso Robles Environmental Impact Report for General Plan Update	Same as above
4	1977 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Sewer Master Plan	Same as above
8	City of Paso Robles Housing Element	Same as above
9	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
10	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
11	San Luis Obispo County – Land Use Element	San Luis Obispo County Department of Planning County Government Center San Luis Obispo, CA 93408
12	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO REVISE
MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT REGULATIONS
(CODE AMENDMENT 04-007)

LEGISLATIVE VERSION: Additions to existing code are indicated in **bold, italicized** text; deletions to existing code are indicated in ~~double-strikethrough~~ text.

WHEREAS, The Land Use Element of the General Plan, adopted on December 16, 2003, established a Land Use Category entitled Residential, Multiple Family, Very High (RMF-20: 20 dwelling units per acre); and

WHEREAS, Action Item 1 under Policy LU-1A of the Land Use Element of the General Plan, adopted on December 16, 2003, calls for the Zoning Code to be amended to ensure that there is a Zoning District for each Land Use Category; and

WHEREAS, Action Item 1b under Policy H-1A of the Housing Element of the General Plan, adopted on December 7, 2004, calls for the Zoning Code to be amended to adopt regulations to implement the RMF-20 Land Use Category; and

WHEREAS, at its meeting of March 22, 2005, 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 ordinance;
- 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 April 5, 2005, 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 ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance;
- 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 adoption of the ordinance 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, hereby finds as follows:

1. The above stated facts of this ordinance are true and correct.

2. This ordinance 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 21.12.010 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.12.010 Districts established.

The several districts established are as follows:

Residential agriculture district or R-A district

Single-family residential district or R-1 district

Duplex/triplex district or R-2 district

Multifamily residential district or R-3 district

Multifamily/office district or R-3-O district

Multifamily/mobilehome district or R-4 district

Multifamily residential district or R-5 district

Neighborhood commercial district or CP district

Office professional district or OP district

Office professional overlay district or OP overlay district

General retail commercial district or C-1 district

Highway commercial district or C-2 district

Commercial/light industry district or C-3 district

Regional commercial district or RC district

Industrial district or M district

Planned industrial district or PM district

Airport planned development district or AP, PD district

Parks and open space district or POS district

Combining building size district or B district

Planned development overlay district or PD district

Hillside development overlay district or H district

Historical and architectural overlay district or HP district

Primary floodplain overlay district or PF district

Secondary floodplain overlay district or SF district

Redevelopment overlay district or RD district Agricultural district or AG district.

SECTION 2: Section 21.16.071 of the El Paso de Robles Municipal Code is hereby established to read as follows:

21.16.071 R-5 District.

Uses permitted by right and subject to approval of a conditional use permit in the R-5 district shall be as listed in Section 21.16.200. Development and use of land within the R-5 district shall be in conformance with the standards and regulations listed in Chapter 21.16I. Additionally, the provisions of Chapters 21.20 and 21.21 shall apply to both the use and development of land within the R-5 district.

SECTION 3: Table 21.16.200 is hereby amended to read as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4: Section 21.16I.010 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.010 Purpose and Applicability.

The R-2, R-3, ~~and R-4,~~ **and R-5** multiple family residential districts (zones) are established to provide for multiple-family residential development, primarily in the form of apartments and condominiums. These districts implement the residential multiple-family land use categories as described in the land use element of the city's general plan **as shown in Table 21.16I.010.**

Table 21.16I.010

Zoning District	General Plan Land Use Category
R-2	Residential, Multiple Family, Low Density, 8 units per acre (RMF-8)
R-3	Residential, Multiple Family, Medium Density, 12 units per acre (RMF-12)
R-4	Residential, Multiple Family, Medium-High Density, 16 units per acre (RMF-16)
R-5	Residential, Multiple Family, High Density, 20 units per acre (RMF-20)

~~Specifically, the R-2 district implements the residential multiple family low (RMF L) land use category, and, the R-3 district implements the residential multiple family medium (RMF M) land use category, and the R-4 district implements the residential multiple family high (RMF H) land use category.~~ Regulations for land use and development standards within these districts are established to implement policies of the Land Use and Housing Elements of the City's General Plan.

The development standards established in this Chapter shall apply to the development of all multiple-family residential zoned lots.

As described on Pages LU-18 and 19 of the 2003 Land Use Element, it is the intention of the General Plan that properties designated for multiple family residential use at densities 12 units per acre and greater be developed with building types that encourage rental housing at densities at, or close to, the maximum densities allowed under the General Plan. Towards this end, the City may deny applications to subdivide land in order to create single family detached housing and applications to develop housing at densities substantially below the maximum allowable density under the land use category applied to a property.

In order to facilitate a wide variety of development types, including but not limited to duplexes, triplexes, apartment and condominium buildings with several units arranged in flats (all or a portion of one dwelling unit located above all or part of another dwelling unit) or in townhouses (two-story dwelling units attached in groups with common walls), beyond the minimum site area per dwelling unit, no minimum standards for lot sizes, dimensions and configuration are established for the multiple-family residential districts.

The city may require that approval of a subdivision map or parcel map be conditioned upon recordation of constructive notice that development of each lot is subject to conformance with the approved development plan.

SECTION 5: Section 21.16I.020 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.020 Planned development overlay district applicability.

The multiple-family residential development standards contained within this chapter have been constructed in such a manner as to incorporate the provisions of the planned development (PD) overlay district as set forth in Chapter 21.16A of this title. Modifications of grading limitation standards do not require a property in the R-2, R-3, ~~or R-4~~, **or R-5** zoning districts to also be located within the planned development (PD) overlay district.

SECTION 6: Section 21.16I.030 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.030 Permitted and Conditional Uses.

- A. Uses permitted by right and subject to approval of a conditional use permit in the **multiple-family residential** ~~R-2, R-3, and R-4~~ districts shall be as listed in **Table Section 21.16.200**.
- B. ***Subdivisions to create detached single family units in multiple-family zoning districts are generally in conflict with the 2003 General Plan. However, new lots for single family detached units may be created in the following circumstances:***
 - 1. ***To split and/or reconfigure existing multiple-family residential lots located on the West Side of the Salinas River;***
 - 2. ***In conjunction with development plans for multiple-family housing consisting primarily of attached units where physical limitations of the property including, but not limited to: oak trees, topography, lot size and/or shape, indicate that development of some single family detached units on the same site represents the only feasible solution for attaining the allowable density and preserving the physical environment.***

~~Subdivisions for single family attached dwelling units, may be approved for properties in the R-2, R-3 or R-4 districts at densities (number of dwelling units per acre) which conform with the densities permissible in the underlying multiple family residential district.~~

SECTION 7: Section 21.16I.060 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.060 Density of Multiple Family Residential Development.

- A. ***There are three distinct areas of the City, each area with its own pattern of land subdivision, street layouts, lot sizes, and lot dimensions, which affects multiple family residential densities differently.***

~~Density Calculations for Lots in Blocks No. 1 Through 196 of the Original City Subdivision.~~

- 1. ***West Side (of the Salinas River), in Blocks No. 1 Through 196 of the Original City Subdivision. Lots within Blocks 1 through 196 of the original subdivision of the City of El Paso de Robles that have been categorized by the Land Use Element of the General Plan for multiple family residential use, as shown in Figure 21.16I.060, were originally designed to measure 50 feet wide by 140 feet deep and have an area of 7,000 square feet. Such lots fronted onto a grid pattern of streets with right-of-way widths of 80 feet, and***

~~backed up to alleys with right-of-way widths of 20 feet. Most lots within blocks 1 through 196 of the original subdivision of the City of El Paso de Robles that have been categorized by the land use element for residential use, as shown in Figure 21.16L.060, measure fifty feet wide by one hundred forty feet deep and have an area of seven thousand square feet. **Consistent with the intent of this subdivision, on such lots with said dimensions,** a maximum of two dwelling units may be established on an R-2 zoned lot and a maximum of three dwelling units may be established on an R-3 zoned lot.~~

On lots that have been reconfigured to have depths more or less than 140 feet and/or widths more or less than 50 feet, densities shall be calculated as two units per 7,000 square feet (or one unit per 3,500 square feet) in the R-2 zone and three units per 7,000 square feet (or one unit per 2,333 square feet) in the R-3 zone. The provisions of Section 21.16L.050 (Fractions) shall not be used to create new lot configurations that would result in densities that exceed these ratios.

~~2. For those lots with depths more or less than one hundred forty feet and for those lots with widths more or less than fifty feet, densities shall be calculated as one unit per three thousand five hundred square feet in the R-2 zone and one and one half units per three thousand five hundred square feet (or one unit per two thousand three hundred thirty three square feet) in the R-3 zone.~~

~~3. The ability to develop a lot located within blocks 1 through 196 of the original subdivision of the City of El Paso de Robles to its maximum density is subject to demonstrating that development will conform with general plan policies, city ordinances and standards regarding preservation of oak trees, hillside protection, providing proper storm drainage, and providing safe vehicular access.~~

- 2. West Side (of the Salinas River), Outside of Blocks No. 1 Through 196 of the Original City Subdivision. In this area, lot sizes vary, and are generally larger than 7,000 square feet. Streets are designed in a grid pattern. Spring Street has a right-of-way width of 80 feet, but the right-of-way width of most streets is 60 feet. Many blocks in this area do not have alleys.***

The number of dwelling units that may be established shall be calculated based on the “average slope” of the “developable area” of a lot. Methods for determining average slope and developable area are defined below.

- a. Developable Area. The “developable area” of a lot is defined as net area remaining after deducting the following excluded areas:***

(1) Any area of the lot with natural slopes of thirty-five percent or greater;

(2) Any area of the lot within the critical root zones of a compact grouping of ten or more mature oak trees (“mature” as defined in Chapter 10.01 of this code), where critical root zones between trees in the grouping are separated by ten feet or less. Exception: On those lots created prior to the effective date of Ordinance 835 N.S. on September 20, 2002, “driplines” may be used instead of “critical root zones”. The “dripline” is that area directly beneath the outer edges of the canopy of an oak tree.

- b. Average Slope: The average slope of the developable area shall be calculated using the following formula:***

$$\text{Average slope (\%)} = \frac{I \times L \times 100}{SF}$$

Where:

- I* = Contour interval in feet. Contour intervals shall not exceed five feet.
- L* = Combined length of contour lines measured within the developable area.
- SF* = Square feet of developable area.

c. Maximum Density Determination:

- (1) *Policy C-5B of the 2003 Conservation Element of the General Plan provides that densities shall decrease as the underlying natural slope increases. The maximum density of a lot shall be determined by dividing the lot's developable area by the minimum site area per unit listed in Table 21.16I.060.A.2 for the average slope of the developable area.*

Table 21.16I.060.A.2

Average Slope of Developable Area (%)	Maximum density (units/square foot)		
	R-2 Zone	R-3 Zone *	R-4 Zone *
0 – 4	4,000	2,667	2,000
5 – 9	5,000	3,333	2,500
10 – 14	6,250	4,167	3,125
15 – 24	7,500	5,000	3,750
25 – 34	10,000	6,667	5,000

* See exceptions below.

(2) *Exceptions to Table 21.16I.060.A.2 are as follows:*

- (a) *For those R-3 zoned lots located west of Vine Street, between 32nd and 36th Street, which were re-categorized by the 1991 and 2003 General Plan as RMF-8, the densities for the R-2 Zone shall apply.*
- (b) *For those R-4 zoned lots located north of 24th Street, east and west of Spring Street, which were re-categorized by the 1991 and 2003 General Plan as RMF-12, the densities for the R-3 Zone shall apply.*

3. East Side (of the Salinas River). On the East Side of the City, lot sizes of multiple family zoned lots tend to be larger than those on the West Side. Streets are laid out to follow topography. Most local streets have rights-of-way widths of 60 feet.

General Plan policy provides that densities decrease as the underlying natural slope increases. The maximum density of a lot shall be determined by multiplying the acreage of a lot's developable area by the density factors listed in Table 21.16I.060.A.3 for the average slope of the developable area. The method of determining the "average slope" of the "developable area" of a lot shall be the same as that set forth in subdivision A.2 of this section. Additionally, the area within any dedication for public streets within or adjacent to a lot proposed for development shall be included within the developable area for purposes of calculating allowable density.

Table 21.16I.060.A.3

Average Slope of Developable Area (%)	Maximum density (units/acre)			
	R-2 Zone *	R-3 Zone *	R-4 Zone	R-5 Zone
0 – 4	8.0	12.0	16.0	20.0
5 – 9	6.5	9.5	13.0	16.0
10 – 14	5.0	7.5	10.0	13.0
15 – 24	4.0	6.5	8.5	10.5
25 – 34	3.0	5.0	6.5	8.0

Exceptions to Table 21.16I.060.A.3 are as follows:

(a) Those R-2,B-3-zoned lots located in the Orchard Bungalow subdivision, north of Creston Road, between Walnut Drive and Orchard Drive may have a maximum of three units for every twenty thousand square feet of lot area, regardless of the underlying average slope category.

(b) For those R-3 zoned lots located west of Creston Road at Cedarwood Drive, which were re-categorized by the 1991 and 2003 General Plan as RMF-8, the densities for the R-2 Zone shall apply.

~~B. Density Calculations for All Other Existing Lots. On existing lots outside of blocks 1 through 196 of the original subdivision of the City of El Paso de Robles, the number of dwelling units that may be established in the multiple family residential zoning districts shall be determined in a two step process briefly listed below and explained in the following subdivisions:~~

~~Step 1: determine net developable acreage of a property.~~

~~Step 2: determine maximum density.~~

~~1. Step 1: Determine Net Developable Acreage of a Property. The area eligible for calculation of density shall consist of the acreage of a lot, minus the following:~~

~~a. Any dedication necessary to provide for the full rights of way of streets bordering the lot in accordance with adopted standards for city streets; and, if the circulation master plan map of the circulation element of the city's general plan indicates that a lot is to be bisected by a collector or arterial street, any dedication necessary to provide for the full right of way of such a street in accordance with adopted standards for city streets;~~

~~(Note: should a multiple family residential development propose interior public or private streets that are not indicated on the circulation master plan map of the circulation element of the city's general plan, the area within the rights of way for such streets will be eligible for density calculation.)~~

~~b. Any areas of the site with natural slopes of thirty five percent or greater;~~

~~c. Any areas of the site within the outer driplines of a compact grouping of ten or more mature oak trees (?mature? as defined in Chapter 10.01 of this code), where driplines between trees in the grouping are separated by ten feet or less;~~

~~d. Any areas of the site within the floodway of the Salinas River.~~

~~2. Step 2: Determine Maximum Density.~~

- ~~a. Determine Average Slope of Net Developable Area. General plan policy provides that densities be decreased as the underlying natural slope increases. Prior to applying the maximum densities allowed under a property's land use category to the net developable acreage, the average slope of the net developable acreage shall be calculated using the following formula:~~

$$\text{Average slope} = \frac{I \times L \times 0.0023}{A}$$

~~Where:~~

~~I ——— Contour interval in feet. Contour intervals shall not exceed five feet.~~

~~L ——— Combined length of contour lines measured within the net developable area.~~

~~0.0023 ——— A constant which converts square feet into acres and expresses slope in percent.~~

~~A ——— Acreage of net developable area.~~

- ~~b. Determine Maximum Density For Average Slope. The maximum density of a property proposed for development shall be determined by dividing the property's net developable acreage by the minimum site area per unit listed in the table below for the average slope of the net developable area.~~

Average Slope of Net Developable Area (%)	Maximum site area per unit (sq. ft.)		
	R-2 Zone	R-3 Zone*	R-4 Zone*
0—4	4,000	2,667	2,000
5—9	5,000	3,333	2,500
10—14	6,250	4,167	3,125
15—24	7,500	5,000	3,750
25—34	10,000	6,667	5,000

~~* Exception: those R-2, R-3 zoned parcels located in the Orchard Bungalow subdivision, north of Croston Road, between Walnut Drive and Orchard Drive which were created prior to the date of the ordinance adopting this chapter, may have a maximum of three units for every twenty thousand square foot of lot area, regardless of the underlying average slope category.~~

~~Existing R-3 zoned properties that are not categorized by the general plan for residential multiple family, medium land use, shall be developed to densities commensurate with their land use category. For example, RMF-L categorized properties shall be developed as if zoned R-2.~~

~~Existing R-4 zoned properties that are not categorized by the general plan for residential multiple family, high land use, shall be developed to densities commensurate with their land use category. For example, RMF-M categorized properties shall be developed as if zoned R-3 and RMF-L categorized properties shall be developed as if zoned R-2.~~

- ~~c. Other Density Limits Imposed by Zoning Action. Certain properties in the city may have density limits that were imposed by zoning action such as a condition of planned~~

~~development overlay zoning or by appending a density limit to the zoning district (e.g., R 3-10, which denotes a density limit of ten units per acre). In such a case, the more restrictive density limit shall apply.~~

~~C. Density Calculations for Creation of New Multiple Family Lots.~~

- ~~1. Where an existing R 2, R 3 or R 4 zoned property is proposed to be subdivided via a parcel map or subdivision map, if the total number of dwelling units that could be created is four or less, a site plan application shall be required; and, if the total number of dwelling units that could be created is five or more, a development plan application shall be required.~~
- ~~2. Said site or development plan shall show how each lot to be created will be developed to conform with the density limits established in this section and the development standards established in Articles II and III of this chapter. The city may require that approval of a subdivision map or parcel map be conditioned upon recordation of constructive notice that development of each lot is subject to conformance with the approved development plan.~~
- ~~3. Densities shall be calculated using the five step process specified in subsection (B) of this section.~~

~~The rights of way for those proposed interior streets that are not indicated on the circulation master plan of the circulation element of the city's general plan, whether public or private, may be included within the acreage used for calculation of developable area.~~

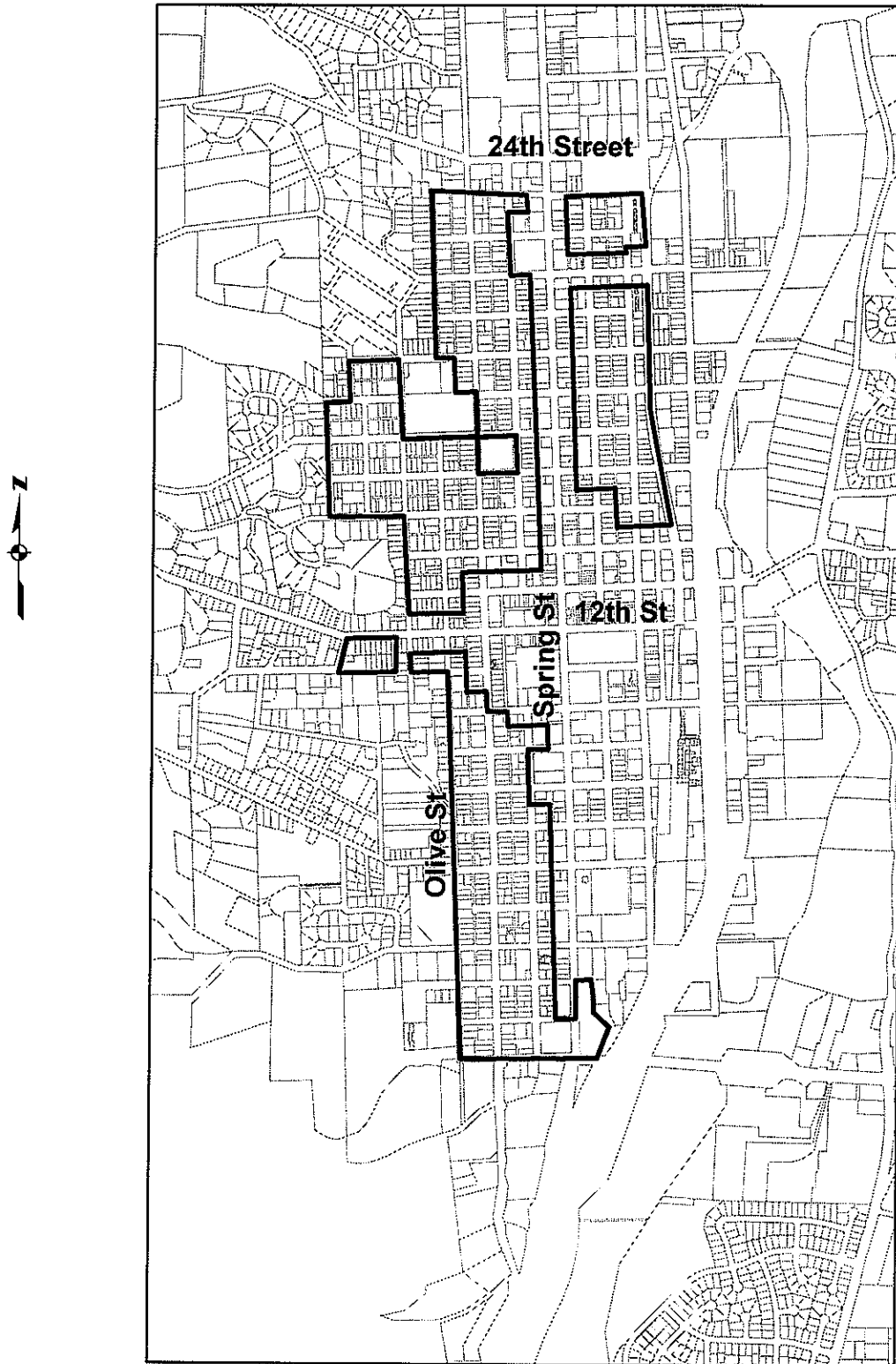
BD. Densities for Convalescent Homes and Residential Care Facilities for the Elderly. ***Regardless of where a multiple family zoned property is located in the City,*** density limits for dwelling units shall not apply to the allowable intensity of land use for such facilities as convalescent homes, skilled nursing facilities, residential care facilities for the elderly, and similar facilities as defined by state law. The number of rooms and/or occupants for such a facility shall be determined on a case-by-case basis in conjunction with an application for a conditional use permit.

Figure 21.16I.060
Multiple Family Residential Lots in
Blocks 1 through 196 of the Original Subdivision of the City

Figure 12.16I.060

Residentially-Categorized Lots

Blocks 1 through 196 of the Original Subdivision of the City



SECTION 8: Section 21.16I.100 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.100 Grading limitations.

The grading standards established by Section 21.16E.140 of this title for the R-1 district shall be **required** ~~followed~~ for the creation of new lots in **all multiple-family residential** ~~the R-2, R-3 and R-4~~ districts. On a case-by-case basis, in the event that compliance with Section 21.16E.140 can be demonstrated to be physically infeasible for any reasonable type of development of an R-2, R-3, ~~or~~ R-4, **or R-5** zoned property, including restrictions against pad grading on property in the hillside development district, the planning commission may, subject to development plan review, approve modified grading standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when a graded slope or retaining wall is viewed from a street or neighboring property. The planning commission may impose any conditions necessary to ensure that such a finding can be made.

SECTION 9: Section 21.16I.140 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.140 Applicability.

The development standards established in this article shall apply to the development of all **multiple family residential** ~~R-2, R-3 and R-4~~ zoned lots (once created). On a case-by-case basis, in the event that compliance with the provisions of this article can be demonstrated to be physically infeasible for any reasonable type of development of an R-2, R-3, ~~or~~ R-4, **or R-5** zoned property, the planning commission may, subject to development plan review, approve modified development standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when viewed from a street or neighboring property. The planning commission may impose any conditions necessary to ensure that such a finding can be made.

SECTION 10: Section 21.16I.150 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.150 Height Limits.

- A. The maximum height for main buildings (single-family dwellings, apartments, condominiums, churches, schools, quasi-public buildings) shall be as follows:
 - 1. R-2 district: thirty-five feet and not to exceed two stories;
 - 2. R-3, ~~and~~ R-4, **and R-5** districts: forty feet ~~(provided that the height of window sills does not exceed thirty-two feet)~~ and not to exceed three stories ~~in the R-3 and R-4 districts.~~
- B. The maximum height for detached accessory buildings in **all multiple-family residential** ~~the R-2, R-3 and R-4~~ districts shall be fifteen feet. Exceptions to height limits require approval of a conditional use permit.

SECTION 11: Section 21.16I.160 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.160 Setbacks for Buildings and Structures.

Buildings and structures shall be setback from property lines as shown on Table 21.16I.160. Setbacks for fences, walls, and landscaping screen plantings are set forth in Section 21.16L.165.

NOTE: The existing provisions in this section for set backs for buildings are to be completely reformatted into a table.

SECTION 12: Section 21.16I.165 of the El Paso de Robles Municipal Code is hereby established to read as follows:

21.16I.165 Fences, Walls, and Landscaping Screen Plantings.

NOTE: This new section combines the existing provisions for fences from Sections 21.16L.160 (Multiple Family Residential Setbacks) and 21.20.140 (General Regulations: Fences).

Fences (including masonry walls, hedges, and screen plantings) shall be subject to the following regulations for height limits and development review:

- A. Front Yards. Fences located within a front yard shall not exceed three feet in height except that the development review committee may approve a fence in the front yard up to four feet in height, provided that the fence shall be constructed in a manner to allow reasonable visibility through it.***
- B. Side and Rear Yards. Fences located within a side and rear yard shall not exceed six feet in height except that the development review committee may approve a fence up to eight feet high in those side and rear yards which abut commercial and/or industrial uses, or which abut the right-of-way of a street which has been designated by the traffic circulation master plan as an arterial or collector. In the office professional zone it must be demonstrated to the committee that the fence will be compatible with the purpose and intent of design standards for that district.***
- C. Fences Atop Retaining Walls. Where a fence is placed on top of, or is an integral part of, a retaining wall, the height of a fence shall be measured from the higher of the finished grades on either side of the retaining wall.***
- D. Fence Material Limitations. Barbed wire, razor wire, and electric fences may not be used for fencing in multiple family residential districts.***

SECTION 13: Section 21.16I.190 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.16I.190 Grading Limitations.

The grading standards contained within Section 21.16I.100 of this Chapter shall apply to all development within ***multiple-family residential*** ~~R-2, R-3, and R-4~~ districts.

TABLE 21.16L.160 Setbacks in Multi-Family Districts

Yard	Setback	Notes/Exceptions
FRONT (all buildings & structures)		Front setbacks from public streets are measured from property lines. Front setbacks from private streets are measured from the edge of pavement.
From arterial streets	25 ft	1. Except 15 feet along Spring Street 2. On lots where the finished grade of multi-family developments with two or more stories will be higher than adjacent arterial streets, the Planning Commission may require increased front yard setbacks where necessary to minimize visual impacts associated with "walling-in" the street with relatively high vertical building planes.
From collector streets	20 ft	If a greater setback predominate existing or planned development on the same block or across the street, the greater setback shall be provided.
From local streets	15 ft	1. If a greater setback predominate existing or planned development on the same block or across the street, the greater setback shall be provided. 2. The Planning Commission can reduce the required 15 foot front yard setback to no less than 5 feet, if all of the following findings can be made: a. The reduction is necessary to preserve oak trees and/or minimize grading; b. The project still maintains 20 foot front setbacks from street-facing garage doors; c. The reduction would not be inconsistent with an established neighborhood pattern.
From private streets	15 ft	
From alleys	5 ft	
GARAGE DOORS		Applies where garage doors open directly toward a street or alley.
Public Streets	20 ft	As measured from property lines.
Private Streets	20 ft	1. As measured from the edge of pavement. 2. As part of a development plan application, the Planning Commission may approve a setback of 5 feet
Alleys	5'/20'	Garage doors are to be set back at least 5 feet or at least 20 feet.
STREET SIDE (all buildings & structures)		Street side setbacks from public streets are measured from property lines. Street side setbacks from private streets are measured from the edge of pavement.
From arterial streets	25 ft	Same notes/exceptions as for front setbacks.
From collector streets	15 ft	Same notes/exceptions as for front setbacks.
From local streets	10 ft	Same notes/exceptions as for front setbacks.
From private streets	10 ft	
INTERIOR SIDE		As measured from property lines.
Main Buildings	5/10/15 ft	1. 5 feet for one story; 10 feet for two stories; 15 feet for three stories, except on lots in Blocks 1 through 196 of the original City subdivision that are 50 feet or less in width, on which buildings with two stories may be set back 5 feet. 2. Where the side yard abuts the existing or potential rear yard of single-family zoned property, the side yard setback shall be 20 feet. 3. Where front doors face a side yard, the doorway shall be set back 10 feet. 4. Setbacks from alleys shall be 5 feet, unless a door faces the alley, in which case the doorway shall be set back 10 feet.
Detached Accessory Buildings (DABs): including, but not limited to: garages, carports, sheds auxiliary buildings, swimming pools and spas, tennis courts)	5/10 ft	1. 5 feet for one story; 10 feet for two stories. 2. 5 feet from alleys (regardless of number of stories). 3. Where the side yard abuts existing or potential rear yard of single-family zoned property, the side yard setback shall be 20 feet, except that buildings that house only pool and spa filter and heating systems may be set back 5 feet. 4. Shelters for recreational vehicles, boats, campers, travel trailers or similar vehicles, but not including automobiles, trucks, motorcycles, all-terrain vehicles and non-travel trailers, may be placed within the interior side yard and rear yard setbacks subject to (a) approval of a conditional use permit and (b) the conditions in Section 21.20.240.
REAR		As measured from property lines.
Main Buildings	10/15 ft	1. 10 feet for one and two stories; 15 feet for three stories. 2. Where the rear yard abuts the existing or potential rear yard of single-family zoned property, the side yard setback shall be 20 feet.
DABs	5/10 ft	Same notes/exceptions as for interior side setbacks.
TOWNHOUSES		For townhouse-type condominium units with individual lots for each unit, setbacks from the property lines defining each unit are not required. However, units and accessory buildings shall be set back from the project's exterior property lines as indicated above.
SUBDIVISION OF EXISTING LOTS IN BLOCKS NO. 1 THROUGH 196 OF THE ORIGINAL CITY SUBDIVISION		1. In order to increase the numbers of households that own their homes, particularly those in lower income groups, further subdivision of existing residentially-zoned lots within Blocks No. 1 through 196 of the original Subdivision of the City of El Paso de Robles, as shown in Figure 21.16L.050, is encouraged. 2. Because resubdivision of most of the subject lots would create 50 foot deep lots, exceptions to the above setback requirements may be approved via a plot plan application in order to make such resubdivisions feasible. Approval of exceptions to setback requirements shall be contingent upon demonstration that the proposed setbacks are compatible with those for existing development in the neighborhood.

SECTION 14: Subsections A.1 through A.3 of Section 21.22.040 of the El Paso de Robles Municipal Code are hereby amended to read as follows:

21.22.040 Parking space requirements.

Except as provided for in Section 21.22.035, the minimum number of required spaces shall be determined by the following criteria:

A. Residential Land Uses.

1. Single-family dwellings, including condominiums:
 - a. ***R-1 or R-A zoning district:*** two covered ***spaces per dwelling unit*** (i.e. in a garage or carport);
 - b. ***R-2, R-3, R-4, or R-5 zoning district:*** ***two spaces per dwelling unit, which may be covered (i.e., in a garage or carport) or uncovered.***
2. Two-family dwellings: two parking spaces per dwelling unit, ***which may be covered (i.e., in a garage or carport) or uncovered;***
3. Multifamily dwellings:
 - a. One and one-half spaces for each studio unit, ***which may be covered (i.e., in a garage or carport) or uncovered;***
 - b. Two spaces for each unit with one or more bedrooms, ***which may be covered (i.e., in a garage or carport) or uncovered;***

SECTION 15: Subsection A.1 of Section 21.23B.030 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.23B.030 Review requirements.

A. Development Plan. The following types of development projects shall be subject to Planning Commission approval of a Development Plan:

1. Planned Development District. All development in the planned development (overlay) district, ***except for 4 or fewer rental dwelling units per lot in multiple-family residential districts,***

SECTION 16: 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 17. 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 18. 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 19. 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 May 3, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of May 2005 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Frank R. Mecham

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk