

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)

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, 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)

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, 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 districts shall be as listed in Table 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.

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.
 - 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. Consistent with the intent of this subdivision, on 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.

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:

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

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. 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

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 for the creation of new lots in all multiple-family residential 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, 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 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, 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, R-4, and R-5 districts: forty feet and not to exceed three stories.
- B. The maximum height for detached accessory buildings in all multiple-family residential 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.

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.

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

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.

- 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 districts

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

Figure 12.16I.060

Residentially-Categorized Lots

Blocks 1 through 196 of the Original Subdivision of the City

