

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 05-002: SENIOR HOUSING OVERLAY ZONE AND SENIOR HOUSING REGULATIONS

DATE: OCTOBER 4, 2005

Needs: To consider a City-initiated amendment to the Zoning Code to establish Senior Housing Overlay Zone and zoning regulations for Senior Citizen Housing Developments

Facts:

1. The 2003 Land Use Element established a Senior Housing Overlay Land Use Category in an area north of 24th Street between Oak Street and the Railroad. Within this area, housing designed for seniors at densities up to 20 units per acre (or more, with a density bonus for a low income development) could be developed. A map of the subject area is included with the attached ordinance.
2. The 2004 Housing Element of the General Plan calls for the City to amend the Zoning Code to establish a Senior Housing Overlay Zone in order to implement the Land Use Element's Senior Housing Overlay Land Use Category.
3. The Federal Fair Housing Act and State Unruh Civil Rights Act establish parameters for housing that is restricted to senior citizens. The State Act defines "senior citizen housing development" as a project with 35 or more units and establish certain performance criteria for such housing.
4. 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.
5. Since the proposed ordinance would place an overlay zone on properties, public notice was mailed to all property owners within the overlay zone and within 300 feet of the overlay zone.
6. At its meeting of September 13, 2005, the Planning Commission reviewed the proposed code amendment and unanimously recommended that the City Council approve the attached ordinance.

Analysis and
Conclusion:

General Plan Consistency

The purpose of this code amendment is to implement General Plan policy to expand the City's supply of housing affordable to low and moderate income persons by allowing for development of senior housing in the area north of 24th Street.

Age Limits and Other State Law Limitations

The Federal Fair Housing Act and Unruh Civil Rights Act impose certain restrictions on the range of senior housing opportunities. Both acts allow for senior citizens to be defined as persons 55 years of age. However, there remain federal housing assistance programs for senior citizens that mandate a minimum age of 62.

The Unruh Act establishes a minimum number of 35 units for senior housing. That is, a senior citizen housing development with fewer than 35 units could be considered to be a civil rights violation. "Senior Housing Units" (aka "granny units"), which refers to second dwelling units restricted to senior occupancy, are an exception to this provision. The attached ordinance adds a subsection to the City's Second Unit Ordinance to provide that owners of property with a second unit may, at their option, restrict occupancy to persons 62 years of age or older (the age limit specified in Government Code Section 65852.1).

The Unruh Act also makes provisions to allow that spouses, live-in care-givers, disabled children or grandchildren, and other specified persons who are less than 55 years of age may reside in a senior housing unit, even after the death of the qualifying senior.

Development Standards

The Unruh Act specifies that senior citizen housing developments must be designed to meet seniors' needs, which include handicapped accessibility for all units and common rooms.

The proposed ordinance also provides the following:

- Senior citizen housing developments are not limited to the Senior Housing Overlay Zone; they may be established outside of the overlay zone in residential zones, subject to the density limits of the residential zones. The ordinance is formatted to establish a section in the Zoning Code's Performance Standards Chapter (21.21) to contain the development standards for senior citizen housing development, regardless of their location in the City.
- In approving a development plan for a senior citizen housing development, the Planning Commission may require conformance with those development standards set forth in the R-1 or Multiple Family Residential Chapters of the Zoning Code, as appropriate to the proposed design of the development. This provision is designed to address senior citizen housing developments on commercially- or industrially-zoned property within the Senior Housing Overlay Zone.
- Density:
 - Within the Senior Overlay Zone, densities up to 20 units per acre could be developed, provided that conformance with development standards is met. Density bonuses could be approved for low income housing, in a manner consistent with State Law (Government Code Section 65915) and the Density Bonus Ordinance (Chapter 21.16L of the Zoning Code). (Los Robles Terrace, the low income senior housing development on the southeast corner of Spring and 30th Streets, is developed at a density of 36 units per acre.)
 - Outside of the Senior Overlay Zone, densities would be limited to those attendant to the underlying residential zone. Density bonuses could be approved for low income housing, in a manner consistent with State Law (Government Code Section 65915) and the Density Bonus Ordinance (Chapter 21.16L of the Zoning Code).
- Off-Street Parking: The current parking code requirement for senior housing is one parking space per unit, with a provision that 50 percent of the required spaces be improved and the remaining area be landscaped or used for recreational purposes. Upon finding that the improved off-street parking area is insufficient, the Planning Commission may require that part of all of the unimproved off-street parking be improved to provide additional off-street parking to city standards.

It is proposed that the current code remain in effect with an exception added for those senior housing projects in which the minimum age is set at 62 years as a condition of federal assistance. In such cases it is proposed that the parking ratio be one space per two units. Essentially, senior housing developments with minimum ages of 55 and 62 would pave the same number of parking spaces. Developments with a minimum age of 55 years would have to provide a landscaped area on site for adding additional spaces, if they prove to be warranted, whereas developments with a minimum age of 62 years would not.

Los Robles Terrace, a federally-assisted project with a minimum age of 62 years, provided 20 paved parking spaces for its 40 units and provided space for an additional 20 spaces in a landscaped area. Over the 12 years this project has operated, there has never been a demonstrated need to pave the extra 20 spaces.

Policy

Reference: General Plan: Land Use and Housing Elements; Federal Fair Housing Act, California Civil and Government Codes

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 05-002; and
- (2) Introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to establish a Senior Housing Overlay District and regulations for Senior Citizen Housing Developments; and set October 18, 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 Establish the Senior Housing Overlay District and Regulations for Senior Citizen Housing Developments
3. Newspaper Notice and Mail Notice Affidavits

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

Newspaper: Tribune

Date of Publication: August 31, 2005

Meeting Date: September 13, 2005
(Planning Commission)
October 4, 2005
(City Council)

Project: Code Amendment 05-002
(City init. - Estab. Sr. Housing
Overlay Zone and Zoning Regs.
for Sr. Housing Developments)

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
Lonnie Dolan

forms\newsaffi.691

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS

Zoning Code Amendment Regarding Senior Housing Overlay
Zone and Senior Housing Developments
Code Amendment 05-002

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 Amend-
ment 05-002, initiated by the City of Paso Robles, to amend the Zoning Code
(Title 21 of the Municipal Code) to establish the Senior Housing Overlay Zone
and zoning regulations for Senior Housing Developments.

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, September 13, 2005
City Council: Tuesday, October 4, 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 Envi-
ronmental Quality Act (CEQA).

The proposed Negative Declaration may be reviewed at the Community Devel-
opment 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@cityofel PasoRobles.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.

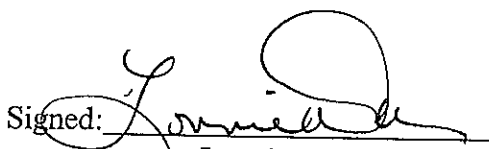
Ed Gallagher, Housing Programs Manager
Aug. 31, 2005

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AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Code Amendment 05-002 (Senior Housing Overlay Zone) on this 31st day of August, 2005.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A NEGATIVE DECLARATION FOR CODE AMENDMENT 05-002
(SENIOR HOUSING OVERLAY DISTRICT AND SENIOR CITIZEN HOUSING DEVELOPMENT
REGULATIONS)

WHEREAS, the City has initiated Code Amendment 05-002 to amend the City's Zoning Code to accomplish the following objectives:

- To establish the Senior Housing (SH) Overlay District to implement the Senior Housing (SH) Overlay Land Use Category established by the 2003 Land Use Element of the General Plan;
- To establish zoning regulations for senior citizen housing developments; 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 September 13, 2005 and by the City Council on October 4, 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 05-002 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of October 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 05-002
- 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:** The proposed Senior Housing Overlay District is located on the West Side of the City, north of 24th Street and east and west of Spring Street as shown on the attached map. Regulations for “senior citizen housing developments” would apply City-wide
- 4. PROJECT PROPONENT:** City of Paso Robles
- Contact Person:** Ed Gallagher, Housing Programs Manager
- Phone:** (805) 237-3970
- 5. GENERAL PLAN DESIGNATION:** Senior Housing Overlay Land Use Category and all Residential Land Use Categories
- 6. ZONING:** Establish the Senior Housing Overlay District and also apply regulations to all residential zoning districts
- 7. PROJECT DESCRIPTION:** This code amendment proposes to amend the City’s Zoning Code to accomplish the following objectives:
- To establish the Senior Housing (SH) Overlay District to implement the Senior Housing (SH) Overlay Land Use Category established by the 2003 Land Use Element of the General Plan;

- To establish zoning regulations for senior citizen housing developments; and

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:

This ordinance creates an overlay zoning district to implement the Senior Housing Overlay Land Use Category established in the 2003 General Plan. Within the overlay zone, "senior citizen housing developments" may be developed in any base zoning district, as intended by the General Plan.

This ordinance establishes regulations for "senior citizen housing developments", which may be located in any residential zoning district (or general plan land use category) and also within the Senior Housing Overlay District.

The code amendment itself will not cause any residential development to occur.

As required by the California Environmental Quality Act, each future senior citizen housing 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

8/12/05

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>
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
<i>Landslides or Mud flows? (Sources: 1, 6)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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>				

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: Senior housing generates lower amounts of traffic than non-age-restricted housing.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to: plants, fish, insects, animals, and birds)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Locally designated species (e.g., heritage trees)? | <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) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Wetland habitat (e.g., marsh, riparian and vernal pool)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Wildlife dispersal or migration corridors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

VIII.ENERGY AND MINERAL RESOURCES. Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Use non-renewable resource in a wasteful and inefficient manner? (Source: 1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

IX. HAZARDS. Would the proposal involve:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

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

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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|-----------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The Emergency Services Department reports that senior housing has about a 30% higher rate of calls for service than non-senior housing. This will be mitigated by the City's requirement that new housing be annexed into a Community Facilities District to offset the costs of services.

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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:

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

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Discussion:				
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?	<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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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.)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion:

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 ESTABLISH
THE SENIOR HOUSING OVERLAY DISTRICT AND REGULATIONS
FOR SENIOR CITIZEN HOUSING DEVELOPMENTS
(CODE AMENDMENT 05-002)

WHEREAS, The Land Use Element of the General Plan, adopted on December 16, 2003, established a Land Use Category entitled Senior Housing Overlay; 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 1c 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 Senior Housing Overlay Land Use Category; and

WHEREAS, at its meeting of September 13, 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 October 4, 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

Senior housing overlay district or SH district

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

SECTION 2: The Zoning Map for the City of El Paso de Robles referenced in Section 21.12.020 of the Municipal Code is hereby amended to apply the Senior Housing Overlay (SH) District as shown in Exhibit A of this ordinance.

SECTION 3: Section 21.16D.040 of the El Paso de Robles Municipal Code is hereby amended to add subsection (k) to read as follows:

- (k) Senior Housing Unit. As provided in Government Code Section 65852.1, the property owner may restrict occupancy of a second unit meeting the requirements set forth in Chapter 21.16D to persons 62 years of age or older.

SECTION 4: Chapter 21.16M (Senior Housing Overlay District) of the El Paso de Robles Municipal Code is hereby established to read as shown in Exhibit B of this ordinance.

SECTION 5: Section 21.21.150 of the El Paso de Robles Municipal Code is hereby established to read as follows:

21.21.150 Senior Citizen Housing Developments.

A. Definitions:

“Cohabitant” refers to and means persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the Family Code.

“Disability” means any mental or physical disability as defined in Section 12926 of the Government Code.

“Permitted health care resident” means a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. The care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both.

“Qualifying resident” means a person 55 years of age or older in a senior citizen housing development.

“Qualified permanent resident” means:

1. A person who meets both of the following requirements:
 - a. Was residing with the qualifying resident prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident; and
 - b. Was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident.
2. A disabled person or person with a disabling illness or injury who is a child or grandchild of the qualifying resident or a qualified permanent resident, who needs to live with the qualifying resident or qualified permanent resident because of the disabling condition, illness or injury.

“Senior citizen housing development” means a rental or for-sale housing development consisting of no less than 35 units that is developed, substantially rehabilitated, or substantially renovated, to meet the physical and social needs of senior citizens as set forth in Section 51.2 of the California Civil Code and subsection C.3, below. The occupancy of all dwelling units for each senior citizen housing development shall be secured by appropriate conditions, covenants, and restrictions recorded against the property.

B. Restricted Occupancy:

1. It is the intent of this section that all dwelling units in a senior citizen housing development, except one unit for a live-in manager, be occupied by at least one senior citizen. The person commencing any occupancy of a dwelling units shall include a senior citizen who intends to reside in the unit as his or her primary residence on a permanent basis. In conformance with the Federal Fair Housing Act, at least 80 percent of the occupied dwelling units in any senior

citizen housing development shall be occupied with at least one senior citizen. All other occupants of a senior citizen housing development shall meet the criteria for qualified permanent residents.

2. In order to ensure the necessary compliance with the provisions of this section, and in order to ensure the proper maintenance of developments constructed under these privileges, and to assure that each such project continues to qualify for the specific development conditions under which approval was granted, covenants, conditions, and restrictions (CC&R's) shall be required prior to development construction.
3. Said CC&Rs shall contain provisions for enforcing age limitations, relocation when a household survivor is not a senior citizen or qualified permanent resident, maximum occupancy limitations, long-term project maintenance and repair, and shall make the city a party to such with regard to enforcement, right-of-entry, and enforcement of local traffic/parking regulations; such CC&Rs shall not be amendable without the consent of the city. No such CC&Rs shall be acceptable until approved by the city attorney as to compliance with all code requirements. Such CC&Rs shall be recorded with the county recorder's office, either separately or with a subdivision map, prior to issuance of a building permit.

C. Site Development Standards:

1. Density:
 - a. In Residential Base Zoning Districts: Senior citizen housing developments may be developed at maximum densities allowed in the base zoning district (e.g. R-1 through R-5). Densities exceeding the maximum allowed in the base zoning district may be achieved if occupancy is to be restricted to persons of low, very low, and/or moderate income, in the manner set forth in Chapter 21.16L of this Title.
 - b. Within the Senior Housing Overlay District: Regardless of the underlying base zoning district, senior citizen housing developments may be developed at densities up to 20 units per acre. Densities exceeding 20 units per acre may be achieved if occupancy is to be restricted to persons of low, very low, and/or moderate income, in the manner set forth in Chapter 21.16L of this Title.
2. Off-street parking: Off-street parking shall be provided in the manner set forth in Chapter 21.22.
3. Requirements of Section 51.2 of the California Civil Code: Senior citizen housing developments shall meet the following requirements.
 - a. Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.
 - b. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
 - c. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.

- d. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
 - e. The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.
 - f. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
 - g. The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.
4. Other Site Development Standards: In order to make the findings for approval of a development plan, as set forth in Section 21.23B.050, for a senior citizen housing development, the Planning Commission may require conformance with any of the development standards set forth in Chapters 21.16E (R-1 District Regulations) or in Chapter 21.16I (Multiple-Family Residential Districts) as appropriate to the type of development proposed, regardless of the underlying base zoning district in which a senior citizen housing development is to be located. For example, R-1 District regulations would be appropriate for a subdivision of single family detached lots, and Multiple-Family Residential regulations would be appropriate for an apartment or condominium project. Such development standards may include, but not be limited to: grading limitations; oak tree preservation; lot sizes, dimensions, and configurations; setbacks; building separations; open space and recreational amenities; and general architectural requirements.

D. Additional Requirements:

- 1. Any building in a senior citizen housing development with an elevator shall have an alternative back-up power source.
- 2. Senior citizen housing developments shall provide an internal and/or external security system to be reviewed and approved by the Chief of Police.

SECTION 6: Subsection A.5 of Section 21.22.040 of the El Paso de Robles Municipal Code is 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

- 5. ***Senior Citizen Housing Developments.*** ***For senior housing developments, off-street parking shall be provided at a ratio of*** ~~Elderly housing; in elderly housing (either federally assisted or private market housing subject to enforceable deed restrictions as to~~

~~occupancy~~: one parking space per ~~each~~ dwelling unit, with fifty percent of the required parking to be improved in accordance with the standards set forth under this ~~Chapter~~ **code** and the remaining area to be landscaped or used for recreational purposes. Upon finding that the improved off-street parking area is insufficient, the Planning Commission may require that part of all of the unimproved off-street parking **be** improved to provide additional off-street parking to city standards. ***Exception: for federally-assisted senior citizen housing developments with a required minimum age of 62 years, the required off-street parking ratio shall be one parking space per two dwelling units.***

SECTION 7: 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 8. 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 9. 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 10. 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 October 4, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of October 2005 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Frank R. Mecham

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit A

Senior Housing Overlay District

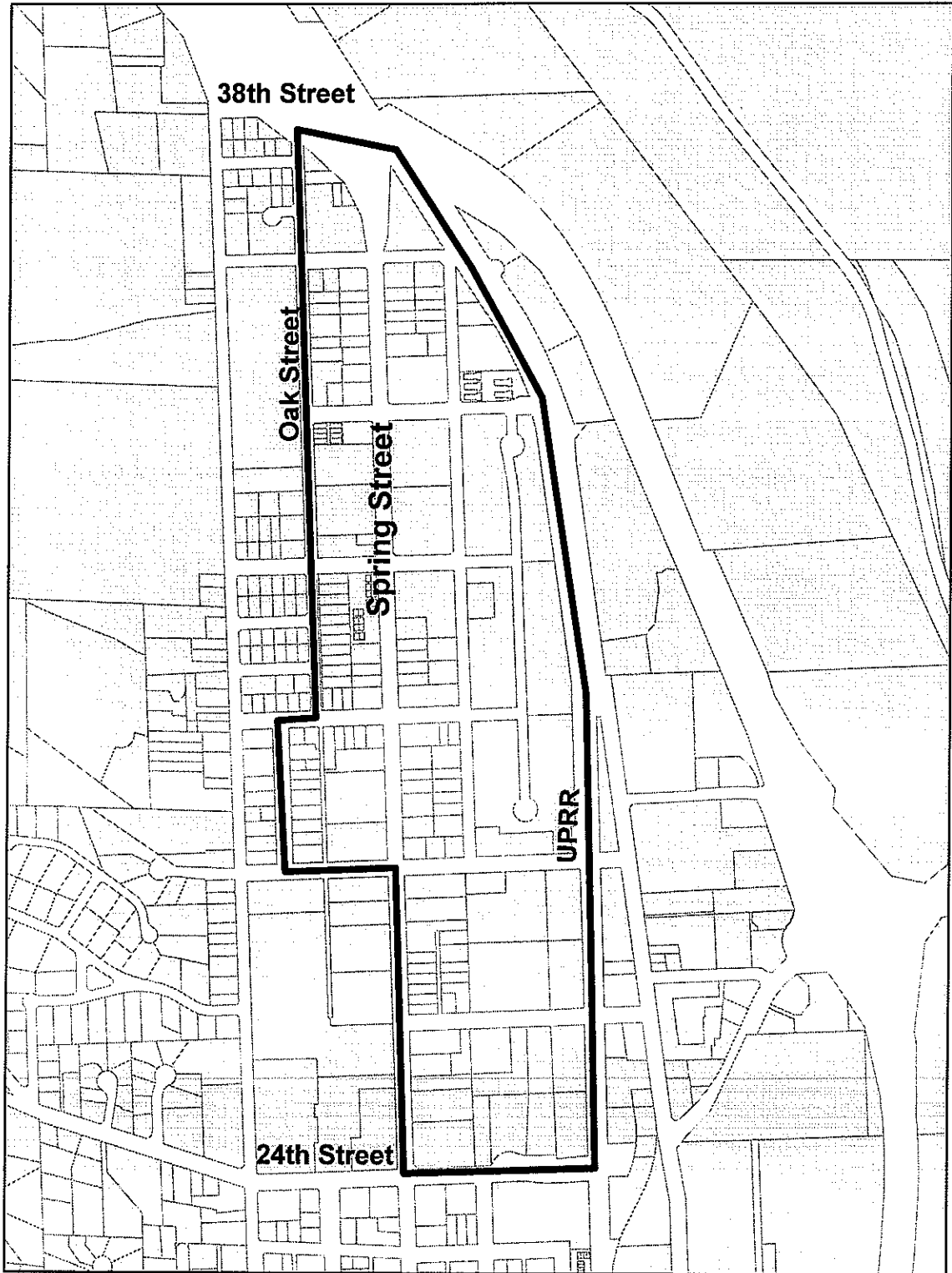


Exhibit B

Chapter 21.16M

Senior Housing (SH) Overlay District

Sections:

21.16M.010	Purpose and Intent
21.16M.020	Uses Permitted
21.16M.030	Approval Process

21.16M.010 Purpose and Intent.

The Senior Housing (SH) Overlay District is established to provide for the development of senior citizen housing developments as defined in Section 21.21.150 in conjunction with any base zoning district within the overlay district. The boundaries of the Senior Housing Overlay District are to coincide with the Senior Housing (SH) Overlay Land Use Category described in the Land Use Element of the General Plan.

21.16M.020 Uses Permitted - Density.

- A. Within the Senior Housing Overlay District, in addition to the land uses permitted in the base zoning districts, senior citizen housing developments may be developed, subject to the regulations set forth in Section 21.21.150.
- B. Within the Senior Housing Overlay District, senior citizen housing developments may be developed at densities up to 20 units per acre. Densities exceeding 20 units per acre may be achieved for senior housing in which occupancy is to be restricted to persons of low, very low, and/or moderate income, in the manner set forth in Chapter 21.16L of this Title.

21.16M.030 Approval Process.

Within the Senior Housing Overlay District, senior citizen housing developments may be developed subject to approval of a development plan as set forth in Chapter 21.23B.