

ORDINANCE NO. 974 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO ESTABLISH
CHAPTER 21.16B – SPECIFIC PLANS, ADOPTING THE FORM-BASED ZONING CODE
INCLUDING THE ZONING MAP (REGULATING PLAN) CONTAINED WITHIN CHAPTER
FIVE OF THE UPTOWN/TOWN CENTRE SPECIFIC PLAN, AND MAKING OTHER CHANGES
TO TITLE 21 (ZONING) RELATED TO THE ADOPTION OF SAID SPECIFIC PLAN
(CODE AMENDMENT 11-001)

WHEREAS, On May 3, 2011, pursuant to policy statements contained within the Land Use Element of the General Plan and the Economic Strategy, the City Council of the City of El Paso de Robles (City) adopted Resolution 11-051 to amend the General Plan and Resolution 11-052 to adopt the Uptown/Town Centre Specific Plan; and

WHEREAS, Chapter Five of the Uptown/Town Centre Specific Plan is a Form-Based Zoning Code that will both supplement and supersede several chapters and sections within Title 21 for land located within the Specific Plan Area, which is generally bounded by 1st Street on the South, 38th Street and the Paso Robles Hot Springs property on the North, the Salinas River on the east, and those properties fronting the west side of Vine Street on the West; and

WHEREAS, Section 65860 of the California Government Code requires that zoning codes be consistent with the General Plan; and

WHEREAS, Section 65451 of the California Government Code provides that Specific Plans shall include a text and diagram or diagrams, which specify the following and would have the effect of zoning regulations:

- a. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; and
- b. Standards and criteria by which development will proceed; and

WHEREAS, Section 65454 of the California Government Code provides that Specific Plans shall be consistent with the General Plan.

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Environmental Impact Report (EIR) was prepared to describe the effects of the Specific Plan, the attendant General Plan and Zoning Code Amendments; this EIR was circulated for public review in the manner prescribed by CEQA, and mitigation measures were identified to address any potential impacts associated with the project; and

WHEREAS, the EIR identifies only one impact that is significant and which cannot be mitigated to a point of non-significance which is that the population projections in the Draft Specific Plan exceed the population projections used in the 2001 Air Quality Plan and those adopted by the San Luis Obispo Council of Governments, which could result in the surpassing of the emission inventories in the Clean Air Plan, potentially affecting the attainment status of the region, and CEQA, therefore, requires preparation of an EIR and adoption of a Statement of Overriding Considerations if the project is to be approved; and

WHEREAS, a Statement of Overriding Considerations was included within the resolution certifying the EIR; and

WHEREAS, at its meetings of January 11 and 25, 2011, the Planning Commission conducted a public hearing on the Project and on January 25, 2011, 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 meetings of March 1 and May 3, 2011, the City Council conducted a public hearing on the Project and on May 3, 2011, 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 its independent judgment, adopted a Statement of Overriding Considerations and certified an Environmental Impact Report for the Specific Plan and its attendant General Plan and Zoning Code amendments 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: Chapter Five of the Uptown/Town Centre Specific Plan is hereby adopted as the primary zoning code for the area addressed by this specific plan. A copy of this Specific Plan shall be kept on file in the Community Development Department.

SECTION 2: 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~~
Specific plan overlay district or SP district
Agricultural district or AG district.

SECTION 3: The Zoning Map referenced in Section 21.12.020 of the El Paso de Robles Municipal Code is hereby amended to add the Specific Plan (SP) Overlay District and to delete all existing underlying base and overlay districts within the Uptown/Town Centre Specific Plan as shown in Exhibit A.

SECTION 4: Section 21.13.020, Applicability, is hereby amended to read as follows:

21.13.020 SP Applicability.

The provisions of this chapter shall apply to all uses in the primary zone and shall be in addition to the regulations for the primary zone. Whenever conflicts exist between this chapter and other sections of the zoning ordinance the most restrictive shall apply.

Overlay districts include:

- A. Chapter 21.14, flood damage prevention regulations;
- B. Chapter 21.14A, hillside development;
- C. Chapter 21.15, historical and architectural preservation;
- D. Chapter 21.15A, mobile homes on private lots;
- E. Chapter 21.16A, planned developments;
- F. Chapter 21.16B, ~~redevelopment~~ specific plans;
- G. Chapter 21.16C, rural development;
- H. Chapter 21.17, surface mining and reclamation;
- I. Chapter 21.18A, office professional (OP) overlay;
- J. Special conditions attached to certain properties as enumerated in Section 21.13.030.
- K. 21.18B, resort/lodging (R/L) overlay.

SECTION 5: Section 21.13.030, Special Conditions Attached to Certain Properties, is hereby amended to delete subsection “H” (Drive-through restrictions along Spring Street) and Figure 21.13-6. Subsections I and J shall be renumbered to subsections H and I, accordingly.

SECTION 6: Section 21.16.190, SP Overlay District is hereby established to read as follows:

21.16.190 SP Overlay District. The land uses and regulations set out in Chapter 21.16B shall apply in the SP Overlay District.

SECTION 7: Chapter 21.16B, Redevelopment District, is hereby deleted.

SECTION 8: New Chapter 21.16B, Specific Plans, is hereby established as shown in Exhibit B.

SECTION 9: Table 21.16.210 (Development Standards for C-1, C-2, C-3, M, and PM Districts) is hereby amended to delete Note #2a (which requires a 15 foot setback along Spring Street).

SECTION 10: Section 21.16I.060 (Multi-Family Residential Density) is hereby amended to read as follows:

21.16I.060 Density of 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 21.16L.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. Note: Properties within the Uptown/Town Centre Specific Plan are not subject to this Chapter.

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:~~

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

~~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 21.161.060.A.2 for the average slope of the developable area.~~

Table 21.161.060.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 21.161.060.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. ~~23~~ 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~~ is described in subsections "a" and "b", below. 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.

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

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

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

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

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

Where:

I = Contour interval in feet. Contour intervals shall not exceed five feet.

L = Combined length of contour lines measured within the developable area.

SF = Square feet of developable area.

Table 21.16I.060.A.23

| 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.

SECTION 11: Section 21.16L.040 (Density Bonuses for New Housing) is hereby amended to read as follows:

21.16L.040 Density bonuses - new housing

- A. Except as provided for properties located within the Uptown/Town Centre Specific Plan in the manner set forth in Subsection E, below, the number of density bonus dwelling units to be granted for a new housing development shall be determined as follows:
 - 1. For those projects described by Subsections A and B of Section 21.16L.030: The minimum density bonus shall be twenty percent (20%) of the maximum number of dwelling units permitted on a property under the Land Use Element of the General Plan. For projects described by Subsections A and B that propose greater percentages of dwelling units for low and very low income households, the

density bonuses shall be increased as shown in the table below. Any resulting decimal fraction shall be rounded to the next larger integer.

| Percent of units affordable to low income households | Minimum density bonus | Percent of units affordable to very low income households | Minimum density bonus |
|--|-----------------------|---|-----------------------|
| 10% | 20.0% | 5% | 20.0% |
| 11% | 21.5% | 6% | 22.5% |
| 12% | 23.0% | 7% | 25.0% |
| 13% | 24.5% | 8% | 27.5% |
| 14% | 26.0% | 9% | 30.0% |
| 15% | 27.5% | 10% | 32.5% |
| 16% | 29.0% | 11% and above | 35.0% |
| 17% | 30.5% | | |
| 18% | 32.0% | | |
| 19% | 33.5% | | |
| 20% and above | 35.0% | | |

The density bonus shall not be included when determining the number of dwelling units that equal to the percentages of the units in the first and third columns above. For example, if the general plan would permit development of 40 units on a property, and an applicant proposes to provide 10% of the units affordable to low income households, the applicant would be granted a density bonus of 8 units (20% of 40 units allowable under the general plan). The housing project would, therefore, consist of 48 units, of which 4 (10% of 40 units) must be made to be affordable to low income households.

2. For those projects listed in subsection C of Section 21.16L.030: The density bonus for any project that sets aside a minimum number of thirty-five (35) dwelling units for use by qualified senior citizens, as that term is defined in Civil Code section 51.3(b)(1) shall be entitled to a twenty percent (20%) density bonus unless a lesser percentage is elected by the applicant/developer.
3. For those projects listed in subsection D of Section 21.16L.030: The minimum density bonus shall be calculated as follows:

| Percentage Low-Income Units | Percentage Density Bonus |
|-----------------------------|--------------------------|
| 10 | 5 |
| 11 | 6 |
| 12 | 7 |
| 13 | 8 |
| 14 | 9 |
| 15 | 10 |

| Percentage Low-Income Units | Percentage Density Bonus |
|-----------------------------|--------------------------|
| 16 | 11 |
| 17 | 12 |
| 18 | 13 |
| 19 | 14 |
| 20 | 15 |
| 21 | 16 |
| 22 | 17 |
| 23 | 18 |
| 24 | 19 |
| 25 | 20 |
| 26 | 21 |
| 27 | 22 |
| 28 | 23 |
| 29 | 24 |
| 30 | 25 |
| 31 | 26 |
| 32 | 27 |
| 33 | 28 |
| 34 | 29 |
| 35 | 30 |
| 36 | 31 |
| 37 | 32 |
| 38 | 33 |
| 39 | 34 |
| 40 | 35 |

Any resulting decimal fraction shall be rounded to the next larger integer.

The density bonus shall not be included when determining the number of dwelling units that equal to the percentages of the units affordable to moderate income households between ten and thirty-five percent.

- B. An applicant may, in writing, elect to accept a density increase less than the percentages specified in Subsections A.1, A.2, and A.3 of this Section. In such a case, the City may grant such a lesser density bonus provided that the same proportion of target dwelling units is maintained. For example, if the general plan would permit development of 40 units on a property, and an applicant proposes to provide 10% of the units affordable to low income households, should the applicant request only a 10% density bonus (instead of the 20% allowed), the City could approve a 44 unit project (instead of 48 units) with 2 target dwelling units (instead of 4 target dwelling units).

- C. If an applicant requests a density bonus of more than the percentages specified in Subsections A.1 through A.3 of this Section, the requested density increase shall be considered an additional density bonus. The City Council may, at its discretion, grant an additional density bonus if a written finding is made by the City Council that the additional density bonus is required in order for allowable housing expenses for the proposed housing development to be set as affordable. In granting an additional density bonus, the City may require some portion of the additional density bonus to be designated as target dwelling units.
- D. A density bonus housing agreement shall be a condition of discretionary permits (i.e., tentative maps, parcel maps, and development plans) for all applicants who request a density bonus and incentives or concessions. The relevant terms and conditions of the density bonus housing agreement shall be filed and recorded as a deed restriction on those individual lots or units of a housing development which are designated for the location of target dwelling units. The density bonus housing agreement shall be consistent with Section 21.16L.130.
- E. In the Uptown/Town Centre Specific Plan Area, densities are not established as a function of the number of dwelling units per acre, but rather by meeting development standards for building placement (setbacks), off-street parking, and open space. In this specific plan area, higher densities may generally be achieved by building dwelling that are relatively smaller in floor area and with fewer bedrooms. Developers of target dwelling units for lower income residents may apply for incentives, which may act to increase densities.

SECTION 12: Chapter 21.16M, Senior Housing (SH) Overlay District, is hereby deleted.

SECTION 13: Section 21.18C.020 (Mixed Use Overlay District Applicability) is hereby amended to read as follows:

21.18C.020. Applicability

Mixed-use development regulations apply to mixed-use development projects that include residential and commercial land uses on the same project site in locations designated on the zoning map as a mixed-use overlay zoning district.

There are general development standards and guidelines that apply to all mixed-use development projects, ~~and there are three mixed-use overlay sub-areas that have specific site development criteria and design guidelines that apply to land within those sub-areas only. The three subareas are: (1) Downtown Core; (2) Outer Core; and (3) the Eastside.~~

Property designated with a mixed-use overlay may also be developed with only the uses permitted or conditionally permitted in the underlying zoning district.

SECTION 14: Section 21.18C.060 (Mixed Use Overlay District – Subarea Site Development Criteria and Design Guidelines) is hereby amended to read as follows:

21.18C.060. Subarea Site Development Criteria and Design Standards

- ~~A. Downtown Core. The Downtown Core of Paso de Robles is envisioned to continue the historical character of development. The design of development in this area is generally implemented through the Downtown Design Guidelines. Existing oak trees shall be preserved, consistent with the City's oak tree preservation ordinance.~~
- ~~B. Outer Core. The Outer Core generally supports continued residential uses with office uses mixed in. The overall scale and design of uses in the Outer Core areas should be consistent with the underlying zoning district. For instance, mixed uses in the multi-family zoned areas should be designed to fit within the residential context of the neighborhood with residentially-oriented building details and scale.~~
- ~~C. Eastside Area. Mixed-use development in the Eastside Area shall be designed to retain oak trees and protect water course drainages, and be designed to reduce cut and fill slopes by use of multi-level foundation systems, post and beam construction, etc.~~

SECTION 15: Section 21.20.010 (General Regulations and Exceptions - Generally) is hereby amended to read as follows:

21.20.010. Generally

The regulations specified for this title shall be subject to the general provisions and exceptions set forth in this chapter. Exception: Only those sections of this chapter that are specifically referenced in Chapter Five of the Uptown/Town Centre Specific Plan shall apply within the Uptown/Town Centre Specific Plan Area.

SECTION 16: Section 21.20.215 (Residential uses in commercial zones) is hereby deleted.

~~In the commercial service area bounded by 18th Street, 24th Street, the railroad tracks and Highway 101, residential single family (R-1) and multiple family low (R-2) uses may occur subject to approval of a conditional use permit. The development of residential single family (R-1) shall use the development standards as specified in Chapter 21.16E (R-1 District Regulations). The development of multiple family low residential (R-2) shall use the development standards as specified in Chapter 21.16I (Multiple Family Residential Districts).~~

SECTION 17: Section 21.20.260 (Fire Control) is hereby deleted.

~~See fire control regulations in the Uniform Building Code.~~

SECTION 18: Section 21.22.030 (Definitions for Off-Street Parking) is hereby amended to read as follows:

21.22.030. Definitions

~~"Downtown parking assessment district" means the boundaries of the district in effect on July 1, 1987.~~

~~"Downtown area" means the geographical area generally bounded by 7th Street on the south, 17th Street on the north, Oak and Vine Streets on the west, and State Highway 101 on the east; the more precise boundaries are illustrated in Figure 21.22-4.~~

"Fixed seats" means two lineal feet of pews, benches or other stationary seating.

"Freestanding" means one land use or combination of land uses, subject to a single business license, on one parcel of land. Except as specifically noted, all off-street parking standards apply to freestanding land uses.

"Multitenant" means multiple land uses (subject to multiple business licenses) on one parcel of land.

"Spaces" means off-street parking spaces, open or enclosed, developed in accordance with the provisions of this chapter.

SECTION 19: Section 21.22.035 (Downtown Area Parking Space Requirements) is hereby deleted.

Note: An amended version of this section is proposed to be inserted in Section 5.7.2 of the Uptown/Town Centre Specific Plan.

SECTION 20: 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 21. 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 22. 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 23. 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, 2011, and passed and adopted by the City Council of the City of El Paso de Robles on the 17th day of May 2011 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

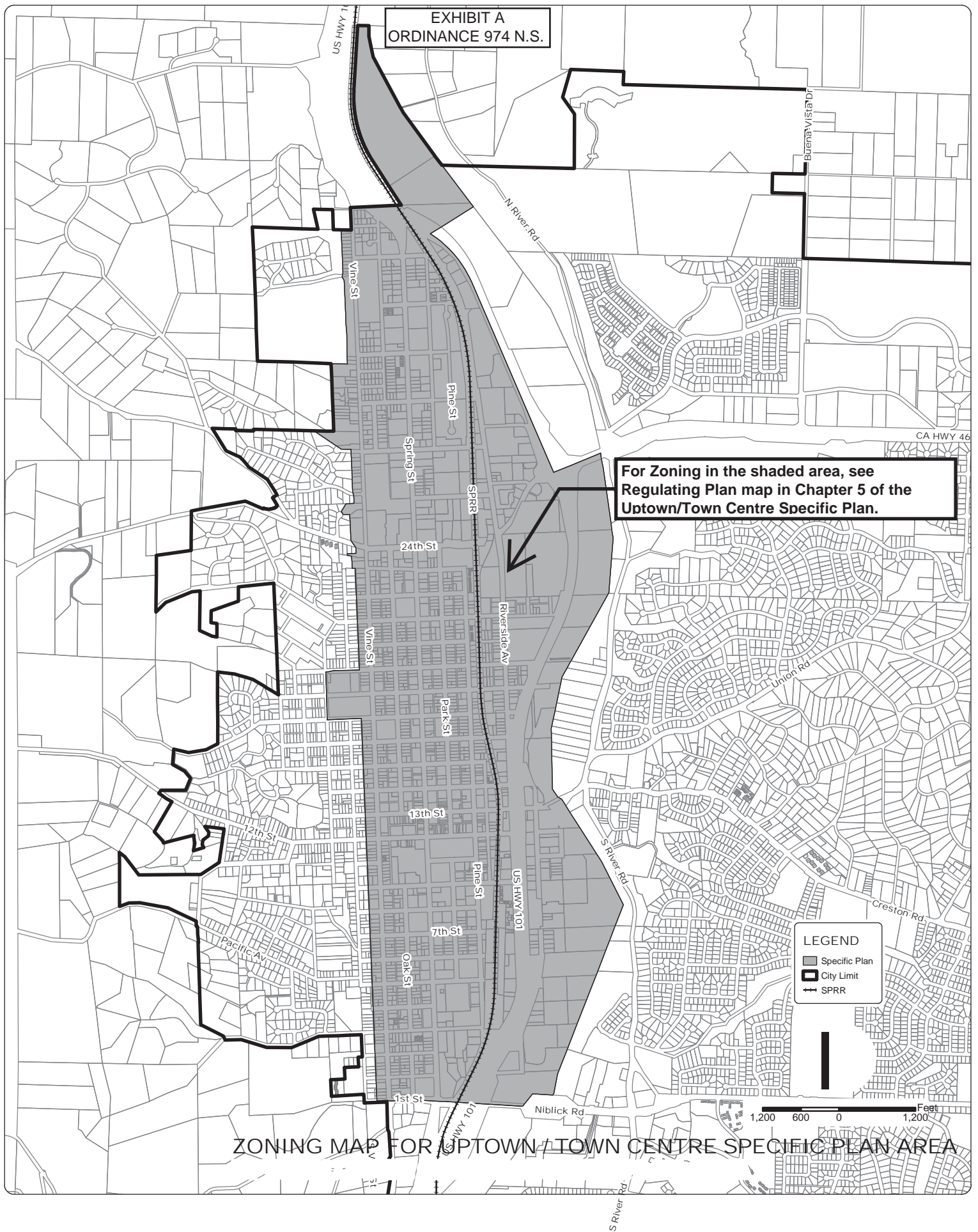


Exhibit B

Chapter 21.16B

SPECIFIC PLAN (SP) OVERLAY ZONE

Sections:

| | |
|--------------------|--|
| 21. 16B.010 | Purpose |
| 21. 16B.020 | Applicability |
| 21. 16B.030 | Contents of Specific Plans |
| 21. 16B.040 | Adoption and Amendment of Specific Plans |
| 21. 16B.050 | Fees |
| 21. 16B.060 | Development Regulations Contained Within Specific Plans |
| 21. 16B.070 | Approval Procedure for Projects After Adoption of Specific Plan |
| 21. 16B.080 | Effect of Plan |

21. 16B.010 Purpose.

- A. The Land Use Element of the General Plan provides for the adoption of Specific Plans, as defined by Government Code Sections 65450 et seq., where it would be appropriate to:
 1. Retain unique site features;
 2. Insure a cohesive development pattern for the area; (A Specific Plan could establish site planning, design and architectural parameters that could integrate the uses of the different parcels in the area).
 3. Lend themselves to long-term development and infrastructure phasing; and
 4. Allow for flexibility in site planning in order to encourage creative and higher quality design and to ensure compatibility with surrounding land uses.
- B. The Land Use Element of the General Plan establishes the authority to use specific plans to provide flexibility in terms of the following:
 1. Distribution of densities within the geographic area covered;
 2. Parcel sizes and location (including clustering to retain unique site features);
 3. Development Standards and other Zoning Ordinance requirements;
 4. Allowable land uses by providing an opportunity for mixed use provisions (e.g. neighborhood serving commercial land uses) within the overall residential densities anticipated in the General Plan. This flexibility includes the ability to provide for multi-

family land uses as long as the total dwelling unit count is within the scope of the General Plan designation for the geographic area under consideration.

C. To implement these Land Use Element Policies, the Specific Plan (SP) Overlay Zoning District is established. The purpose of this Chapter is to explain:

1. The contents of specific plans;
2. The process for adopting and amending specific plans;
3. Fees that the City may charge to recover the costs of preparing, amending, and administering specific plans;
4. The effect that development regulations adopted as part of specific plans have on regulations contained within this Chapter.

21. 16B.020 Applicability

The Specific Plan (SP) Overlay Zone is applied to those properties designated by the Land Use Element of the General Plan for being subject to the preparation of a specific plan.

21. 16B.030 Contents of Specific Plans

A. As specified in Government Code Section 65451, Specific plans shall include the following components:

1. A text and a diagram or diagrams which specify all of the following in detail:
 - (a) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
 - (b) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
 - (c) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 - (d) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).
2. The specific plan shall include a statement of the relationship of the specific plan to the general plan.

- B. As specified in Government Code Section 65452, Specific Plans may address any other subjects which in the judgment of the City are necessary or desirable for implementation of the General Plan.

21.16B.040 Adoption and Amendment of Specific Plans

- A. Specific Plans shall be adopted by both resolution and ordinance.
- B. Resolutions shall govern those components of specific plans that are:
 - 1. Policy statements describing the vision for development;
 - 2. Descriptions of the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities; and
 - 3. Programs of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out items (1) and (2).
- C. Ordinances shall govern those components of specific plans that act as zoning regulations for the areas covered by specific plans:
 - 1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; this would include "regulating plans", land use/zoning maps; and
 - 2. The regulations for development of said lands.
- D. Adoption and amendment of specific plans shall be accomplished in the manner set forth in Chapter 21.23A.
- E. Prior to adopting or amending a specific plan, the City Council shall make the following findings:
 - 1. That the specific plan or amendment thereto is consistent with the goals, objectives, and policies of the General Plan;
 - 2. That the specific plan or amendment thereto would not be detrimental to the public health, safety, or welfare of the community;
 - 3. That the specific plan or amendment thereto includes provisions which ensure that adequate public facilities will be available to serve the range of development described in the plan.

21.16B.050 Fees

- A. As provided in Government Code Section 65456, the City may establish a fee to recover the estimated cost of preparing, amending, and administering individual specific plans. Said fee shall be adopted by resolution and may be amended from time to time by resolution to account for adjustments for inflation. For those specific plans for which fees are established, said fees shall be made a condition of issuance of building permits for new dwelling units and for new commercial floor area, but collectible at the time of issuance of certificates of occupancy.
- B. Fees will be established for specific plan areas in which land that had been used for agricultural or very-low intensity rural use will be re-designated to be developed with substantially higher intensity urban and/or suburban uses. In such areas, the expected number and frequency of building permits for new development would make cost recovery feasible.
- C. Fees may not be established for specific plan areas that are already largely developed with urban uses where the purpose of the specific plan is to guide infill development and redevelopment. In such areas, the expected number and frequency of building permits for new development would not be sufficient to make cost recovery feasible.

21. 16B.060 Development Regulations Contained Within Specific Plans

- A. As provided by Government Code Section 65451, specific plans shall address the distribution, location, and extent of the uses of land within the area covered by the plan and standards and criteria by which development will proceed. Such components shall have the effect of zoning regulations that may supplement and/or supersede development regulations set forth in this Title.
- B. This section will establish the understanding of the relationships of development regulations, including zoning districts, adopted by individual specific plans.
- C. Union/46 Specific Plan: The Union/46 Specific Plan was adopted in 1988. Chapter 3 of this specific plan establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, maximum developable slopes, setbacks, and grading limitations that supplement and supersede certain development regulations for underlying zoning districts shown on the Zoning Map adopted pursuant to Section 21.12.020.
- D. Borkey Area Specific Plan: The Borkey Area Specific Plan was adopted in 1990. Chapter 3 of this specific plan establishes maximum densities (number of dwelling units) that may be developed within subareas and various development regulations such as: minimum lot sizes, agricultural buffers, setbacks, and other standards that supplement and supersede certain development regulations for underlying zoning districts shown on the Zoning Map adopted pursuant to Section 21.12.020.

E. Uptown/Town Centre Specific Plan: The Uptown/Town Centre Specific Plan was adopted in 2011. Chapter 5 of this specific plan is a form-based zoning code that includes a regulating plan and detailed regulations for development of properties within the area covered by this specific plan. This regulating plan map supersedes the Zoning Map adopted pursuant to Section 21.12.020, which was amended to delete all zoning districts, base and overlay, that predated adoption of this specific plan. The regulations in Chapter 5 do refer to certain chapters and sections in this Title as having effect within the area covered by this specific plan.

F. Chandler Ranch Area Specific Plan (Reserved)

G. Olsen Ranch/Beechwood Area Specific Plan (Reserved)

21. 16B.070 Approval Procedure for Projects After Adoption of Specific Plan

- A. No zoning code amendment, tentative tract map, tentative parcel map, lot line adjustment, development plan, site plan, plot plan, conditional use permit, variance, waiver, or street abandonment may be approved unless it is consistent with the applicable specific plan.
- B. Development within the specific plan areas is subject to the review process set forth in Chapter 21.23A unless the text of the applicable specific plan provides otherwise.

21. 16B.080 Effect of Plan

- A. Within an area designated by the Land Use Element of the General Plan for adoption of a specific plan, no discretionary land use approval (tentative tract map, tentative parcel map, development plan, conditional use permit, variance, waiver, or street abandonment) may be approved until a specific plan is adopted.
- B. On a case-by case basis, the City Council may grant relief from the restriction described in subsection "A" and provide exceptions for the following:
 - 1. Conditional use permits for occupancy of existing buildings.
 - 2. Development that is consistent with the General Plan and with the planned use of the property and which is adequately served with existing public improvements such as transportation, water, sewer, storm drain, parks and open space facilities.