

ORDINANCE NO. 635 N.S.  
 AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
 AMENDING THE ZONING CODE TO ESTABLISH REGULATIONS  
 FOR DEVELOPMENT REVIEW  
 (CODE AMENDMENT 92003)

WHEREAS, several programs within the Land Use Element of the General Plan call for the use of Planned Development overlay zoning or its equivalent and for using the full amount of discretion authorized in the Zoning Code as a means of implementing general plan polices, attaining the highest quality of development, and mitigating environmental impacts, particularly for multiple family residential, commercial and industrial development (all of which include institutional uses as well); and

WHEREAS, the Planned Development (overlay) District regulations (Chapter 21.16A of the Zoning Code) include a discretionary development permit referred to as a development plan, for which a public hearing must be conducted and findings must be made prior to approval; and

WHEREAS, outside of the Planned Development (overlay) District, the City has not yet established a discretionary permit process for major development projects; and

WHEREAS, the City has adopted an architectural review permit process for minor development projects, which is not a discretionary process; and

WHEREAS, the City desires to change the name "architectural review" and "architectural review committee" to "development review" and "development review committee" in order to enable said committee to address a wider range of development issues than those that are solely architectural in nature; and

WHEREAS, the Zoning Code in several sections enables the Zoning Administrator, Community Development Director, and City Planner to approve minor ministerial development permits including, but not limited to, single family dwellings, parking lots, and directional signs; and

WHEREAS, the City has determined that all development review regulations should be combined within a single chapter of the Zoning Code; and

WHEREAS, public hearings were conducted by the Planning Commission on June 9, 1992 and by the City Council on July 7, 1992, to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment and pre-zoning; and

WHEREAS, at its meeting of June 7, 1992, the City Council gave first reading to this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that Title 21 (Zoning) of the Municipal Code be amended to establish regulations for development review as follows;

SECTION I: Title 21 of the Municipal Code is hereby amended to change the text of several sections as indicated in Exhibit "A", attached.

SECTION II: Sections 21.20.270, 21.20.271, 21.20.272, 21.20.273, 21.20.274, and 21.20.280 regarding architectural review and the architectural review committee are hereby deleted.

SECTION III: Chapter 21.23B, Development Review, attached as Exhibit B, is hereby established.

a. Development Plan Review: The Planning Commission shall have the authority to approve, conditionally approve, or to deny development plan applications. In order to approve or to conditionally approve such applications, the Planning Commission shall conduct a public hearing that has been noticed per section 21.23A.040 and shall make all of the findings listed in section 21.23B.050. The Planning Commission shall have the authority to require that development projects be designed and/or that approval be conditioned to meet the items listed below.

(1) General Design:

(a) To determine the precise location and orientation of buildings and structures;

(b) To determine the design for on-site parking, loading and circulation (except where the City Engineer may determine the precise location of drive approaches and radii and grades of on-site drives);

(c) To determine the precise number, location, species and size of trees and landscaping materials except as follows:

(i) The decision to remove oak trees shall be made in compliance with the Oak Tree Preservation Ordinance in Title 10 of this Code;

(ii) Slope landscaping may be conceptually approved via Development Review; final approval shall be given by the City Engineer;

(d) To determine the location of trash enclosures, freestanding signs, walls or fences, outdoor storage areas, and other facilities which are either required or proposed;

(e) To determine the concept of grading for a property;

(f) To determine the precise architectural treatment of the elevations and roofs of buildings, structures and walls or fences to include compatibility of architectural style, relief features, materials and colors.

(g) To determine the location, size, height, shape, materials, colors method of illumination for signs;

(h) To require the installation of trash receptacle enclosures;

(i) To require the screening of heating, ventilating and air conditioning equipment;

(j) To make other determinations and requirements as necessary to achieve the purposes of this chapter.

(2) General Plan and Other Standards: In order to attain the purposes of this chapter and to make the findings outlined in section 21.23B.050, the Planning Commission may impose special conditions for approval of development plans. Such special conditions may exceed the minimum development standards established elsewhere in this title. Special conditions may include, but not be limited to the following:

(a) To limit residential density below the maximum permitted within the applicable zoning district if necessary to protect residential neighborhoods from noise, loss of privacy, excessive traffic and on-street parking, and inappropriate storage of recreational vehicles.

(b) To require dedications for streets and open space and easements for public improvements if necessary for the implementation of the General Plan, orderly development of the City, and for mitigation of potentially significant adverse environmental effects.

(c) To require off-site public improvements and/or improvements that are shared with adjacent property in addition to the minimums required by the municipal code if necessary for the orderly development of the City and for mitigation of potentially significant adverse environmental effects. Such off-site improvements may include, but would not be limited to, the following:

(i) Circulation system improvements such as curbs, gutters, sidewalks, paving, street lights, pedestrian and bicycle paths, transit stops;

(ii) Drainage improvements such as culverts, detention basins;

(iii) Sewer system improvements such as larger-diameter mains, lift stations;

(iv) Water system improvements such as larger-diameter mains, wells, booster pumps, fire hydrants;

(v) Open space and recreation facilities.

(d) To require other improvements and/or agreements necessary to attain the purposes of this chapter, particularly implementation of the goals and policies of the General Plan. Examples of the objectives of such improvements and/or agreements may include, but would not be limited to, undergrounding of overhead utilities, annexation into benefit maintenance districts, and annexation into community facilities districts.

(3) Planned Development District: For development plans located within the Planned Development (overlay) District, the Planning Commission shall have the authority to grant modifications to the base zoning district regulations as set forth in section 21.16A.030, subject to additional findings set forth in section 21.16A.070. Increases in permitted densities may not be granted.

b. Site Plan Review: The Development Review Committee shall have the authority to approve or to deny site plan applications. In order to approve such applications, the Development Review Committee shall review them at a public meeting and shall determine that they are designed to meet City codes and policies and design guidelines adopted by the Planning Commission. The Development Review Committee shall have the authority to require that development projects be designed to meet the General Design items listed above for approval of development plans.

c. Plot Plan Review: The Community Development Director shall have the authority to approve or to deny plot plan applications. In order to approve such applications, the Community Development Director shall determine that they are designed to meet City codes and policies and design guidelines adopted by the Planning Commission. The Community Development Director shall have the authority to require that development projects be designed to meet the General Design items listed above for approval of development plans.

**21.23B.050 Findings for approval of development plans.** In order to approve applications for development plans, the Planning Commission must make all of the findings set forth in this section. The Planning Commission may impose conditions of approval as necessary to make these findings. If, for a particular application, these

findings can not be made, the Planning Commission shall deny said application.

a. The design and intensity (density) of the proposed development plan is consistent with the following:

(1) The goals and policies established by the General Plan;

(2) The policies and development standards established by any applicable specific plan;

(3) The Zoning Code, particularly the purpose and intent of the zoning district in which a development project is located;

(4) All other adopted codes, policies, standards, and plans of the City;

b. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City;

c. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from gateways to the City and scenic corridors;

d. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of any environmental and social (e.g. privacy) impacts;

e. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stream courses, oak trees, vistas, historic buildings and structures;

f. The proposed development plan contributes to the orderly development of the City as a whole;

g. For projects located within the Planned Development (overlay) District, the proposed development plan is in conformance with the findings listed in Section 21.16A.070.

**21.23B.060 Referrals up to next level of review.** In their respective reviews of site and plot plans, the Development Review Committee and Community Development Director may refer development projects up to the next (higher) level of review (i.e., development plan and site plan, respectively) if it appears that such referral is necessary to accomplish the purposes of this chapter and title. Examples where such a referral may be indicated include, but are not limited to, the following:

a. The project is located on a scenic corridor or gateway to the City as designated by the General Plan or other visually-prominent location;

b. There are unique circumstances about the design of a particular development project or about the quality of design in its neighborhood.

If a development project is referred by the Community Development Director to the Development Review Committee for site plan review, no additional fee shall be required. However, if a development project is referred by the Development Review Committee to the Planning Commission for development plan review, the applicable fee for development review may be required as condition of approval.

**21.23B.070 Delegation of development plan details to the Development Review Committee.** Following approval of a development plan at a public hearing, the Planning Commission may refer certain details of development plan applications to the Development Review Committee for final approval. Examples of the appropriate level of details to be referred would include, but would not be limited to: single family dwellings within Planned Development District, landscaping materials, signage, building elevation details including colors, and masonry walls and fences.

**21.23B.080 Delegation of site plan details to the Community Development Director.** Following approval of a site plan, the Development Review Committee may refer certain details to the Community Development Director for final approval. Examples of the appropriate level of details to be referred would include, but would not be limited to: single family dwellings within Planned Development District, landscaping materials, signage, building elevation details including colors, and masonry walls and fences.

**21.23B.090 Development Review Requirements - Compliance.** All requirements imposed by Development Review shall be completed prior to occupancy of new buildings or additions, installation of signs or operation of a new land use.

Exceptions: With the posting of security such as a performance bond or other method acceptable to the City, the following improvements may be completed after the above-mentioned events:

a. Unless otherwise indicated in a condition of approval of a development plan, the installation of required landscaping may be postponed for a period no longer than one year;

b. If specifically provided for in a condition of approval of a development plan, required improvements, other than landscaping, may be postponed for periods to be determined by the Planning Commission.

Failure to comply with the requirements of Development Review constitutes a violation of this code, which may be punishable as prescribed in section 21.04.070.

**21.23B.100 Appeals.** Appeals of decisions of the Planning Commission, Development Review Committee, and Community Development Director shall be made in the manner prescribed by Chapter 21.23A.

**21.23B.110 Development Review Committee - Appointment.** The Planning Commission shall appoint a Development Review Committee of three of its members.

**21.23B.120 Community Development Director - Delegation of Authority.** The Community Development Director may authorize staff members of the Community Development Department to approve or deny plot plan applications.

**21.23B.130 Application Contents.**

a. In General: Plans, drawings and other information to explain a development project shall be provided as required in the City's standardized Development Handbook. Additional information shall be provided when it is determined by the Community Development Director to be necessary to illustrate the applicant's intent and/or impacts resulting from a specific project design element.

b. Site Plan Applications for Commercial, Industrial and Institutional Development: In order for applications for site plans for commercial, industrial and institutional development of buildings less than 10,000 square feet to be found to be complete, the dedications and public improvements listed below must be either completed or an agreement to complete them, in a form to be approved by the City, shall be submitted with the application.

(1) All dedications for adjacent streets necessary to provide the minimum right-of-way width to meet City standards for the applicable classification of the subject streets;

(2) All street improvements necessary to provide the minimum standards established by City standards for the applicable classification of the subject streets, including, but not limited to, curbs, gutters, sidewalks, paving, street lights, pedestrian and bicycle paths;

(3) All sewer, water and storm drain system improvements necessary for compliance with the City's adopted master plans for these systems and any applicable specific plans;

(4) All fire prevention measures, including, but not limited to, on- and off-site fire hydrants and emergency vehicle access indicated by City adopted codes, policies and standards;

(5) All open space and recreation dedications and improvements necessary for compliance with General Plan policies, any applicable specific plans and other City-adopted plans.

Site plan applications for commercial, industrial and institutional development of buildings less than 10,000 square feet for which the above-listed dedications and public improvements have not been completed or for which an agreement to complete them has not been submitted shall be found to be incomplete and a development plan shall be required for such development projects.

**21.23B.140 Design Guidelines.** The Planning Commission may, by resolution, approve and make design guidelines to provide direction to the public and consistency in development review approvals. Said guidelines shall conform to General Plan goals and policies, the municipal code, and other adopted City policies and standards.

**21.23B.150 Time Limit on Approval.** Approval of development plans, site plans and plot plans shall be valid for a period of not more than two years following the date of approval. If, at the end of a two year period, one of the situations listed below has occurred, said approval shall become invalid.

a. A building or grading permit has not been issued;

b. A building or grading permit has been issued but construction or grading has not commenced within 180 days of said issuance;

c. A building or grading permit has been issued and construction or grading has commenced but has subsequently lapsed for a period of 180 days.

d. A time extension request has not been received.

Time extensions, not exceeding one year per extension, may be granted by the authority (Planning Commission, Development Review Committee, or Community Development Director) that originally granted approval if a written request and applicable fee have been submitted to the Community Development Department no later than the date of expiration of approval.

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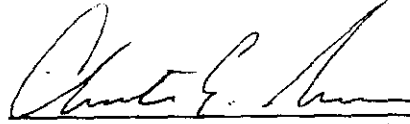
PASSED AND ADOPTED THIS 21st day of July, 1992 by the following roll call vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen

NOES: None

ABSENT: None

ABSTAIN: None

  
MAYOR CHRISTIAN E. IVERSEN

ATTEST:

  
RICHARD J. RAMIREZ, CITY CLERK

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Section 21.14A.050

Development Director may  
review  
Development Director may  
Revise to read as follows:  
~~Architectural~~ review  
approval, in accordance with Section  
~~21.20, 270 et seq. and Chapters 21.23A and~~  
21.23B, shall be..."

Section 21.14A.060

Revise to read as follows:  
~~Architectural~~ review  
"Architectural Applications for  
requirements. Development review of  
development on hillside lots shall  
consist of the plans (including  
topographic detail), drawings and reports  
~~referenced on the City's hillside~~  
~~development application checklist, other~~  
information to explain a development  
project as required in the City's  
standardized Development Handbook.  
Additional information shall be provided  
when it is determined by the Community  
Development Director to be necessary to  
illustrate the applicant's intent and/or  
impacts resulting from a specific project  
design element.

Section 21.15.050

Change "architectural review" to  
"development review".

Section 21.15.240.9

Change "architectural review committee"  
to "development review committee".

Section 21.15A.040

Change "architectural review committee"  
to "development review committee".

Section 21.15A.040.2e

Change "architectural review committee"  
to "development review committee".

Section 21.15A.040.2f

Change "architectural review committee"  
to "development review committee".

Section 21.15A.040.2g

Change "architectural review committee"  
to "development review committee".

Section 21.15A.040.4

Change "architectural review committee"  
to "development review committee".

Section 21.15A.050.1

Change "architectural approval" to  
"development review approval".

"architectural review committee" to  
"development review committee".



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\* As adopted by Ordinance 623 N.S.  
Section 21.16D.160

to "development review committee".

Section 21.16E.030B

Change "city commission".

Section 21.16E.260B

Change "architectural review" to "development review" (2 times in this subsection) and "architectural review committee" to "development review committee".

Section 21.16E.260C

Change "architectural review committee" to "development review committee".

Section 21.16E.340C

Change "architectural review committee" to "development review committee".

Section 21.16E.350B1

Change "architectural review committee" to "development review committee".

Section 21.16E.350B3

Change "architectural review" to "development review".

Section 21.16E.350C

Change "architectural review committee" to "development review committee".

Section 21.16E.350C2b

Change "architectural review" to "development review".

Section 21.16E.350C2d

Change "architectural review committee" to "development review committee".

Section 21.16E.350D

Change "architectural review committee" to "development review committee".

Section 21.16F.050 \*

Revise to read as follows:  
~~"Architectural Development review~~  
required. ~~Architectural Development~~  
review..."

\* As adopted by Ordinance 623 N.S.

Section 21.19.020a

Delete subsection a referring to "ARC" and "architectural review committee"; "renumber" subsections "b" through "g" to "a" through "f"; create new subsection "g" to read: "DRC means development review committee".

Section 21.19.0201

Change "ARC" to "DRC".

Change "ARC" to "DRC".

"Architectural review" and "ARC" review" and "DRC" (2 subsection).

- Section 21.19.070 Change "architectural review" and "ARC" to "Development review" and "DRC" throughout this section and its subsections.
- Section 21.19.100 Change "ARC" to "DRC".
- Section 21.20.120 Change "architectural review" to "development review".
- Section 21.20.140 \* Change "architectural review" and "architectural review committee" to "development review" and "development review committee" throughout this section and its subsections.
- \* As adopted by Ordinance 570 N.S.**
- Section 21.20.205 Change "architectural review committee" to "development review committee" throughout this section and its subsections.
- Section 21.20.320 Add "development review committee," after "approved by" and before "planning commission".
- Section 21.22.060I4 Change "ARC" to "development review committee".
- Section 21.22.060I5 Change "ARC" to "development review committee".
- Section 21.22.060I6 Change "ARC" to "development review committee".
- Section 21.22.070B2 Change "architectural review committee" and "ARC" to "development review committee" and "DRC" throughout this section and its subsections.
- Section 21.23A.010L Change "Architectural review" to "Development review".
- Section 21.23A.010G Change to read: "~~Development plans for multiple-family residential projects on hillside lands and for property located within the planned development district;~~"
- Section 21.23A.020B Change "Architectural review" and "Architectural review committee" to "Development review" and "Development review committee".
- Section 21.23A.020C1b \* Change to read: "~~Development plans for multiple-family residential projects on hillside lands and for property located within the planned development district;~~"
- \* As adopted by Ordinance 621 N.S.**
- Section 21.23A.020C1i \* Change "architectural review committee" to "development review committee".
- \* As adopted by Ordinance 621 N.S.**
- Section 21.23A.030L Change "Architectural review" to "Development review".

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Section 21.23A.050L Change "Architectural review" and "Architectural review committee" to "Development review" and "Development review committee".

Section 21.23A.070 Change "Architectural review committee" to "Development review committee".

Section 21.23A.080 Change "Architectural review committee" to "Development review committee".

Section 21.23A.090 Change "Architectural review committee" to "Development review committee" through this section.

Section 21.23A.100 Change "Architectural review committee" to "Development review committee".

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## EXHIBIT B

## CHAPTER 21.23B

## DEVELOPMENT REVIEW

**21.23B.010 Purpose and Intent.** Development Review is established to implement the goals and policies of the General Plan. The intent is to ensure that the physical design of new development and changes in existing development meets the following objectives:

a. To protect the public health, safety and general welfare where it is related to a land use or to the design of development;

b. To accommodate the aesthetic quality of the City as a whole, especially where development will be visible from gateways to the City, and scenic corridors;

c. To ensure that development is compatible with, and is not detrimental to, surrounding land uses and improvements by requiring design which provides appropriate visual appearance and which contributes to the mitigation of any environmental and social (e.g. privacy) impacts;

d. To ensure that development is compatible with existing scenic, environmental and cultural resources such as hillsides, stream courses, oak trees, vistas, historic buildings and structures;

e. To ensure that the development of individual properties contributes to the orderly development of the City as a whole;

**21.23B.020 Three levels of development review.** Three levels of development review are established as follows:

a. Development Plan: Discretionary review of major development projects to be conducted by the Planning Commission in conjunction with a noticed public hearing. Approval of development plans shall be subject to findings set forth in section 21.23B.050 and conditions may be imposed in order to make the required findings.

b. Site Plan: Review of minor development projects by the Development Review Committee (DRC). Meetings of the DRC shall be open to the public. Approval of site plans shall be in conformance with all provisions of the municipal code and with design guidelines adopted by the Planning Commission.

c. Plot Plan: Staff level review of minor details. Approval of plot plans shall be in conformance with all provisions of the municipal code and with design guidelines adopted by the Planning Commission.

**21.23B.030 Review requirements.**

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

(1) Planned Development District: All development in the Planned Development (overlay) District.

(2) Projects Subject to Environmental Review: All projects subject to the California Environmental Quality Act for which either a Mitigated Negative Declaration or an Environmental Impact Report is required.

(3) Single Family Residential: As required within the Planned Development (overlay) District.

(4) Multiple Family Residential:

(a) Five or more dwelling units per lot;

(NOTE: This is figured cumulatively. I.e., the addition of a fifth dwelling unit to a lot with four existing units shall require approval of a development plan.)

(b) In conjunction with a subdivision or parcel map to create multi-family zoned lots in which the total number of dwelling units that could be developed is 5 or more. In such cases, a development plan for conceptual development on each of the lots may be submitted for approval concurrently with the subdivision or parcel map, with a precise development plan for development of each lot submitted for approval prior to issuance of building permits.

(5) Commercial, Industrial, and Institutional:

a. Construction of buildings with 10,000 or more gross square feet;

(NOTE: Additions of 1,000 square feet or less, not exceeding one such addition in any 12 month period, where the gross floor area of the subject buildings would be increased from less than 10,000 square feet to 10,000 square feet or more, are exempt from the requirement for development plan review, provided that all necessary infrastructure has been installed, all necessary dedications have been made and no special conditions are necessary. Such additions would be subject to site plan review.

b. Construction of buildings with less than 10,000 gross square feet if all necessary infrastructure has not been installed, all necessary dedications have not been made or special conditions are necessary;

(6) Pre-grading: Pre-grading of a site (without any accompanying development plans) where the surface area is 10,000 or more square feet.

(NOTE: This is figured cumulatively. I.e., the addition of 1,000 square feet of graded area to a 9,000 square foot graded area shall require approval of a development plan.)

b. SITE PLAN: The following types of development projects shall be subject to Development Review Committee approval of a site plan, subject to design guidelines approved by the Planning Commission:

(1) Single Family Residential: Referrals from the Planning Commission for dwellings within the Planned Development District.

(2) Multiple Family Residential:

(a) Two to four dwelling units per lot.

- (b) Room additions, accessory buildings, and exterior alterations that are visible from public streets and other public vantage points;
- (3) Commercial, Industrial, and Institutional: Construction of buildings with less than 10,000 gross square feet if all necessary infrastructure has been installed, all necessary dedications have been made and no special conditions are necessary;
- (4) Pre-grading: Pre-grading of a site (without any accompanying development plans) where the surface area is less than 10,000 square feet.
- (5) Signs: All signs are subject to site plan review, except change of copy within existing sign structures and directional signs.

c. PLOT PLAN: The following types of development projects shall be subject to staff approval of a plot plan, subject to design guidelines approved by the Planning Commission:

(1) Single Family Residential:

- (a) Individual single family residences both within and outside of the Hillside Development District;
- (b) Referrals from the Design Review Committee for dwellings within the Planned Development District.

(2) Multiple Family Residential: Minor room additions, accessory buildings, and exterior alterations that are not visible from public streets and other public vantage points and which do not increase the number of dwelling units on site.

(3) Commercial, Industrial, and Institutional: The following are subject to plot plan review unless they are required items of development plan or site plan review for a development project:

- (a) Minor additions, accessory buildings, and exterior alterations that are not visible from public streets and other public vantage points;
- (b) Signs: change of copy within existing sign structures, directional signs;
- (c) Installation of such items as automatic teller machines, replacement gasoline pumps, trash bin enclosures, electrical transformer boxes;
- (d) Outdoor seating areas for restaurants;
- (e) Fences, walls, screening for outside storage and display areas;
- (f) Landscaping;
- (g) Parking lots.

**21.23B.040 Authority and Scope.** Notwithstanding development standards required elsewhere in this title or in other titles of the Municipal Code or provisions of State law, Development Review includes the authority to make determinations and to require improvements as follows: