

ORDINANCE NO. 677 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
 AMENDING CHAPTERS OF THE ZONING CODE
 AS THEY RELATE TO THE ESTABLISHMENT OF STANDARDS FOR
 OFFICE PROFESSIONAL AND OFFICE PROFESSIONAL OVERLAY DISTRICTS

WHEREAS, on August 6, 1991 the City Council adopted resolution 91-100 approving updates to the Land Use and Circulation Elements of the General Plan, and

WHEREAS, the 1991 update to the General Plan established new land use categories of Office Professional (OP) and Office Professional Overlay (OP Overlay), and

WHEREAS, the 1991 update to the General Plan established policies for the creation of Office Professional and Office Professional Overlay development and land use standards, and

WHEREAS, California law requires that the zoning codes be in compliance with the City's adopted General Plan, and

WHEREAS, the City has initiated Code Amendment 94004 to establish codified development and land use standards for the new OP and OP Overlay zones to be consistent with the General Plan, and

WHEREAS, public hearings were conducted by the Planning Commission on June 27, 1994 and by the City Council on July 19, 1994, August 2, 1994, and August 16, 1994 to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment; and

WHEREAS, at its meeting of August 16, 1994, the City Council adopted a Negative Declaration for this code amendment in accordance with the California Environmental Quality Act; and

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 as follows;

SECTION I: Section 21.12.010 is amended to read as follows:

"21.12.010 Districts established.
 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-3-0 district
 Multifamily/mobilehome district or R-4 district
 Neighborhood commercial district or CP district
 Office Professional district or OP district
 Office Professional Overlay district or OP Overlay district
 General retail commercial district or C-1 district
 Highway commercial district or C-2 district
 Commercial/light industry district or C-3 district
 Regional Commercial district or RC district
 Industrial district or M district
 Planned industrial district or PM district
 Airport planned development district or AP,PD district
 Parks and Open Space district or POS district
 Combining building size district or B district
 Planned development overlay district or PD district
 Hillside development overlay district or H district
 Historical and architectural overlay district or HP district
 Primary floodplain overlay district or PF district
 Secondary floodplain overlay district or SF district
 Redevelopment overlay district or RD district"

ABJ544

SECTION VII: Chapter 21.20 (General Regulations and Exceptions),
Section 21.20.140 (Fences and Hedges),
Subsections A1 and B1, are to read as follows:

"21.20.140A1 - Fences and Hedges.

...A. Front Yards.....

1. Residential and Office Professional Uses. The development review committee may approve a fence in the front yard up to four feet in height, provided that the fence shall be constructed in a manner to allow reasonable visibility through it."

"21.20.140B1 - Fences and Hedges.

...B. Side and Rear Yards...

1. Residential and Office Professional Uses. The development review committee may approve a fence up to eight feet high in those side and rear yards which abut commercial and/or industrial uses, or which abut the right-of-way of a street which has been designated by the traffic circulation master plan as an arterial or collector. In the Office Professional zone it must be demonstrated to the committee that the fence will be compatible with the purpose and intent of design standards for that district."

SECTION VIII: Chapter 21.20 (General Regulations and Exceptions),
Section 21.20.190 (Accessory building locations) is
amended to read as follows:

"21.20.040 - Accessory Building Locations.

In the case where an accessory building is attached to the main building, it shall be made structurally a part of, and have a common roof with, the main building, and shall comply in all respects with the requirements of this title applicable to the main building except as provided in Section 21.20.195. Unless so attached, an accessory building in an R or OP district shall be located on the rear one-half of the lot at least ten feet from any dwelling building existing or under construction on the same lot or any adjacent lot. Such an accessory building shall not be located within five feet of any alley or within the three feet of the side lot line of any lot or in the case of a corner lot, to project beyond the front yard required or existing on the adjacent lot."

SECTION IX: Chapter 21.22 (Parking), Section 21.22.040 (Parking space requirements), Subsections F2 and F3
(Administrative and Professional), are to be amended as follows:

"21.20.190 - Parking space requirements.

...F2. Medical/Dental office, banks/savings and loans and similar institutions: One space per two hundred square feet of gross floor area. Where physical circumstances warrant minor deviations from off-street parking standards for the conversion of homes to office in the R-3-O zone, OP or OP Overlay districts, the development review committee (DRC) may recommend such deviations to the full planning commission. Planning commission consideration shall be publicly noticed in accordance with Section 21.23A.040 (Notice requirements for hearings) within the OP Overlay District. Upon demonstration of the public interest, the commission may permit such deviations.

SECTION X: Chapter 21.22 (Parking), Section 21.22.060
(Development standards), Subsection 2a (Size of parking spaces in all other zones) is to be amended as follows:

"21.22.060 - Development standards.

...A. Size of Parking Spaces.....

2. All other zones. The minimum size of a parking space (whether or not required) shall be a width of nine feet and a length of eighteen feet with no obstruction in this area allowed. Exceptions:

a. In OP, OP overlay, C, M, RC, and PM zones, compact parking spaces measuring at least eight feet in width and sixteen feet in length may be provided in lieu of up to twenty-five percent of the total spaces required, located in a manner subject to the approval of the required approving body.

SECTION XI: Chapter 21.22 (Parking), Section 21.22.060 (Development standards), Subsection I (Landscaping) is to be amended as follows:

"21.22.060 - Development standards.

...I. Landscaping....

1. In residential and office professional zones, including R-3-O, OP Overlay and R-4, a minimum of ten feet of irrigated landscaping shall be provided adjacent to street front property lines and a minimum of three feet of the landscaping shall be provided adjacent to side property lines.

ABJ544

PASSED AND ADOPTED THIS 6th day of September, 1994 by the following roll call vote:

AYES: Heggarty, Martin, Picanco, and Macklin

NOES: None

ABSENT: None

ABSTAIN: Iversen

Walter J. Macklin
MAYOR WALTER J. MACKLIN

ATTEST:

Richard J. Ramirez
RICHARD J. RAMIREZ, CITY CLERK

SECTION II: Chapter 21.13 (Overlay District Regulations), Section 21.13.020 is amended to read as follows:

"21.13.020 - 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. When ever conflicts exist between this chapter and other section os 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;
- g. Chapter 21.16C, rural development;
- h. Chapter 21.17, surface mining and reclamation;
- i. Chapter 21.18A, office professional (OP) overlay."

SECTION III: Chapter 21.16 (District Use Tables), Section 21.16.170 shall be added to read as follows:

"21.16.170 - OP district.

Subject to the provisions of Chapter 21.20, the uses set out in Chapter 21.18 will be allowed and the regulations set out therein shall apply in the OP district. "

SECTION IV: Chapter 21.16 (District Use Tables), Section 21.16.180 shall be added to read as follows:

"21.16.180 - OP Overlay district.

Subject to the provisions of Chapter 21.10, the uses set out in Chapter 21.18A will be allowed and the regulations set out therein shall apply in the OP Overlay district."

SECTION V: Chapter 21.18 (Office Professional) shall be added to read as follows:

Section 21.18.010: Purpose.

The Office Professional District is intended to provide opportunities for locating professional and commercial offices, along with limited retail and services land uses, while preserving residential character and residential uses within existing neighborhoods. Innovative uses of existing structures shall be encouraged. All new activities and new construction / remodeling shall not detract from the existing character of the neighborhood, particularly with regards to design compatibility with buildings listed in the City's Inventory of Historic Structures.

Section 21.18.020: Uses permitted (administrative approval).

- a. Medical or dental offices; accessory uses
- b. Business and professional offices; accessory uses
- c. Child day care facilities (six or less children)
- d. Residential uses subject to the provisions of this chapter
- e. Activities of a cultural nature (e.g. galleries, art or photographic studios when of a neighborhood scale and orientation with no open storage of materials or equipment)
- f. Accessory Buildings, compatible in design and function to main buildings

ABJ544

Section 21.18.030: Uses conditionally permitted (planning commission approval).

The granting of a Conditional Use Permit would be dependent upon the specific land use proposed, its relative location as it relates to established neighborhoods and residential patterns, and the ability and degree to which neighborhood compatibility concerns can be resolved. For example, some uses which might be appropriate on Spring Street might not be appropriate on Vine and Oak Streets. The following uses shall require a Conditional Use Permit as listed by sub-area within the Office Professional District:

All areas of Office Professional District:

- a. Churches
- b. More than one residential unit per parcel
- c. Bed and Breakfast establishments (subject to the provisions of Chapter 21.15, Section II)

Spring Street only (otherwise non-permitted on Oak and Vine Streets):

- d. Plant nursery
- e. Cafes, restaurants and tea rooms as primary uses with indoor and/or outdoor seating
- f. Florist (may include outdoor display)
- g. Other uses as determined by the planning commission as being similar in class and nature to conditionally permitted uses listed in this section

Section 21.18.040: Nonpermitted uses.

- a. Clinics, social services facilities
- b. Emergency/urgent care centers including outpatient services
- c. Hospitals
- d. Other uses not specifically provided for within this chapter
- e. Government Offices

Section 21.18.050: Conversion of residential structures.

No structure originally designed as a residence, or as an accessory structure or addition to a residence, shall be used for any commercial or office uses unless the building and site are improved to meet all code requirements for an office or commercial development. This includes but is not limited to building code requirements, fire code requirements and site development code requirements. Such a conversion shall be subject to review by the Development Review Committee and/or the CUP process, as required by this chapter.

Section 21.18.060: Site development criteria.

The site development criteria set forth in this section are intended to provide minimum standards for the development use of land within the office professional district. These site development criteria should be used in conjunction with the design guidelines which are set forth in Section 12.18.080 of this chapter. Use of the design guidelines in conjunction with this criteria will assist the designer in determining the best design for any given development project, as it is the basis on which the Development Review Committee will review appropriateness of design for establishment of office uses.

- a. **Minimum site/lot area:** Seven thousand (7,000) square feet.
- b. **Minimum lot width:** 50 feet.

- c. **Minimum lot depth:** 140 feet.
- d. **Height limitations:** 35 feet for main structures, not to exceed 3 stories. 20 feet for accessory structures.
- e. **Set backs:**
1. **Front yard:** 15 feet as measured from property line. A street yard shall be used only for landscaping, pedestrian walkways or driveways, not for parking.
 2. **Side yard:** 5 feet from interior lot line. 10 feet from corner/street facing side lot line.
 3. **Rear yard:** 10 feet for main structure. 5 feet for detached accessory garage. 3 feet for detached accessory structures.
- f. **Site Coverage:** Maximum of 75 percent lot coverage for main structure. Lot coverage is defined as the area of the lot covered by buildings, including eaves, projecting balconies and similar features, but excluding ground level paving, and landscaping.
- g. **Parking:**
1. **Number required:** Generally, off-street parking shall be provided at a ratio of one space for every 200 square feet of gross floor area for all administrative, professional, medical, dental, banks/savings and similar offices. Off-street parking requirements for other uses either permitted or conditionally permitted by this chapter shall be provided in accordance with Chapter 21.22 (Parking) of this code.
 2. **Design and improvement standards:** All off-street parking shall be paved and otherwise improved to the standards contained in chapter 21.22 (Parking) of this code.
 3. **Exceptions to standards:** Where physical circumstances warrant minor deviations from off-street parking standards for conversion of homes to offices, the Development Review Committee may recommend such deviations to the full Planning Commission who will consider the request at a public hearing where adjacent property owners are notified by mail. Upon demonstration of public interest, and that the changes would not create health, safety and parking impact concerns for adjacent parcels, the Commission may approve such deviations.
- h. **Landscaping:**
1. All setbacks, parkways, and passive areas shall be landscaped. The development review committee shall review and approve all landscaping plans in conjunction with site improvement plans.
 2. All landscaped areas shall be served by an approved automatic and efficient irrigation system that provides adequate watering coverage.
 3. Landscape design shall consider such elements as its function, consistency with the building, compatibility to the area, special features (e.g. trellis, patio or planters), and the use of hardscape and drought tolerant plant materials for water conservation.
 4. Property owners are responsible for the continual maintenance of all landscaped areas on-site, as well as

ABJ544

contiguous planted areas within the public right-of-way. All landscaped areas shall be kept free from weeds and debris and maintained in a healthy, growing condition.

- i. **Utility undergrounding district:** The property owner must sign and enter into a standard agreement to participate in the formation of any future utility undergrounding assessment district. The purpose of such districts would be for the undergrounding of overhead utility (electrical/phone/cable) lines on a block by block basis rather than on a lot by lot basis. All existing and new on-site power, extended from the main overhead lines to the building, must be undergrounded as part of other site upgrades.
- j. **Street trees:** Trees of a type to be approved by the City shall be planted along street frontages, within the parkways where available or within 6 feet of the sidewalk, at an equivalent of one (1) tree per 30 linear feet of lot frontage.
- k. **Handicap accessibility:** Buildings shall be made to comply with all applicable State Building Codes for handicapped accessibility. This shall include interior building design as well as exterior site improvements.
- l. **Trash enclosure:** All non-residential uses are to have areas for storage of garbage bins. Regardless of size, these storage areas shall be enclosed or effectively screened from public view by use of a decorative masonry wall, an architecturally compatible fence, landscaping, or a combination thereof.
- m. **Fencing and screening:** Where parking spaces for non-residential uses are located adjacent to neighboring homes, architecturally compatible fencing, decorative masonry walls, landscaping, or a combination thereof shall be incorporated into the site improvements, as determined by the Development Review Committee.
- n. **Mechanical and electrical equipment:** All such equipment, including air conditioners, antennas, pumps, transformers, heating and ventilating equipment shall be located in inconspicuous areas and away from public view. Where they are located in public view, they shall be screened with a combination of material that best suit the overall design theme and architecturally integrated into the building.
- o. **Accessory structures:** Limited to 50 percent of the gross floor area of the main structure and shall be architecturally compatible with the main structure.

Section 21.18.070: Performance Standards.

a. **Noise.** All operations and businesses shall be conducted to comply with the following standards:

1. All office and related commercial activities shall not create any noise that would exceed an exterior noise level of 60dBA during the hours of 10:00 p.m. and 7:00 a.m. and 65dBA during the hours of 7:00 a.m. to 10:00 p.m.

2. No person shall cause the loading, unloading, opening, closing or other handling of boxes, crates, containers or other similar materials between the hours of 10:00 p.m. and 7:00 a.m. in a manner which would cause a noise disturbance to a residential area.

b. **Lights:** All lighting business shall be shielded or directed so as to not illuminate adjacent businesses, residences or create glare for motorists.

c. **Smoke:** No operation or activity is permitted to have operations which emit excessive smoke, fumes, or dust.

d. **Maintenance of open areas:** All open areas shall be landscaped, surface or treated and maintained permanently in a dust free condition.

e. **Vibration:** No operation or activity is permitted which will create vibration noticeable without instruments at the perimeter of the subject property.

f. **Mechanical and electrical equipment:** All such equipment, including air conditioners, antennas, pumps, transformers, heating and ventilating equipment shall be located and operated in a manner that does not disturb adjacent uses and activities.

g. **Electrical interference:** No operation or activity shall transmit, generate, or otherwise cause any electrical, magnetic, or electromagnetic radiation disturbance that affects the operation of any use, equipment, or process employed by any use beyond the boundary of the site.

h. **Fire or explosive hazard:** All operations or activities shall conform with the minimum requirements of the Uniform Fire Code, as adopted and amended by the City of Paso Robles.

i. **Liquid and solid wastes:** There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in conformance with guidelines adopted by the Public Works Division.

j. **Odors:** No operation or activity shall be permitted to emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious or otherwise objectionable and readily detectable without the aid of instruments at or beyond the lot line.

Section 21.18.080: Design provisions.

All new building construction, building additions, exterior remodel and site improvements shall be subject to review and approval by the development review committee prior to obtaining building permits. The purpose of these guidelines is to assure development that is compatible with the existing residential and historic neighborhood context that characterizes much of the office professional district.

a. **Neighborhood compatibility:** The renovation of existing buildings, or the construction of new buildings, shall strive to be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, density and unit size; in identity and neighborhood character (historic, residential or other); in building orientation and setback, and visual integrity.

b. **Historic character preservation:** When altering or adding to existing buildings of local or national historic significance the historic character of the original structure shall be retained. Alterations and additions should not introduce new or conflicting/modern architectural elements. Every reasonable effort shall be made to preserve distinctive stylistic features, and to repair rather than replace deteriorated features. Contemporary design for alternation

ABJ544

and additions to existing buildings should not be discouraged when such alterations and additions do not destroy significant historical, architectural features and the design either emulates or proves to be compatible with the size, scale, color, material, and character of the property and its neighborhood context.

c. **Signs:** Signs shall be permitted in accordance with Chapter 21.19 of this code with the following additions and exceptions:

1. **Wall mounted signs:** Are not to exceed two square feet in size, and their placement on the building shall be architecturally integrated.

2. **Freestanding signs:** May not exceed twenty four (24) square feet in area and four (4) feet in height (including any architecturally integrated base) in order to be in proper scale and proportion to the residential character of this district. When a business is located on an arterial street the Development Review Committee may consider sign heights up to six (6) feet and sign areas up to thirty two (32) square feet.

3. **Illumination:** Signs shall not be internally illuminated. Exterior sign illumination shall be kept to a minimum and reviewed for appropriateness by the development review committee.

d. **Lighting:** On-site lights should provide a safe, functional and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare. Fixtures and poles shall be designed and placed in a manner to avoid off-site glare consistent with the performance standards of this chapter.

e. **Access and circulation:** Primary access to the site, along with parking and service areas should be developed off of a public alley wherever possible. Driveway access from the front of a parcel to parking in the rear is discouraged.

f. **Detached accessory buildings:** Should be compatible in their function and architectural design to the main/primary building(s) on site, including such features as building style, materials and roofline.

g. **Fencing and screening:** The use of fences and walls should be consistent with the overall design theme of on-site buildings. They shall be utilized for specific screening needs, but their design and placement must not conflict with safety and sight visibility/vehicular turning movement needs.

Section 21.18.090 - Residential Dwellings.

a. **Existing residential:** Existing residential dwellings may be continued as a primary use, and may be expanded subject to review by the Development Review Committee, provided such expansion is consistent with the development and design standards of this chapter.

b. **Conversion to office / retention of residential:** When a residential dwelling is converted to an office use (other than the limited office use which is permitted under a Home Occupation Permit), the building shall be upgraded as required by Section 12.18.040 of this chapter. The residential function may be continued, but will be considered as accessory to the commercial use regardless of ratio of floor area usage.

ABJ544

c. **New residential as a primary use:** New residential as a primary use shall be subject to Development Review Committee approval based upon it being demonstrated that the design of the dwelling is architecturally compatible with the historical characteristic of a neighborhood.

d. **New residential as an accessory use:** A limit of one new residential dwelling, accessory to existing office/office related uses may be established subject to review by the development review committee (for exterior building or site design modifications), provided the new development is consistent with the development and design requirements of this chapter. Such secondary dwelling may be either detached or part of the main building containing the office professional use.

e. **More than one dwelling on a lot:** Existing multiple residential units shall be considered nonconforming and subject to the provisions of sections 21.20.330 through 21.20.350 of the zoning code. New/additional dwellings beyond one per parcel shall be subject to first obtaining a conditional use permit.

Section 21.18.100 - Demolition of historic buildings.

Proposed demolition of residences and/or buildings adapted for office or related uses which are of historic or cultural significance as defined by chapter 17.16 of the municipal code shall adhere to the demolition permitting process of that chapter.

SECTION VI: Adding Chapter 21.18A (Office Professional Overlay), to read as follows:

Section 21.18A.010: Purpose.

The Office Professional Overlay District is intended to retain and provide for residential uses as the primary use in accordance with the base residential district (e.g. R-2 or R-3), but to act as a transitional district which could accommodate mixed office and residential uses. Approval of a Conditional Use Permit is required in order to establish professional or medical office uses (or other related commercial service or retail uses ancillary to office). A Conditional Use Permit may be approved if neighborhood compatibility and preservation of residential character can be demonstrated.

Innovative uses of existing structures shall be encouraged. All new activities and new construction / remodeling shall not detract from the existing character of the neighborhood, particularly with regards to design compatibility with buildings listed in the City's Inventory of Historic Structures.

Section 21.18A.020: Uses permitted (administrative approval).

- a. Residential dwellings at densities permitted by the base residential district
- b. All other uses permitted by the base residential district

Section 21.18A.030: Uses conditionally permitted (planning commission approval).

The granting of a Conditional Use Permit would be dependent upon the specific land use proposed, its relative location as it relates to established neighborhoods and residential patterns, and the ability and degree to which neighborhood compatibility concerns can be resolved. For example, some

ABJ544

uses which might be appropriate on Park Street might not be appropriate on Vine Street.

- a. Medical and dental offices; accessory uses
- b. Business and professional offices; accessory uses
- c. Activities of a cultural nature (e.g. galleries, art or photographic studios when of a neighborhood scale and orientation with no open storage of materials or equipment)
- d. Bed and Breakfast establishments (subject to the provisions of Chapter 21.15, Section II)
- e. Accessory Buildings, compatible in design and function to main buildings
- f. Churches
- g. Other uses as determined by the planning commission as being similar in class and nature to conditionally permitted uses listed in this section

Section 21.18A.040: Nonpermitted uses.

- a. Clinics, social services facilities
- b. Emergency/urgent care centers including outpatient services
- c. Hospitals
- d. Other uses not specifically provided for within this chapter
- e. Government Offices

Section 21.18A.050: Conversion of residential structures.

No structure originally designed as a residence, or as an accessory structure or addition to a residence, shall be used for any commercial or office uses unless the following criteria are met:

a. **Conditional Use Permit (CUP) required:** Such office or commercial activity may be permitted only after first obtaining a conditional use permit. The establishment of an office professional or related use shall, at a minimum, be subject to the same site development criteria, performance standards, design parameters and other governing regulations as contained within chapter 21.18 (Office Professional District), but additional standards and/or controls may be applied through the conditional use permit process in order to maintain neighborhood compatibility.

b. **Additional standards and controls:** Additional standards and controls applied through the conditional use permit process may include, but may not be limited to: increased landscaping and screening requirements of structures and parking areas from adjacent dwellings; increased limitations on hours of business operation; limitation on the number of employees associated with a given use; limitation on client schedules or specialized techniques for site maintenance and/or development.

c. **Site development upgrades:** The building and site shall be improved to meet all code requirements for an office or commercial development. This includes such things as but not limited to building code requirements, fire code requirements and site development code requirements. Such site development upgrades shall be subject to review by the development review committee as part of the CUP process required by this chapter.