

ORDINANCE NO. 709 N.S.

CODE AMENDMENT 95-013 OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 21 OF THE MUNICIPAL CODE (ZONING CODE)
TO PROVIDE FOR A NEO-TRADITIONAL DEVELOPMENT OPTION
(CITY OF PASO ROBLES)

WHEREAS, the City of Paso Robles has initiated Code Amendment 95-013 to provide an alternative development code consistent with what is generally described as "Neo-Traditional" planning or "The New Urbanism"; and

WHEREAS, the proposed development code is to be Chapter 21.16.K of the Zoning Code; and

WHEREAS, the intent of this code amendment is to supplement but not replace or override existing development codes found in Chapter 21 of the Municipal Code; this code amendment will provide an alternative set of development standards, along with specified incentives for developers to utilize said standards; and

WHEREAS, public hearings were conducted by the Planning Commission on November 27, 1995 and by the City Council on December 19, 1995 and January 16, 1996, February 20, 1996, and March 5, 1996 to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment, and

WHEREAS, consideration of the final text of the proposed amendment was continued to the City Council meeting of April 2, 1996; and

WHEREAS, staff is recommending that the City Council adopt a Negative Declaration of environmental impact in conjunction with this code amendment; and

WHEREAS, at its meeting of April 2, 1996, the City Council gave first reading to this ordinance, and

WHEREAS, at its meeting of April 16, 1996, the City Council gave second reading to this ordinance, and

WHEREAS, this ordinance shall go into effect on May 17, 1996.

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, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is not inconsistent with the General Plan.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Chapter 21 of the Paso Robles Municipal Code (Zoning Code) is hereby amended to add Chapter 21.16 K (Neo-Traditional Development Option), as contained in the attached Exhibit "A".

Section 1. 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 2. 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.

Section 3. 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, such inconsistent and conflicting provisions of prior ordinance, motions, resolutions, rules and regulations are hereby repealed.

RIMC CODE:	Community Development Department
DATE:	April 16, 1996
FILE PLAN/GE CAT.:	Advanced Planning
SUBJECT:	Neotraditional - Final Council Ordinance
LOCATION:	City Clerk/Archives
RETENTION:	Permanent

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B. Multi-story buildings. Buildings with more than a single story; the upper stories may be used for additional commercial, office or residential uses.

C. Buildings with traditional design and materials; Lighting. The utilization of design, building forms, colors and materials that recall traditional patterns as described in the neo-traditional design guidelines as they may be adopted by the City Council. Particular attention should be given to lighting design / compatibility, including use of pedestrian scale and oriented street lighting. The determination as to whether or not the designs meet the guidelines shall be made by the design review committee.

D. Doors and windows oriented to the street. Buildings that have public entries opening directly onto the public sidewalk and that have windows facing the sidewalk at the pedestrian eye level. People must be able to look through the windows and see the activities within the building.

E. Parking in rear or no parking. Projects that have placed parking behind the building; or, projects that do not provide any on site parking but utilize off site options. See Figure 5.

F. Public seating/eating areas adjacent to the sidewalk. A project that incorporates an outdoor public seating or eating area, at least 50 square feet in size, adjacent to the sidewalk or directly accessible from the sidewalk.

G. Transit stop. A project that incorporates a bus stop and covered seating that can serve existing or likely future bus routes.

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A. Reduced parking requirements. The usually required number of parking spaces shall be reduced by between 15% and 25%. See Section 21.16I.070, below.

B. Reduced fees. The usual City development impact fees shall be reduced by 2 % if an extraordinary number or neo-traditional features are employed in the design. See Section 21.16I.070, below.

C. Priority processing. In cases where a Planned Development would otherwise be required and reviewed by the Planning Commission, the City will utilize the Development Review Committee to review and approve the application, provided that written notice and an opportunity to provide public comment is given to property owners with a 300 foot radius.

21.16I.060 Definitions of neo-traditional features: commercial

The following defines the features associated with neo-traditional commercial design for purposes of this ordinance:

A. Build to back of sidewalk. Buildings that are built to the back of sidewalk and are not set back from any property line abutting a street right of way; small recessed entry ways and/or provisions for outdoor restaurant seating may be permitted. This requirement for buildings to abut the public right -of-way applies to "infill" development and extensions of existing development patterns in the historic downtown area. In other locations, a "zero" setback is optional and encouraged. See Figure 4.

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street trees	R		R		R	
front porches	50%		50%		50%	
second dwelling units (at least 15% of units)	O	2	O	2	O	2
public park or square			O	2	O	2
bike/ped connections to activity centers		na	O	1	O	1
inclusion of neighborhood commercial			O	2	O	2
bus turn outs			O	1	O	1
detached bike ways			O	1	O	1
traditional house design: basic *	R		O	1	O	1
traditional house design: extra *	O	2	O	2	O	2
grid street patterns			R		R	

* see guidelines for definitions of basic features and extra features

21.16I.050 Incentives for neo-traditional design: commercial

These provisions are intended to complement other adopted design guidelines and regulations, especially in the historic downtown area. If a commercial project meets the criteria set forth in section 21.16I.070 below, the following modifications to usual requirements and fees shall be approved by the City:

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C. New specific plan areas. All of the features listed as required in Table C, as well as a selection of optional features totaling at least 5 points as shown in Table C.

D. Fee reductions. The City will reduce development impact fees by 2 %, if projects earn the following number of total points:

- West side infill 4 points
- New subdivisions 5 points
- Specific plan areas 8 points

Table C

Feature	Infill		Sub		Specific	
	required	points	required	points	required	points
narrow streets			R		R	
alleys or access from existing alleys or garages on rear half of lot (at least 50% of units)			R		R	
alleys or access from existing alleys or garages on rear half of lot (at least 75% of units)			O	1	O	1
alleys or access from existing alleys or garages on rear half of lot (100% of units)	R		O	2	O	2
parkways between curb and sidewalk			R		R	

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committee and reported to the decision making body. Design compatibility of on-site and off-site lighting is among the particular concerns.

N. Detached bike ways. Inclusion of detached ("class one") bikeways within the project.

O. Multi-Family Dwelling Units. With the purpose and intent of providing more affordable housing opportunities, up to a maximum of 15 percent of the dwelling units in a development may be duplex multi-family dwelling units (with regards to infill locations, the maximum percentage of duplex units will be based on a percent of a 300 foot by 300 foot City block). The architectural design, building materials, and overall character of the duplex units shall be integrated into single family development patterns so as not to be readily distinguished from other homes; corner locations will typically be the most feasible placement of duplex units.

21.16I.040 Earning incentives: residential.

In order to be eligible for the incentives listed in Section 21.16I.020 above, a residential project must meet the following requirements:

A. Infill residential on the "west side". All the features listed as required in Table C, below.

B. New subdivisions. All of the features listed as required in Table C, as well as a selection of optional features totaling at least 3 points as shown in Table C.

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H. Second residential units. Small, detached residential units located above a garage or in a building separate from the main house. Said units shall not exceed 500 square feet in area.

I. Public parks or squares. An open public area of at least 10,000 square feet with landscaping, benches and other amenities, installed by the developer and dedicated to the City.

J. Pedestrian and bike connections to activity centers. Clear and easily accessible bike ways and/or pedestrian routes to activity centers such as parks, shopping, schools or employment centers.

K. Neighborhood commercial. Inclusion of neighborhood oriented commercial uses within a specific plan area or the location of a subdivision adjacent to a neighborhood commercial district.

L. Bus turn-outs and shelters. The inclusion of a bus turn out with covered seating in a location suitable to serve existing or likely future transit routes in or adjacent to the project.

M. Traditional house designs. The utilization of design, building forms, colors and materials that recall traditional patterns as described in the neo-traditional design guidelines as they may be adopted by the City Council. The guidelines include those items considered basic or essential to traditional design; the guidelines also delineate those items which are not essential but which do further enhance the traditional form. The determination as to whether or not the designs meet the guidelines "basic" or "extra", shall be made by the development review

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A. Narrow streets. Residential streets not wider than 36 feet curb-to-curb with on street parking on both sides or 28 feet curb-to-curb with parking on one side. See Figure 1;

B. Street grid patterns. Typically for areas with less than 5% slope, streets laid out in a rectangular grid pattern, to the extent practical, with blocks generally not more than 520 feet long. See Figure 2.

C. Alleys. Subdivision design that includes alleys along the rear property lines which are used for access to garages or parking spaces, and for other functions such as garbage pick-up.

D. Garages on rear half of lot. Garages which are located on the rear half of residential lots, they may be accessed from rear alleys and/or driveways from the street. See Figure 3.

E. Parkway between curb and sidewalk. A landscaped area at least four and one-half feet wide between the back of curb and a paved sidewalk.

F. Street trees. Planting at least one tree per lot in the parkway; said trees shall be of a species that typically develops a large scale canopy that will extend partially over the street.

G. Front porches. Houses that have a covered porch or patio at the first floor level oriented toward the front yard and street. Said porches shall be at least 32 square feet in area and a minimum of 6 feet in depth.

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D. Reduced street widths. Subject to review and approval by the City Engineer with regards to traffic safety concerns, street paving widths may be allowed pursuant to Table B (Note: the minimum public street standard is 36 feet, curb to curb):

Table B

Number of houses served	On street parking required	Minimum width curb-to-curb	Maximum width curb-to-curb
4 or fewer	none	24 feet	24 feet
16 or fewer	one side	26 feet	28 feet
more than 16	one side	28 feet	36 feet*

* would accommodate parking on both sides of the street

E. Fee reductions. The City Council shall reduce City development impact fees by a minimum of 2% if an extraordinary number of neo-traditional features are incorporated into the project; see Section 21.16I.040 below.

21.16I.030 Definition of neo-traditional features: residential.

The following defines the features associated with neo-traditional residential design for purposes of this ordinance:

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Table A

	Front	Rear	Side
Main house, without alleys or detached garage in rear	20 ft	10 ft	5 ft
Main house, with either alleys or detached garage in rear	15 ft	10 ft	5 ft
Front porches	15 ft	na	5 ft
Detached garages	25 ft	0 ft	0 ft
Other accessory buildings	25 ft	3 ft	3 ft
Parking spaces	25 ft	0 ft	0 ft

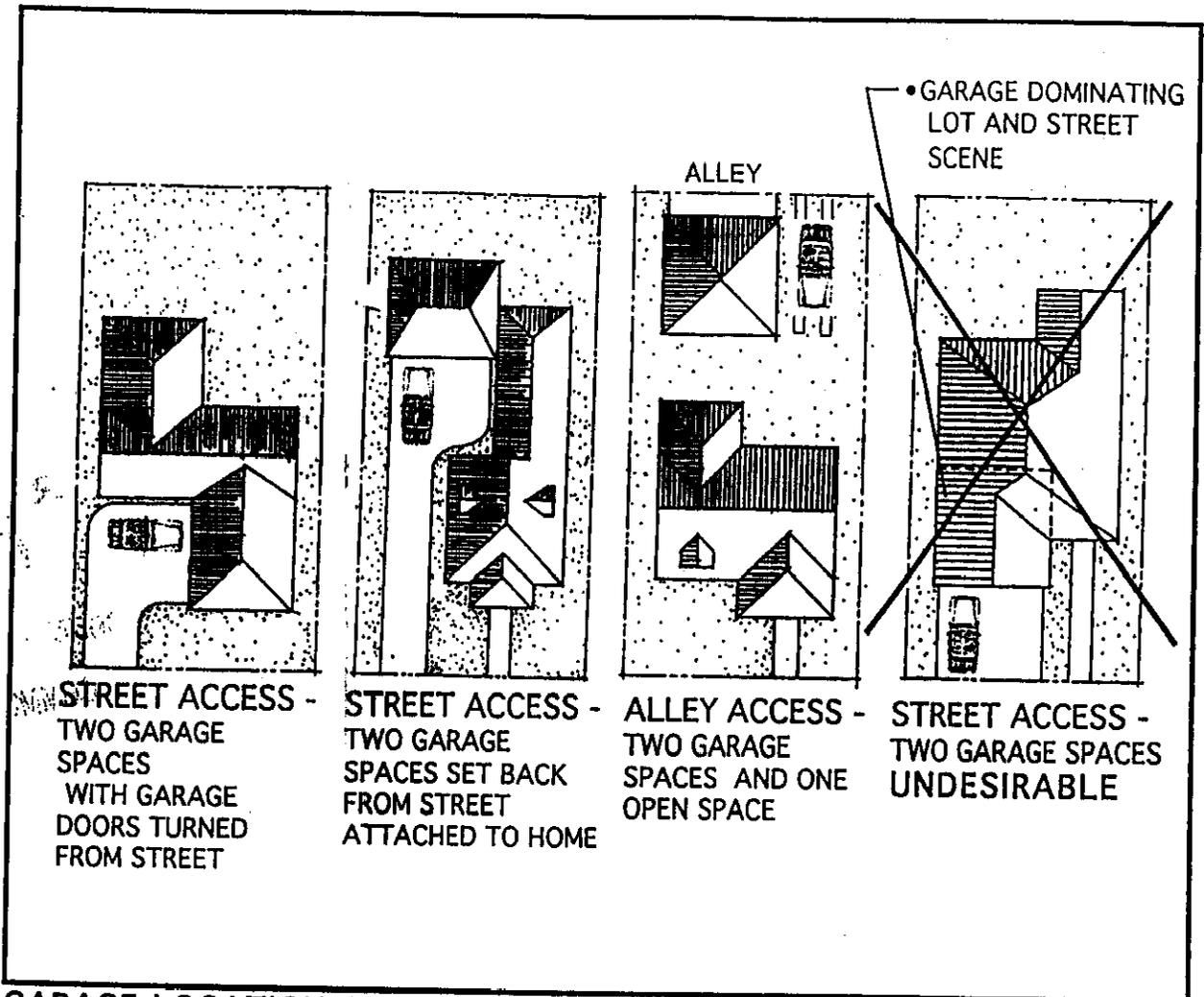
B. Covered parking. For all single family residential lots, the minimum parking requirement shall be two (2) covered and enclosed (garage) spaces. "Tandem" parking spaces shall be permitted; that is, they may be located in line with one another (such that one space effectively blocks the access for another) provided that the all spaces are set back at least 20 feet from the front property line. Garage entries are encouraged to be oriented away from public streets (e.g. recessed / set-back, off alleys or perpendicular to streets).

C. Parking for secondary units. At least one space shall be provided for each secondary unit; however, said space may be uncovered and may be a "tandem" space.

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GARAGE LOCATION EXAMPLES

Figure 3

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Section 4. 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 invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on 2 April 1996, and passed and adopted by the City Council of El Paso de Robles on the 16th day of April, 1996, by the following roll call vote, to wit:

- AYES: Iversen, Martin, Picanco, and Macklin
- NOES: None
- ABSENT: Heggarty

Walter J. Macklin
 WALTER J. MACKLIN, MAYOR
 City of El Paso de Robles

ATTEST:

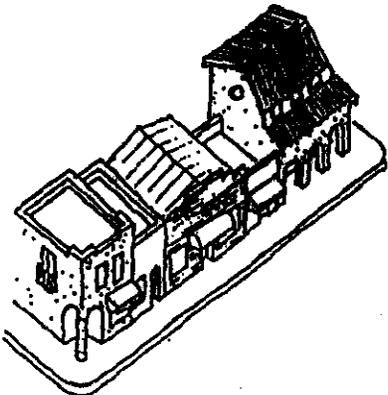
Richard J. Ramirez

 RICHARD J. RAMIREZ, CITY MANAGER / CITY CLERK

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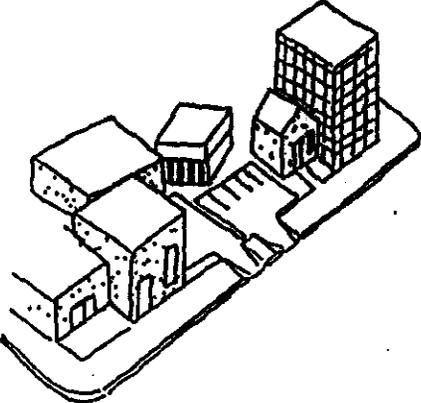
- BUILDINGS AT BACK OF SIDEWALK
- HIGHER BUILDINGS ON CORNERS WITH APARTMENTS ABOVE COMMERCIAL



THIS

BUILD TO BACK OF SIDEWALK

- DO NOT PLACE BUILDINGS AT ODD ANGLES OFF OF STREET RIGHT OF WAY
- PARKING IN FRONT OF BUILDING NOT ALLOWED



NOT THIS

Figure 4

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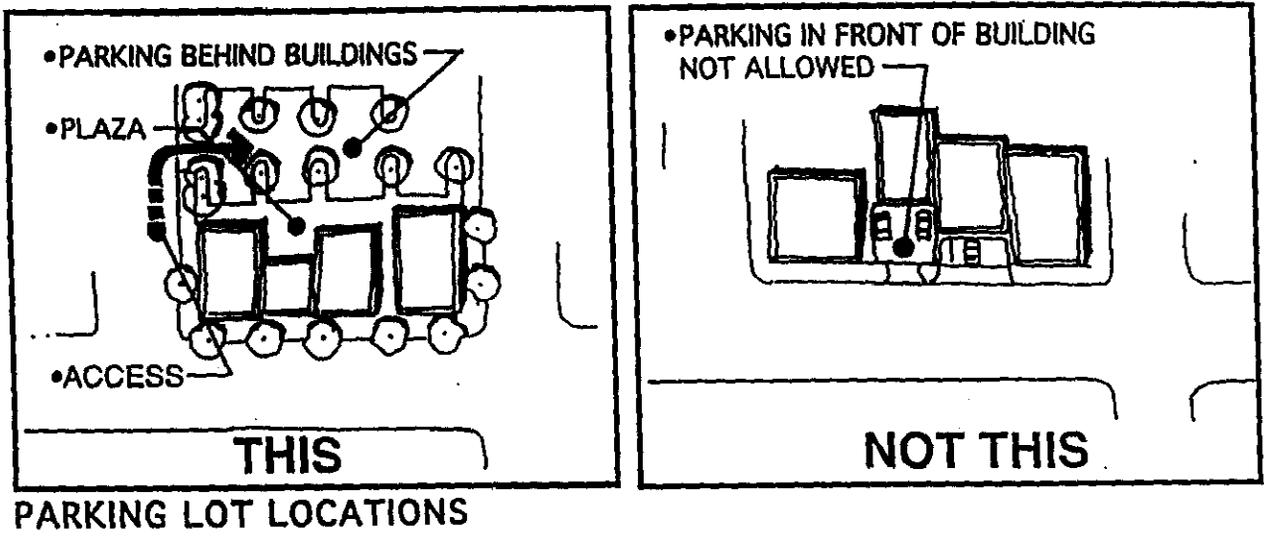
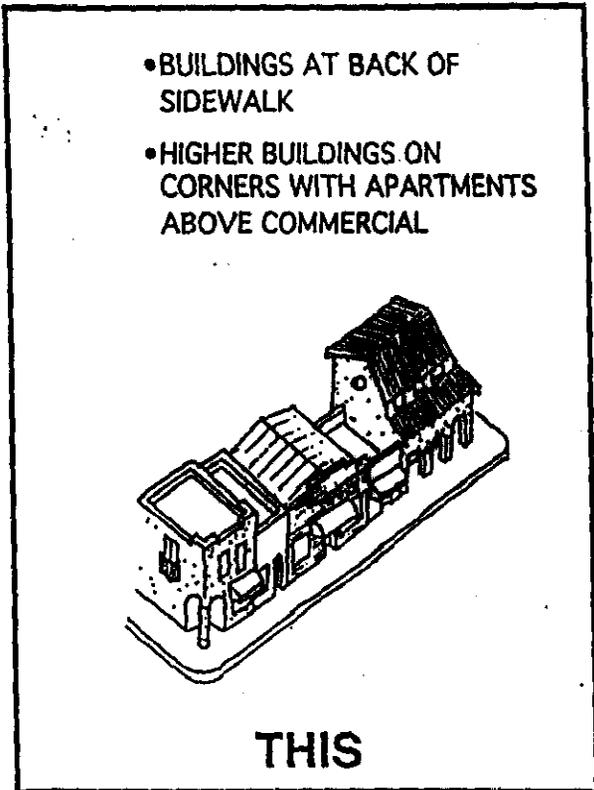


Figure 5

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BUILD TO BACK OF SIDEWALK

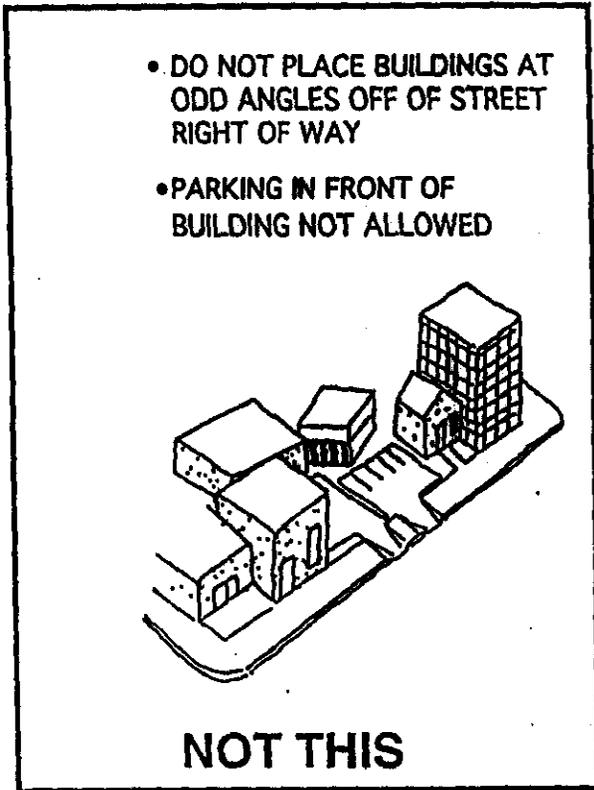
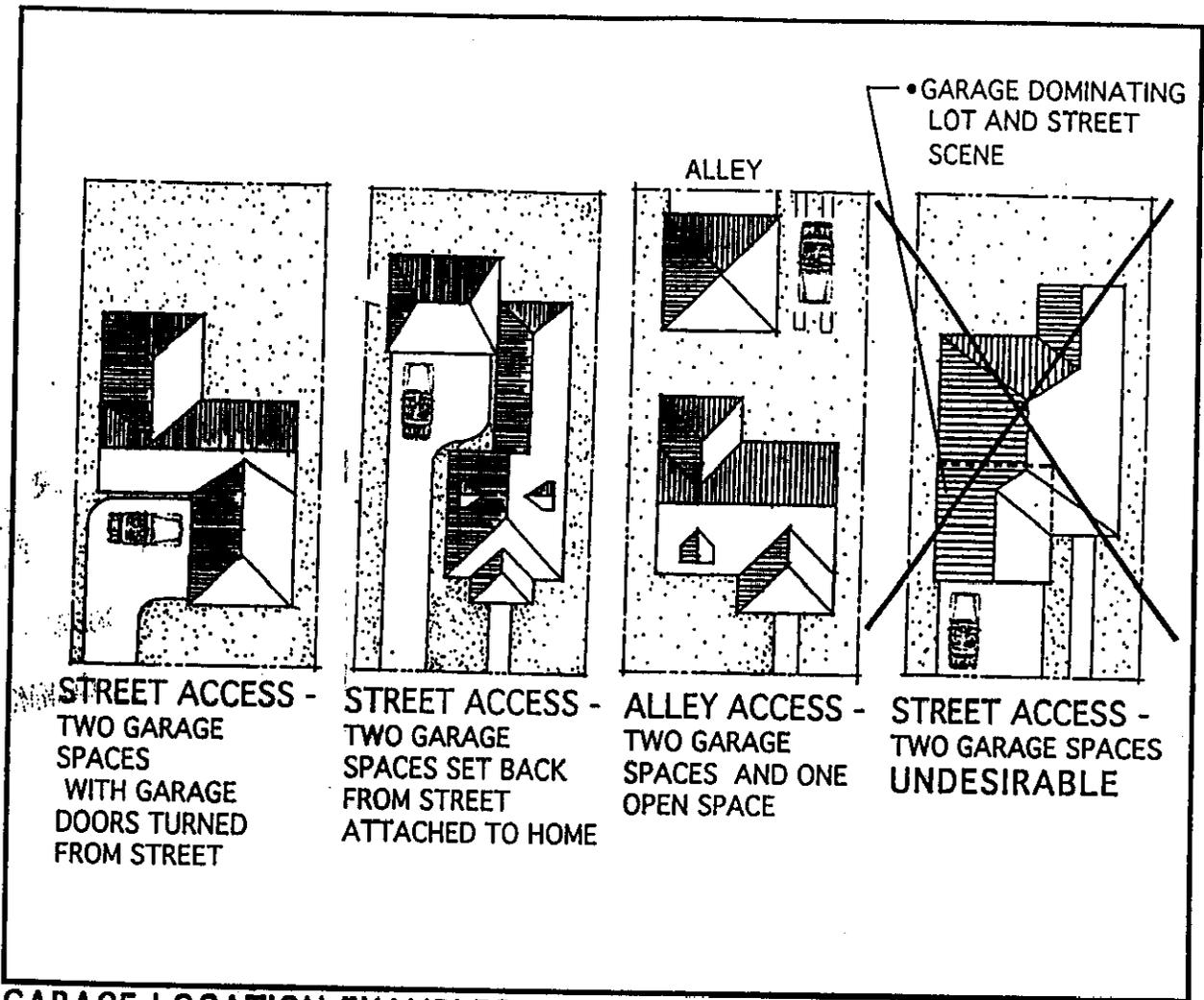


Figure 4

12-26

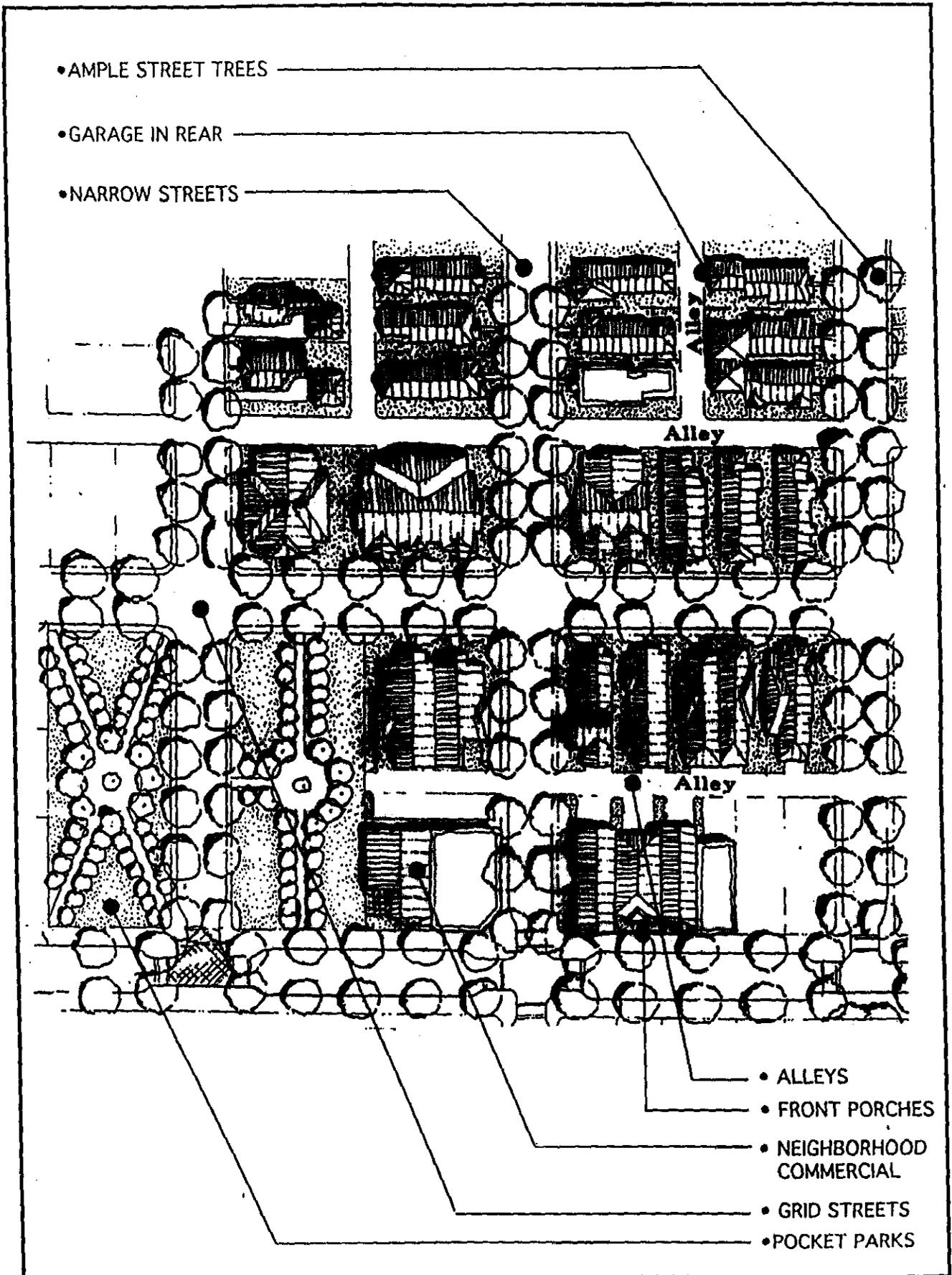
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GARAGE LOCATION EXAMPLES

Figure 3

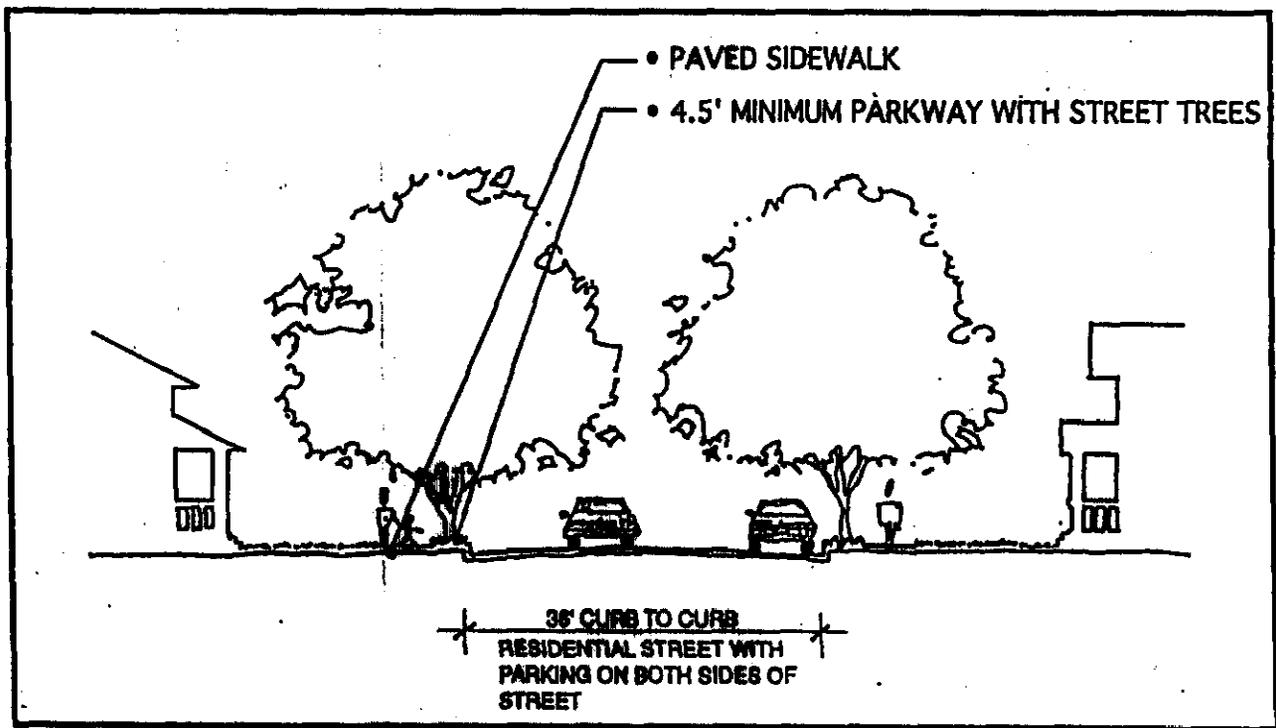
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NEO-TRADITIONAL PLAN EXAMPLE

Figure 2

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PARKWAYS ADJACENT TO STREET

Figure 1

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permitted and encouraged. For all other projects, the authority for approving the neo-traditional option shall be granted to the Community Development Director. Decisions made by the Community Development Director, Development Review Committee and Planning Commission may be appealed pursuant to applicable provisions of Chapter 21.23B.

C. Public hearings not required. Public hearings are not required for approval of the neo-traditional option specifically, provided that written notice and an opportunity to provide comment is given to the public and property owners within a 300 foot radius. However, when public hearings are required for related permits or other City approvals, concurrent consideration of the neo-traditional optional request is permitted and encouraged.

D. Exceptions. The City Council may grant exceptions to strict application of the requirements of Sections 21.16I.040 and 21.16I.070 based on the findings 1) that in the particular case such strict application is clearly infeasible or unnecessary, and 2) that the project still satisfies the purpose and intent of this Chapter as described in Section 21.16I.010.

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multi-story building	O	2	O	2
traditional design *	R		O	2
door and windows oriented to street	R		R	
parking in rear or no parking	R		R	
public seating/eating areas	O	2	O	2
transit stop	O	1	O	1
mixed uses (housing above commercial)	O	3	O	3

* see guidelines for definitions of traditional design

21.16I.080 Approval process

A. Application requirements. Applications for the neo-traditional option shall be made on a form prepared by the Community Development Department and accompanied by plans and supporting documentation illustrating how the project meets the requirements of Sections 21.16I.040 and 21.16I.070, above.

B. Approval authority. For projects involving new subdivisions, the Planning Commission shall determine whether or not the proposal satisfies the purpose, intent and requirements of this chapter. For specific plans, the City Council shall make those determinations. In cases of commercial developments which would require a Planned Development application, the Development Review Committee shall make those determinations. Concurrent processing of the request for the neo-traditional option along with the subdivision or specific plan is

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H. Mixed uses. A project that provides housing as an accessory use to ground floor commercial development, and/or residential units as primary uses above first floor commercial.

21.16I.070 Earning incentives: commercial

In order to be eligible for the incentives listed in Section 21.16I.050 above, a commercial project must meet the following requirements:

A. Commercial in the downtown. All the features listed as required in Table D, as well as a selection of optional features totaling at least four points as shown in Table D.

B. Commercial outside the downtown. All of the features listed as required in Table D, as well as a selection of optional features totaling at least 4 points as shown in Table D.

C. Further parking reductions. The City shall reduce the parking requirement by 25% instead of 15%, if projects outside the Downtown earn at least seven points.

Table D

Feature	Down town		Outside DT	
	required or optional	points for optional	required or optional	points for optional
build to back of sidewalk	R		O	1