

ORDINANCE NO. 771 N.S

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING CHAPTER 21.16E et seq. OF THE MUNICIPAL CODE  
(CODE AMENDMENT 99-001 - DWELLING UNIT DENSITY CALCULATION)

WHEREAS, in 1999 the City Council of the City of El Paso de Robles adopted an update to its Economic Development Strategy; and

WHEREAS, the Task Force that prepared the Economic Development Strategy recommended that the City eliminate its current process for determining dwelling unit density (the so called “ghost map” process) based on the amount of time and effort that the process entails for both private sector developers and the City; and

WHEREAS, Code Amendment 99-001 would Amend the City’s Zoning Code to replace the current “ghost map” process with an equivalent numerical formula that would result in essentially the same dwelling unit densities as anticipated by the City’s General Plan and Zoning Code; and

WHEREAS, at its meeting of April 27, 1999 the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of May 18, 1999, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the code amendment and adopted a Negative Declaration in accordance with the California Environmental Quality Act; and
- d. Considered the Commission’s recommendation from the Planning Commission’s April 27, 1999, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on June 15th, 1999, the City Council held second reading of said ordinance.

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 consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Chapter 21.16E et seq. of the Zoning Code is hereby amended to be consistent with 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. 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 3.** Inconsistency. To the extent that the terms or 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 4.** 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 18, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of June, 1999, by the following roll call vote, to wit:

AYES: Baron, Macklin, Mecham, and Picanco  
NOES: None  
ABSENT: Swanson  
ABSTAINING: None

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Duane J. Picanco, Mayor

ATTEST:

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Cindy Pilg, Deputy City Clerk

EXHIBIT A TO ORDINANCE 771 N.S.

**Section 21.16E.030 Planned development overlay district applicability.**

A. The planned development overlay district (Chapter 21.16A) may be used as an overlay district to the R-1 district for the purposes of modifying the R-1 development standards contained within this chapter in order to create a subdivision with uniform lot areas and/or dimensions or to cluster lots in order to provide common open space.

B. The number of single family lots that may be created on a property via a subdivision or parcel map in the R-1,PD zoning district may be determined via application of density factors to the net developable acreage of a property via the two-step process outlined in this subsection.

1. Step 1: Determine net developable acreage of a property. The area eligible for calculation of density shall consist of the acreage of a parcel, minus the following:

a. Any dedication necessary to provide for the full rights-of-way of arterial and/or collector streets, as designated by the Circulation Element of the General Plan, adjacent to and/or within a proposed subdivision, parcel map or lot line adjustment, in accordance with adopted standards for city streets;

b. Any areas of the site with natural slopes of thirty-five percent or greater;

c. Any areas of the site within the outer driplines of a compact grouping of ten or more oak trees (“mature” as defined in Chapter 10.01 of this code), where driplines between trees in the grouping are separated by ten feet or less;

d. Any areas of the site within the floodway of the Salinas River.

2. Step 2: Determine maximum density.

a. Determine average slope of net developable area. General plan policy provides that densities be decreased as the underlying slope increases. Prior to applying the maximum densities allowed under a property’s land-use category to the net developable acreage, the average slope of the net developable acreage shall be calculated using the following formula:

$$\text{Average slope} = \frac{I \times L \times 0.0023}{A}$$

Where:

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

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

0.0023 = A constant that converts square feet into acres and expresses slope in percent.

A = Acreage of net developable area.

b. Determine maximum density for average slope. The maximum density (single family lots per acre) of a property proposed for development shall be determined by multiplying the property’s net developable acreage by the maximum number of dwelling units (single family lots) per net developable acre listed in the table below for the average slope of the net developable area.

Average Slope of Net Developable Area (%)	Maximum number of dwelling units (single family lots) per net developable acre					
	R-1,PD	R-1,B-1,PD	R-1,B-2,PD	R-1,B-3,PD	R-1,B-4,PD	R-1,B-5,PD
0-4.99	4.2	4.0	3.3	1.7	0.9	0.45
5-9.99	3.3	3.3	3.3	1.7	0.9	0.45
10-14.99	2.7	2.7	2.7	1.7	0.9	0.45
15-24.99	2.1	2.1	2.1	1.7	0.9	0.45
25-34.99	1.7	1.7	1.7	1.7	0.9	0.45

Exceptions:

(1) On properties where the Land Use Element of the General Plan establishes maximum densities at 1, 2 or 3 units per acre (i.e., RSF-1, RSF-2 and RSF-3 land use categories), maximum densities shall not exceed that established by the General Plan.

(2) On properties that have been assigned zoning that includes a density factor appended to the base zoning district (e.g., R-1,PD2, which allows up to 2 single family lots per acre), maximum densities shall not exceed the appended density factor.