

**ORDINANCE NO. 781 N.S.**

**AN URGENCY INTERIM ZONING ORDINANCE TO TAKE EFFECT IMMEDIATELY DECLARING A MORATORIUM ON APPROVAL OF APPLICATIONS TO CONSTRUCT MULTI-FAMILY RESIDENTIAL DEVELOPMENT PROJECTS, TO BE EFFECTIVE FOR SIX (6) MONTHS UNLESS EXTENDED BY FURTHER ACTION OF THE CITY COUNCIL**

WHEREAS, multi-family residential developments have a unique set of development standards, provided in Chapter 21.16I of the Paso Robles Municipal Code (Zoning Code); and

WHEREAS, by virtue of the relatively higher density of multi-family residential developments, increased numbers of persons are concentrated into a smaller geographic area, exacerbating concerns over the adequacy of design parameters, including but not limited to consideration for fire protection, crime prevention, recreation and open space areas, and other amenities that provide residents of multi-family dwelling units with the Quality of Life described in General Plan Policy RES-3; and

WHEREAS, General Plan Policy RES-3 states that “As the City Council determines necessary and appropriate to preserve the community’s quality of life, the City will consider General Plan and Zoning changes ... to adequately address growing concerns regarding traffic congestion, over-crowding, crime, inadequate off-street parking, insufficient open-space, and other indicators of potential decline in the community”; and

WHEREAS, General Plan Policy RES-8 calls for the City to “improve the development standards for multi-family residential as follows:

- a. Provide more usable open space (especially play areas for young children), better community appearance, and less traffic congestion;
- b. Encourage clustered multiple family residential development with increased yards/setbacks, passive and active open space, and streets that meet City street standards;
- c. Avoid excessive concentrations of high density multi-family developments, particularly housing low income families; the housing needs of low income families are better met through dispersed distribution and mixed use development.”; and

WHEREAS, multiple family residential development increases the demand for Emergency Services responses by concentrating greater numbers of persons in smaller geographic areas, warranting particular study and attention; and, and to meet parking needs and/or City parking requirements, the owners of these dwellings often pave significant portions of the front yard area of the property, thereby removing open and green space from the neighborhood and changing the neighborhood character on a permanent basis; and

WHEREAS, the City is in the process of soliciting proposals to prepare a Strategic Master Plan study for Emergency Services, which will address the long-term emergency services needs of the City; and

WHEREAS, the concept of “defensible space” calls for increased attention to crime prevention in the design and development of multi-family residential developments; and

WHEREAS, concerns have been expressed regarding the adequacy of the City’s current multi-family residential development standards to address the City’s General Plan policies, facilitate response to future Emergency Service needs, and to adequately anticipate and implement crime prevention techniques that should be considered as a part of the multi-family residential development process; and

WHEREAS, the City’s Planning Commission has begun the process of reviewing the multi-family residential development standards and that process, including the formal consideration of a Zoning Code Amendment, is expected to require an additional six (6) month period; and

WHEREAS, the City of Paso Robles wishes to ensure that the character of existing neighborhoods are preserved and that multi-family residential developments, where permitted, are subject to appropriate zoning standards, including standards that address General Plan policies including those regarding Quality of Life and Multiple Family Residential development, Emergency Services and crime prevention needs;

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

SECTION 1. Finding, Declaration of Urgency. The City Council of the City of Paso Robles hereby finds and declares that there is an urgent need to enact an urgency interim ordinance establishing a moratorium on the approval of applications for multi-family residential development within the City, subject to the finding and conditions contained in this ordinance because the City intends to review and potentially prepare amendments to the multi-family residential development standards to address concerns focusing on quality of life, development standards, emergency services, and crime prevention. The City shall accept applications for development of multi-family residential projects while this review is being conducted, however all applicants shall be notified in writing that the City may implement appropriate revised standards which, if adopted, apply to the proposed project. All applicants shall be required, at the time of receiving such notice, to acknowledge in writing that they understand that any such adopted changes shall apply to their proposed project. In certain neighborhoods, this may result in significant irreversible change to or loss of neighborhood character and significant impacts on properties adjacent to multi-family zoned or designated properties. Approving applications for multi-family residential projects during this study period could seriously impact neighborhood character and living conditions within the City. Based on the foregoing, the City Council does hereby declare that this urgency ordinance is necessary to protect the public health, safety and welfare to prohibit approval of new multi-family residential projects while the current development standards for multi-family residential projects regulations are reviewed and proposals are made for modifications to these regulations.

SECTION 2. Moratorium. Except as provided in Section 3 of this Ordinance, the City Council hereby declares a moratorium on the approval of any application for discretionary approval of a multi-family residential project (i.e.: a Planned Development or Development Plan), as required by Chapter 21.23B of the City's Municipal Code (Zoning Code).

SECTION 3. Hardship Exception. Any person may apply for an exception from the provisions of this Ordinance on the grounds of economic hardship. Such application shall state the nature of the hardship and the reasons why an exception to this Ordinance is warranted. The application shall explain the relationship of the proposed multi-family residential development in relation to the character of its surroundings, the impact, or mitigation of any impacts, the multi-family residential development may have on surrounding properties in terms of the General Plan policies regarding Quality of Life, Multiple Family Residential, future emergency services needs and crime prevention techniques generally described as "defensible space". The application shall state why the delay in pursuing the multi-family residential development until the study period is complete would constitute a taking in contravention of the law. The application shall also explain whether there are alternatives to the multi-family residential development which have been investigated and the applicant's opinion of such alternatives. The application for a hardship exemption shall be heard by the City Council pursuant to the procedures established in Chapter 21.23 for the hearing of applications for conditional use permits. The Council shall consider the provisions of this Ordinance together with the provisions of Section 21.23.250 in determining whether to grant a hardship exception under this Ordinance.

SECTION 4. Exemption. Notwithstanding Section 2 of this Ordinance, the following applications for multi-family residential development projects may be processed and approved:

1. Applications for discretionary review (e.g. Planned Development or Development Plan applications) that have been filed and deemed complete prior to September 7, 1999; and
2. Applications for multi-family residential development that do not require a discretionary review pursuant to Chapter 21.23B of the Paso Robles Municipal Code (Zoning Code).

SECTION 5. Effective Date. This Interim Ordinance shall become effective immediately upon adoption and shall remain in force and effect through April 19, 2000, six (6) months following adoption, unless extended prior to the expiration date, or upon the effective date of an up-date of the Multi-Family Zoning Code development standards, whichever shall first occur.

PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 1999, BY THE FOLLOWING VOTE:

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

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Duane J. Picanco, Mayor

ATTEST:

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Cindy Pilg, Deputy City Clerk