

ORDINANCE NO. 885 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE ESTABLISHING
A MIXED-USE OVERLAY ZONING DISTRICT AND MIXED-USE DEVELOPMENT
REGULATIONS (CODE AMENDMENT 04-003)

WHEREAS, the City Council of the City of El Paso de Robles adopted an updated General Plan in December 2003; and

WHEREAS, the General Plan includes specific Goals, Policies and Action items in the Land Use Element (LU-2, LU-21, and Action Item 1) and the Housing Element (H-1, H-1B, and Action Item 7), that require implementation of a Zoning Ordinance amendment to amend the Zoning Map to include a designating a Mixed-Use Overlay zoning district and establishment of Mixed-Use development standards; and

WHEREAS, this Ordinance is consistent with the General Plan; and

WHEREAS, the General Plan Environmental Impact Report (EIR) considered and evaluated programmatically potential impacts that may result from implementation of the General Plan, and includes mitigation measures as appropriate; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) to evaluate whether this project would result in environmental impacts, and the City has determined that this project will not result in significant environmental impacts and a Negative Declaration has been prepared.

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

SECTION 1. The Mixed-Use Overlay zoning district is hereby established on the official Zoning Map as shown in Exhibit A.

SECTION 2. The Mixed-Use Overlay development regulations are hereby established and incorporated by referenced as provided in Exhibit B.

SECTION 3. 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 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 unconstitutional.

SECTION 5. 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, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on October 5, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of October 2004 by the following vote:

AYES: Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Finigan and Heggarty

Frank R. Mecham, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

Mixed Use Overlay District and Subareas

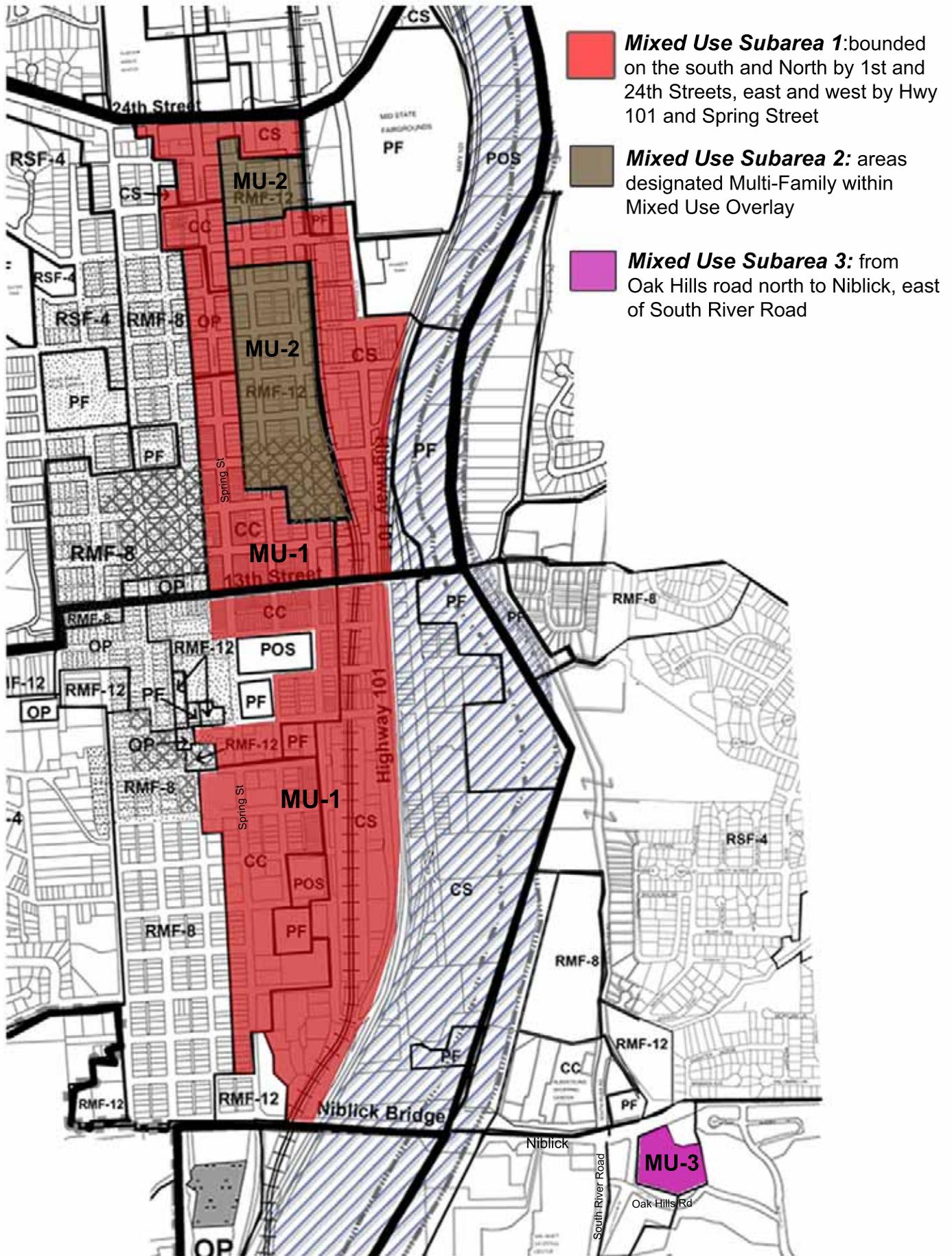


EXHIBIT “B”

TO ORDINANCE NO. 885 N.S.

AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE ESTABLISHING A MIXED-USE OVERLAY ZONING DISTRICT AND MIXED-USE DEVELOPMENT REGULATIONS (CODE AMENDMENT 04-003)

Chapter 21.18C, Mixed-Use Overlay zoning district, is hereby added to Title 21, Zoning, of the Municipal Code and establishes the subsequent Sections to read as follows:

Section 21.18C.010 Purpose and Intent.

The purpose of the Mixed-Use Overlay zoning district is to provide for locations that are appropriate for development of multi-family residences in combination with commercial uses. The Mixed-Use Overlay zoning district is intended to encourage a mix of land uses in areas appropriate for intensified, compact infill development. It is also intended to create areas that are lively at different times of the day, and that provide a variety of goods, services and jobs within walking distance from residences. The development regulations include standards and guidelines intended to guide the form of mixed-use development so that it is compatible with the underlying zoning district and character of surrounding development. Development standards *shall* apply to mixed-use projects unless an exception is granted as provided in Section 21.18C.080. Design guidelines provide development criteria that *should* be incorporated into project design to assist in project compatibility with surrounding development and to provide well designed projects.

Section 21.18C.020 Applicability.

Mixed-use development regulations apply to mixed-use development projects that include residential and commercial land uses on the same project site in locations designated on the zoning map as a Mixed-Use Overlay zoning district.

There are general development standards and guidelines that apply to all mixed-use development projects, and there are three Mixed-Use Overlay subareas that have specific site development criteria and design guidelines that apply to land within those subareas only. The three subareas are: 1) Downtown Core; 2) Outer Core; and 3) the Eastside. (See Exhibit 1 – Mixed-Use Zoning Map.)

Property designated with a mixed-use overlay may also be developed with only the uses permitted or conditionally permitted in the underlying zoning district.

Section 21.18C.030 Approval Process.

Mixed-use development projects may be allowed subject to recommendations of the Development Review Committee of a Planned Development permit and approval by the Planning Commission. Specific land uses may also require a Conditional Use Permit as provided in Table 21.16.200.

Section 21.18C.040 General Site Development Standards.

Development Standards	Site Development Criteria	
Height	The height limitations of the underlying zoning district shall apply.	
Setbacks¹	Residential Multi-Family Districts: Front – 10 ft./garages 20 ft. Side – 5 ft. 1 st story/10 ft. 2 nd story Rear – 10 ft.	Commercial Districts: Front – None 1 st story/5 ft. 2 nd story, 10 ft. 3 rd & 4 th story Side – None 1 st story/5 ft. 2 nd story Rear - None
Density	Residential Multi-Family District: 12 dwelling units per acre	Commercial Districts: 20 dwelling units per acre
Building Features	Building walls – building walls/planes on all sides of buildings shall be vertically and horizontally offset or otherwise articulated through use of materials on the wall surface every 10 ft. Rooflines – rooflines shall be horizontally offset every 20 ft. and/or incorporate design features such as gables, decorative cornices, etc.	
Open Space	Private Open Space: 100 s.f. per dwelling unit; Common Open Space: 100 s.f. per dwelling unit Private and common open space shall be provided for each unit. Only common space may be provided if increased to 300 s.f. per dwelling unit. Private open space may be provided as private yards, balconies, porches or ground level or rooftop patios. Common open space may be provided as courtyards, plazas, balconies, or ground level or rooftop patios. Walkways, corridors, or paseos may not be included as open space.	
Parking	In compliance with Chapter 21.22, Off-Street Parking.	
Residential Storage	Each residential unit shall provide a minimum of 200 s.f. of secured storage space. Storage space may be incorporated into dwelling unit or provided in parking area.	
Trash Enclosure	Trash enclosures shall be located on the site away from the residential units to the extent possible, or within an interior trash room, to reduce exposure of residents to noise and odors.	
Laundry Facilities	Laundry facilities including 1 washer and 1 dryer per 6 dwelling units, or portion thereof, shall be provided onsite.	
Sign Program	For projects with more than one commercial space, a sign program shall be submitted and approved when the Mixed-Use project is considered by the Planning Commission (program does not need to include sign copy unless desired).	

(1) Exceptions to setbacks may be granted by the Planning Commission if the Commission makes specific Findings for Exceptions (Sec. 21.18C.080)

21.18C.050 Site Design Guidelines

A. Scale and proportion. To promote development that fits in with the surrounding context of existing and planned development patterns, mixed-use project design should avoid monolithic building scale and proportions. This can generally be achieved by evaluating the massing and scale of the proposed project within the existing context of surrounding development. Street level design elements should be oriented to a pedestrian scale.

B. Use Limitations. First story uses along street frontages should only be commercial uses. Storage, manufacturing (except for arts and crafts), vehicle uses including repair, washing or installation, or residences should not be permitted on the

first floor along the property street frontage. Residences should be located above the first floor, or to the rear or side of the commercial use(s) on the site.

C. Building entrance orientation. To facilitate pedestrian scale and activity, and to provide increased connectivity between businesses, the public realm, and pedestrians, primary building entrances should be located along public street frontages.

D. Window placement. Window placement for street level businesses should be located along public street frontages at a height that pedestrians can easily look into and see business activities, such as types of products or services provided there.

E. Pedestrian and visual linkage with public spaces. Mixed-use development projects should incorporate pedestrian linkages to the public realm with features such as walkways, corner entrances, paseos, outdoor patios, interesting hardscape and/or water features and landscape materials that transcend throughout the planning area (i.e. street trees, street furniture, and hardscape materials).

F. Colors and materials. Building colors and use of materials should be as authentic as possible, in keeping with the building architectural style and regional influences. Corporate architectural design and logos are strongly discouraged and may only be used if appropriately integrated into the architectural design and scale.

G. Residential privacy by design. Views into primary living quarters of residential units should be avoided so that they are not readily visible from the public right-of-way or from other businesses or residences. For instance, this can be achieved by locating residences on the second floor and/or with living area windows oriented away from views from other adjacent windows. Also, privacy screening can be incorporated with use of landscaping, fencing, and/or in combination with garden walls for outside private open space areas.

H. Open space “usability”. Open space should be designed with the functional use as the primary goal, not as left over or awkwardly designed space. Minimum dimensions of private open space should be a minimum of eight feet in width.

I. Trash enclosures. Trash enclosures should be located in a manner that will result in the least potential impacts to residents from noise and odors. They should also be located so that they are easily accessible for trash collection. Trash enclosures should be screened from public view with walls, fences, and landscaping, and designed with use of colors and materials so that they are architecturally compatible with the buildings on the site.

J. Outdoor lighting. Outdoor lighting fixtures, either wall mounted or light standards, should be in keeping with the architectural theme of the buildings. They should provide enhanced pedestrian safety, in addition to street light fixtures, and accentuate, but not dominate architectural features.

Section 21.18C.050 Subarea Site Development Criteria and Design Guidelines.

1. Downtown Core. The Downtown Core of Paso Robles is envisioned to continue the historical character of development. The design of development in this area is generally implemented through the *Downtown Design Guidelines*. Existing oak trees shall be preserved, consistent with the City’s oak tree preservation ordinance.

2. Outer Core. The Outer Core generally supports continued residential uses with office uses mixed in. The overall scale and design of uses in the Outer Core areas should be consistent with the underlying zoning district. For instance, mixed-uses in the multi-family zoned areas should be designed to fit within the residential context of the neighborhood with residentially-oriented building details and scale

3. Eastside Area. Mixed-use development in the Eastside Area shall be designed to retain oak trees and protect water course drainages, and be designed to reduce cut and fill slopes by use of multi-level foundation systems, post and beam construction, etc.

Section 21.18C.080 Exceptions to Site Development Standards

An exception to application of the setback requirements may be approved by the Planning Commission if the Commission finds and determines that the proposed project will: 1) be compatible with the surrounding development pattern; 2) enhance the character of the surrounding neighborhood by helping meet the purpose and intent of the mixed-use regulations; 3) not result in negative impacts to adjacent properties; and 4) result in a more well designed project.