

ORDINANCE NO. 906 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE TO ESTABLISH
THE SENIOR HOUSING OVERLAY DISTRICT AND REGULATIONS
FOR SENIOR CITIZEN HOUSING DEVELOPMENTS
(CODE AMENDMENT 05-002)

WHEREAS, The Land Use Element of the General Plan, adopted on December 16, 2003, established a Land Use Category entitled Senior Housing Overlay; and

WHEREAS, Action Item 1 under Policy LU-1A of the Land Use Element of the General Plan, adopted on December 16, 2003, calls for the Zoning Code to be amended to ensure that there is a Zoning District for each Land Use Category; and

WHEREAS, Action Item 1c under Policy H-1A of the Housing Element of the General Plan, adopted on December 7, 2004, calls for the Zoning Code to be amended to adopt regulations to implement the Senior Housing Overlay Land Use Category; and

WHEREAS, at its meeting of September 13, 2005, 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 ordinance;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of October 4, 2005, 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 ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. 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 adoption of the ordinance and adopted a Negative Declaration in accordance with the California Environmental Quality Act;

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, hereby finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This ordinance is consistent with the City's General Plan.

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

SECTION 1: Section 21.12.010 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.12.010 Districts established.

The several districts established are as follows:

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-O district
Multifamily/mobilehome district or R-4 district
Multifamily residential district or R-5 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
Senior housing overlay district or SH district
Redevelopment overlay district or RD district Agricultural district or AG district.

SECTION 2: The Zoning Map for the City of El Paso de Robles referenced in Section 21.12.020 of the Municipal Code is hereby amended to apply the Senior Housing Overlay (SH) District as shown in Exhibit A of this ordinance.

SECTION 3: Section 21.16D.040 of the El Paso de Robles Municipal Code is hereby amended to add subsection (k) to read as follows:

- (k) Senior Housing Unit. As provided in Government Code Section 65852.1, the property owner may restrict occupancy of a second unit meeting the requirements set forth in Chapter 21.16D to persons 62 years of age or older.

SECTION 4: Chapter 21.16M (Senior Housing Overlay District) of the El Paso de Robles Municipal Code is hereby established to read as shown in Exhibit B of this ordinance.

SECTION 5: Section 21.21.150 of the El Paso de Robles Municipal Code is hereby established to read as follows:

21.21.150 Senior Citizen Housing Developments.

A. Definitions:

“Cohabitant” refers to and means persons who live together as husband and wife, or persons who are domestic partners within the meaning of Section 297 of the Family Code.

“Disability” means any mental or physical disability as defined in Section 12926 of the Government Code.

“Permitted health care resident” means a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. The care provided by a permitted health care resident must be substantial in nature and must provide either assistance with necessary daily activities or medical treatment, or both.

“Qualifying resident” means a person 55 years of age or older in a senior citizen housing development.

“Qualified permanent resident” means:

1. A person who meets both of the following requirements:
 - a. Was residing with the qualifying resident prior to the death, hospitalization, or other prolonged absence of, or the dissolution of marriage with, the qualifying resident; and
 - b. Was 45 years of age or older, or was a spouse, cohabitant, or person providing primary physical or economic support to the qualifying resident.
2. A disabled person or person with a disabling illness or injury who is a child or grandchild of the qualifying resident or a qualified permanent resident, who needs to live with the qualifying resident or qualified permanent resident because of the disabling condition, illness or injury.

“Senior citizen housing development” means a rental or for-sale housing development consisting of no less than 35 units that is developed, substantially rehabilitated, or substantially renovated, to meet the physical and social needs of senior citizens as set forth in Section 51.2 of the California Civil Code and subsection C.3, below. The occupancy of all dwelling units for each senior citizen housing development shall be secured by appropriate conditions, covenants, and restrictions recorded against the property.

B. Restricted Occupancy:

1. It is the intent of this section that all dwelling units in a senior citizen housing development, except one unit for a live-in manager, be occupied by at least one senior citizen. The person commencing any occupancy of a dwelling units shall include a senior citizen who intends to reside in the unit as his or her primary residence on a permanent basis. In conformance with the Federal Fair Housing Act, at least 80 percent of the occupied dwelling units in any senior citizen housing development shall be occupied with at least one senior citizen. All other occupants of a senior citizen housing development shall meet the criteria for qualified permanent residents.
2. In order to ensure the necessary compliance with the provisions of this section, and in order to ensure the proper maintenance of developments constructed under these privileges, and to assure that each such project continues to qualify for the specific development conditions under which approval was granted, covenants, conditions, and restrictions (CC&R's) shall be required prior to development construction.
3. Said CC&Rs shall contain provisions for enforcing age limitations, relocation when a household survivor is not a senior citizen or qualified permanent resident, maximum occupancy limitations, long-term project maintenance and repair, and shall make the city a party to such with regard to enforcement, right-of-entry, and enforcement of local traffic/parking regulations; such CC&Rs shall not be amendable without the consent of the city. No such CC&Rs shall be acceptable until approved by the city attorney as to compliance with all code requirements. Such CC&Rs shall be recorded with the county recorder's office, either separately or with a subdivision map, prior to issuance of a building permit.

C. Site Development Standards:

1. Density:

- a. In Residential Base Zoning Districts: Senior citizen housing developments may be developed at maximum densities allowed in the base zoning district (e.g. R-1 through R-5). Densities exceeding the maximum allowed in the base zoning district may be achieved if occupancy is to be restricted to persons of low, very low, and/or moderate income, in the manner set forth in Chapter 21.16L of this Title.
- b. Within the Senior Housing Overlay District: Regardless of the underlying base zoning district, senior citizen housing developments may be developed at densities up to 20 units per acre. Densities exceeding 20 units per acre may be achieved if occupancy is to be restricted to persons of low, very low, and/or moderate income, in the manner set forth in Chapter 21.16L of this Title.

2. Off-street parking: Off-street parking shall be provided in the manner set forth in Chapter 21.22.

3. Requirements of Section 51.2 of the California Civil Code: Senior citizen housing developments shall meet the following requirements.

- a. Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.
- b. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.
- c. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
- d. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

- e. The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.
 - f. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.
 - g. The development shall comply with all other applicable requirements for access and design imposed by law, including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601 et seq.), the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.
4. Other Site Development Standards: In order to make the findings for approval of a development plan, as set forth in Section 21.23B.050, for a senior citizen housing development, the Planning Commission may require conformance with any of the development standards set forth in Chapters 21.16E (R-1 District Regulations) or in Chapter 21.16I (Multiple-Family Residential Districts) as appropriate to the type of development proposed, regardless of the underlying base zoning district in which a senior citizen housing development is to be located. For example, R-1 District regulations would be appropriate for a subdivision of single family detached lots, and Multiple-Family Residential regulations would be appropriate for an apartment or condominium project. Such development standards may include, but not be limited to: grading limitations; oak tree preservation; lot sizes, dimensions, and configurations; setbacks; building separations; open space and recreational amenities; and general architectural requirements.

D. Additional Requirements:

- 1. Any building in a senior citizen housing development with an elevator shall have an alternative back-up power source.
- 2. Senior citizen housing developments shall provide an internal and/or external security system to be reviewed and approved by the Chief of Police.

SECTION 6: Subsection A.5 of Section 21.22.040 of the El Paso de Robles Municipal Code is hereby amended to read as follows:

21.22.040 Parking space requirements.

Except as provided for in Section 21.22.035, the minimum number of required spaces shall be determined by the following criteria:

A. Residential Land Uses

- 5. Senior Citizen Housing Developments: For senior housing developments, off-street parking shall be provided at a ratio of one parking space per dwelling unit, with fifty percent of the required parking to be improved in accordance with the standards set forth under this Chapter and the remaining area to be landscaped or used for recreational purposes. Upon finding that the improved off-street parking area is insufficient, the Planning Commission may require that part of all of the unimproved off-street parking be improved to provide additional off-street parking to city standards. Exception: for federally-assisted senior citizen housing developments with a required minimum age of 62 years, the required off-street parking ratio shall be one parking space per two dwelling units.

SECTION 7: 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 8. 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 9. 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 and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 10. 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 October 4, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of October 2005 by the following roll call vote, to wit:

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

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit A

Senior Housing Overlay District

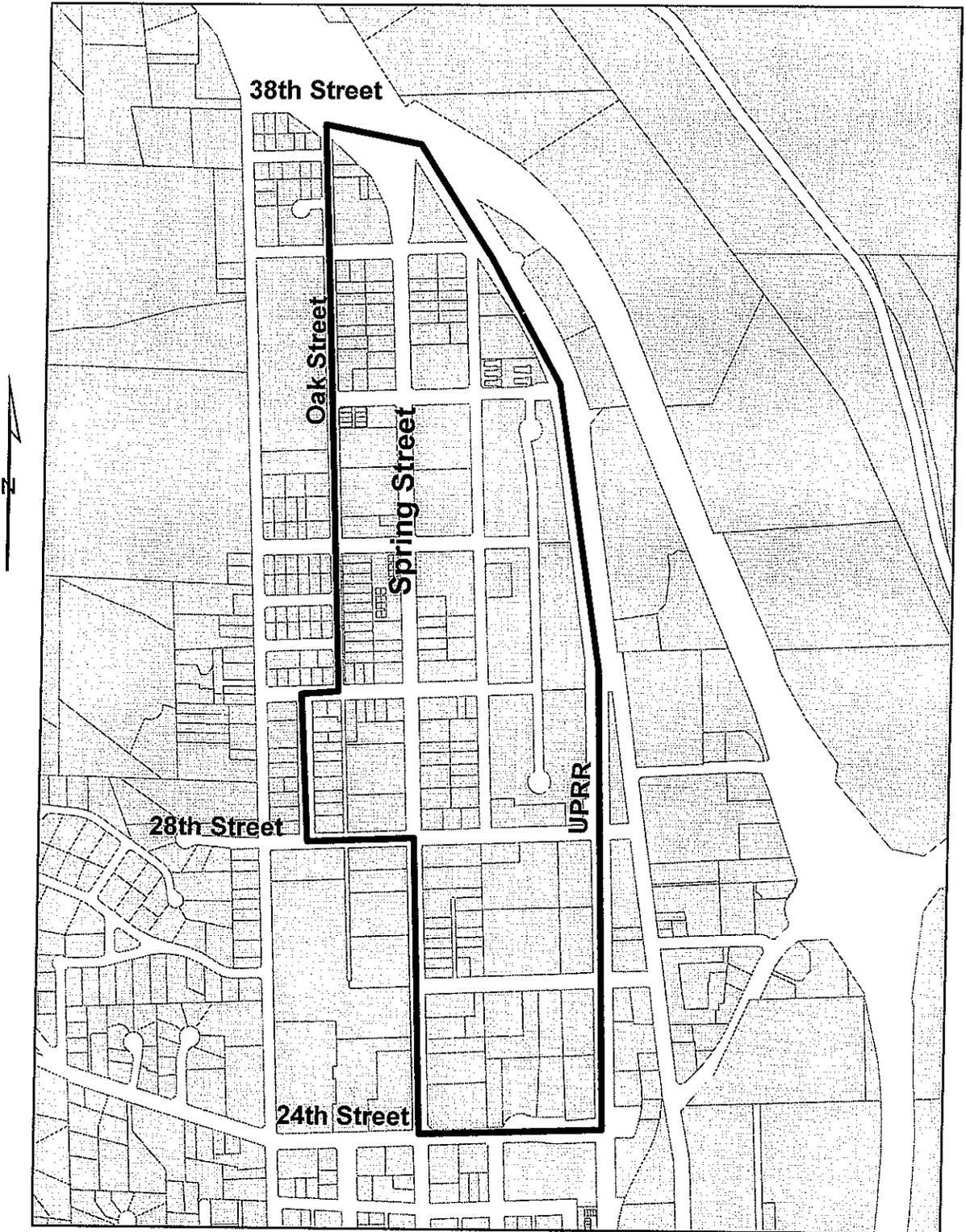


Exhibit B

Chapter 21.16M

Senior Housing (SH) Overlay District

Sections:

21.16M.010	Purpose and Intent
21.16M.020	Uses Permitted
21.16M.030	Approval Process

21.16M.010 Purpose and Intent.

The Senior Housing (SH) Overlay District is established to provide for the development of senior citizen housing developments as defined in Section 21.21.150 in conjunction with any base zoning district within the overlay district. The boundaries of the Senior Housing Overlay District are to coincide with the Senior Housing (SH) Overlay Land Use Category described in the Land Use Element of the General Plan.

21.16M.020 Uses Permitted - Density.

- A. Within the Senior Housing Overlay District, in addition to the land uses permitted in the base zoning districts, senior citizen housing developments may be developed, subject to the regulations set forth in Section 21.21.150.
- B. Within the Senior Housing Overlay District, senior citizen housing developments may be developed at densities up to 20 units per acre. Densities exceeding 20 units per acre may be achieved for senior housing in which occupancy is to be restricted to persons of low, very low, and/or moderate income, in the manner set forth in Chapter 21.16L of this Title.

21.16M.030 Approval Process.

Within the Senior Housing Overlay District, senior citizen housing developments may be developed subject to approval of a development plan as set forth in Chapter 21.23B.