

ORDINANCE NO. 959 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 21.08, DEFINITIONS AND TABLE 21.16.200,  
PERMITTED LAND USE MATRIX OF THE MUNICIPAL CODE,  
ADDRESSING EMPLOYEE HOUSING

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WHEREAS, the Employee Housing Act, embodied in California Health and Safety Code Sections 17000 et seq., provide that certain types of employee housing, including housing designed to meet the needs of agricultural workers, are to be permitted by right in residential and agricultural zoning districts; and

WHEREAS, the Housing Element of the City's General Plan includes Policy H-1B and Action Item 9, which state:

**POLICY H-1B:** Range of Housing Opportunities. Cooperate with private housing developers, nonprofit housing sponsors, and public agencies to promote and expand housing opportunities for all segments of the community, recognizing such factors as income, age, family size, and mobility.

**Action Item 8.** Amend the Zoning Code to provide... housing designed to meet the needs of seasonal farmworkers...; and

WHEREAS, the City filed Code Amendment 09-002 both to amend the necessary Zoning Code sections to accommodate Policy H-1B and Action Item 9 of the Housing Element of the City's General Plan; and

WHEREAS, this Zoning Ordinance Amendment would add to, and revise, existing definitions pertaining to housing; and

WHEREAS, this Zoning Ordinance Amendment would update the Land Use Matrix (Table 21.16.200) to accommodate the additions to, and revisions of, existing definitions pertaining to housing; and

WHEREAS, at a meeting held on May 12, 2009, 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. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and
- d. Based on the information contained in the Initial Study, recommended that the City Council find that there would not be a significant impact on the environment as a result of the adoption of the ordinance and adopt a Negative Declaration in accordance with the California Environmental Quality Act; and

WHEREAS, based on information received at its meeting on May 19, 2009, 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. Held a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Planning Commission's recommendation from its May 12, 2009 public meeting;
- d. Based on the information contained in the Initial Study, 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;
- e. Introduced said ordinance for the first reading; and

WHEREAS, on June 2, 2009, the City Council held a second reading of said ordinance.

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

SECTION 1. City Council Findings. The City Council finds that it is necessary to amend the Zoning Ordinance in order to comply with Policy H-1B and Action Item 9 of the Housing Element, which requires the City to promote and expand housing opportunities for all segments of the community;

SECTION 2: Section 21.08.163 is added to the Zoning Ordinance to read as follows:

**21.08.163 Employee Housing.** Housing as described, defined, and regulated by the Employee Housing Act, Sections 17000 et seq. of the California Health and Safety Code.

SECTION 3: Table 21.16.200 of the Zoning Ordinance is hereby amended by the changes set forth in Exhibit A.

SECTION 6: 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 7. 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 8. 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 June 16, 2009, and passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of July, 2009 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Cathy David, Deputy City Clerk

**TABLE 21.16.200**  
**(As amended through Ordinance 934 N.S.)**  
**PERMITTED LAND USES FOR ALL ZONING DISTRICTS**

**EXPLANATION OF CODES USED IN THIS CHART**

- P (permitted use) denotes a land use which is permitted.  
 C (conditional use) denotes a land use which requires approval of a conditional use permit (CUP).  
 N (non-permitted use) denotes a land use which is not permitted.  
 T (temporary use permit) denotes a land use which requires approval of a temporary use permit per Chapter 21.23C.

**NOTES:**

1. All uses are subject to compliance with the general regulations and performance standards contained within Chapters 21.20 and 21.21, and specific limits and/or restrictions contained in chapters for specific zoning districts. Additionally, there may be limits and restrictions within overlay zoning districts and specific plan areas.
2. Any use not specifically listed below is not permitted unless the Planning Commission determines a particular land use to be similar to another permitted, conditional or temporary use within a particular zoning district.

LAND USE	ZONING DISTRICT																		
	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
<b>B. Residential</b>																			
1. Boardinghouse, roominghouse	N	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	
2. Caretaker residence accessory to a business																			
12. <del>Temporary farm labor housing</del> <b>Employee Housing as described, defined, and regulated by the State Employee Housing Act (California Health and Safety Code Sections 17000 et seq. and subject to issuance of an Employee Housing Permit by the California Department of Housing and Community Development, Codes and Standards Division.</b>	<del>C</del>	<del>N</del>																	

	ZONING DISTRICT																		
LAND USE	AG	RA	R1	R2	R3	R30	R4	R5	OP	CP	C1	C2	C3	RC	M	PM	AP	POS	
<p>a. Employee Housing per Section 17021.5 of the California Health and Safety Code for 6 or fewer employees.</p> <p>* Employee Housing is not permitted on properties within the Airport Land Use Plan.</p>	P *	P *	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	
<p>b. Employee Housing per Section 17021.6 of the California Health and Safety Code consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.</p> <p>* Employee Housing is not permitted on properties within the Airport Land Use Plan.</p>	P *	P *	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
13. Domestic violence center	N	N	N	P	P	N	P	P	N	N	N	N	N	N	N	N	N	N	
...																			