



# Council Agenda Report

From: Darcy Delgado, Associate Planner

Subject: Rezone 23-02 (P23-0063) Comprehensive Zoning Code Update

For the City Council to introduce for first reading by title only, a comprehensive Zoning Code Update, amending the Zoning Map including removing special conditions overlays D and E and removing of Hillside District Overlay, and amendments to Municipal Code Titles 2 (Administration and Personnel), 3 (Revenue and Finance), 5 (Permits and Regulations), 7 (Health and Sanitation), 8 (Animal Control), 9 (Public Safety), 10 (Vegetation), 12 (Vehicles and Traffic), 14 (Water and Sewers), 19 (Signs), and 22 (Subdivisions) for consistency with amendments to the Zoning Code.

CEQA Determination: Staff recommends the City Council find this action is not a project under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, § 15060, subd. (c)(2)-(3), 15378 and exempt from CEQA under State CEQA Guidelines, § 15061(b)(3).

Date: September 17, 2024

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## Facts

1. Zoning Codes are a set of rules that regulate what can and cannot be done on a particular piece of property. In California, virtually all cities have zoning codes in their municipal code.
2. The City's Zoning Code, housed in Title 21 of the Paso Robles Municipal Code, has not been comprehensively updated since the 1970s. Over the years, revisions have been made to address evolving land use and development practices, incorporate Specific Plans and new zoning districts, and address changes in State law. However, this piecemeal approach has resulted in internal inconsistencies and a disorganized structure.
3. In 2021, MIG, Inc. (MIG) was retained by the City to assist with comprehensive updates to the Zoning Code.
4. The main objectives of the update to the Zoning Code include:
  - a. Providing intuitive and user-friendly development regulations;
  - b. Eliminating conflicts to create an internally consistent document;
  - c. Complying with recent State legislation and case law;
  - d. Modernizing the Zoning Code to reflect best practices, with a focus on streamlining housing entitlement and permitting processes, plus providing for flexibility and innovation; and
  - e. Maintain the City's existing entitlement process and codify many Development Review Committee practices.
5. The early stages of the Zoning Code update process included initial data collection, conducting stakeholder interviews, and providing a diagnostic summary of issues including recommendations for reorganizing the Code.

6. From there, staff worked collaboratively with MIG in reorganizing the Zoning Code into 9 articles, updating each, and bringing them through a series of public study sessions with the Planning Commission (PC) and Housing Constraints and Opportunities Committee (HCOC).
7. There have been several public meetings held on this matter and are summarized below:
  - a. On October 22, 2022, the Planning Commission held a study session and as part of the meeting reviewed a portion of Article 1 and portions of Articles 3, 6, and 9 of the Zoning Code.
  - b. On September 26, 2023, the Planning Commission held a study session and as part of the meeting reviewed Article 2 and a portion of Article 4.
  - c. On November 28, 2023, the Planning Commission held a study session and as part of the meeting reviewed Articles 5 and 7 and a portion of Article 4.
  - d. On February 13, 2024, the Planning Commission held a study session and as part of the meeting reviewed additional portions of Article 4.
  - e. On March 26, 2024, the Planning Commission held a study session and as part of the meeting reviewed Article 8 and portions of Article 3.
  - f. On June 14, 2024, the City published a complete draft of all Zoning Code Articles to encourage public participation.
  - g. On July 9, 2024, the Planning Commission held a study session and reviewed a complete draft of the Zoning Code.
  - h. On August 13, 2024, the Planning Commission held a public hearing for amendments to Title 21 and amendments to the Zoning Map including removing special conditions overlays D and E as well as removing of Hillside District Overlay, and on six successive votes of 6-0-1 (one Commissioner absent), recommended the City Council approve said amendments.
  - i. On August 27, 2024, the Planning Commission held a public hearing for amendments to Municipal Code Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, and 19, and on five successive votes of 5-0-2 (two Commissioners absent), recommended the City Council approve said amendments.
8. Concurrently with the Zoning Code update process, updates to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22, have been made to clean up conflicts and code references that will be outdated if Title 21 is amended.
9. The City Council is now being asked to consider the Planning Commission's recommendation and approve the Zoning Code (Title 21) amendments, Zoning Map amendments, and amendments to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22.
10. Public comments received since the August 13, 2024 and August 27, 2024 public hearings are attached to this report. In the case where staff determined textural changes were warranted based on these comments, tracked changes have been provided for the Council's consideration.

### **Community Outreach**

The following list details the ongoing outreach efforts taken to communicate this item with the public and stakeholders throughout this process:

- Stakeholder Interviews took place in August 2021
- Community Surveys were conducted in October 2021
- Seven (7) study sessions with the HCOC
- Eight (8) study sessions with the Planning Commission
- City Press Releases
- Public hearing legal notices

## Options

1. Take no action; or
2. Approve the Zoning Code Update, Zoning Map amendments, and amendments to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22; or
3. Approve the Zoning Code Update, Zoning Map amendments, and amendments to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22 with changes; or
4. Refer back to staff for additional analysis of items identified by the City Council.

## Analysis and Conclusions

### 1. Background

Over the last few years, staff has been working alongside consulting firm MIG, Inc. to prepare a comprehensive update to the Zoning Code. The main objectives of the update include providing intuitive and user-friendly development regulations, eliminating conflicts to create an internally consistent document, complying with recent legislation and case law, and modernizing the Zoning Code to reflect best practices with a focus on streamlining housing entitlement and permitting processes while providing for flexibility and innovation.

Because the main objectives require a complete restructuring of the code, the Zoning Code update is a **comprehensive repeal and replace of the current Zoning Code**, as further detailed in the Attachments and Ordinances included with this report.

Throughout the update process, there have been numerous study sessions in which staff presented draft sections of the code and requested feedback from the Planning Commission for what to keep, modify, or remove altogether. On July 9, 2024, a complete draft was made available to the Planning Commission as part of a comprehensive study session of the full Zoning Code, with minor changes made per the Commission's input. Additional input received by the Planning Commission at their August 13, 2024 meeting as well as public comments received to date have been incorporated into the final version for City Council's consideration, which are highlighted in this staff report.

The table below lists the titles of the proposed Articles. A summary of the proposed updates is discussed in the following section.

Article 1: Enactment, Applicability, and Enforcement

Article 2: Code Administration and Permits

Article 3: Zones, Allowable Uses, and Development Standards

Article 4: Regulations and Standards Applicable to All Zones

Article 5: Special Regulations

Article 6: Standards for Specific Land Uses and Activities

Article 7: Nonconformities

Article 8: Environmental Hazards

Article 9: Terms and Definitions

### 2. Summary of Proposed Zoning Ordinance Updates

#### *Article 1: Enactment, Applicability, and Enforcement*

Article 1 is the enactment of the Zoning Ordinance and sets forth the Zoning Code's purpose within the Municipal Code. Article 1 provides standardized language to define the individual zoning districts,

overlays, and Special Planned Developments (“SPDs”). The key changes to this Article 1 are repealing two of the SPD Overlays, formerly called Special Conditions Overlays D and E:

- Overlay D applies to a developed property where the Food 4 Less shopping center is located at the northeast corner of Niblick and Creston Roads. Overlay D was originally intended to prevent adverse effects on the downtown area. Since this shopping center is fully developed, the overlay no longer serves its original purpose.
- Overlay E applies to parcels at the northwest corner of Creston and Rolling Hills Roads. The overlay was also intended to prevent any adverse effects on the downtown area, since the parcels were zoned to allow commercial uses at the time the overlay was established. The parcels within Overlay E have since been rezoned R4, for multi-family residential uses, eliminating the potential for commercial competition against the downtown.

There have been **no changes** to Article 1 since the Planning Commission’s recommendation to City Council at their August 13<sup>th</sup> meeting.

Article 1	
EXISTING CODE	PROPOSED CHANGE
Special Conditions Overlays	<p>Chapter 21.04 - Special Planned Developments Established</p> <ul style="list-style-type: none"> <li>• Rename Special Conditions Overlays to Special Planned Developments (SPDs)</li> <li>• Repeal existing Special Conditions Overlays D and E:               <ul style="list-style-type: none"> <li>○ Overlay D applies to an already developed commercial property. The overlay was originally intended to prevent any adverse effects on the downtown. Since this center is fully developed, the overlay no longer serves its original purpose.</li> <li>○ Overlay E applies to parcels at the northwest corner of Creston and Rolling Hills Road. The overlay was originally intended to prevent any adverse effects on the downtown, since the parcels were zoned to allow commercial uses at the time the overlay was established. These parcels have since been rezoned for residential, eliminating the potential for commercial competition against the downtown area.</li> </ul> </li> </ul>

*Article 2: Code Administration and Permits*

Article 2 establishes the process for obtaining permits and entitlements and clarifies who acts as the review authority for each permit or entitlement (staff, Zoning Administrator, Development Review Committee, Planning Commission or City Council). Although much of Article 2 contains language from the existing Zoning Code, which was carried forward and clarified to make such provisions more user-friendly, the City Council will find that there are new standards being proposed in this amended Article 2 that are based on trends staff is seeing with development applications. The most notable change proposed in Article 2 is the establishment of a “modification” process to allow the Development Review Committee (DRC) and the Planning Commission to approve modifications to certain development standards, such as modifications to large detached accessory structures, the allowed number of signs, or the material for

single-family residential driveways, to name a few. Additional refinements were made to the Home Occupation Permit section of the code to improve its usability and clarify uses that are permitted and conversely, prohibited, as further detailed in the section below. Another significant change affects the review authority for Oak tree removals which would allow the Development Review Committee and Planning Commission to review certain types of oak removal requests.

There have been **several changes** to Article 2 since the Planning Commission's recommendation to City Council at their August 13, 2024 meeting, which are discussed at length below.

#### Home Occupation Permits

This section of the Zoning Code was updated to expand the list of uses allowed, as well as uses that are prohibited due to the nature of certain uses being inappropriate in a residential setting. Some new uses that would be appropriate home occupations include handcraft or artwork production, specialized repairs for household items, daycare for up to 14 children, pet sitting (provided that such activities do not constitute a "kennel," as defined in Section 21.91.120 of the Municipal Code), and personal trainers who have no more than one student onsite at a given time.

Some uses that were added to the list of prohibited uses include medical practices including chiropractic services, mobile car repair, massage, kennels, wine-tasting, and automotive dealerships, as all of these uses would be inappropriate in a residential setting.

Since the August 13, 2024 Planning Commission hearing, staff has made the following tracked changes to allow "pet sitting" that does not constitute a kennel. Staff also changed "pet sitting" from the list of prohibited uses to "kennels", since the intent is to avoid commercialized pet boarding in a residential setting. Should the Council wish to modify the number of animals that constitutes a kennel, this should be included in their discussion.

Below are screenshots of the updated Sections 21.21.020 and 21.21.030 of the Zoning Code for Council consideration:

8. The following types of businesses are considered allowable as home occupations:
- a. Home office for services provided or conducted outside of the home or on the internet;
  - b. Tutoring/teaching, including musical or dance instruction, provided that no more than 1 student is served at a time;
  - c. "Cottage food operations" as defined by Section 113758 of the California Health and Safety Code and subject to prior issuance of a permit for a cottage food operation from the County Health Department as required by Health and Safety Code Section 114365;
  - d. Handcraft or artwork production, including, but not limited to, pottery and ceramics, artistic glass or metalwork, electronic components, woodcarving and woodworking (except for mass-production operations such as cabinet shops), antique furniture restoration, painting and photography, except when such use involves on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings;
  - e. Specialized repairs for household items for small mechanical components, including, but not limited to, cell phones, laptops, power tools, kitchen appliances, and small automotive parts that do not produce hazardous waste, provided any item can be mailed/shipped in a box not to exceed 12 inches x 12 inches x 12 inches. Additionally, all specialized repairs shall not produce noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings;
  - f. Pet sitting that does not constitute a kennel;
  - g. Daycare for up to 14 children;
  - h. Personal trainer, provided that no more than 1 student is served/present onsite at any one time;
  - i. Art studio;
  - j. Tailor/dress-maker; or
  - k. Similar uses as determined by the Zoning Administrator.

#### 21.21.030. EXCLUDED OPERATIONS

A. **Prohibited Businesses.** The following types of businesses are not permitted as home occupations:

- 1. Animal hospital;
- 2. Kennel;
- 3. Medical practices including medical, dental, chiropractic, and similar services;
- 4. Massage;
- 5. Pet sitting with overnight stays;
- 5. Automotive repair;
- 6. Small engine repair;
- 7. Mobile (tire and oil change) car repair,

#### 21.91.120. "K" DEFINITIONS

**Kennel, ~~Pet Boarding~~.** The commercial provision of shelter/kenneling ~~for~~ **4 or more** dogs, cats, and other household animals, including activities associated with such shelter (e.g., feeding, exercising, grooming, and incidental medical care).

Land Use	R-A	R-1	R-2	R-3	R-4	R-5	OP	CP	C-1	C-2	C-3	RC	RL	M	PM	AP	AG	POS	OS	PF	Specific Use Regulations
Restaurants	--	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	C	--	--	--	* Prohibited on 12 <sup>th</sup> Street
Restaurants - Drive-through	--	--	--	--	--	--	--	--	C	P*	P*	P*	--	P*	P*	P*	--	--	--	--	* P if more than 300 feet from the nearest residential zoning district; C if 300 feet or less from the nearest residential zoning district
Retail - General	--	--	--	--	--	--	P*	P	P	P	P	P	--	P	--	P	--	--	--	--	* Prohibited on 12 <sup>th</sup> Street See Section 21.69.170 (Outdoor Sales, Displays, and Storage)
Retail - Restricted	--	--	--	--	--	--	--	C	C	C	C	C	--	C	--	C	--	--	--	--	See Section 21.69.210 (Retail - Restricted)
Retail - Secondhand Goods with Donation Drop Off	--	--	--	--	--	--	--	--	--	C	C	C*	--	C	--	--	--	--	--	--	* Facilities shall be located no closer than 1,000 feet from each other
Tasting Rooms	C	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	C	C	--	--	--
Vehicle Charging Station	--	--	--	--	--	--	P*	P	P	P	P	P	P	P	P	P	--	--	--	P	* Prohibited on 12 <sup>th</sup> Street
Vehicle Fuel Sales and Accessory Service	--	--	--	--	--	--	--	C	C	C	C	--	--	--	C	C	--	--	--	--	See Section 21.69.50 (Vehicle Fuel Sales and Accessory Service)
Vehicle Sales	--	--	--	--	--	--	--	--	C	C	C	C	--	C	--	C	C	--	--	--	Including auto service as accessory use
<b>Commercial – Services and Recreation</b>																					
Animal Care Services																					
Commercial Animal Keeping	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	--	--	* Administrative Use Permit and Conditional Use Permit as required by Section 21.69.050 (Animal Keeping, Commercial)
Grazing, Temporary	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--
Equestrian Facilities	C	--	--	--	--	--	--	--	--	--	C	--	C	--	--	C	C	C	--	--	See Section 21.69.110 (Equestrian Facilities)
Kennels, Pet Boarding	C	--	--	--	--	--	--	--	--	C	C	--	--	C	--	--	C	--	--	--	--
Veterinarian	C	--	--	--	--	--	C*	C	C	C	C	--	--	C	--	--	P	--	--	--	* Small animals only. Prohibited on 12 <sup>th</sup> Street
Amphitheaters/Stadiums	--	--	--	--	--	--	--	--	--	--	C	--	C	--	--	C	--	C	--	C	--

Additional concerns have been raised by the public since the August 13, 2024 Planning Commission meeting, specifically that some of the excluded home occupations will negatively impact small business owners. Therefore, staff has provided additional analysis to justify the exclusion of the following uses:

- **Massage Services:** Allowing massage services in residential areas can raise concerns about inappropriate or illegal activities, which can compromise the safety and well-being of the community. By restricting massage services outside of residential areas, the City aims to ensure these services are provided in a safe, controlled environment that protects both practitioners and clients while maintaining the residential character of neighborhoods. A masseuse can obtain a home occupation for a home office and perform massage at locations other than their personal residence.
- **Wine Tasting:** Wine tasting businesses require a State Alcohol Beverage Control license from the California Department of Alcoholic Beverage Control that requires commercial zoning, thereby precluding wine tasting operations as a business eligible for home occupation.
- **Auto Repairs:** The exclusion of automotive repair from home occupations is mostly based on concerns related to environmental impact, noise, parking and enforcement challenges. Repairs conducted at a residence can produce significant noise and hazardous waste, which are difficult to regulate in residential settings and detrimental to the surrounding neighborhood.
- **Mobile Car Repair:** Regarding mobile (tire and oil change) car repair, the exclusion is in place due to potential environmental concerns. Mobile services can lead to issues like improper disposal of hazardous materials and increased noise when performed in residential areas. These services are better suited to commercial zones where proper facilities and oversight are available.

Ultimately, the Home Occupation Permit allows an exception for hardship (Section 21.21.030(B)). If an applicant can demonstrate a unique hardship outside of the scope of these provisions, this Exception for Hardship provision may be appropriate and is subject to review by the Planning Commission and, if approved, would be subject to a conditional use permit and annual review.

The remaining summary of significant changes to Article 2 are shown in the table below.

<b>Article 2</b>	
<b>EXISTING CODE</b>	<b>PROPOSED CHANGE</b>
Some applications require a higher level of approval than reasonable/ necessary	<p>Chapter 21.08 – Planning Authorities</p> <ul style="list-style-type: none"> <li>• Clarified the review authority for different application types. <ul style="list-style-type: none"> <li>○ Table 21.08.070-1: Review Authority summarizes different types of actions and the applicable review authority for each action.</li> <li>○ Updated references from “Director” to “Zoning Administrator” in tandem with clarifying Zoning Administrator duties vs. Director duties</li> </ul> </li> <li>• Changed the review authority for oak tree removals depending on the number and condition of the trees. Additional oak tree removal thresholds will be included in Title 10. <ul style="list-style-type: none"> <li>○ Designate the City Council to be the review authority for oak tree removals for 10 or more oak trees.</li> <li>○ Designate the Planning Commission to be the review authority for oak tree removals between 1 and 9 oak trees with a development application.</li> <li>○ Designate the Development Review Committee as the review authority for single oak tree removals when no development application is included.</li> </ul> </li> </ul>
Warranted clarity for how the Development Review Committee operates	<p>Section 21.08.040 Development Review Committee</p> <ul style="list-style-type: none"> <li>• Clarified the Development Review Committee’s composition is made up of three members of the Planning Commission; required the Director to establish a rotating schedule for all Commissioners to serve equal time on the DRC throughout each calendar year.</li> </ul>
Standards for Housing Accountability Act (State law) lacking	<p>Section 21.09.080 - Housing Accountability Act</p> <ul style="list-style-type: none"> <li>• Added streamlined review section to comply with State law.</li> </ul>

<p>Warranted clarity for development standards that can be modified by review authorities and the findings required for approval</p>	<p>Section 21.16.020 – Development Plan Modifications  Section 21.17.020 – Site Plan Modifications</p> <ul style="list-style-type: none"> <li>• Added a modification process to revise zoning standards under Development Plan and Site Plan review process. <ul style="list-style-type: none"> <li>○ See Table 21.16-1 for Development Plan Modifications</li> <li>○ Table 21.17-1 for Site Plan Modifications</li> </ul> </li> <li>• Established what merits a Development Plan and Site Plan modification.</li> <li>• Established findings for different modifications.</li> </ul>
<p>Special Conditions Overlays changed to Special Planned Developments</p>	<p>Chapter 21.11 - Special Planned Developments</p> <ul style="list-style-type: none"> <li>• Established the Special Planned Development zoning overlay from what used to be the Planned Development (PD) Overlay. <ul style="list-style-type: none"> <li>○ The SPD zoning overlay functions similar to the current intent of the PD overlay as a negotiated exchange through which the City can offer flexibility of certain development standards in exchange for specific project amenities (e.g., recreational facilities, usable open space, special design features).</li> <li>○ This change distinguishes between SPDs, Development Plans, and Planned Developments.</li> <li>○ The “Planned Development Overlay” will still exist on the Zoning Map and there are no changes to existing zones with a PD overlay. This designation in the Zoning Code will require applicants to submit an application for a Development Plan, regardless of the size of the project.</li> </ul> </li> </ul>
<p>Temporary use permits warranted clearer standards for most uses allowed</p>	<p>Chapter 21.20 - Temporary Use Permits</p> <ul style="list-style-type: none"> <li>• Added standards for food trucks/trailers, including standard that food trucks/trailers must be located on private property with existing commercial uses.</li> <li>• Added standards for sidewalk vending to align with State law.</li> <li>• Added standards for circuses, carnivals, fairs, festivals, and concerts.</li> <li>• Timeframes: <ul style="list-style-type: none"> <li>○ Seasonal stands can last up to 90 days.</li> <li>○ Circuses, concerts, etc. can last up to 30 days.</li> </ul> </li> <li>• Changed from CUP to TUP to allow recreational vehicle to be used as a caretaker residence for seasonal stands (i.e. pumpkin or Christmas tree lot) and for construction project with an approved and active building permit.</li> </ul>
<p>Home occupation standards unclear leading to challenging</p>	<p>Chapter 21.21 - Home Occupation Permits</p>

code enforcement in neighborhoods	<ul style="list-style-type: none"> <li>• Added uses to the list of what is allowed including handcraft or artwork production, specialized repairs for household items, daycare for up to 14 children, personal trainers who have no more than 1 student onsite at a given time, and pet sitting.</li> <li>• Added uses to the list of what is not allowed including medical practices including chiropractic services, mobile car repair, massage, kennels, wine-tasting, and automotive dealerships.</li> </ul>
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*Article 3: Zones, Allowable Uses, and Development Standards*

Article 3 contains the land use regulations specific to each of the zoning districts and includes the land use table defining where uses are allowed in the city. In the land use table, the biggest changes were consolidating similar land uses into general categories and then utilizing definitions to better define the land uses, thus shortening the table. For the regulations applicable to individual zones, there is no central theme with the recommended changes. Various zones were lacking user-friendly development standards and/or some standards seemed too onerous. Additionally, there were some zones that were lacking any development standards at all. The following table shows the key changes to Article 3.

There have been **no changes** to Article 3 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

<b>Article 3</b>	
<b>EXISTING CODE</b>	<b>PROPOSED CHANGE</b>
<b>Table 21.32-1 Zoning District Use Regulations</b>	
Use table has many unique uses, many not defined	<ul style="list-style-type: none"> <li>• Consolidated similar uses into general categories (e.g. general retail, heavy industrial)</li> <li>• Added definitions for each land use (listed in Article 9)</li> <li>• Added performance standards and specific regulations for certain uses (Also addressed in Article 6)</li> <li>• Removed line items for non uses (canopies, infrastructure support, nonconforming uses – these are addressed in other parts of the Code)</li> </ul>
Commercial Kitchen use warranted clarity	Separated Commercial Kitchen out in the Use table and add a new definition (in Article 9)
Communal Housing use warranted clarity	Separated Communal housing, an emerging housing type, out in the land use table and added a new definition (in Article 9)
Senior Housing has a section in the Zoning code but is not referenced in the Use Table	Added Senior Housing to the land use table and add a new definition (in Article 9)
Spaceport use warranted clarity	Separated Spaceport out in the land use table and added a new definition (in Article 9)
Electrical Generation and Storage Facilities warranted clarity	Separated Electrical Generation and Storage Facilities out in the land use table and added a new definition (in Article 9). Added siting and operation standards (in Article 6).

Wineries, Breweries, and Distilleries: Wineries exist in use table, but definition does not exist	Consolidated wineries and breweries under one new definition and use, Wineries, Breweries, and Distilleries.
Restricted Retail use warranted clarity	Separated Restricted Retail out in the land use table and added a new definition (in Article 9). Added performance and location standards (in Article 6).
Restaurant	Removed limit to 5,000 square feet for restaurants outside Downtown
Personal Services -Restricted use warranted clarity	Separated Personal Services - Restricted out in the land use table and added a new definition (in Article 9). Added performance and location standards in Article 6.
Two-Unit Dwelling (SB 9) has a section in the Zoning Code (with applicable standards), but is not referenced in the land use table	Added Two-Unit Dwelling to the land use table. Renamed "Urban Dwelling Unit" consistent with City of Atascadero.
Food Truck use warranted clarity	Separated Food Truck out in the land use table and added a new definition (in Article 9).
Food Truck Court use warranted clarity	Separated Food Truck Court out in the land use table and added a new definition (in Article 9).
Industrial – Artisan use warranted clarity	Separated Industrial - Artisan out in the land use table and added a new definition (in Article 9).
Amphitheatre/Stadium use warranted clarity	Separated Amphitheatre/Stadium out in the land use table and added a new definition (in Article 9).
OP District land uses	<p>There are two distinct areas zoned OP with different characteristics – south of First Street and 12<sup>th</sup> Street (west of Vine Street)</p> <p>The following uses would be allowed in the district, but not on 12<sup>th</sup> Street:</p> <ul style="list-style-type: none"> <li>• Financial Institutions</li> <li>• Food and Beverage Sales</li> <li>• Medical Services – Clinic, Urgent Care</li> <li>• Restaurants</li> <li>• Retail – General</li> <li>• Transit Facility</li> <li>• Vehicle Charging Station</li> <li>• Veterinarian</li> </ul>
Regional Commercial district: floor area limitation on office uses	Removed 10% of floor area limitation on Offices in RC zoning district
Composting Facilities allowed with CUP in AP only	Allowed Composting Facilities in additional zoning districts (C-3 and PF) with CUP
RV Parks allowed with CUP in RC, AP, and POS	Allowed <i>RV Parks</i> in additional zoning districts (C-2, C-3, RL, M, and AG) with CUP and additional site planning standards
Rural Recreation and Camping was referenced in the AG zoning	Added to land use table and also allow this use in POS zoning district

district, but not consistently referenced in use table	
Process for allowing Vehicle Sales is different for new or used cars	Combined new and used car sales into single definition and require CUP in AG, C1, C2, C3, RC, M, and AP districts
Theaters allowed use in C-1	Theaters in C-1 zoning district changed to be allowed with CUP
Heavy industrial allowed use in C-3, M, PM, and AP districts	Heavy Industrial in industrial zoning districts changed to be allowed with CUP
Self storage allowed in AP and PM zoning districts	Self Storage not allowed in AP and PM zoning districts
Bed and Breakfast Inns allowed uses in commercial zoning districts	Bed and Breakfast Inns in commercial zoning districts changed to be allowed with CUP
Airport/Helipad allowed with CUP in PF zoning district	Airport/Helipad in PF not allowed
Small and large assembly refined definition	New definitions for small and large assembly and various zones where each is allowed.
<b>Changes to Development Standards in Applicable Zones</b>	
<b>Chapter 21.33 - RA Zone</b>	
City Engineer allowed to modify minimum lot size in R-A zoning district	Removed
R-A minimum lot size 3-10 acres	Changed to 3 acres
Height = 30 ft for habitable; 50 ft for non-habitable	Removed non-habitable; limit all to 30 feet
<b>Chapter 21.33 - R1 Zone</b>	
B-3, B-4, B-5 detached accessory structure front setback is 15 feet	Revised front setback from 15 ft to 20 ft to match main structure
RS Zoning District	There are no development standards for RS zone for which one parcel is currently zoned in the northwest portion of the City. Updated development standards have been added for this zone.
RV shelters allowed with a CUP in rear or side setback	Changed from CUP to Development Plan Modification
Detached accessory structures must be located in the rear of the lot	Detached accessory structures to be located behind front and street side of primary structure
Gross floor area of detached accessory structures not to exceed 50 percent of the gross floor area, including any attached garage, of the main building, except by approval of a conditional use permit.	<ul style="list-style-type: none"> <li>• Clarified the calculation is cumulative for all accessory structures.</li> <li>• Changed from CUP to Development Plan Modification</li> </ul>
Every single-family dwelling is required to have a minimum width and depth of 24 feet	Removed

Second stories are required to be set back 10 feet from the side property line	Removed. Retained existing regulations based on lot width and apply to full building instead of just ground floor. Result: Lots less than 65 ft: 5 ft setback Lots 65 ft or wider: 5 ft on one side and 10 ft on the other side
Minimum building separations are 10 feet	Reduced to 6 ft
Warranted enhanced objective design standards for single family development	Added requirement for all new single family dwellings to: <ul style="list-style-type: none"> <li>• Provide an entryway feature</li> <li>• 10% minimum transparency on front and street-side façades</li> <li>• Roofs must be gable, hipped, or shed (no flat roofs)</li> <li>• Applicants may request a Site Plan Modification (DRC) to modify standards.</li> </ul>
<b>Chapter 21.33 - Multi-Family Zones (R-2, R-3, R-4, R-5)</b>	
Minimum building separations are up to 20 feet on main buildings with 3 stories	Reduced to 10 feet applied to all buildings (main and accessory)
Open Space: <ul style="list-style-type: none"> <li>• 375 sf of usable shared open space required</li> <li>• Private open space can be counted as 1.5 times the value of shared open space</li> <li>• Amount of open space and recreational amenities determined through development review process for senior projects</li> </ul>	<ul style="list-style-type: none"> <li>• Set clear standard for open space required for senior apartments, rather than at Planning Commission discretion (200 sf per unit, either private or shared)</li> </ul>
1, 2, or 3 tot lots required for multifamily based on number of units	Allowed playgrounds to be combined to one larger playground as an option, and require shade.
Rooftop open space excluded from counting towards required open space	Allowed for rooftop open space to count toward open space requirements.
Standard requiring residential fire sprinklers	Removed. It is redundant and addressed in State Building Code.
Detached accessory structures are limited to 50 percent of the gross floor area for buildings with 10 units	Clarify the 50% limit is cumulatively applied to all detached accessory structures; reduced threshold from 10 to 4 or fewer units, where detached accessory structures are more likely to apply. Applicants may apply for an exception through a Development Plan Modification (Planning Commission approval).
No minimum lot size	<ul style="list-style-type: none"> <li>• Added minimum lot sizes for R-3 (10,000 SF), R-4 (15,000 SF), and R-5 (20,000 SF) with reference to Government Code Section 66499.40 (which allows small lot subdivisions in multi-family zones)</li> </ul>

	<ul style="list-style-type: none"> <li>Added language that minimum lot size must allow no less than one full density unit per lot</li> </ul>
Setback requirements required clarification due to complexity	<ul style="list-style-type: none"> <li>Simplified Setbacks</li> <li>Modified setbacks for detached accessory structures: 3 ft from property lines and 5 ft from alleys, consistent with R-1 zone.</li> <li>Adjacent to R-1, setback is 20 feet for second stories and above.</li> </ul>
Miscellaneous Zoning Districts (R-2, B-3, R-3-10, R-3-O, R-4-20, and R-5-20)	There are no development standards for these zones. Standards added to Section 21.33.060.
<b>Chapter 21.34 – Office Professional Zone</b>	
OP zoning district had many complex standards and guidelines that are covered elsewhere in the Code	<ul style="list-style-type: none"> <li>Simplified standards</li> <li>Removed guidelines and sections covered elsewhere in Code (like historic preservation)</li> <li>Made accessory structure height consistent with other zoning districts (15 ft instead of 20 ft)</li> </ul>
No language on allowed density, CUP was required for multi-family residential, but existing multifamily units are considered nonconforming (internal conflict)	Added maximum density (12 du/ac), consistent with T3-F zoning district
Parking required at a ratio of 1 space for every 200 sf of gross floor area for offices	Removed requirement for more than standard required parking for office. Now required at 4 per 1,000 sf of floor area.
Adaptive reuse allows PC approval of less parking	Parking reductions would go through the Development Plan Modification process, consistent with other zoning districts
Development standards for multi-family required clarification	Clarified standards for new multi-family residential uses in OP (comply with R-3 and ODS standards) with CUP
Detached accessory structures limited to 50% of primary structure, allowed height is 20 ft	Clarified cumulative gross floor area of detached accessory structures limited to 50% and height of 15 ft, consistent with multi-family and single-family zoning districts
<b>Chapter 21.33 - R-3-O Zoning District</b>	
R-3-O Zoning District applies to five parcels, with an intent to allow residential and office uses but office was not allowed in the Use Table.	Applied multi-family development standards (Section 21.33.050) and allowed uses permitted in the OP district, which allows offices and additional residences through approval of a conditional use permit.
R-3-O zoning district has no development standards or a defined purpose.	Added purpose statement for the zoning district.

<b>Chapter 21.34 - Commercial, Industrial, and Airport Zones</b>	
Many did not include purpose statements	Added individual purpose statements for each zoning district.
Adjacent to R-1: Setbacks Required (5 ft side and 10 ft rear)	Added solid 6 ft fence requirement Added landscape buffer
Height limit of 50 ft for non-habitable buildings in CP and RC zoning districts	Removed height limit for non-habitable buildings and defer to projections section, which allows for extra height for specific structures
No development standards in AP	Added new standards (based on previous approvals): <ul style="list-style-type: none"> <li>• Minimum Lot Size: 10,000 sf</li> <li>• Minimum Lot Width: 50 ft</li> <li>• Height: 60 ft</li> </ul>
<b>Chapter 21.35 – Public Facilities, Parks and Open Space, and Agricultural Zones</b>	
Height limit of 50 ft for non-habitable buildings in AG	Removed height limit and defer to projections section (Section 21.41.130), which allows for extra height for specific structures
AG standards	Removed some standards, including allowance for firing shotgun, allowing fur bearing animal farming, real estate disclosure sample form (will be a handout), and move animal husbandry regulations to Article 6 (Standards for Specific Land Uses and Activities)
POS zoning district refers to R-1 development standards	Simplified interior side setback to 10 ft on both sides, instead of 5 ft on one side and 10 ft on the other
Silent on residential adjacent zoning districts	Required 5 ft interior, 10 ft rear, and 20 ft setback for 2-story buildings adjacent to residential zoning districts
<b>Chapter 21.36 - Overlay Zones</b>	
<b>MU Overlay</b>	
Language required clarification about allowing stand-alone residential in MU overlay	Clarified to allow stand-alone residential, not only mixed uses.
No standards on minimum dimension for private and shared open space	Added minimum dimensions for private and shared open space
Can be misinterpreted to allow MU in MF zones	Modified to remove residential districts and clarify standards for residential uses in commercial zones where the overlay has been applied
Private open space can be counted as 1.5 times the value of shared open space	Removed incentive for private open space (currently counts as more than shared). Allow projects to provide all private, all shared, or a combination.
<b>Other Overlays</b>	
Resort Lodging Overlay	Renamed to Lodging Overlay
Historical and Architectural Preservation Overlay	Renamed to Historic Preservation Overlay
Hillside Overlay	Removed and revise to regulating hillside development based on property slope, not mapped areas (standards in Article 8).

*Article 4: Regulations and Standards Applicable to All Zones*

Article 4 contains the regulations that are applicable to all zones, such as rules of measurement, fence and wall standards, objective design standards for mixed and multi-family residential uses, open space

requirements, parking standards, landscaping standards, and sign standards. Of these, some notable changes include adding a minimum percent live plant requirement to all development, and allowing residential porches to project into the front and side setbacks.

Another notable change found in this Article is the addition of Objective Design Standards (ODS) which is a newly established section in response to changes within State law that require local governments to establish objective design standards to facilitate high-quality site planning and building design and to accelerate housing production through the clear communication of design objectives and efficient permitting processes. Most of the ODS section is new language for the City of Paso Robles. Some of the standards being proposed were synthesized from language in the Multi-Family Residential Development Standards from the current Zoning Code (currently Chapter 21.16i). Since most of the City’s existing standards could benefit from enhanced objectivity, the intent was to establish clearer objective standards. The remaining summary of significant changes to Article 4 are shown in the table below.

There have been **no changes** to Article 4 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

<b>Article 4</b>	
<b>EXISTING CODE</b>	<b>PROPOSED CHANGE</b>
Does not provide clear or consistent rules of measurement	Chapter 21.41 – Rules of Measurement <ul style="list-style-type: none"> <li>Created a new section for measuring distances, height, slope, and lot width and depth.</li> <li>For measuring slope, eliminated conflicting measurements that were in old code and instead added 2 alternative ways to measure.</li> </ul>
Requires minimum yard size for rear yard in 5-sided lots in R1 district	Section 21.41.120 – Determining Setbacks <ul style="list-style-type: none"> <li>Eliminated the requirement for rear yard to be 1,200 square feet in area (See Figure 21.41.120-1).</li> </ul>
Covered porches cannot project into setbacks	Section 21.41.120 – Determining Setbacks <ul style="list-style-type: none"> <li>Added allowed porch projections: <ul style="list-style-type: none"> <li>6 feet into front setback</li> <li>3 feet into street side setback</li> </ul> </li> </ul>
Limited projections allowed, section lacks clarity	Section 21.41.130 – Projections into Setbacks <ul style="list-style-type: none"> <li>New table summarizing allowed encroachments: <ul style="list-style-type: none"> <li>Allow patio covers and covered porches to encroach into rear yard setback (to within 10 feet of rear property line). Lot coverage requirements still apply.</li> <li>Allow uncovered porches, decks, stoops, stairs to encroach 6 feet into a front setback and 2 feet into side setbacks.</li> </ul> </li> </ul>
Standards for small structures warrant clarification	Chapter 21.43 – Awnings, Canopies, and Patio Covers <ul style="list-style-type: none"> <li>Added standards to detached patio covers and canopies in Residential zones. <ul style="list-style-type: none"> <li>Limit on number (3)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Detached canopies and patio covers count toward lot coverage (code was silent before)</li> <li>○ May not be located in front yard, street side yard, or driveway</li> <li>● Allow for patio covers detached 1 ft from the main structure to have setbacks associated with attached patio covers.</li> </ul>
<p>Fence standards in multiple locations. Modification process undefined.</p>	<p>Chapter 21.44 – Fences, Walls, and Hedges</p> <ul style="list-style-type: none"> <li>● Continue to allow DRC to approve height of residential front yard fence from 3 feet to 4 feet as a Minor Modification (Article 2).</li> <li>● Changed process from Planning Commission to DRC (Site Plan Modification) for review of commercial front yard fence changes up to 6 ft.</li> <li>● Added examples of acceptable decorative materials.</li> <li>● Required Development Plan Modification for review of increase in commercial fence height from 6 to 8 ft.</li> <li>● Removed allowance for Residential or Office Professional to have 8 ft high fence along arterial streets.</li> <li>● Made changes to the definition of “front yard” as it applies to fencing. New diagrams added to Article 4 (See Figure 21.44.030-1) and to Article 9 (See Figure 21.92.250-1).</li> </ul>
<p>Limited landscaping requirements</p>	<p>Chapter 21.45 - Landscaping</p> <ul style="list-style-type: none"> <li>● Added a minimum percent live plant requirement to ensure required landscaping is not all rocks or mulch.</li> <li>● Added modification option for both Site Plan Review (Minor Modification) and Development Plan (Major Modification).</li> </ul>
<p>Limited screening requirements</p>	<p>Chapter 21.47 - Mechanical and Equipment Screening</p> <ul style="list-style-type: none"> <li>● Added requirements for location (behind the front façade of a building) and screening mechanical equipment on roofs and at grade, and also specific standards for screening backflow devices.</li> </ul>
<p>Parking standards could benefit from enhanced rules regarding measurement, additional clarity on how to address nonconforming sites, and reasonable requirements for many uses</p>	<p>Section 21.48.030 – Required Parking Spaces</p> <ul style="list-style-type: none"> <li>● Added new calculation for determining required parking for nonresidential uses. <ul style="list-style-type: none"> <li>○ When a change in use, expansion of a use, or expansion of floor area creates an increase of 20 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided.</li> </ul> </li> <li>● Clarified parking requirement if a room has potential of being a bedroom (e.g. “office”).</li> <li>● Expanded list of uses with specified parking ratio: <ul style="list-style-type: none"> <li>○ Calculation of automotive repair required parking measured by building area, not by service bay</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Added caretaker unit: 1 space</li> <li>○ Added residential care general/assisted living: 1 parking space per 5 rooms</li> <li>○ Added a reduced parking ratio for multi-family residential when studio or 1-bedroom units are 600 sf or less. The other multi-family residential standards stayed the same.</li> <li>○ Supportive, transitional housing to be same as other residential uses.</li> <li>○ Hotel parking calculation based on guest rooms</li> <li>○ Remove additional required parking for offices in the OP Zone.</li> <li>○ Self-storage parking rate.</li> <li>● Parking Modification <ul style="list-style-type: none"> <li>○ Matched mixed use/multiple use parking reduction with what is allowed in Uptown/Town Centre Specific Plan.</li> <li>○ 20% parking reduction with parking demand study completed by licensed Traffic Engineer.</li> </ul> </li> </ul>
<p>Parking lot standards lacking several desired requirements</p>	<p>Section 21.48.100 – Parking Area Design and Development Standards</p> <ul style="list-style-type: none"> <li>● Parking lot surface material modifications: <ul style="list-style-type: none"> <li>○ Residential: Allowed large 1-acre+ lots to use non-permanent material, only if in rear half of lot, screened, and upon approval of a Site Plan Modification.</li> <li>○ Nonresidential: Required any non-permanent material request to require a Development Plan Modification (with findings).</li> </ul> </li> <li>● Changed threshold for landscaping in parking lots from 4 to 6 parking spaces.</li> <li>● Required parking lot perimeter curbing</li> <li>● Added required parking for electric vehicles consistent with State law</li> </ul>
<p>Driveway standards lacking several desired requirements</p>	<p>Section 21.48.110 – Driveway Standards</p> <ul style="list-style-type: none"> <li>● Prohibited the establishment of new driveways that require cars to back out onto arterial or greater roads, unless it is determined to be infeasible by the City Engineer.</li> <li>● Maximum driveway approach width can be 30 feet. Code was silent before.</li> <li>● Driveway materials: Clarified decomposed granite is not considered a permanent surface.</li> </ul>
<p>State rules require development standards for multi-family residential and mixed-use projects to be objective. Current code</p>	<p>Chapter 21.50 - Objective Design Standards</p> <ul style="list-style-type: none"> <li>● Replaced existing Objective Design Standards (ODS) for multi-family residential uses with new ODS for multi-family and mixed-use projects</li> </ul>

includes many subjective standards.	<ul style="list-style-type: none"> <li>○ Tiered standards that increase with size of project</li> <li>○ Standards include windows, roofs, wall plane variation, and exterior building materials</li> </ul>
Limited standards for refuse collection areas; State requirements have changed	<p>Chapter 21.51 – Refuse and Recycling Areas</p> <ul style="list-style-type: none"> <li>● Added threshold for when to require an enclosure for bins and containers</li> <li>● Replaced trash enclosure design guidelines with new standards applicable for all projects.</li> <li>● Now require full roofs for all enclosures (previously required trellis for MFR but was silent for all other uses).</li> <li>● Prohibit chain link as a material when visible from a public right-of-way or abutting residential.</li> <li>● Prohibit enclosure in front and street side setback (previously silent on all setbacks).</li> </ul>
Sign standards could benefit from organization, rules of measurement, and updating in accordance with current legal landscape.	<p>Chapter 21.52 - Signs</p> <ul style="list-style-type: none"> <li>● Defined calculation of sign area: no more than 8 corners.</li> <li>● Consolidated construction signs under temporary signs and applying temporary sign standards.</li> <li>● Consolidating monument signs under freestanding signs</li> <li>● Billboards and all signs in the public right-of-way moved to Title 19 and Title 11, respectively.</li> <li>● Large sites allowed one additional taller freestanding sign – threshold reduced from 20 acres to 10 acres.</li> <li>● Nonconforming signs: Existing Code does not allow change of copy without making sign conforming. Changes proposed to allow change of copy through design review process.</li> <li>● Required sign program for 5+ tenants (currently Code references sign programs but without a threshold to clarify when they are required).</li> <li>● Modifications table for signs Table 21.52.060-2</li> </ul>
Standards for swimming pools are in multiple sections of the code and require enhanced alignment	<p>Chapter 21.53 – Swimming Pools</p> <ul style="list-style-type: none"> <li>● Align pool fence height with building code (5 feet), not made of fabric/mesh.</li> <li>● Separation for pools established at 10 feet from a primary building.</li> <li>● Pools not allowed in street side setback in R1</li> <li>● Pools not allowed closer to front property line than the nearest residence in R1</li> </ul>
Undergrounding required only in multi-family zoning districts	<p>Chapter 21.54 - Underground Utilities</p> <ul style="list-style-type: none"> <li>● Clarified that undergrounding of service lines is required in all districts consistent with GP Goal LU-2 Action Item 3.</li> </ul>

*Article 5: Special Regulations*

Article 5 lists the special regulations for certain developments including Accessory Dwelling Units, historic preservation, and affordable housing density bonuses. Although much of Article 5 contains language from the existing Zoning Code, the City Council will find that there are some substantive changes for review.

Some of the more notable changes in this Article were to the Chapter on Accessory Dwelling Units (“ADUs”). Over the years, there have been a number of changes to State law that the City has incorporated into the Zoning Code. Where State law is silent, the City has inserted standards that are most appropriate to the City of Paso Robles, such as allowing a reduced setback between an ADU and the primary structure. For a list of significant changes to Article 5, see the table below.

There have been **no changes** to Article 5 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

Article 5	
KEY CHANGES	DETAILS
Chapter 21.58 - Accessory Dwelling Units	<ul style="list-style-type: none"> <li>• Reorganization of the chapter to be more user-friendly including differentiation between "Statewide Exemption ADUs" and "Local ADUs" and which standards apply to each;</li> <li>• Addition of a maximum size for a garage attached to an ADU; and</li> <li>• Reduced front setback to be the same as for a primary residence.</li> <li>• Separation between ADU and primary structure reduced from 10 feet to 6 feet.</li> <li>• Clarified the maximum number of ADUs in mixed-use and multi-family zones: <ul style="list-style-type: none"> <li>○ At least 25% converted OR no more than 2 detached.</li> </ul> </li> <li>• Clarified “interior ADUs” can be converted from existing space, not including porches, patio covers, or similar.</li> </ul>
Chapter 21.59 - Adult Business Uses	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Chapter 21.60 - Cannabis	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Chapter 21.61 - Density Bonus	<ul style="list-style-type: none"> <li>• Changed to conform with State law.</li> </ul>
Chapter 21.62 - Historic Preservation	<ul style="list-style-type: none"> <li>• Simplified resource classifications (Historic Resources Inventory, Historic Districts, and Landmarks only).</li> <li>• Allowed the Planning Commission to consider Certificates of Appropriateness for alterations to locally designated historical resources.</li> <li>• Reserved review of state or nationally designated resources (Landmarks) and all demolitions of historic resources to the City Council.</li> </ul>
Chapter 21.63 - Murals	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Chapter 21.64 - Short-Term Rentals	<ul style="list-style-type: none"> <li>• No substantive changes.</li> </ul>
Chapter 21.65 - Urban Dwelling Units	<ul style="list-style-type: none"> <li>• Renamed “Two-Unit Projects” “Urban Dwelling Units”</li> </ul>

	<ul style="list-style-type: none"> <li>• Introduced list of development standards the City would modify so as not to preclude the ability for up to two 800-square foot units on a lot similar to ADUs</li> <li>• Changed height and setbacks to be more consistent with ADUs</li> </ul>
Chapter 21.66 - Wireless Communication Facilities	<ul style="list-style-type: none"> <li>• Changed to conform with Federal law requiring ministerial approval of minor modifications to existing facilities.</li> </ul>

*Article 6: Standards for Specific Land Uses and Activities*

Article 6 provides standards for particular uses, including performance standards and development standards that are tailored to the use rather than the zone. Similar to other Articles, much of Article 6 is existing text from the current code that has now been reorganized into its own section.

One of the more notable changes to Article 6 is cleaning up the commercial animal keeping standards, which were not comprehensively listed. A new table has been added showing the maximum density limitations for different types of animals, including instances that trigger a higher level of review such as a Conditional Use Permit.

Another noticeable change was providing food truck standards where none previously existed. These standards include the permit requirements for food trucks such as when a Temporary Use Permit, Site Plan, or Conditional Use Permit would be required, the operational requirements such as obtaining written approval from the property owner, obtaining a business license and health permit, and general provisions for things like noise and hours of operation so that the uses do not present a nuisance. The remaining summary of significant changes to Article 6 are shown in the table below.

There have been **no changes** to Article 6 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

Article 6	
KEY CHANGES	DETAILS
Animal husbandry standards listed in AG district standards, but allowed in additional zones	Section 21.69.050 – Animal Keeping, Commercial <ul style="list-style-type: none"> <li>• Clarified commercial animal keeping standards and maximum density limitations for different types of animals.</li> <li>• Standards were distinguished between low-density and high-density, with the latter requiring approval by the appropriate review authority.</li> </ul>
No standards for solar electrical generation and storage uses	Section 21.69.080 – Electricity Generation and Storage Facilities <ul style="list-style-type: none"> <li>• Added a new section for electricity generation regulations. Also defined in Article 9 and added to the land use table in Article 3.</li> </ul>
No standards for food trucks	Section 21.69.120 - Food Trucks <ul style="list-style-type: none"> <li>• Added a new section for food truck regulations. Also defined in Article 9 and added to the land use table in Article 3.</li> </ul>

Limited standards for manufactured homes outside a mobile home park	<p>Section 21.69.130 - Manufactured Homes</p> <ul style="list-style-type: none"> <li>Applied architectural standards for single-family residences</li> <li>Added requirement that the structure be no more than 36 inches over the ground</li> </ul>
Does not state allowed density for assisted living facilities	<p>Section 21.69.200 – Residential Care Facilities</p> <p>Codified density interpretation for assisted living facilities (beds per acre). Beds/Acre has been determined based on Census data from the 2022 5-year estimates that assumes 2.6 people per household multiplied by the allowed density of the zone and rounded to the nearest whole number.</p>
Section 21.16J.230. Right to farm regulations listed in AG district standards, but should apply more broadly	<p>Section 21.69.220 - Right to Farm</p> <ul style="list-style-type: none"> <li>Right to Farm moved to its own section.</li> <li>Local option real estate transfer disclosure statement removed from code, becomes handout</li> </ul>

*Article 7: Nonconformities*

Article 7 establishes uniform provisions for the regulation of nonconforming land uses, nonconforming development (including structures and improvements), and nonconforming lots that were lawfully established but do not comply with the current requirements of the zoning code. The intent of this Article is to protect public health, safety, and the general welfare while allowing reasonable use of private property. Although much of Article 7 contains language from the existing zoning code, the City Council will find that there are some substantive changes for review, which are shown in the table below.

There have been **no changes** to Article 7 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

Article 7	
KEY CHANGES	DETAILS
General fixes	<ul style="list-style-type: none"> <li>Removed amortization requirements, which are difficult to enforce.</li> <li>Reorganized to clarify different procedures for nonconforming uses, structures, and lots.</li> </ul>
Warranted clarification on whether existing nonconforming lots may have lot lines adjusted	<p>Chapter 21.75 - Nonconforming Lots</p> <ul style="list-style-type: none"> <li>Added allowance that lot line adjustments to nonconforming lots that do not increase the deviation between the existing nonconforming situation and the Code requirement or create a new nonconforming situation are allowed.</li> </ul>
Legally nonconforming structures damaged by a force majeure (where the destruction affects more than 50% of the fair market value) must be rebuilt to code.	<p>Chapter 21.76 - Nonconforming Structures</p> <ul style="list-style-type: none"> <li>Changed to allow rebuilding dependent on the square footage of destruction rather than fair market value (which is difficult to assess).</li> </ul>

	<ul style="list-style-type: none"> <li>• Allowed damage to reach 75% of the square footage of structures and still allow rebuilding of nonconformity.</li> <li>• Legally nonconforming building or structure damaged by a purposeful act of destruction, where destruction affects more than 50% of the square footage of structures, must be rebuilt in conformance with the code.</li> <li>• Changed process from Conditional Use Permit to Development Plan Modification.</li> </ul>
Right to reestablish a nonconforming use extinguished at 6 months	<p>Chapter 21.77 - Nonconforming Uses</p> <ul style="list-style-type: none"> <li>• Nonconforming use abandonment increased to 12 months.</li> </ul>
Structures containing a legally nonconforming uses damaged by a force majeure, where the destruction affects more than 50% of the fair market value, must be rebuilt to code.	<p>Section 21.77.020 - Destruction of a Structure Containing a Nonconforming Use</p> <ul style="list-style-type: none"> <li>• Required structures containing legally nonconforming uses damaged by a force majeure, where the destruction affects more than 50 percent of the gross floor area of the structure(s), must be rebuilt to code.</li> </ul>
Code does not explicitly state when nonconforming parking should be addressed	<p>Section 21.78.010 - Nonconforming Parking</p> <ul style="list-style-type: none"> <li>• For commercial uses, any building addition or increase in the intensity of use of any building, structure, or premises shall provide parking for such addition or increase in intensity.</li> <li>• For single-family residential unit with only one covered parking space, additions of up to 500 SF or 20% of the existing structure (whichever is less) are allowed without adding a second covered parking space.</li> <li>• For single-family residential units with no parking spaces, any addition to the unit requires at least one parking space in a garage or carport (with exceptions for ADUs and two-unit projects).</li> </ul>
Code does not explicitly state when nonconforming fences should be addressed	<p>Section 21.78.020 - Nonconforming fences</p> <ul style="list-style-type: none"> <li>• Required: <ul style="list-style-type: none"> <li>○ Draft states legal fence nonconformities may be maintained for single family residences in all circumstances.</li> <li>○ Multi-family fences made to conform when density is increased.</li> <li>○ Nonresidential fences made to conform with increased intensity of use or addition of 1,000 square feet.</li> </ul> </li> </ul>
Code does not explicitly state when nonconforming landscaping should be addressed	<p>Section 21.78.030 - Nonconforming landscaping</p> <ul style="list-style-type: none"> <li>• Non-residential development made to conform with additions of 25% of the square footage of existing buildings</li> <li>• Residential development made to conform with additions of 50% of the square footage of existing buildings</li> </ul>

*Article 8: Environmental Hazards*

Article 8 covers grading, noise, surface mining, oaks, and other environmental hazards and standards to protect natural resources. One of the more notable changes in this Article is the expansion of the hillside development standards, which had previously been included as an overlay zone with most standards listed in the single-family residential section of the code. Proposed standards would include all uses, including nonresidential development. Additionally, the changes include removing the hillside overlay and instead basing the regulations on lots with slopes over 10%. For a list of significant changes, refer to the table below.

There have been **no changes** to Article 8 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

<b>Article 8</b>	
<b>EXISTING CODE</b>	<b>PROPOSED CHANGE</b>
<b>Chapter 21.81 - Hillside Development</b>	
Regulations apply to areas within the Hillside development district and lots with slopes over 10%	Removed Hillside overlay; instead regulate any lot with slope over 10%
Most substantive hillside standards were listed in the single-family zoning district section of the Zoning Code	Applied hillside standards to all zoning districts
Remove extra information, definitions, and ambiguous or conflicting standards	Simplified and removed ambiguous language and internal conflicts
Regulations separated for new lots and existing lots	Combined regulations for existing and new lots, applying regulations uniformly
Requirements for density for PD Overlay in addition to lot size by slope	<ul style="list-style-type: none"> <li>Clarify intent of PD Overlay in Article 3 and modify to remove specific standards</li> <li>Remove separate and conflicting density unique to PD overlay</li> <li>Retain lot size and width requirements by slope (move to Article 3 under single-family development standards)</li> </ul>
Landscaping is required for erosion control and street tree planting.	Added requirement to plant one tree for every 1,000 square feet of graded area.
Grading and retaining wall standards apply only to residential development	<ul style="list-style-type: none"> <li>Revise so grading and retaining wall standards apply to any parcel with slope greater than 10%.</li> <li>No changes to height and distancing of retaining walls for residential uses</li> <li>Clarify these standards also apply to multifamily</li> <li>Add regulations for retaining wall heights and grading heights in nonresidential zoning districts</li> </ul>
Individual pad grading allowed on lots with average slope less than 15%, may be allowed by DRC over 15%	<ul style="list-style-type: none"> <li>Foundation type dictated by existing slope of “area of disturbance” instead of average slope of the lot</li> </ul>

	<ul style="list-style-type: none"> <li>○ &lt;15% slope: pad grading allowed</li> <li>○ 15-35% required stem walls/no pad grading</li> <li>○ No area of disturbance on areas with &gt;35% slope</li> <li>○ Clarified process for modifications</li> </ul>
<b>Chapter 21.82 - Lighting and Illumination</b>	
No unique section on lighting. Some zones and sections mention lighting briefly.	<ul style="list-style-type: none"> <li>• Require lighting to be dark-sky compliant or equivalent</li> <li>• Add standards for height of fixtures, design, and shielding (minimum 2-inch shielding)</li> <li>• Allow for modification of lighting standards through Development Plan Modification</li> </ul>
<b>Chapter 21.83 - Noise</b>	
No purpose statement	Added a purpose statement
Existing provision to revisit noise control program every 3 years	Removed
Existing provision to allow legal nonconforming uses for 12 months, now expired	Removed
Existing exemption process	Revised to align with Development Plan Modification
Other	Removed explanatory text that does not include regulations, and sections covered in other Articles of the Code (appeals, severability, etc.) to simplify

*Article 9: Terms and Definitions*

Article 9 contains the definitions for technical terms and phrases used in the Zoning Code as a means of providing consistency in their interpretation. Generally, the Zoning Code has lacked sufficient definitions, which has made it difficult for both the public and staff to interpret the code at times. The majority of this Article is new, but where definitions were carried forward, most have been reworked to ensure they are clear and easy to interpret.

There has been **one change** to Article 9 since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting, including redefining the definition for *Kennel* in conjunction with changes made in Article 2.

<b>21.91.120. “K” DEFINITIONS</b>
<b>Kennel, Pet Boarding.</b> The commercial provision of shelter/kenneling <del>for</del> <b>4 or more</b> dogs, cats, and other household animals, including activities associated with such shelter (e.g., feeding, exercising, grooming, and incidental medical care).

<b>Article 9</b>	
<b>KEY CHANGES</b>	<b>DETAILS</b>
New land use definitions	<ul style="list-style-type: none"> <li>• Added definitions that didn’t previously exist.</li> </ul>

Existing land use definitions	<ul style="list-style-type: none"> <li>• Clarified worded definitions that could benefit from enhancements and updating.</li> </ul>
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*Zoning Map*

There are several inconsistencies reflected on the Zoning Map that will be cleaned up in conjunction with the Zoning Code Update, as these changes go hand in hand. The table below provides a summary of the changes to the Zoning Map.

There have been **no changes** to the Zoning Map since the Planning Commission’s recommendation to City Council at their August 13, 2024 meeting.

<b>Zoning Map</b>	
<b>EXISTING</b>	<b>PROPOSED CHANGE</b>
Hillside District Overlay	Removed overlay from the map in conjunction with changes to Article 8 and instead regulate based on actual slope: Hillside regulations apply to any parcel with an average slope greater than 10%.
Special conditions attached to certain properties.	Removed special conditions overlays D and E (as reflected in Article 1) that no longer apply and rename those being kept as “Special Planned Development Overlays”.

3. Updates to Titles 2, 3, 5, 7, 8, 9, 10, 11, 12, 14, 19, and 22 in Relation to Title 21

Various Titles of the Paso Robles Municipal Code are being updated to align with the changes proposed in the revised Zoning Code. Most of the proposed Municipal Code Title amendments are to correct Zoning Code cross-references that will be outdated if Title 21 is amended. These include sections within Titles 2, 3, 5, 9, 12, 14 and 22. There have been **no changes** to these Titles since the Planning Commission’s recommendation to City Council at their August 27, 2024 meeting.

More substantive changes are proposed in Titles 7, 8, 10, and 19 and are discussed below along with an explanation if any of these Titles underwent changes since the August 27, 2024 Planning Commission meeting.

Title 7 Health and Sanitation

Changes to Title 7 include repealing in its entirety Chapter 7.24 (Mobilehomes and Mobilehome Parks). These changes are proposed since the Zoning Code handles the provisions for Mobilehome Parks, making this section of Title 7 duplicative. Further, Title 21 contains applicable standards including but not limited to the allowed zones the use can be established, development standards, review authority, location of parking, and definitions.

Public comments have since been received regarding the changes to Chapter 7.24 regarding street widths for mobile home parks and trash enclosures in mobile home parks. These concerns were forwarded to the City Attorney’s office for input to ensure these issues are addressed and would not prevent mobile home park standards/ordinances from being adopted.

Regarding street width, the existing text of Paso Robles Municipal Code (PRMC) Section 7.24.050(a)(4)’s minimum street width requirements for mobile home parks were removed and not mentioned in Chapter 21.69 of the Zoning Code Update. However, because those standards are codified by state law, these

standards for developers remain governed by state law. For instance, Section 7.24.050(a)(4) of the PRMC required roadways within mobile home parks to be at least 30 feet wide for two-way traffic and 25 feet in width for one-way traffic, which mirrored what Housing and Community Development (HCD) mandates in its regulations. (See 25 CCR § 1106.) Additionally, HCD explicitly requires the person obtaining the permit to construct the mobile home park to develop in accordance with the aforementioned chapter of the Code of Regulations. (See 25 CCR § 1102.) Therefore, any mobile home park developer would be required as a matter of law to comply with these width requirements, even if not explicitly included in the PRMC.

Regarding trash enclosures, Section 7.24.050(a)(10) of the PRMC currently requires trash disposal areas to be fenced and obscured from obvious view. The Zoning Code Update proposes fencing standards for such enclosures to match the requirements of its corresponding zoning district. Moreover, under Section 21.51.030(A) of the Zoning Code Update, the specific enclosure requirements will depend on the “Garbage Enclosure Standards” adopted by the City Solid Waste and Recycling Manager and/or City Engineer. HCD regulations merely require that mobile home parks be free from accumulation of garbage and requires the park operator to ensure covered containers for safe garbage disposal. (See 25 CCR § 1120.) The Zoning Code’s mandate to require fenced trash disposal areas furthers HCD’s goal of safe garbage disposal within mobile home parks and is within the City’s regulatory police powers over the health and safety of its residents.

In summary, the concerns above regarding street width and trash enclosures in mobile home parks do not warrant any changes beyond what staff has prepared in order to comply with the State’s standards for mobile home parks. Developers of mobile homes are still required to comply with any and all applicable standards mandated by state law. Furthermore, the proposed changes do not affect a mobile home owner’s rights to file a complaint with HCD against park owners or management for violations of the Mobilehome Residency Law of California.

Therefore, there have been **no changes** to Title 7 since the Planning Commission’s recommendation to City Council at their August 27, 2024 meeting.

#### *Title 8 Animal Control*

Changes to Title 8 in relation to the updates to Title 21 are being made to clean up conflicting code references and inconsistencies. Section 8.16.050 of Title 8 has historically prohibited bee keeping, a section in the code that was established in 1976 (Ordinance 386). Section 21.16J.190 of Title 21 was later updated in 1995 (Ordinance 684) to allow bee keeping subject to the standards of the County Agricultural Commissioner’s Office. Being that these two code sections conflict with one another, the proposed changes will bring the two sections into conformance and with updated references to the new chapter in Title 21.

There have been **no changes** to Title 8 since the Planning Commission’s recommendation to City Council at their August 27, 2024 meeting.

#### *Title 10 Vegetation*

Changes to Title 10 in relation to the updates to Title 21 are being made to clean up conflicting code references, make grammatical changes, clarify the definitions and duties of the Community Development Director and Public Works Director, and overall provide consistency with textual changes in Title 11 related to the development review process for oak tree removals.

The existing review authority responsible for considering oak tree removals is the City Council. Title 10 would change so that, in addition to the City Council, the Development Review Committee and Planning Commission will now be able to consider removal requests depending on the number of oak trees proposed for removal. More specifically, the Development Review Committee will be able to review single oak tree removal requests when there is no development occurring. This streamlines the process for a homeowner who may have a tree in poor condition, but who has no intention of developing the area where the removal is requested. The Planning Commission will be the review authority for up to nine oak tree removals when there is development proposed. And finally, the City Council will be the review authority for ten or more trees where development is proposed. In all cases, the applicants will continue to be held to the same oak tree removal findings and the applications will continue to require an Arborist report for the review authority's consideration. Additionally, the process will continue to allow an appellant to appeal any decision.

There have been **some changes** to Title 10 since the Planning Commission's recommendation to City Council at their August 27, 2024 meeting. More specifically, the Planning Commission directed staff to include the review authority table and definition from Title 21 into Title 10 for ease of using Title 10.

N. "Review Authority" means the staff member, body, or entity responsible for making decisions related to oak trees, and includes the Director of Public Works, the Zoning Administrator, the Development Review Committee, the Planning Commission, and the City Council as specified in 10.01.050.D.

<u>Table 10.04.050-1</u> <u>Review Authority for Permits to Remove Oak Trees</u>		
<u>Condition and Quantity of Oak Trees</u>	<u>Removal Permit Review Authority</u>	<u>Appeal / Referral</u>
<u>Emergencies (Section 10.01.065)</u>	<u>Zoning Administrator, Public Works Director, on-duty members of the police or fire departments</u>	
<u>Dead or diseased beyond correction</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>
<u>1 without development</u>	<u>Development Review Committee</u>	<u>Planning Commission</u>
<u>1-9 with development</u> <u>2-9 without development</u>	<u>Planning Commission</u>	<u>City Council</u>
<u>10 or more with or without development</u>	<u>City Council</u>	

*Title 19 Signs*

Changes to Title 19 consist of repealing the text, changing the title to *Billboards*, and bringing the standards from Title 21 into Title 19 so they are not duplicative. Additionally, there have been some updated purpose and applicability statements incorporated into Title 19 to establish a clear vision for the longevity of billboard signs. Some substantive changes include adjusting the distancing requirement between billboards from 1,000 feet to 3,500 feet and adding standards to regulate nonconforming billboard signs where there were previously none. By moving the development standards from Title 21 to Title 19, the changes eliminate the potential for duplicative and/or conflicting standards. Additionally, even with the separation standard being increased and new standards included for nonconforming signs, these changes are will not adversely affect legal non-conforming billboard signs but will help provide appropriate separation requirements for any potential future billboard signs.

There have been **no changes** to Title 19 since the Planning Commission’s recommendation to City Council at their August 27, 2024 meeting.

#### 4. Environmental Analysis

The zone code text amendments, map amendments, and Municipal Code Title amendments discussed in the following paragraphs do not qualify as a “project” under the California Environmental Quality Act (CEQA) because said amendments do not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (See State CEQA Guidelines, § 15378 [defining “project”].) The amendments do not approve any specific development project, and future development projects for specific land uses would be evaluated on a case-by-case basis to determine if they qualify as a “project” subject to further environmental review under CEQA. Accordingly, the amendments do not qualify as a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c)(2)-(3).) Alternatively, even if the zone code text amendments, map amendments, and Municipal Code Title amendments did qualify as a project under CEQA, they are exempt from CEQA because it can be seen with certainty that there is no possibility that the zone code text amendments may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

#### Article 1 Enactment, Applicability, and Enforcement

The changes in Article 1 consist mostly of reorganizing the structure and grammatical changes to the text. There are two overlays within Article 1 that are proposed to be repealed. The two overlays are labeled “SPD” (aka “Special Plan Development”) Overlays, formerly called Special Conditions Overlays D and E. Overlay D applies to a developed property where the Food 4 Less shopping center is located, at the northeast corner of Niblick and Creston Roads. Overlay D was originally intended to prevent adverse effects on the downtown. Since this shopping center is fully developed, the overlay no longer serves its original purpose. Overlay E applies to parcels at the northwest corner of Creston and Rolling Hills Roads. The overlay was also intended to prevent any adverse effects on the downtown area, since the parcels were zoned to allow commercial uses at the time the overlay was established. The parcels within Overlay E have since been rezoned R4, for multi-family residential uses, eliminating the potential for commercial competition against the downtown.

Reorganization of the structure of Article 1 and grammatical changes to the text will not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

Removal of Overlays D and E will not result in any environmental impacts, since they do not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment. Moreover, any future development or redevelopment of the sites would be required to submit development applications and would be evaluated on a case-by-case basis to determine if it is a “project” under CEQA and require an environmental review process. Therefore, the Article 1 zoning code text amendments are exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the zoning code text amendments may have a significant effect on the environment.

#### Article 2 Code Administration and Permits

The changes in Article 2 can be categorized into the following: reorganization of the structure and grammatical fixes to the text; clarifications regarding the permit processes including establishing procedures for permits for which the process was unclear; clarifications regarding review authority which is now summarized in a table; and the establishment of a modification process to allow development

approaches that are not permitted as a matter of right, but which may be considered compatible and appropriate when conditions are applied by the review authority.

Reorganization of the structure of Article 2 and grammatical changes to the text will not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

Similarly, clarifications regarding the permit processes and clarifications to the review authority for each permit type will not result in any environmental impacts as these clarifications do not directly entitle any specific development, or otherwise have potential to result in any impact on the environment.

The establishment of a modification process at a discretionary level is new to the Zoning Code, but will not result in any environmental impacts, since the process will not allow increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment. These modifications are for development standards only and will require special consideration by the respective review authority including making specified findings which will be listed in the Zoning Code.

The modification process at the legislative level will be carried forward from the current Zoning Code. The existing code allows the City Council to approve different development standards by approving a zoning overlay. With the update, the Council's authority is carried forward with mostly clarifications. Instead of "limiting" the types and intensities of land uses within any base zoning district, the Council would be able to "modify" the types and intensities/density of land uses within any base zoning district via a legislative action, but with the caveat that the action be coupled with an allocation of surplus density units for any increase in the land uses density (as available by the remaining surplus units established via Resolution 20-186). This change in the code is regarding the process and to clarify the City Council's authority when it comes to allowed modifications and does not change any zoning by itself. Therefore, this text amendment is exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the zoning code text amendments may have a significant effect on the environment.

#### Article 3 Zones, Allowable Uses, and Development Standards

In Article 3, the land use table was updated by consolidating similar land uses into general categories and then adding various definitions into Article 9 to better define the land uses. Additional changes within the table included updates to clarify the zones in which certain land uses are permitted, conditionally permitted, or not permitted. Other changes to Article 3 include updating the regulations applicable to individual zones, as many zones were lacking user-friendly development standards, some zones included onerous standards, and some zones lacked any development standards at all.

The changes to the land use table will not result in any environmental impacts, since the changes do not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment.

Regarding the changes to the regulations applicable to individual zones, a restructuring of the text took place, but there was no substantial change in the substance of the text. These changes will not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

Additional changes in Article 3 included updated development standards in response to changes in State law, to make development more streamlined, to reduce barriers to housing entitlement and permitting processes, and to provide flexibility and innovation.

These changes do not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment and are therefore exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the zoning code text amendments may have a significant effect on the environment.

#### Article 4 Regulations and Standards Applicable to All Zones

Article 4 contains the regulations that are applicable to all zones. Substantive changes in Article 4 are similar to the changes made to Article 3 in that the text was restructured and development standards were updated in response to changes in State law, to make development more streamlined, to reduce barriers to housing entitlement and permitting processes, and to provide flexibility and innovation.

Regarding the restructuring of the text in Article 4, these changes will not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

For the updated development standards, most of these are tailored to make development more streamlined while providing flexibility in innovation. The Objective Design Standards (ODS) section within Article 4 is being established in response to changes within State law that require local governments to establish objective design standards to facilitate high-quality site planning and building design and to accelerate housing production through the clear communication of design objectives and efficient permitting processes. The development standards will apply to multi-family and mixed-use projects. Most of the ODS section is new for the City of Paso Robles. The intent was to establish clear objective standards consistent with state law requirements. Overall, the changes to the development standards do not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment and are therefore exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the zoning code text amendments may have a significant effect on the environment.

#### Article 5 Special Regulations

Article 5 lists the special regulations for certain developments including accessory dwelling units, historic preservation, and affordable housing density bonuses. Most of Article 5 contains regulations that are regulated by the State, which limits local government's ability to make substantive changes. Therefore, the changes in Article 5 consist mostly of reorganizing the structure and grammatical changes to the text. These changes will not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

More substantive changes that were made to Article 5 are to conform with recent changes to State law, or establishing development standards if it was unclear or not defined by State law. Overall, these changes do not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment. Therefore, these zoning code text amendments are exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the zoning code text amendments may have a significant effect on the environment.

#### Article 6 Standards for Specific Land Uses and Activities

Article 6 provides standards for particular uses, including performance standards and development standards that are tailored to the use rather than the zone. Similar to other Articles, much of Article 6 is existing text from the current code that has now been reorganized into its own section. The more substantive changes to this article include updated standards and added standards where none existed.

One of the key changes to Article 6 that is more substantive pertains to determining density limits for Assisted Living Facilities. Currently, the Zoning Code does not limit density for this type of use. This is because the facilities operate more like a hospital, where individual units may have more than one bed, and they do not always have in-unit cooking, dishwashing, or clothes-washing facilities as these can be done by facility staff at a larger level. In order to prevent unlimited density from happening with these land uses, the Zoning Code will now establish density limitations based on beds per acre instead of number of units per acre. Further, the development review process for an Assisted Living Facility will require a Conditional Use Permit at which time the application will be reviewed for the number of rooms and/or occupants so that it does not exceed the density limits. These changes to the Zoning Code do not permit increased development density, but rather, limit the density relative to units per acre. Additionally, the changes do not entitle any specific development or otherwise have potential to result in any impact on the environment and are therefore exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the zoning code text amendments may have a significant effect on the environment.

#### Article 7 Nonconformities

Article 7 establishes uniform provisions for the regulation of nonconforming land uses, nonconforming development (including structures and improvements), and nonconforming lots that were lawfully established but do not comply with the current requirements of the zoning code.

Substantive changes to Article 7 include clarifying the regulations applicable to nonconformities to be clearer and more user-friendly. Some standards were also added where none previously existed. These changes will not result in any environmental impacts since they do not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment.

#### Article 8 Environmental Hazards

Article 8 contains environmental standards such as those for grading, noise, surface mining, oaks, and other environmental hazards and standards to protect natural resources. The majority of the changes in Article 8 consisted of restructuring the text and grammatical changes. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

One of the more notable changes in this Article is the expansion of the hillside development standards, which had previously been included as an overlay zone with most standards listed in the single-family residential section of the code. The proposed standards would be expanded to include all uses, including nonresidential development. The expansion of the hillside grading standards is intended to protect environmental resources by ensuring that mass grading of hillsides does not occur, that the area of disturbance is within the flattest area of a lot, and that grading of a lot is minimized to the extent feasible. Therefore, requiring enhanced standards to be incorporated into the design of development will further protect environmental resources and prevent impacts to the environment.

#### Article 9 Definitions

Article 9 contains the definitions for technical terms and phrases used in the Zoning Code. The majority of this Article is new, but where definitions were carried forward, most have been reworked to ensure they are clear and easy to interpret. Establishing definitions for technical terms does not result in any environmental impacts as these are only minor clarifications to make the document more user-friendly.

### Zoning Map Amendments

There are several inconsistencies reflected on the Zoning Map that will be cleaned up in conjunction with the Zoning Code Update, as these changes go hand in hand. First, the removal of the Hillside District Overlay in conjunction with changes to Article 8 is a cleanup item since the original overlay was applied to a specific area and did not include steep lots outside of this overlay. The new standard established by Article 8 regulates hillside grading more narrowly based on average slope. Because this standard is more specific, the overlay is no longer needed, but will be more effective at protecting steeply sloping lots. Second, removing Special Overlays D and E is consistent with changes in Article 1 to the extent these overlays are no longer relevant in either the Code or the Map.

The above changes to the Zoning Map are clean-up items to provide consistency with the Zoning Code Update. There are no rezones occurring with these changes. Further, any future development or redevelopment of the sites would be required to submit development applications and would be evaluated on a case-by-case basis to determine if it is a “project” under CEQA and require an environmental review process. Therefore, the Zoning Map changes are exempt from CEQA under State CEQA Guidelines section 15061(b)(3), since it can be seen with certainty that there is no possibility that the map amendments may have a significant effect on the environment.

### Title 2 Administration and Personnel

Changes to Title 2 in relation to the updates to Title 21 are being made to clean up conflicting code references. There is some text related to the duties of the Planning Commission that is proposed to be deleted as it would be duplicative to what is in Title 21. Altogether, these changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 2 and Title 21 consistent.

### Title 3 Revenue and Finance

Changes to Title 3 in relation to the updates to Title 21 are being made to clean up conflicting code references. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 3 and Title 21 consistent.

### Title 5 Permits and Regulations

Changes to Title 5 in relation to the updates to Title 21 are being made to clean up conflicting code references. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 5 and Title 21 consistent.

### Title 7 Health and Sanitation

Changes to Title 7 include repealing in its entirety Chapter 7.24 (Mobilehomes and Mobilehome Parks). These changes are proposed since the Zoning Code handles the provisions for Mobilehome Parks, making this section of Title 7 duplicative. Further, Title 21 contains applicable standards including but not limited to the allowed zones the use can be established, development standards, review authority, location of parking, and definitions.

Overall, these changes to the text will not result in any environmental impacts as these standards are necessary clean up items to prevent duplicative standards in multiple sections of the Paso Robles Municipal Code. Further, these changes will not entitle any specific development, or otherwise have potential to result in any impact on the environment.

#### *Title 8 Animal Control*

Changes to Title 8 in relation to the updates to Title 21 are being made to clean up conflicting code references and inconsistencies. Section 8.16.050 of Title 8 has historically prohibited bee keeping, a section in the code that was established in 1976 (Ordinance 386). Section 21.16J.190 of Title 21 was later updated in 1995 (Ordinance 684) to allow bee keeping subject to the standards of the County Agricultural Commissioner's Office. Being that these two code sections conflict with one another, the proposed changes will bring the two sections into conformance and with updated references to the new chapter in Title 21. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 8 and Title 21 consistent and does not establish any new uses as bee keeping was previously established by the Zoning Code.

#### *Title 9 Public Safety*

Changes to Title 9 in relation to the updates to Title 21 are being made to clean up conflicting code references. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 9 and Title 21 consistent.

#### *Title 10 Vegetation*

Changes to Title 10 in relation to the updates to Title 21 are being made to clean up conflicting code references, make grammatical changes, clarify the definitions and duties of the Community Development Director and Public Works Director, and overall provide consistency with textual changes in Title 21 related to the development review process.

Substantive changes to the text include changes to the review authority responsible for considering oak tree removals which are also referenced in the Development Review process laid out in Title 21, something that was recommended by Planning Commission to City Council on August 13, 2024 as part of their action regarding the Zoning Code update. More specifically, the Development Review Committee will now be reviewing single oak tree removal requests when there is no development occurring. This streamlines the process for a homeowner who may have a tree in poor condition, but who has no intention of developing the area where the removal is requested. The Planning Commission will be the review authority for up to nine oak tree removals when there is development proposed. And finally, the City Council will be the review authority for ten or more trees where development is proposed. In all cases, the applicants will continue to be held to the same oak tree removal findings and the applications will continue to require an Arborist report for the review authority's consideration. Additionally, the process will continue to allow an appellant to appeal any decision.

The changes to the text in Title 10 will not result in any environmental impacts as most of the changes are clarifications to make Title 10 and Title 21 consistent. The changes to the review authority for oak tree removals will not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment since these changes are intended solely to streamline the development review process. Oak tree removal findings are still required by the review authority and will not be reduced to make it easier to receive approval.

#### *Title 12 Vehicles and Traffic*

Changes to Title 12 in relation to the updates to Title 21 are being made to clean up conflicting code references. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 12 and Title 21 consistent.

#### Title 14 Water and Sewers

Changes to Title 14 in relation to the updates to Title 21 are being made to clean up conflicting code references that exist in both Title 21 and Chapter 7.24 (Title 7), the latter of which is also being repealed as described above. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Titles 7, 14, and 21 consistent.

#### Title 19 Signs

Changes to Title 19 consist of repealing the text and bringing the standards from Title 21 into Title 19 so they are not duplicative. Additionally, there have been some updated purpose and applicability statements incorporated into Title 19 to establish a clear vision for the longevity of billboard signs. Some substantive changes include adjusting the distancing requirement between billboards from 1,000 feet to 3,500 feet and adding standards to regulate nonconforming billboard signs where there were previously none.

By moving the development standards from Title 21 to Title 19, the changes eliminate the potential for duplicative and/or conflicting standards. Additionally, even with the separation standard being increased and new standards included for nonconforming signs, these changes will not adversely affect legal non-conforming billboard signs, will not permit increased development density, entitle any specific development, or otherwise have potential to result in any impact on the environment.

#### Title 22 Subdivisions

Changes to Title 22 in relation to the updates to Title 21 are being made to clean up conflicting code references. These changes to the text will not result in any environmental impacts as these are only minor clarifications to make Title 12 and Title 21 consistent.

### 5. Semiannual Review of the Zoning Code

The Zoning Code update requires a complete restructuring of the document, which is a substantial endeavor. It is possible there will be areas of the code that are still needing clarification or correcting even though staff has prepared multiple iterations that have gone through a public meeting process. At the August 13, 2024 public hearing, the Planning Commission recommended to City Council that the Zoning Code be reviewed two times per year by the Planning Commission for the first 2 years of its adoption. This recommendation has been incorporated into the findings for approval in the attached Ordinances.

#### **Fiscal Impact**

There is no fiscal impact associated with this action. This project was made possible by through two state grants that in total will reimburse the City for approximately 86 percent of the total MIG contract cost. Absent this funding, the City would not have been able to complete the project to this scope and breadth. The expense associated with MIG's work on this project was authorized through a separate, previous contract approval process.

#### **CEQA**

As noted above, the zone code text amendments, map amendments, and Municipal Code Title amendments discussed herein do not qualify as a “project” under CEQA because the amendments do not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (See State CEQA Guidelines, § 15378 [defining “project”], § 15060(c)(2)-(3).) Alternatively, even if the said amendments did qualify as a project under CEQA, they are exempt from CEQA because it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

### **Recommendation (Option 2)**

*The Planning Commission and staff recommend:*

City Council introduce for 1<sup>st</sup> reading by title only the Zone Code text Amendments, Map Amendments, and Municipal Code Title Amendments as follows:

- A. Ordinance XXXX (A), approving the changes to the Zoning Code (Title 21) and the Zoning Map;
- B. Ordinance XXXX (B), approving the changes to Title 2 in relation to updates to Title 21;
- C. Ordinance XXXX (C), approving the changes to Titles 3, 5, 9, 12, 14, and 22 in relation to updates to Title 21;
- D. Ordinance XXXX (D), approving the changes to Title 7 in relation to updates to Title 21;
- E. Ordinance XXXX (E), approving the changes to Title 8 in relation to updates to Title 21;
- F. Ordinance XXXX (F), approving the changes to Title 10 in relation to updates to Title 21;
- G. Ordinance XXXX (G), approving the changes to Title 19 in relation to updates to Title 21;

### **Attachments**

1. Summary Table of Zoning Code Changes
2. Ordinance XXXX(A): Adopting Zoning Code and Map Amendments
  - a. Exhibit A: Zoning Code (Title 21)
  - b. Exhibit B: Special Conditions Overlay Map Amendment
  - c. Exhibit C: Hillside Overlay Map Amendment
3. Ordinance XXXX(B): Adopting Amendments to Title 2
4. Ordinance XXXX(C): Adopting Amendments to Titles 3, 5, 9, 12, 14, and 22
5. Ordinance XXXX(D): Adopting Amendments to Title 7
6. Ordinance XXXX(E): Adopting Amendments to Title 8
7. Ordinance XXXX(F): Adopting Amendments to Title 10
8. Ordinance XXXX(G): Adopting Amendments to Title 19
9. Legal Notice
10. Public Comment Letter - Awalt
11. Public Comment Letter - Voigt
12. Public Comment Letter - Hunter
13. Public Comment Letter -Carrillo