

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR *RAL*

SUBJECT: CODE AMENDMENT 99008: FRONT YARD SETBACKS & DETERMINATION OF FRONT YARD FOR CORNER LOTS (CITY INITIATED)

DATE: FEBRUARY 1, 2000

Needs: For the City Council to hold a public hearing to consider a code amendment to Section 21.16E.220 & 21.08.380 of the Zoning Code regarding front yard setbacks and determination of front yards on corner lots.

Facts:

1. The first portion Code Amendment 99008 is a proposal that would modify section 21.16E.220, to allow the Development Review Committee (DRC) to reduce the required fifteen (15) foot front yard setback to no less than ten (10) feet, if all the following findings can be made:
 - a. That the reduction is necessary to preserve oak trees and/or minimize major grading.
 - b. That the project still maintain a twenty (20) foot front setback from the garage door, if the door faces the street.
 - c. The reduced setback would not be inconsistent with an established neighborhood pattern.

2. The second portion of Code Amendment 99008 would allow the DRC to determine the front of corner lots when the difference in length of the street facing property lines are greater than five (5) feet.

3. On corner lots, typically the front of the lots is determined to be the narrower side of the lot. There is a provision in the current code that allows the Community Development Director to make a determination of the front of the lot if the difference between the property lines is not greater than five (5) feet.

The proposed code amendment would give the DRC the authority to determine the front for corner lots when the difference in the two property lines is greater than five (5) feet as long as the appropriate setbacks and rear yard usable space requirements can be made.

4. The reduction in the front yard setback would apply to R-1 district only. The determination of side and front of corner lots would apply to both the R-1 and Multi-Family zoning districts.

5. The proposed code amendments would be Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15305 of the State's Guidelines for implementing CEQA.

6. The Planning Commission at their meeting of January 11, 2000, reviewed this code amendment and recommended that the City Council approve the proposed Ordinance allowing the changes in setbacks.

Analysis
and

Conclusions: There are certain lots in the City that have natural constraints such as slopes and oak trees. The first portion of Code Amendment 99008 is a proposal to allow the DRC to reduce a front yard setback, if the reduction would provide for the protection of oak trees and/or the reduction of grading. In order to approve the reduction, the DRC would have to make findings that the reduction of the front setback would preserve oaks and grading, not disrupt the character of the neighborhood, and maintain a twenty (20) foot setback for the garage door (if it faces the street).

Regarding the second portion of Code Amendment 99008, Chapter 21.08.380, Side and front of corner lots, defines the front yard as follows:

For the purpose of this title, the narrowest frontage of the corner lot facing the street is the front, irrespective of the direction in which the dwelling faces; provided, however, that if there is a difference of five feet or less between the side and front line dimensions, the director of planning may designate the front of the lot; provided, further, that on any street where the majority of the lots face that street the corner lot shall be considered as having the same frontage as the majority of lots facing said street.

At times applicants will submit site plans for homes on corner lots where the setbacks and rear yard area have been met, but since they have not used the narrowest frontage of the corner lot, the site plan does not meet zoning code requirements. The proposed code amendment would allow the DRC the flexibility to designate the front for lots that have a difference of greater than five (5) feet between the side and front line dimensions.

Code Amendment 99008, which include the two amendments mentioned above, would allow the developer/builder more design flexibility when designing a dwelling for a lot. The DRC would be able to review both situations to insure neighborhood compatibility.

Policy

Reference: Section 21.08.380 & Section 21.16E.220 of the Municipal Code

Fiscal

Impact: None

Options: That the City Council hold a public hearing and after consideration of all testimony received:

- a). That the City Council introduce the attached Ordinance amending Sections 21.16E.220 & 21.08.380 of the Zoning Code, and set the City Council meeting of February 15, 2000, for adoption.
- b). Amend, modify or reject Option "a".

Attachments:

1. City Council Resolution approving Code Amendment 99008
2. Newspaper Affidavit

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ORDINANCE NO. ____N.S
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING TITLES OF THE MUNICIPAL CODE
REGARDING FRONT YARD SETBACKS & DETERMINATION OF
FRONT YARDS FOR CORNER LOTS
(CODE AMENDMENT 99008)

WHEREAS, the City has initiated Code Amendment 99008, which would amend Section 21.16E.220 and Section 21.08.380 of the Zoning Code; and

WHEREAS, the code amendment would amend Section 21.16E.220, to add a provision that would allow the Development Review Committee to reduce a front yard setback if the necessary findings could be met; and

WHEREAS, the code amendment would amend Section 21.08.380, to add a provision that the Development Review Committee can determine the front of a lot when there is a difference of more than five (5) feet between the side and front lot line dimensions; and

WHEREAS, the Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15305, Minor Alterations in Land Use Limitations, of the State's Guidelines to Implement CEQA.; and

WHEREAS, at its meeting of January 11, 2000, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of February 1, 2000, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

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

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

SECTION 1. Section 21.16E.220 of the Municipal Code is hereby amended to add subsection E to read as follows:

- “E The Development Review Committee (DRC) can reduce the required fifteen (15) foot front yard setback to no less than ten (10) feet, if the all of the following findings can be made:
- a. That the reduction is necessary to preserve oak trees and/or minimize major grading.
 - b. That the project still maintain a twenty (20) foot front setback from the garage door, if the door faces the street.
 - c. The reduced setback would not be inconsistent with an established neighborhood pattern.

SECTION 2. Section 21.08.380 of the Municipal Code is hereby amended to add the following language to the definition of side and front of corner lots:

The Development Review Committee can determine the front of the lot for corner lots when the difference in the side and front property lines dimensions are greater than five (5) feet, as long as the appropriate setbacks and rear yard usable space requirements can be made.

SECTION 3. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 5. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on February 1, 2000 and passed and adopted by the City Council of the City of El Paso de Robles on the 15th day of February 2000 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane Picanco, Mayor

ATTEST

Sharilyn M. Ryan, Deputy City Clerk

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: THE TRIBUNE

Date of Publication: December 29, 1999

Meeting Date: January 11, 2000
(Planning Commission)
February 1, 2000
(City Council)

Project: Street Name Change 99013 (City
Initiated – to change the name of
Fontana Road to Linne Road)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Lonnie Dolan

**NOTICE OF PUBLIC HEARING
STREET NAME CHANGE 99013
(FONTANA STREET TO LINNE)**
NOTICE IS HEREBY GIVEN that the Planning
Commission of the City of El Paso de Robles will
hold a Public Hearing to consider Street Name
Change 99013, a request to change the name of
Fontana Street to Linne.
This hearing will take place in the Community Room
of the Paso Robles Library/City Hall, 1000 Spring
Street, Paso Robles, California 93446, at the hour of
7:30 PM on Tuesday, January 11, 2000 at which
time all interested parties may appear and be heard.
The Planning Commission's action will be a recom-
mendation to the City Council.
The City Council is scheduled to consider the Com-
mission's recommendation and take action on the
street name change on Tuesday, February 1, 2000;
the Council meeting will be held at the same time
and in the same location as the Planning Commis-
sion meeting.
If you challenge the street name change in court,
you may be limited to raising only those issues you
or someone else raised at the public hearing
described in this notice, or in written correspondence
delivered to the Planning Commission at, or prior to,
the public hearing.
Darren R Nash, Associate Planner
Dec. 29, 1999 5227956