

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ZONE CHANGE FOR 935 CRESTON ROAD (RZ 03-002 FOR Nanci BERNARD)
DATE: AUGUST 5, 2003

Needs: For the City Council to consider adoption of an Ordinance changing the zoning of 935 Creston Road from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development), in order to bring the zoning into conformity with the General Plan.

Facts:

1. The approximately one-acre property is located at 935 Creston Road and has direct frontage onto Creston Road. It is situated generally to the west of Orchard Drive (see attached vicinity map).
2. The applicant, Ms. Nanci Bernard, is seeking to change the zoning from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development).
3. The proposal is to bring the zoning of the property into conformity with its General Plan Land Use Designation of RMF-L (Residential Multiple Family – Low, Up to 8 units/acre).
4. If the property were rezoned, the applicant has identified an interest in pursuing City approvals to demolish the existing house and to develop the property with multi-family residential units.
5. Any request to develop the site would require submittal of an application for a Planned Development and would be reviewed and considered separate from the Zone Change. This separate process would be subject to a Public Hearing of the Planning Commission and completion of environmental review.
6. Per Section 15061 (b)(3) of the State California Environmental Quality Act Guidelines, the proposed Zone Change is exempt from additional environmental review. This exemption is based on the following factors:
 - The Council adopted policy and land use designation of the site has been established as RMF-L (Residential Multiple Family – Low). This action was taken with adoption of the 1991 Land Use Element Update.
 - As part of the 1991 Land Use Element Update, development of the site in accordance with its designation as RMF-L was evaluated in the Environmental Impact Report that was certified for the Update.
 - In 2000, the Council revised the Circulation Element to incorporate and address the 1991 Land Use Element Update.
 - The trip generating characteristics of the site with a multi-family project were factored into the Circulation Element and the planned system improvements.

- The Circulation Element recognizes the need to upgrade Creston Road to a 4-lane arterial at some point in the future (Year 2010 to 2025).
 - The General Plan Update currently under preparation will include existing and projected traffic volumes for the Creston Road corridor. Further, it will translate these volumes into levels of service and identify the relationship of these volumes to the road's capacity to handle 14,500 to 18,000 trips per lane/day.
 - While the numbers of trips generated by multi-family development vary depending on site and project specific circumstances, national studies have found the average number of trips/day/unit range from 5.5 to 6.6. This is less than the 10 trips/day/unit for single-family development.
 - The maximum number of trips per day for this site if an 8-unit project were approved would be on the order of 44 to 53. These trips and those attributable to development of vacant properties within the Creston Road Corridor are included within the City's traffic model.
7. On a 6-0-1 vote (with Commissioner Ferravanti absent) at its July 8, 2003 meeting, the Planning Commission recommended to the City Council that the Zone Change be approved.

Analysis
And

Conclusions: California Government Code Section 65860 (Planning and Zoning) requires zoning to be consistent with the General Plan. A property-owner may request a zone change to enforce compliance with this Section.

Rezoning the property at 935 Creston Road as R2 PD (Duplex/Triplex Planned Development) would make the site's zoning the same as its General Plan Land Use Designation. The site's Designation is RMF-L (Residential Multiple Family – Low), allowing up to 8 units/acre. No changes in this Designation are proposed as part of the General Plan Update currently under preparation. Thus, it would appear that the rezoning would be appropriate to permit the development envisioned in the General Plan.

Policy

Reference: Paso Robles General Plan, Paso Robles Zoning Ordinance, the California Environmental Quality Act, and the State Planning and Zoning Law

Fiscal

Impact: No direct fiscal impact attributable to the zone change. Permits for construction of a multi-family residential project would be subject to payment of the City's development impact fees.

Options: For the City Council to:

- a. Introduce for First Reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning map change for 935 Creston Road (Assessor Parcel No. 009-641-002) from R1 (Single Family Residential) to R2 PD (Duplex/Triplex Planned Development); and set August 19, 2003, as the date for adoption of said Ordinance.
- b. Request additional information and analysis.
- c. Amend, modify, or reject the above-listed action.

Attachments:

1. Vicinity Map
2. Applicant's Letter
3. Draft Ordinance Approving Rezone 03-002
4. Newspaper and Mail Notice Affidavits

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**ALL ATTACHMENTS TO THIS STAFF REPORT MAY NOT BE AVAILABLE
IN DIGITAL FORMAT FOR VIEWING ON-LINE.**

A hard-copy of the complete agenda packet, along with all staff reports, exhibits and attachments, is available for review in the City Clerk's Office.

**Packets are also available for loan from the City Library,
beginning on the Friday before each Council meeting.**

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE APPROVING A
ZONING MAP CHANGE FOR 935 CRESTON ROAD (APN 009-641-002) FROM
R1 (SINGLE-FAMILY RESIDENTIAL) TO R2 PD (DUPLEX/TRIPLEX PLANNED
DEVELOPMENT) - REZONE 03-002 (NANCI BERNARD)

WHEREAS, Ms. Nanci Bernard has filed an Zone Change Application, Rezone 03-002 seeking to change the zoning of the approximately one-acre property at 935 Creston Road from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development); and

WHEREAS, the proposal is to bring the zoning of the property into conformity with its General Plan Land Use Designation of RMF-L (Residential Multiple Family – Low, Up to 8 units/acre); and

WHEREAS, the zone change would not authorize any development/redevelopment of the property, but rather would provide the applicant to pursue the City’s approval to demolish the existing house and to develop the property with multi-family residential units; and

WHEREAS, any request to develop the site would require submittal of an application for a Planned Development, which application would be subject to separate environmental review and subsequent review and consideration by the Planning Commission; and

WHEREAS, pursuant to Section 15061 (b)(3) of the State California Environmental Quality Act (CEQA) Guidelines and the City’s Rules and Procedures for Implementation of CEQA, the proposed zone change is exempt from further review; and

WHEREAS, this exemption only applies to the zone change and does not apply to any subsequent Planned Development application that may be filed with the City seeking authorization to develop/redevelop the property; and

WHEREAS, the zone change is exempt since development of the site pursuant to its designation as RMF-L (Residential Multiple Family - Low) was properly reviewed and evaluated in the Environmental Impact Report prepared, circulated, and certified for the 1991 General Plan Land Use Element Update; and

WHEREAS, California Government Code Section 65860 (Planning & Zoning Law) requires zoning to be consistent with the General Plan and further provides that a property-owner may request a zone change to enforce compliance with this Section; and

WHEREAS, rezoning the property at 935 Creston Road as R2 PD (Duplex/Triplex Planned Development) would make the site’s zoning the same as its General Plan Land Use Designation.

WHEREAS, at its meeting of July 8, 2003, the Planning Commission took the following actions:

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

WHEREAS, at its meeting of August 5, 2003, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the proposed ordinance for the zone change;
- b. Considered the Planning Commission’s recommendation to approve the zone change and to amend the Official Zoning Map for the City of El Paso de Robles (which Map is a part of Title 21 – Zoning of the Municipal Code);
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance for the zone change; and

- d. Introduced the ordinance for first reading and set August 19, 2003 as the date for a second reading and adoption of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the City Council of the City of El Paso de Robles, 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 amendment of the zoning map is consistent with the City's General Plan.

NOW, THEREFORE, BE IT FURTHER KNOWN, that the City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. The Official Zoning Map of Title 21 of the Municipal Code is hereby amended for the property at 935 Creston Road (Assessor Parcel No. 009-641-002) as shown on Exhibit A of this ordinance.

SECTION 2. 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 3. 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 4. 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 5. 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 August 5, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of August by the following vote:

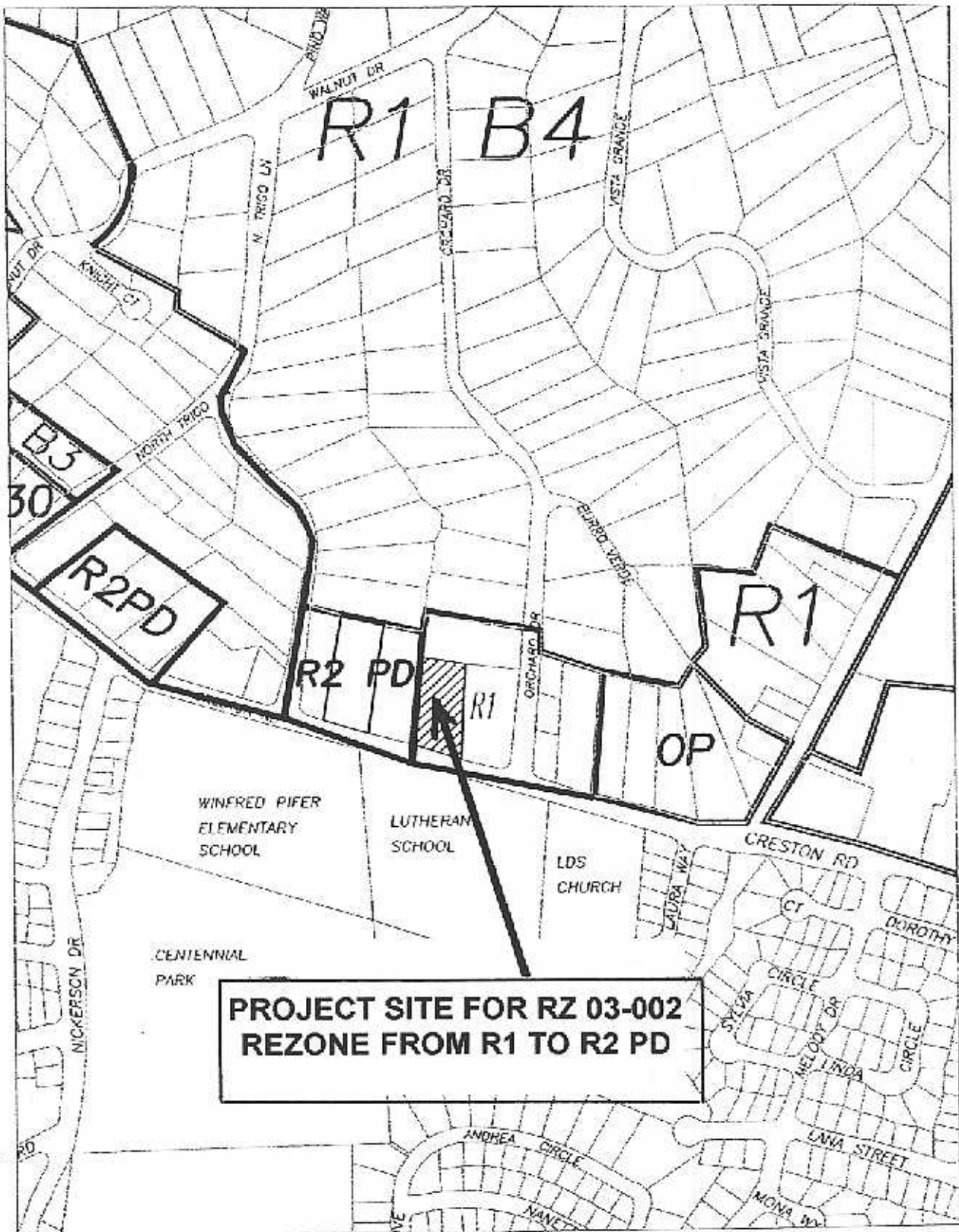
AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"



General Plan Site Designation RMF-L (Residential Multi-Family Low Density)