

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: ZONE CHANGE FOR 935 CRESTON ROAD (RZ 03-002 - NANCI BERNARD / 3F HOLDING CORPORATION)
DATE: OCTOBER 7, 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 City Council has continued its consideration of this Zone Change Application in order to allow staff to gather additional information (This item was continued from the following meetings: August 5th, September 2nd, and September 16th; Copies of each Council Report are attached).
2. The Council requested information about completion of the 13th Street bridge and traffic/circulation in the Creston Road corridor.
3. The Council also sought further clarification as to the applicant's request.

Analysis
And

Conclusions: Each of the informational requests of the City Council is addressed separately in this Report. Additionally, the City Attorney has provided an opinion on the options open to the City Council regarding Zone Changes of this nature.

13th Street Bridge Project

The City's Capital Projects Engineer, Ditas Esperanza has provided the following information about the 13th Street bridge and Union Road widening project.

Construction of the 13th Street bridge and associated widening of Union Road from the bridge to Riverglen Drive is scheduled to begin next Summer, 2004. This project is expected to be completed by Summer, 2007.

Part of this project includes the widening of a portion of Union Road to 2-lanes in each direction with a through turning lane in the middle, and it also includes widening of Creston Road from the bridge easterly to Capital Hill Road.

The Creston Road improvements east to Capital Hill Road will result in a total of 4-lanes with a painted median turning lane and painted bike lanes on both sides. There will also be a transition area provided.

Creston Road Corridor - Traffic/Circulation

Cumulative Impacts

On June 5, 2001, the City Council approved Rezone 00-005 (Marsden/Ritter) for an approximately 3-acre site on the north side of Creston Road between Ivy Lane and Orchard Drive. The Rezone was from R1 (Residential Single Family) to Residential Multiple Family (R2, PD) consistent with its existing General Plan land use designation.

On April 3, 2001, the City Council approved Rezone 99-007 (Ridino) for three (3), one-acre parcels in this same corridor. The Rezone was from R1 (Residential Single Family) to Residential Multiple Family (R2, PD) consistent with its General Plan land use designation.

At that time, City staff prepared analysis regarding potential impacts to Creston Road to address Council concerns regarding potential cumulative traffic impacts.

The analysis included both the Ridino site and the remaining properties along the Creston Road corridor. The conclusion of the analysis was that there would be increased traffic congestion along the Creston Road corridor as properties develop to the General Plan designated density over time. However, there were a series of mid-term solutions (e.g. dedication of right-of-way and improvement of street frontage) and longer-term solutions (e.g. widening of the 13th Street bridge and future 4-lane Creston Road configuration) that would mitigate the anticipated impacts.

After consideration of the range of policy options for addressing cumulative Creston Road impacts, the City Council voted to approve each of the above-referenced Rezones consistent with the General Plan.

General Plan Environmental Impact Report (EIR) Findings

The EIR for the 1991 General Plan includes information on projected traffic volumes, intersection operations, and levels of service for the Creston Road Corridor.

The 1991 General Plan (and the Draft EIR for the current General Plan up-date) both anticipate that when Creston Road is widened to 4-lanes and other circulation system improvements are made (including striping Niblick Road to 4-lanes and constructing the Charolais Road bridge), the Level of Service will be "C" or better along Creston Road. The funding and implementation of these planned improvements will be needed to accomplish this mitigation.

Project Specific Impacts

Per Section 15061 (b)(3) of the State California Environmental Quality Act Guidelines, the proposed Rezone 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. 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 between 2000 and 2005.

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.

Applicant's Request

The Rezone application was filed by Ms. Nanci Bernard, as the property owner or record. On July 25, 2003, the property was sold to 3F Holding Corporation (according to a copy of a grant deed submitted to the City on August 15, 2003 by Mr. Dean Coker of Castlerock Development).

A spokesman for the 3F Holding Corporation, Mr. Dean Coker of Castlerock Development, has clarified (see attached letter) that he understands that the proposed Rezoning if approved would allow for the potential of no more than 8 units on the property and that the Rezoning in and of itself would not constitute approval of a specific development project.

Rather, 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.

The Rezone application is for an approximately one-acre property at 935 Creston Road with direct frontage onto Creston Road. It is situated generally to the west of Orchard Drive (see attached vicinity map). A change in the zoning from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development).

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).

California Government Code Section 65860 (Planning and Zoning) requires zoning to be consistent with the General Plan. The City Attorney has confirmed that the City Council is obligated to approve a rezone that is consistent with 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: After considering the information and analysis presented and the public testimony received, the City Council will be asked to select one of the following options:

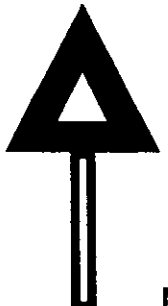
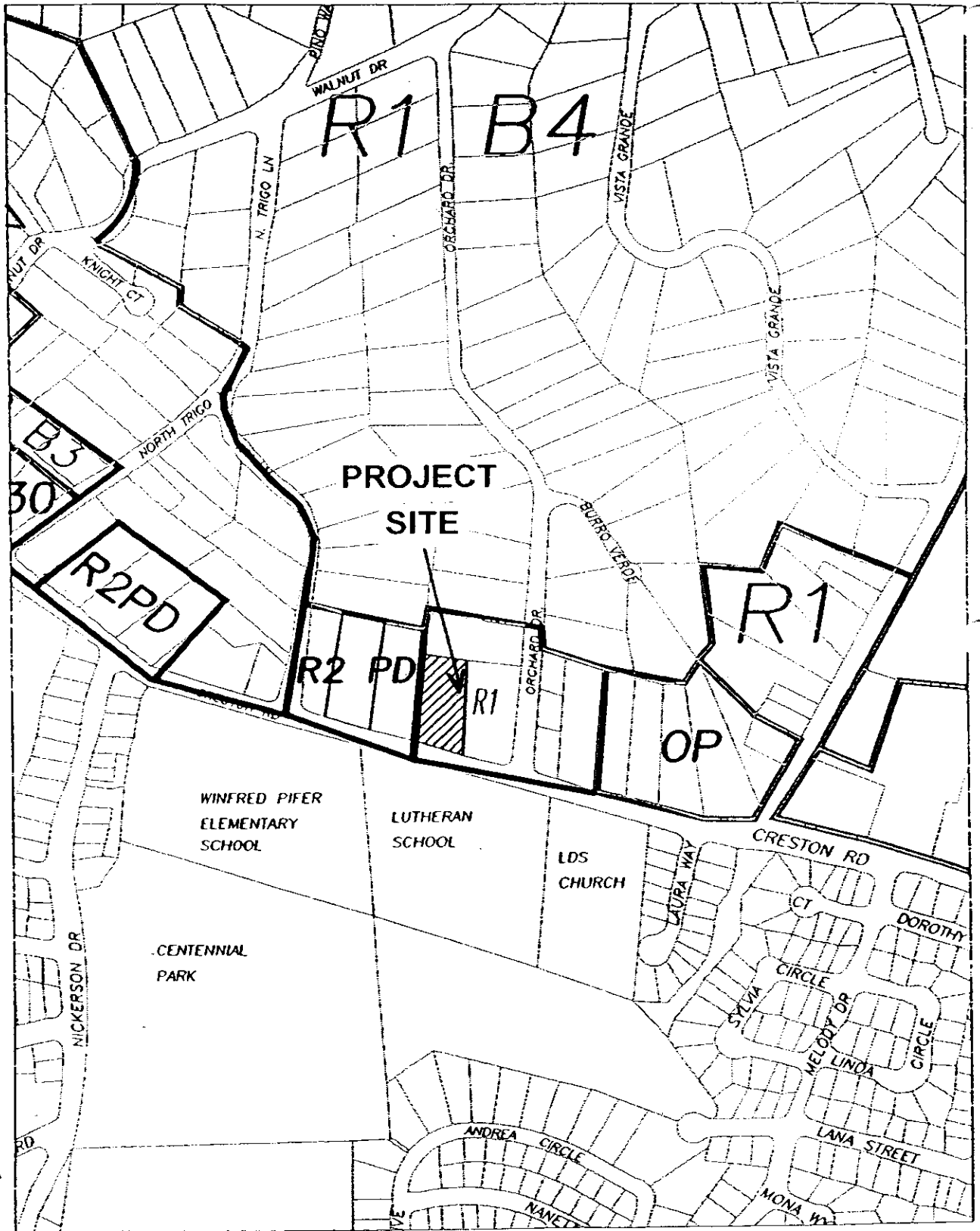
- a.** Introduce for First Reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning map change for 935 Creston Road (Assessor Parcel No. 009-641-002) from R1 (Single Family Residential) to R2 PD (Duplex/Triplex Planned Development); and set October 21, 2003, as the date for adoption of said Ordinance.
- b.** Request additional information/analysis identifying what is needed, and continuing the open public hearing to a specific date, such as October 21, 2003.
- c.** Amend, modify, or reject the above options.

Attachments:

1. Vicinity Map
2. Applicant's Letter
3. Grant Deed
4. Letter from Applicant's Attorney
5. Draft Ordinance Approving Rezone 03-002

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Vicinity Map for RZ 03-002



NORTH

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

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
(ASSESSOR PARCEL NUMBER 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 October 7, 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 October 21, 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 October 7, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 21st day of October by the following vote:

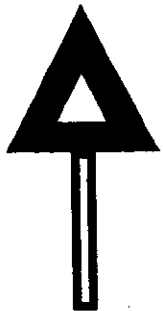
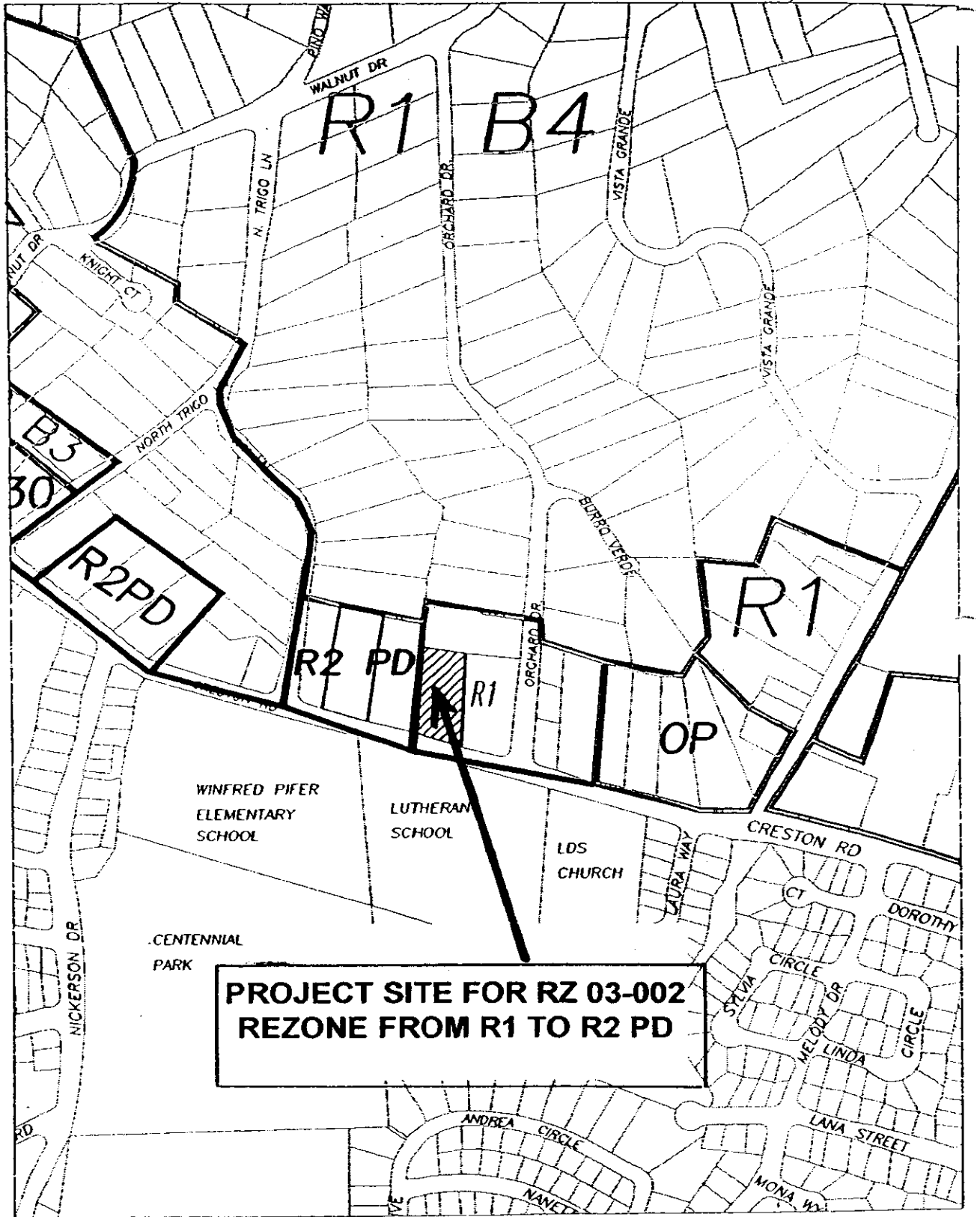
AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"



NORTH

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

**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.**