

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONE CHANGE FOR 927 AND 955 CRESTON ROAD (RZ 03-005 FOR MR. & MRS. CARMINATI)

DATE: JANUARY 6, 2004

Needs: For the City Council to consider adoption of an Ordinance changing the zoning of 927 and 955 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 1.3-acre site is located at the northwest corner of Creston Road and Orchard Drive (see attached map).
 2. There are two (2) single-family residences on the site (Assessor Parcel No. 009-641-003). The site is addressed as 927 and 955 Creston Road.
 3. The applicants, Mr. and Mrs. Carminati, are seeking to change the zoning from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development).
 4. The proposal is to bring the zoning of the site into conformity with its General Plan Land Use Designation of RMF-L (Residential Multiple Family – Low, Up to 8 units/acre).
 5. The applicants have indicated that they are in the process of evaluating their assets for the purpose of estate planning and have been advised that rezoning the property may ensure future values.
 6. No request to develop the site has been submitted at this time. Any future request to develop the multi-family 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.
 7. Among other items, any future multi-family development project will be required to improve the property's Creston Road frontage to arterial road standards, as per the Circulation Element of the City's General Plan.
 8. Per Section 15061 (b)(3) of the State California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Change is exempt from additional environmental review.
 9. At its December 9, 2003 meeting, the Planning Commission recommended on a vote of 6-0-1 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 927 and 955 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 were made as part of the Council's adoption of the 2003 General Plan Update.

It would appear that the rezoning would be appropriate to permit the development envisioned in 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 State California Environmental Quality Act, and the State Planning and Zoning Law

Fiscal

Impact: No direct fiscal impact attributable to the zone change. Any subsequent development related project application 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:

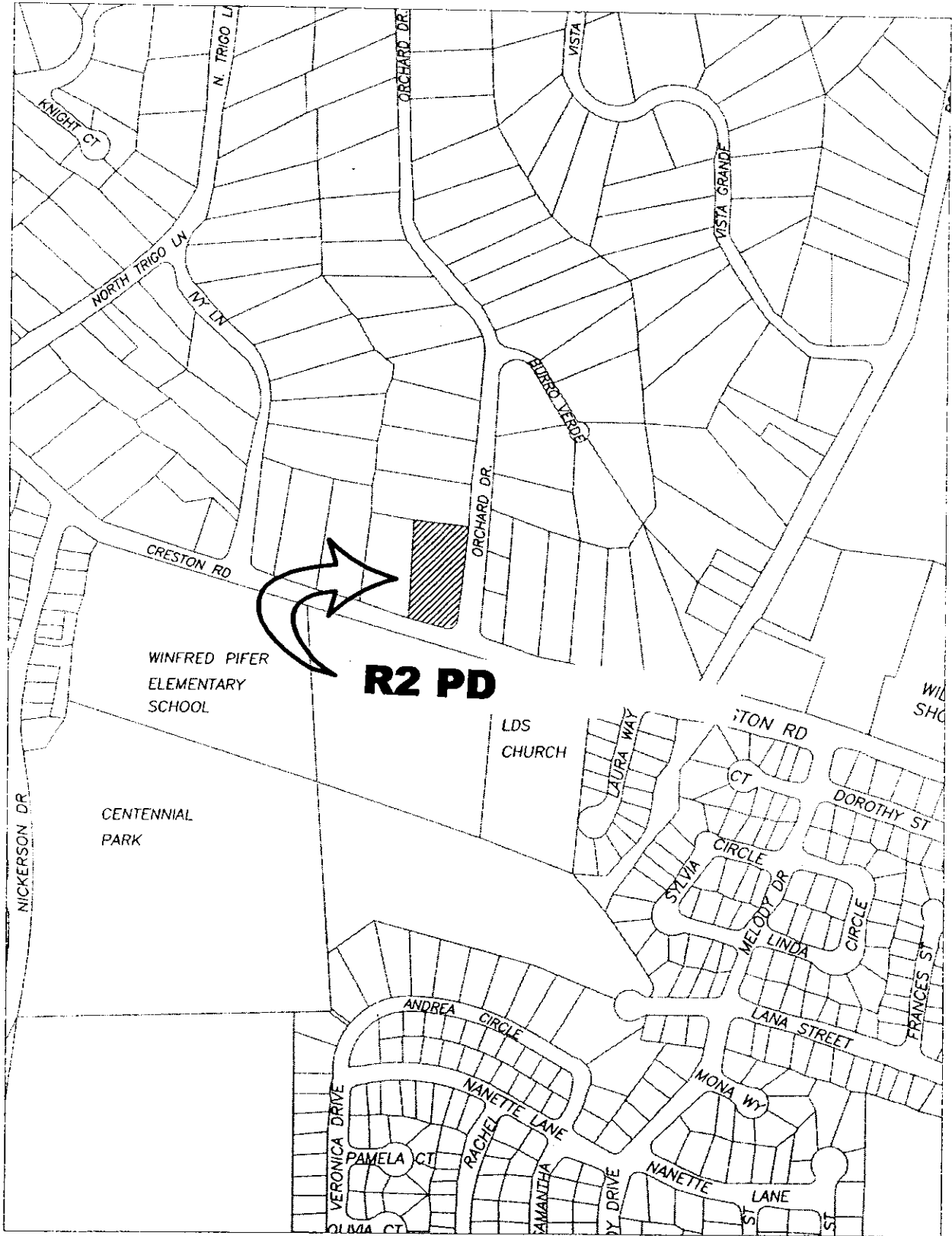
- a.** Introduce for First Reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning map change for 927 and 955 Creston Road (Assessor Parcel No. 009-641-003) from R1 (Single Family Residential) to R2 PD (Duplex/Triplex Planned Development); and set January 20, 2004, 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 January 20, 2004.
- c.** Amend, modify, or reject the above options.

Attachments:

1. Location Map
2. Draft Ordinance Approving Rezone 03-005
3. Newspaper and Mail Notice Affidavits

LOCATION MAP

RZ 03-005 (Carminati)

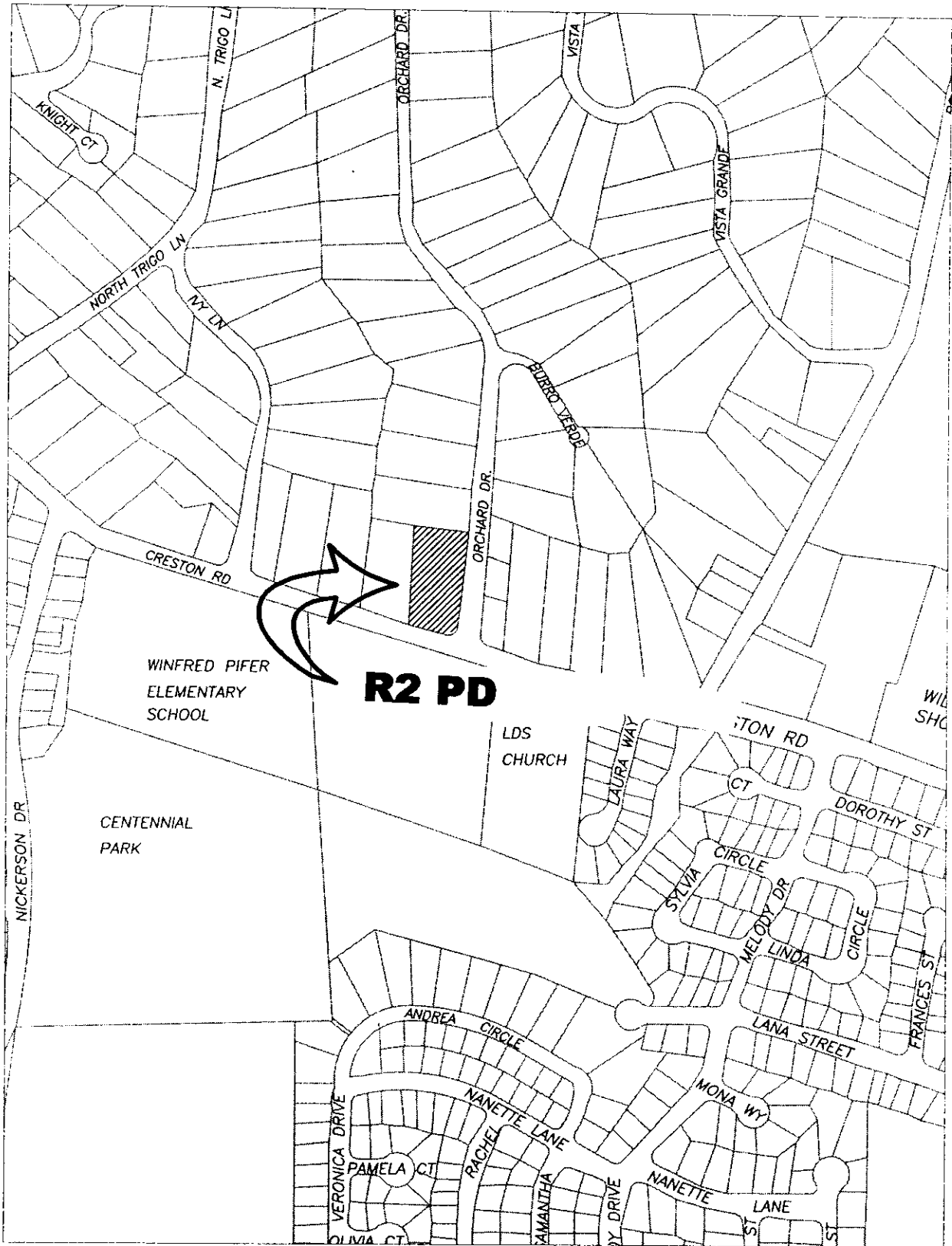


General Plan Designation RMF-L (Residential Multi-Family Low Density)
Existing Zoning R1 (Single Family Residential)
Proposed Zoning R2 PD (Duplex/Triplex, Planned Development)



EXHIBIT "A"

RZ 03-005 (Carminati)



General Plan Designation RMF-L (Residential Multi-Family Low Density)
Existing Zoning R1 (Single Family Residential)
Proposed Zoning R2 PD (Duplex/Triplex, Planned Development)



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

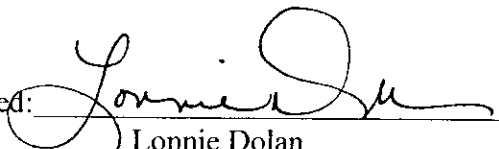
Newspaper: Tribune

Date of Publication: November 1, 2003

Meeting Date: November 12, 2003
(Planning Commission)
December 2, 2003
(City Council)

Project: Rezone 03-005
(Carminati)

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

**CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING
ZONE CHANGE APPLICATION FOR
955 CRESTON ROAD**

NOTICE IS HEREBY GIVEN that the City of El Paso de Robles will hold a public hearing of the Planning Commission and the City Council on Wednesday, November 12, 2003 and Tuesday, December 2, 2003 respectively to consider:

- RZ 03-005, seeking a zone change from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development) for an approximately 1.346-acre site at 955 Creston Road.

The Zone Change is being sought by the applicants in order to bring the zoning into conformance with the site's General Plan Land Use Designation of RMF-L (Residential Multiple Family - Low), as required by California Government Code Section 65860 of the State Planning and Zoning Law. The application has been filed by Waldo and Betty Carminati, the property owners of record. The site is Assessor Parcel No. 009-641-003. It fronts onto Creston Road and is at the northwest corner of Creston Road and Orchard Drive.

The Planning Commission will be asked to issue a recommendation to the City Council for the Council's review as part of its final action on the Zone Change. This Zone Change is exempt from environmental review per Section 15061 (b) (3) of the State California Environmental Quality Act (CEQA) Guidelines.

Each hearing will be held beginning at the hour of 7:30 p.m. in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, CA 93446. Background information may be reviewed in the Community Development Department at the Paso Robles Library/City Hall. On the Thursday proceeding each hearing, the staff report to be presented at the hearing will be available for public review.

ALL INTERESTED PERSONS are invited to comment in writing or by oral testimony on the proposed Zone Change or its CEQA Exemption at, or prior to, the hearings described in this Notice. If you challenge any aspect of this proposed Zone Change in court, the challenge may be limited to those issues you or someone else raised at the hearings described in this Notice, or in written correspondence delivered at, or prior to, the hearings. For additional information, call Tina Ryder at (805) 237-3970.

/s/ Tina Ryder, City Planner
November 1, 2003

5813061

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, David Stanfield, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for RZ 03-005 (Carminati), on this 31th day of October 2003.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


David Stanfield

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE
APPROVING A ZONING MAP CHANGE FOR 927 AND 955 CRESTON ROAD
(ASSESSOR PARCEL NUMBER 009-641-003) FROM R1 (SINGLE-FAMILY RESIDENTIAL)
TO R2 PD (DUPLEX/TRIPLEX PLANNED DEVELOPMENT)
REZONE 03-005 (MR. AND MRS. CARMINATI)

WHEREAS, Mr. and Mrs. Carminati have filed an Zone Change Application, Rezone 03-005 seeking to change the zoning of the approximately 1.3-acre site at 927 and 955 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 for subsequent development of the property with multi-family residential units, subject a separate City review and approval process; and

WHEREAS, any request to redevelop 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, the site is already developed with two (2) single-family residences; 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 927 and 955 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 December 9, 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 January 6, 2004, 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 January 20, 2004 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 927 and 955 Creston Road (Assessor Parcel No. 009-641-003) 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 January 6, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of January by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk