

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REZONE 03-008 (CHARTER PACIFIC)
DATE: APRIL 6, 2004

Needs: To consider an application filed by the Charter Pacific Group, to apply Planned Development (PD) Overlay zoning over a 23.3 acre, R-1 zoned site. The site is located at the terminus of Red Cloud Road and Navajo Avenue (Coates Property).

- Facts:
1. The existing General Plan Land Use designation is RSF (Residential Single Family). The existing zoning is R1 (Residential Single Family).
 2. The rezone request in conjunction with Tentative Tract 2593 and PD 03-019, tentative map and development plan that would allow for the development of a 55-lot single family residential subdivision. The Tract and Development Plan were approved by the Planning Commission at their meeting on March 23, 2004, contingent on the City Council's approval of the PD Zoning Overlay.
 3. Chapter 21.16A of the Zoning Code describes that the intent of the PD district is to encourage development which is sensitive to the natural topography of the site, minimize alterations to the land, and maintain and enhance significant natural resources, including but not limited to, oak woodlands, natural drainage ways and open space preservation.
 4. Unlike many R-1 zoned properties in the City, this particular property does not have PD Overlay Zoning. PD Overlay zoning for this site would allow for modifications to the subdivision design to work around the Critical Root Zone of the existing oak trees. Clustering of development will result in all oak trees being preserved.
 5. The average slope for the net developable area of the site is approximately 13-percent, which would require a minimum lot size of 12,000 square feet when applying straight R-1 zoning. When applying the PD Overlay, the proposed lot size would range from 7,234 up to 33,494, with an average lot size of 10,000 square feet.
 6. The Planning Commission at their meeting on March 23, 2004 approved the project and recommended that the Council approve Rezone 03-008.

Analysis and
Conclusion:

The proposed subdivision is considered an infill project, since it would continue the residential development pattern which currently exists along Red Cloud Road and Navajo Ave. With the development of this subdivision, the streets would be constructed and complete the circulation pattern in this area of the City.

Rezone 03-008 would seem appropriate to allow for clustering of the lots. The number of lots would not be increased, and the size of the lots would still be larger than the exiting lots along Red Cloud Road and Navajo Avenue. The clustering would reduce the amount of grading and impacts to oak trees. All of the oak trees on the site would be preserved.

Policy

Reference: California Environmental Quality Act (CEQA); General Plan Land Use and Circulation Elements; Zoning Ordinance.

Fiscal

Impact: There are no quantified fiscal impacts related to this tentative subdivision.

Options:

After consideration of public testimony, the City Council will be asked to make the recommendations and to take the actions listed below:

- A. Introduce Ordinance No. xxx N.S. approving Rezone 03-008 establishing Planned Development Overlay zoning over the site to allow for modifications to the subdivision design to work around the Critical Root Zone of the existing oak trees, in relation to Tract 2593, and set April 20, 2004, as the date for adoption of said Ordinance.

- B. Amend, modify, or alter the foregoing options.

Attachments:

- 1. Vicinity Map
- 2. Ordinance approving Rezone 03-008
- 3. Newspaper and Mail Notice Affidavits

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN
SECTION 21.12.020 OF THE ZONING CODE (TITLE 21) ZONE CHANGE 03-008
TRACT 2593 – (CHARTER PACIFIC GROUP, INC..)

WHEREAS, Tract 2593, an application filed by the Charter Pacific Group, Inc., to divide a 23.3 acre parcel into fifty-five (55) single-family residential lots; and

WHEREAS, Tract 2593 is located at the terminus of Red Cloud Road and Navajo Avenue; and

WHEREAS, in conjunction with Tract 2593, the applicant submitted an application for Rezone 03-008, to establish Planned Development Overlay zoning over the site; and

WHEREAS, with PD Overlay zoning (PD 03-019), the applicant is requesting the Planning Commission allow for reduced lot sizes in order to reduce the amount of grading necessary to construct the development as well as reduce the impacts to oak trees; and

WHEREAS, at its March 23, 2004 meeting, the Planning Commission took the following actions:

- A. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- B. Conducted a public hearing to obtain public testimony on the proposed Project and the environmental determination therefor.
- C. Based on the information contained in the Initial Study prepared for the Project, a determination has been made that there is no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration can be adopted by the Planning Commission.
- D. Recommended that the City Council approve Rezone 03-008.

WHEREAS, at its April 6, 2004 meeting, the City Council took the following actions:

- A. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- B. Considered the recommendation of the Planning Commission.
- C. Conducted a public hearing to obtain public testimony on the proposed project and environmental determination therefor.
- D. Based on the information contained in the Initial Study prepared for the Project, a determination was made, based on the independent review and judgment of the City Council, that there was no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration was adopted by separate Resolution.

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, does hereby make the following findings that:

1. The above stated facts of this Ordinance are true and correct.
2. The Rezone is consistent with the City's General Plan and its Economic Strategy.

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

SECTION 1. Section 21.12.020 of the Municipal Code (Zoning Map) is hereby amended as shown on the attached Exhibit A.

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 or 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 April 6, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of April 2004 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

