

TO: JAMES L. APP
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REZONE 04-007 (APPLICANT: NORTH COAST ENGINEERING /
WOODY WOODRUFF)
DATE: NOVEMBER 16, 2004

Needs: To consider the Planning Commission's recommendation for the City Council to rezone property to bring it into conformance with the City's General Plan.

Facts:

1. The 2003 update of the City's General Plan established land use policies that are intended to anticipate the form and composition of the City in the year 2025.
2. Significant points of focus of the 2003 General Plan update include:
 - providing for a range of housing needs
 - emphasizing "infill" development
 - incorporating a policy of "fiscal neutrality"
3. In order to provide more opportunities for affordable housing, the General Plan identifies a number of locations suitable for medium and high-density residential zoning. These locations are either on or close to arterial streets, and are also in proximity to shopping facilities, transit, and other services.
4. The Woodruff property is located at the northwest corner of Creston and Rolling Hills Road. The subject parcels are currently zoned "Office Professional" (OP). The adopted General Plan calls for a change in land use to high density multi-family residential, allowing up to 20 dwelling units per acre. A copy of the General Plan map is attached.
5. The property owner has requested that the City process a re-zone application to bring the property's zoning into conformance with the adopted General Plan.
6. The property owner's request applies to parcels totaling 6.73 acres, as illustrated on the attached exhibit. Adjacent to the Woodruff parcels are three additional parcels, totaling 0.95 acres; these three parcels have the same high-density multi-family development designations.

7. The public notice for the rezone had been expanded to include the three additional parcels so that the Planning Commission and City Council have the ability to consider a rezone for the entire area shown in the General Plan. An illustration of the parcels involved is attached.
8. Attached for reference purposes is a letter to the applicant dated August 18, 2004, citing applicable General Plan provisions. Also attached is a response letter dated September 8, 2004 from Mr. Woodruff, indicating that he seeks for the City to proceed with consideration of the Zone Change without him providing any additional exhibits or information.
9. Also attached is a letter from a neighboring property owner, in opposition to the proposed Zone Change.

Analysis
and

Conclusion:

The subject property would seem ideally suited to high-density residential development. It is located on an arterial street that is served by City transit. It is also directly across the street from shopping facilities. Schools and churches are in close walking distance.

The proposed land use would reduce the amount of traffic that would be generated from the subject property. As a class of land use, Office Professional will typically have a greater number of trips generated than an equivalent size residential development. Based on a development pattern with .325 lot coverage, a property of 7.7 acres would generate approximately 1197 average daily trips; a residential development of 20 units per acre on the same size property would generate approximately 1012 trips.

The difference in average daily trips is about 8 percent less trips for the multi-family residential alternative. If the lot coverage is greater for office uses and/or the multi-family residential project is primarily senior citizens, traffic from the multi-family project would be proportionately less.

As indicated by the City's letter of August 18, 2004, there are some General Plan provisions that would seem to apply to consideration of a rezone of this type. In particular, a schematic site plan and elevations could illustrate:

- o how the subject property would take access from adjacent streets
- o what types of landscaping buffers would separate land uses
- o the architectural treatment, illustrating design and massing of buildings

It will be the discretion of the City Council to determine what, if any, additional information may be required of the applicant before considering the requested Rezone application.

As was noted in the City letter to Mr. Woodruff, the City's adoption of a set of city-wide design guidelines / standards is not a prerequisite to the rezone. Having the guidelines / standards would be required prior to approval of any development proposal. It is, however, not anticipated that city-wide guidelines / standards would be adequate to address the unique characteristics of the properties at the NW corner of Creston and Rolling Hills Roads and their relationship to their neighbors. That is the reason why Mr. Woodruff was requested to present site-specific design concepts to demonstrate consistency with the criteria contained in the General Plan.

It should be noted that at the time of development the property owner would be required to improve his street frontages, including the widening of Creston Road in accordance with the City's adopted master plan. In addition, there would be a requirement to pay the current development impact fee (which is subject to being updated to reflect the latest infrastructure costs) which would contribute a proportionate share to infrastructure improvements such as the widening of Creston Road in locations west of the subject property.

At their meeting of October 12, 2004 the Planning Commission held a public hearing, considered relevant testimony, and reached a conclusion that the Planned Development provisions would provide the necessary measures to maximize compatibility between the use of the subject property and the land uses on neighboring properties. The Planning Commission vote was 5/2 in favor of recommending the rezone to bring the property into conformance with the General Plan. The Commissioners making the two dissenting votes did not state the basis for their opposition to the rezone.

Policy

Reference: General Plan

Fiscal

Impact: Provisions to insure "fiscal neutrality" are a cornerstone of the December 2003 General Plan update. Based on pending considerations, any new development entitlement (e.g. Development Plan) would have a recommended requirement to pay both current Development Impact Fees and also participate in a Community Facilities District (CFD) to address the fiscal impact of new residential development on the City of Paso Robles. The current provisions for a CFD include an opportunity to assist the Paso Robles School District.

Options: After consideration of applicable public testimony and the relationship of the proposed rezone to the City's adopted General Plan:

- a. (1) Conclude that there is no need for any additional environmental analysis in conjunction with the proposed rezone since the rezone was anticipated in the Final EIR that was certified on December 16, 2003 and (2) find that the proposed rezone would be consistent with the City's General Plan and conclude that the City's Planned Development process would provide adequate tools through which the City can insure that the proposed use of the property can be accommodated on this site without having an adverse effect on adjacent properties and that the proposed design would insure that the density can be accommodated through sensitive site and building design; and
- (2) Introduce for first reading Ordinance No. XXX N.S. approving the Rezone; and set December 7, 2004, as the date for second reading of said ordinance.
- b. Find that although the proposed rezone would be consistent with the City's General Plan that it would be premature to consider the rezone at this time in the absence of substantiating evidence that the proposed rezone can be accommodated on this site without having an adverse effect on adjacent properties and that the proposed design would insure that the density can be accommodated through sensitive site and building design.
- c. Amend, modify, or reject the foregoing options.

Attachments:

1. General Plan Map for Sub-area 5, showing adopted policy for RFM-20 (Residential Multi-Family, up to 20 dwelling units per acre);
2. Illustration of the parcels that are the subject of the rezone application
3. Letter of August 18, 2004 to Woody Woodruff
4. Letter of September 8, 2004 from Woody Woodruff
5. Letter from neighboring property owner, Mr. Cutter
6. Draft Ordinance

7. Rezone Exhibit A

ORDINANCE NO. XXX N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE CITY'S ZONING MAP REGARDING PROPERTY AT THE
NORTHWEST CORNER OF CRESTON AND ROLLING HILLS ROAD
(ZONE CHANGE 04-007 – NORTH COAST ENGINEERING / WOODY WOODRUFF)

WHEREAS, the City's adopted General Plan of December 16, 2003, reflects a property at the northwest corner of Creston and Rolling Hills Road as "Residential Multi-family, up to 20 units per acre (RMF-20)" (County Assessor Parcel Nos. 009-641-008, 009, 010, 011, 012, 013, 014, and 015); and

WHEREAS, the current Zoning Map has an Office Professional (OP) designation for the subject parcels; and

WHEREAS, the current Zoning is inconsistent with the City's adopted General Plan, which is the land use policy of the City of Paso Robles; and

WHEREAS, at its meeting of October 12, 2004, 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 approve the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of November 16, 2004, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's October 12, 2004, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on December 7, 2004, the City Council held second reading of said 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:

The City's Zoning Map is hereby amended to replace the current Office Professional (OP) Zoning with a Residential Multi-Family, High Density, allowing up to 20 dwelling units per acre (R-4-20) for County Assessor Parcel Nos. 009-641-008, 009, 010, 011, 012, 013, 014, and 015, consistent with the attached Exhibit A.

SECTION 1. 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 2. 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 3. 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 4. 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 November 16, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 7th day of December 2004 by the following roll call vote:

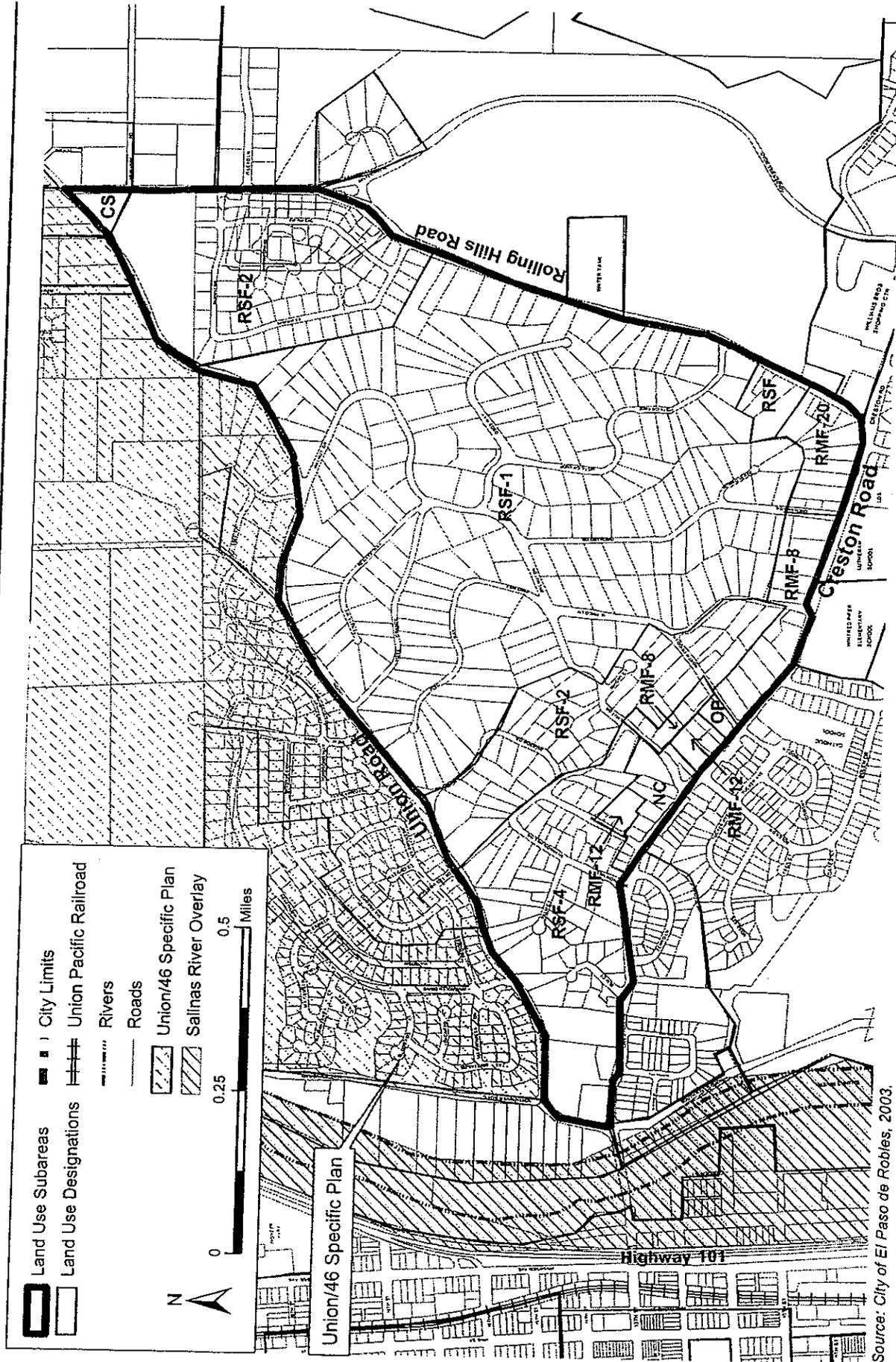
AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

City of El Paso de Robles General Plan 2003
Land Use Element



Source: City of El Paso de Robles, 2003.

General Plan Land Use Subarea 5

Figure LU-6E
 City of El Paso de Robles

August 18, 2004

Mr. Woody Woodruff
P. O. Box 542
Templeton, CA 93465

SUBJECT: Your Request For A Zone Change, NW Corner of Creston and Rolling Hills

In follow-up to your application for a Zone Change to bring the subject property into conformance with the General Plan land use, enclosed for your information are relevant provisions from the 2003 General Plan update and the adopting Resolution No. 03-232.

As you will note, the General Plan includes the following criteria for application of the high density zoning category:

"Increased densities on sites which can accommodate the increases without having an adverse effect on adjacent properties" and

"where such density can be accommodated through sensitive site and building design"

Your application for a Zone Change does not include any schematic site plan, traffic circulation plan, or other documentation regarding how your proposed Zone Change can be accommodated without adversely effecting adjacent properties and/or demonstration of "sensitive site and building design".

As we have discussed, the City is in the process of preparing standards for high density development. Although these standards are not yet complete, they will have the purpose and intent of establishing City-wide criteria and not provide the level of detail and site-specific analysis that any individual project would need to present to address issues of compatibility / sensitive site and building design.

As a part of the compatibility and sensitive site design, traffic circulation and, in particular, how you propose to access Creston Road would be important considerations. The City's intent is to consolidate and minimize the number of points of access to a busy arterial street like Creston Road.

 **FILE**

With the foregoing in mind, this letter requests that you provide a schematic project design for the subject property, including a demonstration of how you propose to avoid having an adverse effect on adjacent properties and achieve sensitive site and building design (including how you plan to address traffic circulation issues). The level of detail does not need to reach that of a Development Plan as defined in the Zoning Code but rather needs to be sufficient to provide the Planning Commission, City Council, and the public with adequate evidence that you have addressed the applicable General Plan policy parameters. Our concern is that without adequate documentation of compliance with the applicable General Plan policies, it will be difficult to make the required findings for approval of the requested Zone Change.

Please feel free to contact me should you have any questions or other information needs; I can be reached at (805) 237-3970 / fax: (805) 237-6565 / e-mail: bob@prcity.com

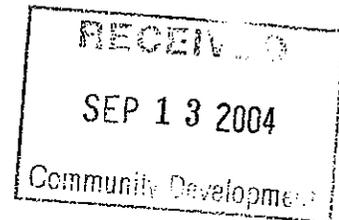
Sincerely,

Robert A. Lata
Community Development Director

h:\60\let\04\ Woodruff rezone proposal 13 Aug 04

September 8, 2004

Mr. Bob Lata
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446



Subject: Zone Change
Northwest Corner of Creston and Rolling Hills Road
Response to Letter of August 18, 2004

Dear Mr. Lata:

Thank you for your input regarding rezoning my property to be in compliance with the General Plan. While we appreciate your input on potential site issues which will be addressed in a future development plan, we disagree with your conclusion that a schematic project design for the property is necessary in order to bring it in compliance with the General Plan. Needless to say, there are many considerations to be taken in the site design for this project, and we look forward to receiving further input including the design guidelines for the high density multi-family zones. At this time, however, we wish to proceed with rezoning the property to be in compliance with the currently adopted General Plan. For the following reasons, we request that we immediately proceed to the rezoning process and defer the development plan details for an actual development plan submittal at a later date.

1. The "City of El Paso de Robles Economic Strategy" approved by the City Council clearly made it a goal to update the zoning map to conform with the General Plan. This is stated as Objective A of Goal #1 of the Development Process Goals and states:
 - Update the Zoning Ordinance and Map to conform to the General Plan, as required by the General Plan. Provide proper zoning for parcels that have had zoning changes due to the last General Plan update. This update should be completed by December, 1999.

While the City resources may have not been available to complete this task, it certainly should translate into a speedy cost effective process to bring the property into compliance with the General Plan.

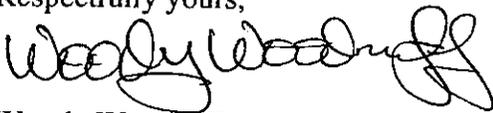
2. Neither the current General Plan nor the zoning code require that development details be provided prior to rezoning properties to be consistent with the General Plan.
3. The current General Plan, adopted last year, designates this property as multi-family-20 (RMF-20). This was a change from the previous land use

and zoning classification of Office/Professional. This action by the City Council was made without the benefit of any concept plans, yet we are being requested to provide a concept plan to bring the property in compliance with the General Plan. This request for a "predevelopment plan" (prior to the submittal of an actual development plan) simply adds another layer of cost and difficulty to the development of this property.

4. To responsibly prepare a development plan for this property, it will be necessary to perform a detailed analysis of the traffic, access, neighborhood impacts, and other issues. To proceed with this very expensive and time consuming work, it is important the security of having the zoning in place be provided by the City, and that consistency with the General Plan is achieved.
5. Currently the property is in zoning "purgatory". Nothing can be developed on that property consistent with the current zoning, and nothing can be developed on the property until the property is rezoned. This leaves the property owner and investors in a state of concern and lack of confidence in the follow-through with the General Plan Update.
6. At the request of the City, I have been very patient and have waited for approximately a year while the General Plan process was being updated. On completion of the General Plan Update, I was then told I would have to wait for the preparation of the High Density Design Standards. It has now been 10 months since then. The fact that the City is taking so long to develop the standards should not delay the request to establish conformance with the General Plan for my property.

We look forward to working with the City to develop a suitable development plan for this property and incorporating the future development guidelines. At this time, however, we respectfully request that the City follow through with the decision made with the General Plan Update in 2003 and rezone this property to be in accordance with that plan.

Respectfully yours,



Woody Woodruff

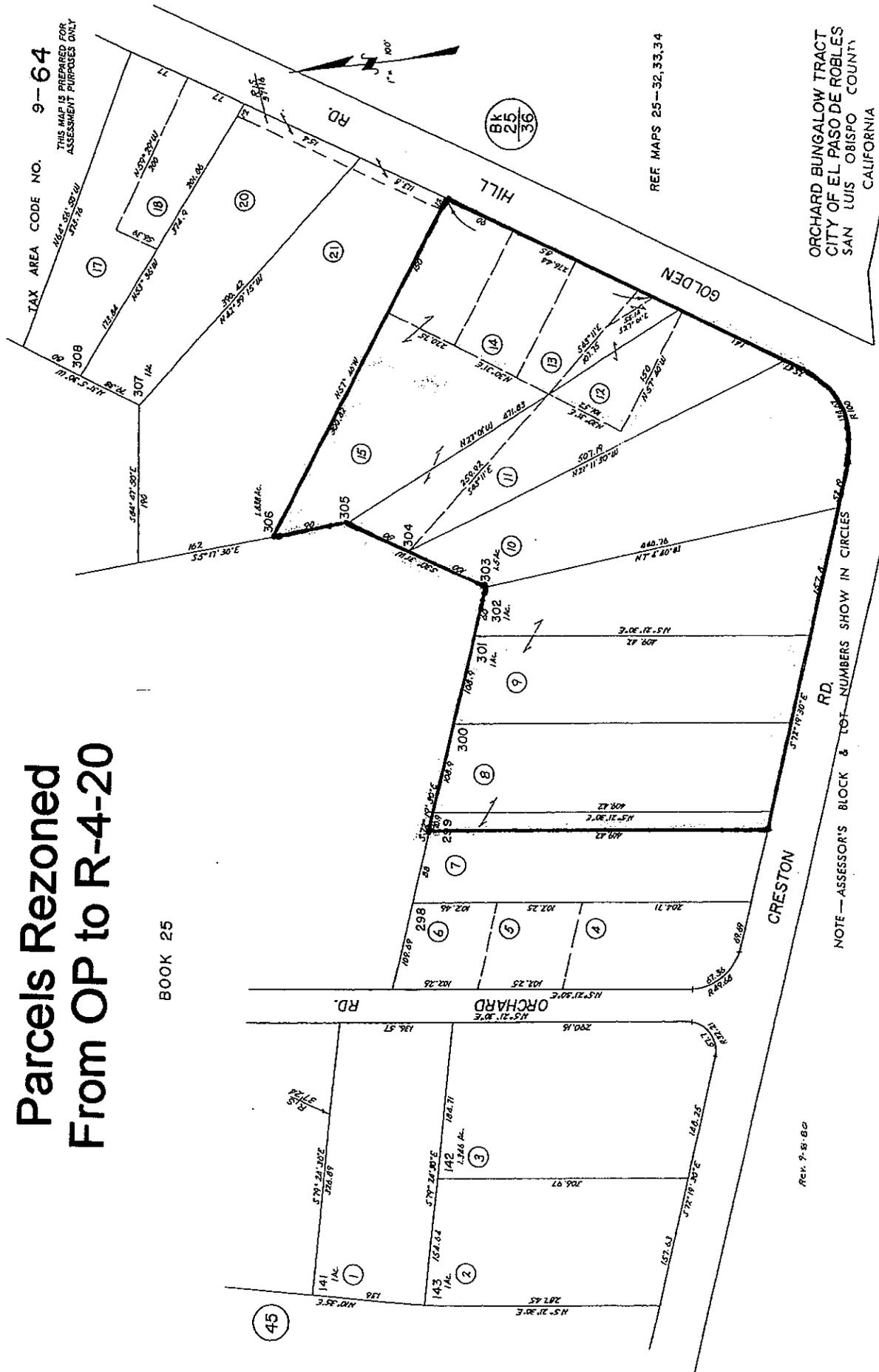
WW/jms
Enclosure

Cc: Mayor Frank Mecham
Councilman Gary Nemeth
Larry Werner, NCE

Parcels Rezoned From OP to R-4-20

TAX AREA CODE NO. 9-64

THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY



BOOK 25

REF. MAPS 25-32, 33, 34

Rev. 7-8-80

ORCHARD BUNGALOW TRACT
CITY OF EL PASO DE ROBLES
SAN LUIS OBISPO COUNTY
CALIFORNIA

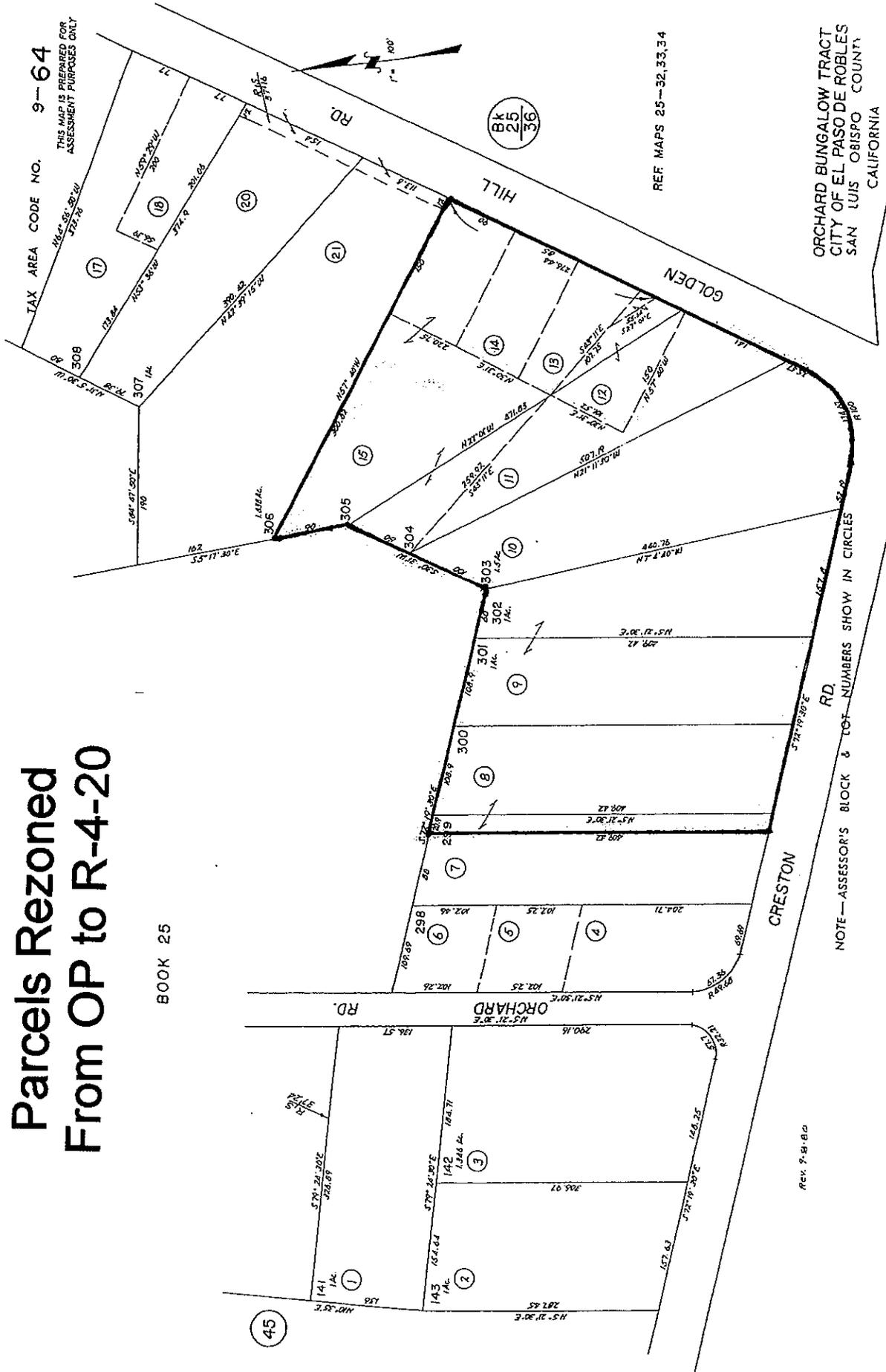
NOTE—ASSESSOR'S BLOCK & LOT NUMBERS SHOW IN CIRCLES

Exhibit "A"

Parcels Rezoned From OP to R-4-20

BOOK 25

TAX AREA CODE NO. 9-64
THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY



REF MAPS 25-32, 33, 34

ORCHARD BUNGALOW TRACT
CITY OF EL PASO DE ROBLES
SAN LUIS OBISPO COUNTY
CALIFORNIA

NOTE—ASSESSOR'S BLOCK & LOT NUMBERS SHOW IN CIRCLES

Exhibit "A"

Rev. 7-9-80