

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REZONE 04-008 (J.M. WILSON DEVELOPMENT)
DATE: JANUARY 4, 2005

Needs: To consider an application filed by the North Coast Engineering on behalf of J.M. Wilson Development, to rezone an 11-acre site to bring the Zoning into conformance with the General Plan Land Use designation.

Facts:

1. The site is located at 1650 South River Road. (See attached Vicinity Map.)
2. Rezone 04-008 has been filed to rezone the property from R1,B3 to R1,PD-4 (4 dwelling units per acre) on the lower portion of the site and to R1,PD-6 (6 dwelling units per acre) for the upper portion.
3. The rezone, in conjunction with Tentative Tract 2611 and PD 04-017 would allow for the development of a 45-lot single family residential subdivision.
4. The Planning Commission at their meeting on December 14, 2004, approved Tentative Tract 2611 and recommended that the City Council approve Rezone 04-008. The Planning Commission vote was 5/1 to recommend approval of the rezone.
5. The Planning Commission did not approve Planned Development 04-017 based on what seemed to be primarily architectural related reasons. J.M. Wilson Development appealed the Commission's action to the Council, which will be discussed at the City Council meeting on January 4, 2004.
6. This project has been conditioned by the Planning Commission to include each parcel of the subdivision to be within a Community Facilities District (CFD) in order to achieve fiscal neutrality.

Analysis and Conclusion: The General Plan Update, adopted December 2003, changed the General Plan Land Use designation of this property to RSF-4 and RSF -6 (Residential Single Family, 4-units per acre and Residential Single Family 6-units per acre). Rezone 04-008 would change the Zoning designations to bring the Zoning into conformance with the General Plan.

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

Fiscal Impact: Each lot of this subdivision will be incorporated into a Community Facilities District (CFD) with the intent of achieving fiscal neutrality for the new residential entitlements.

Options:

- a. Introduce Ordinance No. XXX N.S. approving Rezone 04-008, rezoning a 11-acre site to R1,PD-4 & R1,PD-6 to be consistent with the current General Plan designation of RSF-4/RSF-6, in relation to Tract 2611; and set January 18, 2005, as the date for adoption of said Ordinance.
- b. Amend, modify, or reject the foregoing options.

Attachments:

1. Vicinity Map
2. Ordinance approving Rezone 04-008
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 04-008
(J.M. WILSON DEVELOPMENT)
APN: 009-815-002

WHEREAS, Tract 2611, an application filed by North Coast Engineering on behalf of J.M. Wilson Development to divide an 11 acre parcel into forty-five (45) single-family residential lots; and

WHEREAS, Tract 2611 is located at 1650 South River Road; and

WHEREAS, in conjunction with Tract 2611, the applicant submitted an application for Rezone 04-008, to change the Zoning designation of the lower property from R1,B3 to R1,PD-4, and change the Zoning designation of the upper property from R1,B3 to R1,PD-6 and establish Planned Development Overlay zoning over the site; and

WHEREAS, PD 04-017 has been filed to establish the design criteria for the subdivision, with the intent that the project continue the same character as the neighboring Serenade project; and

WHEREAS, at its December 14, 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 Tract 2611 and PD 04-017 and the environmental determination therefor.
- C. Did not approve PD 04-017, based on what seemed to be concerns regarding the use of all two-story homes and 5-foot side yard setbacks as well as the use of narrow lots.
- D. Based on the information contained in the Initial Study prepared for the Tract, 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 City Council.
- E. On a 5/1 vote recommended that the City Council approve Rezone 04-008.

WHEREAS, at its January 4, 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. The land use designation for the subject property was established with the 2003 General Plan Update and addressed with the Environmental Impact Report that accompanied the General Plan Update. Based on the independent review and judgment of the City Council, the City Council determined that there was no substantial evidence that the Project would have a significant adverse effect on the environment beyond those addressed in the General Plan Environmental Impact Report.

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 Zoning Code.

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 January 4, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of January 2005 by the following roll call vote, to wit:

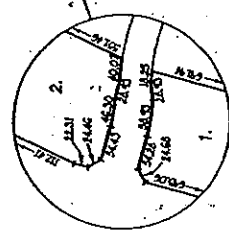
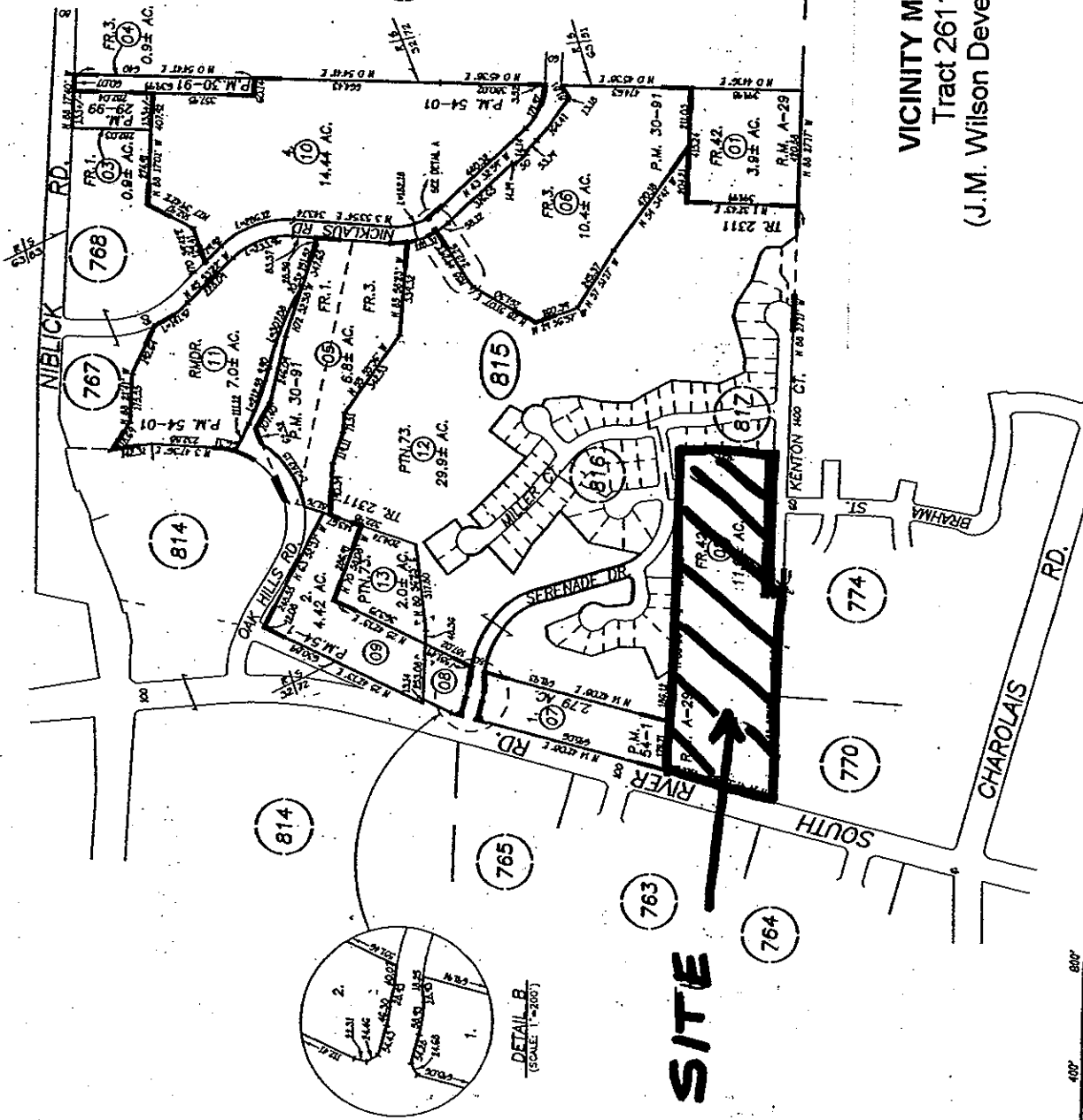
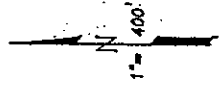
AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

009-81



VICINITY MAP
Tract 2611
(J.M. Wilson Development)

CITY OF PASO ROBLES
ACCREDITED U.I.D. PLAN No. 07

TRACT NO. 2611 DIV. 10 D. 07

REVISIONS	NO.	DATE
	1	JAN 01-11-00
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ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

009-761

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING


Newspaper: Tribune

Date of Publication: November 24, 2004

Meeting Date: December 14, 2004
(Planning Commission)

Project: Tent. Tract 2611, RZ 04-008
and PD 04-017
(J.M. Wilson Dev.)

I, Darren Nash, 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.

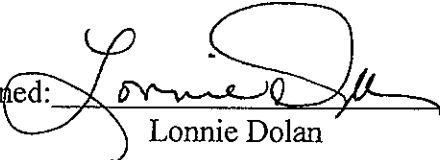
Signed: 
Darren Nash

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS
NOTICE OF INTENT TO ADOPT MITIGATED
NEGATIVE DECLARATIONS
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold Public Hearings to consider adoption of a Mitigated Negative Declaration (statement that there will be no significant environmental effects because of the required mitigation measures) in accordance with the provisions of the California Environmental Quality Act (CEQA), for the following applications:
Tentative Tract Map 2611, Planned Development 04-017 and Rezone 04-008, a tentative tract development plan and rezone, filed by North Coast Engineering on behalf of J.M. Wilson Development, for the creation of a 45 lot residential subdivision for the development of 45 single family homes. Also requested is to rezone the property to be consistent with the RSF-4 and RSF-6 Land Use Designations. The project would be located 1650 South River Road.
The public review period for the Draft Mitigated Negative Declarations commences on November 24, 2004, and ends at the Public Hearing, which is scheduled for the Planning Commission on Tuesday, December 14, 2004.
NOTICE IS ALSO HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold Public Hearings to consider Rezone 04-008 at their meeting on January 4, 2005.
Both the Planning Commission and the City Council meetings will begin at the hour of 7:30 pm in the Conference Center (First Floor) at the Paso Robles Library, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.
The proposed Mitigated Negative Declarations may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.
Written comments on the proposed tract map, development plan, rezone, and mitigated negative declaration may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.
If you challenge the tentative tract development plan, rezone, and mitigated negative declaration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, their respective public hearings.
Darren Nash, Associate Planner
Nov. 24, 2004 6100413

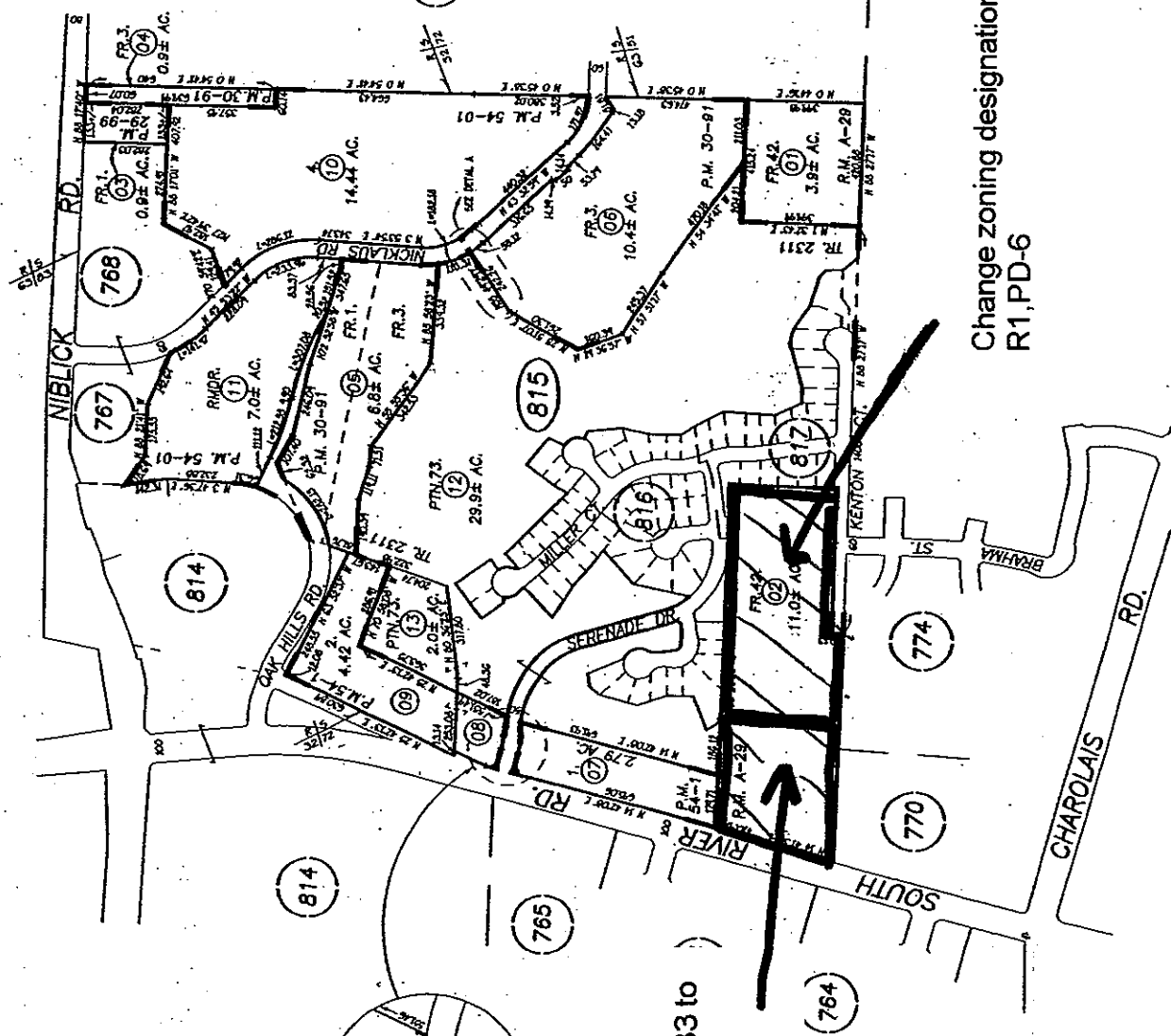
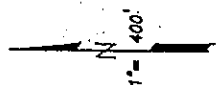
AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Tentative Tract 2611, Planned Development 04-017 and Rezone 04-008 (Wilson Development – 1650 So. River Road) on this 22nd day of November, 2004.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

009-81



DETAIL A
(SCALE: 1"=100')

DETAIL B
(SCALE: 1"=200')

Change zoning designation from R1, B3 to R1, PD-6

Change zoning designation from R1, B3 to R1, PD-4

EXHIBIT A
Rezone 04-008
(J.M. Wilson Development)

TRACT NO. 2311, R.M. Bk. 18, Pg. 83.

CITY OF PASO ROBLES
ASSESSOR'S MAP, COUNTY OF
SANTA BARBARA

EXHIBIT "A"

009-761