

**TO: JAMES L. APP, CITY MANAGER**

**FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: APPEAL OF PLANNING COMMISSION'S DECISION NOT TO APPROVE PD 04-017 (J.M. WILSON DEVELOPMENT)**

**DATE: JANUARY 4, 2005**

Needs: To consider an appeal filed by J.M. Wilson Development, appealing the Planning Commission's decision to not approve Planned Development 04-017.

- Facts:
1. Planned Development 04-017, in conjunction with Tentative Tract 2611 and Rezone 04-008, would allow for the development of a 45-lot single family residential subdivision.
  2. The Planning Commission at their meeting on December 14, 2004, approved Tentative Tract 2611 on a 4/2 vote and on a 5/1 vote recommended that the City Council approve Rezone 04-008.
  3. The Planning Commission did not approve Planned Development 04-017 based on what seemed to be primarily architectural related reasons related to the development proposed on the upper 7-acres of the site.
  4. As stated in the applicant's letter of appeal (attached) the intent of the project is to provide a neighborhood similar to the development in the neighborhood for the upper 7-acres of the project. With PD 04-017, the developer is requesting to use the PD Overlay to ask for the following deviations from the Zoning Code:
    - a. Request to allow for minimum lot sizes of 4,500 square feet;
    - b. Allow for 5-foot minimum interior side yard setbacks for two story homes;
    - c. Allow for pad grading without the need for retaining walls and slopes to be setback from property lines;
    - d. Allow retaining walls on interior side yards to extend up to 5-foot maximum height;
    - e. Allow the use of model homes for the project
  5. The Serenade Tract is zoned R2, and the R2 zoning allowed for the 72-lot subdivision, where the lot sizes range from 4,083 square feet to 16,139. A summary of lot sizes is listed below:
    - 10 lots that range from 4,000 to 4,500 square feet;
    - 16 lots that range from 4,501 to 5,000 square feet;
    - 25 lots range from 5,001 square feet to 7,000 square feet;
    - 21 lots are 7,000 square feet and greater;
    - The minimum lot width for this Tract is 50 feet.
  6. Both one and two story homes are built in the Serenade Tract. 5-foot setbacks are common on both interior side yards, but it appears that most (if not all) two story portions of the houses are setback 10-feet from the interior property lines.
  7. Tract 2611 would have 39 lots on the upper 7-acre portion of the site. A summary of lot sizes is listed below:
    - 21 lots would range in size from 4,500 to 5,000 square feet;
    - 10-lots would be 5,001 to 7,000 square feet,
    - 8 lots would be greater than 7,000 square feet;
    - The minimum lot width for this tract is 45 feet.

8. Tract 2611 is proposing to use all two story homes, where generally the upper story of the home would be 5-feet away from the interior side yard property lines.

Analysis and  
Conclusion:

The Planning Commission approved Tentative Tract 2611 and recommended that the Council approve Rezone 04-008. The Tract and Rezone would establish the subdivision of the 11-acre site into 45 lots. The upper 7-acres of the site is the area in which the Council and the Planning Commission intended small lot single family residential development, similar to the Serenade neighborhood, and based on the adopted 2003 General Plan. The General Plan re-designated this area to RSF -6 (Residential Single Family, 6-units to the acre).

While the Planning Commission did not appear to have issues with the number of lots, it did appear that they had concern with the narrow lot widths and the request to construct 2-story homes on lots that would back up to existing homes in the Serenade Tract. The Planning Commission failed to approve PD 04-017 with four Planning Commission in opposition of the PD as designed.

John Wilson of J.M. Wilson Development, filed for an appeal of the Planning Commission's decision. In his attached letter, he states that it is necessary to allow the deviations from the Zoning Code in order to provide a neighborhood that would be consistent with housing in the area.

Policy  
Reference:

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

Fiscal  
Impact:

Whether PD 04-017 is approved or not, it would not have a fiscal impact, since with the approval of Tract 2611 each lot of this subdivision will be required to be incorporated into a Community Facilities District (CFD) with the intent of achieving fiscal neutrality for the new residential entitlements. Approval of provisions to establish a CFD will be necessary to allow this project to proceed in a manner envisioned in the adopted General Plan.

Options:

- a. Approve Resolution No. 05-xx upholding the Planning Commission's decision to not approve PD 04-017, and deny the applicants request of appeal, thereby requiring the applicant to redesign the project and bring it back to the Planning Commission, incorporating wider lots and the use of one story homes, specifically where lots back up to existing Serenade lots.
- b. Approve Resolution No. 05-xx approving PD 04-017 as requested by the applicant and allow the following deviations from the Zoning Code:
  1. Minimum lot sizes of 4,500 square feet
  2. 5-foot minimum interior side yard setbacks for two story homes
  3. Pad grading without the need for retaining walls and slopes to be set back from property lines
  4. Retaining walls on interior side yards to extend up to 5-foot maximum height
  5. Use of model homes for the project
- c. Amend, modify, or reject the foregoing options.

Attachments:

1. Vicinity Map
2. Letter of Appeal by J.M. Wilson Development
3. Resolution denying the appeal
4. Resolution to approve PD 04-017 as requested by the applicant
5. Newspaper and Mail Notice Affidavits

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING PLANNED DEVELOPMENT 04-017  
(J.M. WILSON DEVELOPMENT - APN: 009-815-002)

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WHEREAS, Tract 2611, along with Rezone 04-008 and PD 04-017 would 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, the Planning Commission at their meeting on December 14, 2004, on a 4/2 vote failed to approved PD 04-017; and

WHEREAS, it appears that architectural issues, such as lot width, the use of all 2-story homes, and the request for 5-foot setbacks for the homes, were the main reasons the Planning Commission failed to approve PD 04-017.

WHEREAS, on December 15, 2004, an application was filed by North Coast Engineering on behalf of J.M. Wilson Development to appeal the Planning Commission's decision not to approve PD 04-017.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby approve PD 04-017, as requested by the applicant to allow the following deviations from the Zoning Code:

- a. Request to allow for minimum lot sizes of 4,500 square feet;
- b. Allow for 5-foot minimum interior side yard setbacks for two story homes;
- c. Allow for pad grading without the need for retaining walls and slopes to be setback from property lines;
- d. Allow retaining walls on interior side yards to extend up to 5-feet maximum

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of January 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
UPHOLDING THE PLANNING COMMISSION'S DECISION TO NOT  
APPROVE PLANNED DEVELOPMENT 04-017  
(J.M. WILSON DEVELOPMENT - APN: 009-815-002)

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WHEREAS, Tract 2611, along with Rezone 04-008 and PD 04-017 would 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, the Planning Commission at their meeting on December 14, 2004, on a 4/2 vote failed to approved PD 04-017; and

WHEREAS, it appears that architectural issues, such as lot width, the use of all 2-story homes, and the request for 5-foot setbacks for the homes, were the main reasons the Planning Commission failed to approved PD 04-017; and

WHEREAS, on December 15, 2004, an application was filed by North Coast Engineering on behalf of J.M. Wilson Development to appeal the Planning Commission's decision not to approve PD 04-017.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby, deny the applicants request to appeal, thereby upholding the Planning Commission's decision to not approve PD 04-017, based on architectural issues such as lot sizes being to narrow, 2-story homes backing up to existing residences and the request for 5-foot side yard setbacks for 2-story homes, and require the applicant to redesign the project and bring it back to the Planning Commission, incorporating wider lots and the use of one story homes, specifically for those homes that back up to the Serenade project.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4<sup>th</sup> day of January 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

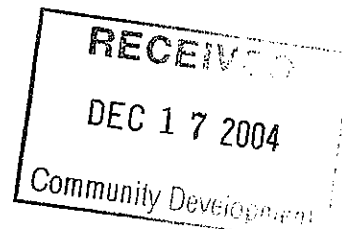


# JM WILSON

## DEVELOPMENT CORP

424 HIGUERA STREET, SUITE 200 • SAN LUIS OBISPO, CA 95401  
PHONE (805) 782-8155 • FAX (805) 782-8156  
LICENSE # CA 732426

December 15, 2004



Mayor Frank Mecham  
City of Paso Robles  
1000 Spring Street  
Paso Robles, California 93446

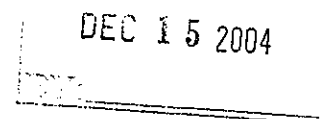
Subject: Appeal of Planning Commission Decision  
December 14, 2004  
Tentative Tract 2611  
Planned Development 04-017 and Rezone 04-008  
(J.M. Wilson Development)

Dear Mayor Mecham:

On December 14, 2004 the Planning Commission considered the request for the approval of Tentative Tract 2611, along with the related planned development 04-017 and the Rezone 04-008.

The Planning Commission took the following actions:

1. Approved the Resolution granting approval of a mitigated negative declaration for Tract 2611, Rezone 04-008 and PD 04-017.
2. Approved the Resolution granting approval to Tentative Tract 2611, subject to standard and site specific conditions, and in order to be consistent with the Serenade neighborhood, allow the following modifications to the street sections:
  - A. Allow hillside standard A-8 for B Street.
  - B. Allow curb adjacent sidewalks for streets within the subdivision.
3. Approved the recommendation to the City Council for Rezone 04-008 changing the zoning designation from R1, B-3-PD to R1, PD-4 and R1, PD-6 to be consistent with the current General Plan designation of RSF-4 and RSF-6.




4. ~~Denied~~ the resolution granting approval to planned development 04-017, allowing the following deviations from the Zoning Code:
- A. Request to allow for minimum lot sizes of 4,500 square feet.
  - B. Allow for 5-foot minimum interior side yard setbacks for two story homes;
  - C. Allow for pad grading without the need for retaining walls and slopes to be setback from property lines;
  - D. Allow retaining walls on interior side yards to extend up to 5-foot maximum height.
  - E. Allow the use of model homes for the project.

We are pleased with the approval of the majority of the items regarding this project but are appealing to the City Council the denial of Item No. 4. We feel that upon review of these issues, the City Council will support this request as being appropriate for the General Plan designation for this property, the character of the neighborhood, and the consistency with the City's goal to provide this type of housing in this area.

We would appreciate placing this item on the January 4<sup>th</sup> City Council Agenda, as the City Council will be considering the rezone and a request to remove an oak tree located in the right-of-way of South River Road.

Respectfully yours,



John Wilson

JW/jms

Cc: Jim App  
Bob Lata  
Gary Nemeth  
Duane Pisanco  
Jim Hegarty  
Fred Strong

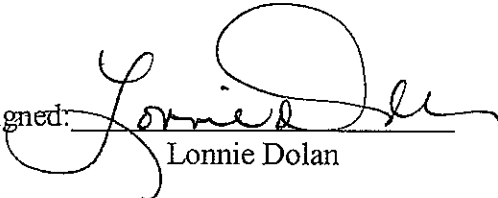


**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

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 Appeal of Planned Development 04-017 J.M. Wilson on this 20th day of December, 2004.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: \_\_\_\_\_

  
Lonnie Dolan

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING


Newspaper: Tribune

Date of Publication: December 22, 2004

Meeting Date: January 4, 2005  
(Planning Commission)

Project: Appeal of Planning Commission  
decision to not approve 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 HEARING:  
NOTICE IS HEREBY GIVEN that the City Council of  
the City of El Paso de Robles will hold a Public  
Hearing on January 4, 2005, to consider an appeal  
of the Planning Commission decision to deny  
Planned Development 04-017 at their meeting on  
December 14, 2004. The appeal application has  
been filed by North Coast Engineering, on behalf of  
J.M. Wilson Development.  
Planned Development 04-017 along with Tentative  
Tract Map 2611 and Rezone 04-008 is a project that  
consists of the following: a tentative tract, develop-  
ment plan and rezone, filed by North Coast Engi-  
neering 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 Planning Commission at their meeting on  
December 14, 2004 approved Tentative Tract 2611  
and the associated Negative Declaration but denied  
Planned Development 04-017. The Planning Com-  
mission also recommended that the City Council  
approve Rezone 04-008. The Commission, on a 4-2  
vote denied the Planned Development based on  
concerns regarding applicants request to use of 2-  
story homes, 5-foot side yard setbacks as well as  
the proposed small lot sizes.  
The City Council meetings will begin at the hour of  
7:30 pm in the Conference Center (First Floor) at the  
Paso Robles Library/City Hall, 1000 Spring Street,  
Paso Robles, California. All interested parties may  
appear and be heard at this hearing.  
Written comments on the proposed appeal may be  
mailed to the Community Development Department,  
1000 Spring Street, Paso Robles, CA 93446 pro-  
vided 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 ques-  
tions regarding this application, please call Darren  
Nash at (805) 237-3970.  
If you challenge the appeal 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  
Dec. 22, 2004