

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONE CHANGE 05-001 AND SPA 05-002 – ZONING MAP AMENDMENT, AND SPECIFIC PLAN AMENDMENT, 1640 KLECK ROAD, APN 025-011-024; SINGLE FAMILY RESIDENTIAL (R-1 B-4) TO (R-1 B-3)

DATE: AUGUST 2, 2005

NEEDS: For the City Council to consider making an amendment to the Zoning Map, to rezone property from R-1 B-4 to R-1 B-3 and to modify the Union/46 Specific Plan to provide consistency with the General Plan land use designation.

FACTS:

1. The City adopted the General Plan update in December 2003 which included updates to the Land Use Element land use designations.
2. The updated Land Use Element and accompanying Land Use Map identifies locations for various land use categories.
3. This code amendment will provide consistency between the General Plan Land Use Map, City Zoning Map and Union/46 Specific Plan.
4. Property located at 1640 Kleck Road is currently zoned Residential Single Family (R-1 B-4) on the City Zoning Map which allows one dwelling unit per acre. The Land Use Map designates this property as Residential Single Family (RSF-2). The RSF-2 land use category allows up to 2 dwelling units per acre. The rezone would change the property zoning to Single Family Residential (R-1 B-3) which would also allow a density of 2 dwelling units per acre.
5. A development project is not proposed at this time.
6. The Planning Commission considered this request at their meeting on June 28, 2005, and recommended approval of the rezone to the City Council.
7. Per the California Environmental Quality Act (CEQA), an Initial Study was conducted. No significant environmental impacts were identified as result of this project and a Draft Negative Declaration was prepared.

**Analysis  
and**

**Conclusions:** This zoning map amendment has been prepared to implement the land use designation of this property so that it is in conformity with the General Plan Land Use Element. As stated above, the zoning of the property is R-1 B-4, and the land use designation is RSF-2. The density of an R-1 B-3 rezone would be consistent with that of an RSF-2 land use category. While a development project is not being proposed with this request for a rezone, future development of the site would require zoning and general plan map consistency to be in compliance with State planning law.

An Initial Study was prepared in accordance with the California Environmental Quality Act (CEQA), which was required because this project is a legislative act. It was determined that no significant environmental impacts would result from this project, and a Negative Declaration was prepared for consideration.

**Reference:** Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance and CEQA.

**Fiscal Impact:** No direct fiscal impact.

**Options:** After opening the public hearing and taking public testimony, the City Council is requested to take one of the actions listed below:

- A. That the City Council consider all applicable public testimony and introduce for First Reading an Ordinance that would bring the zoning of the subject property into conformity with the General Plan.
  - a. That the City Council consider all applicable public testimony and introduce for first reading Ordinance No. XXX N.S. to bring the zoning of the subject property into conformity with the General Plan and to amend the Union/46 Specific Plan in a manner consistent with the General Plan; and set August 16, 2005, as the date for adoption of said Ordinance.
  - b. Amend, modify, or reject the above option.

**Attachments:**

1. Ordinance No. XXX N.S. amending the City's Zoning Map
2. Newspaper and Mail Notice Affidavits

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: July 20, 2005

Meeting Date: August 2, 2005  
(City Council)

Project: Amend Zoning Map  
Rezone 05-001  
(1640 Kleck Road)

I, Trina Baumsteiger, 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: *T. Baumsteiger*  
Trina Baumsteiger

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 Tuesday, August 2, 2005 at 7:00 PM at the City of El Paso de Robles, 1600 Spring Street, Paso Robles, California, in the City Council Chambers to amend the Zoning Map and Union/46 Specific Plan as described:

To amend Zoning Map (Rezone 05-001) for property located at 1640 Kleck Road, APN 025-011-022, to amend the zoning district from R1-B, R1-B, R1-B-1 and modify the Union/46 Specific Plan, Specific Plan Amendment 05-002 designation of this property to be consistent with the General Plan and Use Designation of HSF-2.

Written comments on the proposed amendment may be mailed to the Community Development Department, 1600 Spring Street, Paso Robles, CA 92566, provided that the 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 contact Susan DeCarli at (805) 237-1970.

If you challenge the amendment 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 comments delivered to the City Council prior to the public hearing.

Susan DeCarli, AICP  
City Planner  
July 20, 2005

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE  
REZONING PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R-1 B-4) TO  
SINGLE FAMILY RESIDENTIAL (R-1 B-3), AND TO AMEND THE UNION/46  
SPECIFIC PLAN TO REFLECT THIS DENSITY MODIFICATION  
FOR APN 025-011-024, 1640 KLECK ROAD ,  
ZONING CODE AMENDMENT 05-001

WHEREAS, the City's adopted General Plan of December 16, 2003 reflects a Residential Single Family Density (RSF-2), with a residential density of two dwelling units per acre for (APNs 025-011-024); and

WHEREAS, the current Zoning Map has a Residential Single Family (R-1 B-4) 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, this Zoning Map Amendment will provide consistency between the Zoning Map and Land Use Map in the General Plan as shown in Exhibit A; and

WHEREAS, at its meeting of June 28, 2005, 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, Union/46 Specific Plan fees are applicable on a per dwelling unit basis, and any new dwelling unit would be subject to this per dwelling unit fee.

WHEREAS, based on consideration of information received at its meeting of July 19, 2005, 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 June 28, 2005 public meeting;
- d. Introduced said ordinance for the first reading; and

WHEREAS, on August 2, 2005, the City Council held second reading of said ordinance.  
NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. The zoning map amendment is hereby established on the official Zoning Map as shown in Exhibit A. The Union/46 Specific Plan amendment is hereby established as shown in Exhibit B of the Union/46 Specific Plan.

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 5. 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, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on July 19, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd day of August, 2005  
by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

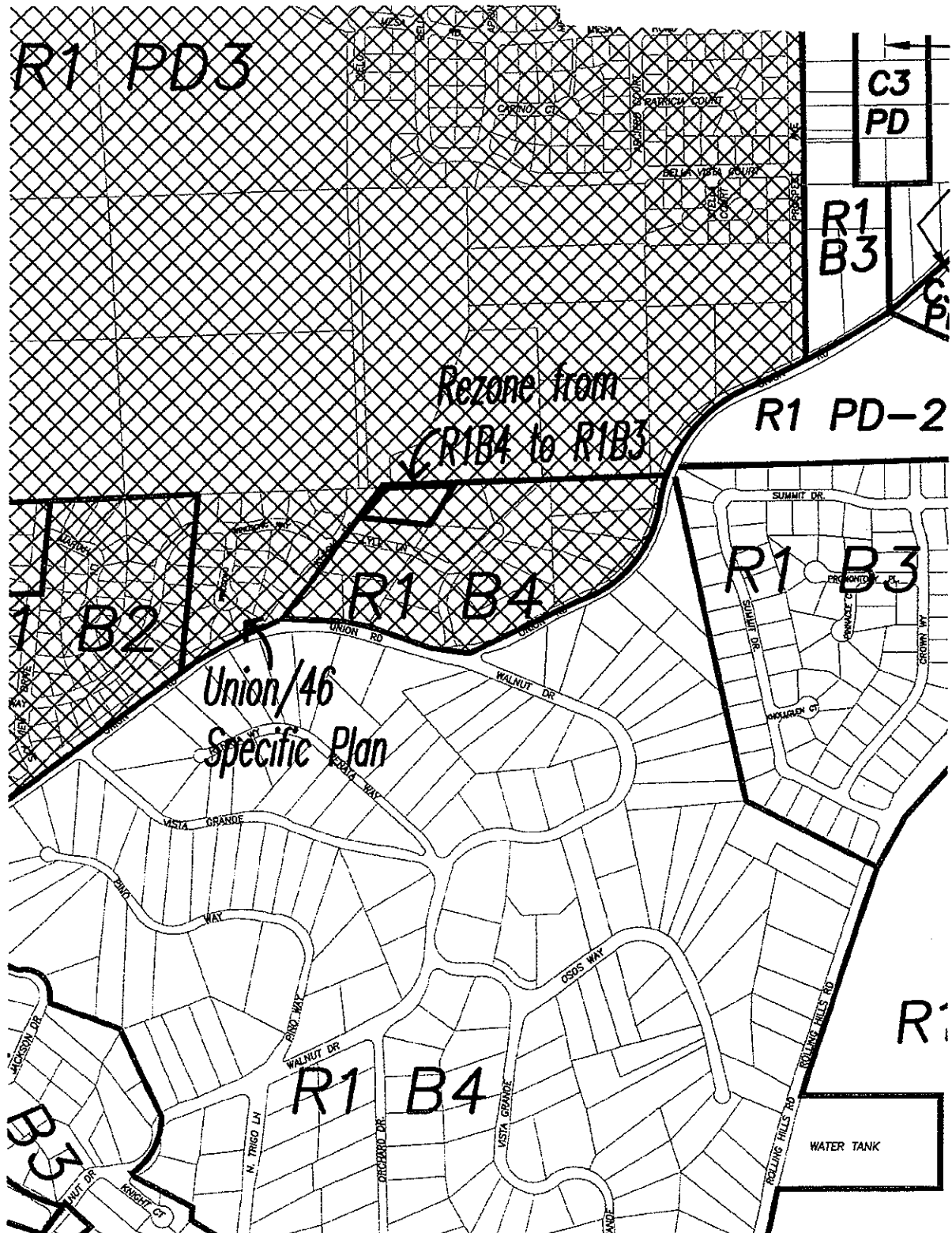
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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk



City of El Paso de Robles

**SPECIFIC PLAN DEVELOPMENT POLICIES:**

**DP-3** The minimum lot size for all parcels not identified in DP-1, DP-2 and DP-5 (Area "C") shall be 10,000 square feet with an average lot size of 12,000 square feet. In no case, however, may the density exceed an overall maximum of 3 units per acre for any total property. Clustering to this minimum lot size is encouraged to achieve better site planning. (The only exceptions are described in footnote 7 and 9 of Table 3.1).



**TABLE 3.1**  
**DENSITY – LOT SIZE – ESTIMATED UNITS**

<u>OWNERS</u>	<u>APPROX. ACREAGE.</u>	<u>NOTE</u>	<u>MAXIMUM DU/A</u>	<u>MINIMUM LOT SIZE</u>	<u>ESTIMATED NO. OF UNITS</u>
Riverglen/TR1581	104.2	(4)	2.1	7000 s.f.	214
Sunset/TR1463	31.6	(4)	3	10000 s.f.	91
Golden Hill/TR1619	20.4	(5)	3	10000 s.f.	60
Trowbridge/Braemat Hill	170.5	(2,7)	3	10000 s.f.	265
Shinn	35.0	(2)	3	10000 s.f.	105
Thorndyke	20.1	(2,6)	3	10000 s.f.	60
Pemberton	23.2	(2)	3	10000 s.f.	27
Gillingwaters	13.1	(2)	3	10000 s.F.	36
Wolf	12.3	(2)	3	10000 s.f.	14
Coen	11.2	(2)	3	10000 s.f.	33
O'Kelly	8.9	(2)	3	10000 s.f.	17
Ottman	8.9	(2)	3	10000 s.f.	14
Ward	7.8	(2,6)	3	10000 s.f.	23
Lutes	5.6	(2)	3	10000 s.f.	17
Johnson	5.6	(2)	3	10000 s.f.	17
Marx	5.6	(2)	3	10000 s.f.	17
Weldon	4.5	(2,6)	3	10000 s.f.	14
Lopez	4.6	(2,6)	3	10000 s.f.	15
Requa	3.3	(2,6)	3	10000 s.f.	9
Pacheco	3.1	(2)	3	10000 s.f.	2
Sylvester	4.1	(2)	3	10000 s.f.	4
<u>17 Existing lots</u>	<u>21.2</u>	<u>(2)</u>	<u>1</u>	<u>43500 s.f.</u>	<u>17</u>
<b>TOTALS:</b>	<b>526.5</b>				<b>1,072</b>

NOTES:

1. The number of units identified in this table is for the purpose of estimating development potential. It is possible that the actual number of lots achievable under this Specific Plan may vary either up or down from those shown. For the purpose of calculating fees, 975 dwelling units (du) are used. The basis for utilizing 975 dwelling units is to account for the likelihood that not all properties will develop during the initial 20-year planning period, and that not all developments will achieve their maximum potential because of particular site constraints and/or reductions in potential density established by the Planning Commission and the City Council through the discretionary review process.

2. City policy encourages clustering of lots within the following constraints: for Area C, the density may not exceed an overall maximum of 3 units per acre for the total property (1 du/acre in Orchard Bungalow Tract); except for the Orchard Bungalow area, the smallest lot size permitted is 10,000 square feet and the average lot size must be 12,000 feet or more. (The Hillside Development and R-1 Ordinances will determine minimum lot size and number of lots in areas over four (4) percent slope within each property; minimum lot sizes may, however, be modified by the City through the Planned Development process.)

3. The land areas are generalized and the acreage may not exactly equal those shown in the assessor's maps for an individual parcel. Each property owner should verify the exact gross (buildable and unbuildable) as well as net (buildable only) area of property at the time of application for development entitlement.
4. Riverglen (Tract 1581) and Sunset Ridge (Tract 1463) are assigned the number of units shown based upon approved development plans. For the purposes of consistency, the small norther "flag" area of Riverglen was proposed by the developer to have larger lots, similar to the neighboring properties to the east and west of this part of Riverglen. The minimum lot sizes for Riverglen is a minimum of 7,000 square feet for phases 1, 2, 3, and 5; the balance of the phases have larger minimum lot sizes for Sunset Ridge are 10,000 square feet and the total number of units shall not exceed 91.
5. Golden Hills (Tract 1619), being a relatively developable parcel, has been assigned a maximum density of 3 units per acre. This density is consistent with the adjacent proposed Sunset Ridge development to the east, and slightly higher than the overall/total density for Riverglen to the west. The configuration of the site may result in development at less than 3 units per acre.
6. The former Orchard Bungalow Tract area, which lies north of Union Road and east Kleck Road, is planned for maximum of one dwelling unit per acre density. Existing recorded lots that are less than one acre may be developed in accordance with applicable Municipal Code standards. For this geographic area, the Planning Commission and/or City Council may, at their discretion, include public and private roads, easements, and other rights-of-way for the purpose of calculating minimum lot areas. Please see Note 9 regarding APN 025-011-024.
7. The balance of the specific plan area may be proposed for development at up three (3) dwelling units per acre, with a minimum of 10,000 square feet per lot. The actual density yield will be subject to Planning Commission recommendation and City Council approval, after consideration of detailed development plans, topography, compatibility with the site, environment, and adjacent land uses.
8. The proposed park and school site are those recommended by the City and accepted by the Paso Robles School District. The table shows the approximately number of units that would be allocated to the Trowbridge/Braemar area if neither the park nor the school were to be built. In fact, two alternatives are possible which may reduce the potential number of lots. First, both the school and the park could be constructed in combination, requiring 17 acres and the number of units would be reduced. Second, the school might be built elsewhere, in which case the park would take 10 acres, with a proportionate reduction in dwelling units. In either case, the number of units would be reduced by the density allowance for the land being dedicated for public use.
9. The Sylvester property (APN 025-011-024) a former property of the Orchard Bungalow Tract, is designated in the General Plan, Land Use Element as RSF-2 (Residential Single Family, 2 dwelling units per acre). The Zoning District is R-1 B-3 (Residential Single Family) minimum lot size 20,000 s.f. The Union / 46 Specific Plan land use density for this property may permit up to 2 dwelling units per acre, consistent with the General plan and Zoning Ordinance.

