

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

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

**SUBJECT: REZONE 05-004 (BRILL)**

**DATE: OCTOBER 18, 2005**

Needs: To consider an application filed by Twin Cities Surveying on behalf of David & Lisa Brill, to remove the 'B-1' designation for all parcels within the R2-B1 zoned area in the vicinity of 2945 Vine Street.

Facts:

1. The Brill's property is located at 2945 Vine Street (see attached Vicinity Map).
2. The General Plan land use designation for the site is RMF-8 (Residential Multi-Family, 8 units per acre). The Zoning designation is R2-B1 (Low Density Residential, 7,500 square foot minimum lot size). The site is not located within the Westside Historical District.
3. The proposed Rezone 05-004 would delete the 'B-1' designation within the R2 zone, thereby eliminating the 7,500 square foot minimum lot size. By omitting the 'B-1', it would bring the zoning designation in conformance with the General Plan and also be consistent with the other R2 zones in this area of the City as well as all other R2 areas Citywide.
4. In comparison, the RMF-8 General Plan designation would allow a minimum of 1-unit for every 5,445 square feet, where the R2 with the B-1 designation would require a minimum 7,500 square foot lot size. The B-1 overlay appears to be an unnecessary restriction on development of property in this area.
5. Rather than rezone only the Brill property, it is suggested that the City consider omitting the 'B-1' for this part of the City, so that it does not create "spot" zoning.
6. The Planning Commission recommended that the City Council approve Rezone 05-004 at their meeting on September 27, 2005. In conjunction with the rezone application, the Commission approved Tentative Parcel Map 05-0069, which would subdivide the Brill's 14,000 square foot lot into two parcels. The Parcel Map approval is subject to the City Council approving Rezone 05-004.
7. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment. Based on the information and analysis contained in the Initial Study, a determination has been made that the Project qualifies for issuance of a Negative Declaration.

Analysis

and

Conclusion: In anticipation that the City Council approves Rezone 05-004, the result of Parcel Map 05-0069 would be subdivision of the approximate 14,000 square foot parcel into two parcels where Parcel 1 would be 7,562 square feet and Parcel 2 would be 6,410 square feet. The existing house would remain on Parcel 1. A new house would be constructed on Parcel 2. Each lot would provide two off-street parking spaces.

If the City Council does not approve Rezone 05-004, subdivision of this property could not be recorded, since the 7,500 square foot minimum lot size could not be met.

If the Rezone is not approved, the Brills could still construct a second house on the lot, since it is R2 zoned. However, they could not subdivide the property to allow each unit to be on a separate parcel.

The Parcel Map along with the Rezone would seem appropriate for this area of the City and bring the Zoning into conformance with the RMF-8 General Plan Designation.

Policy

Reference: General Plan, Zoning Ordinance

Fiscal

Impact: The newly created parcel would be required to annex to the City Community Facilities District to offset the impacts on services such as Police, Fire and other City Services.

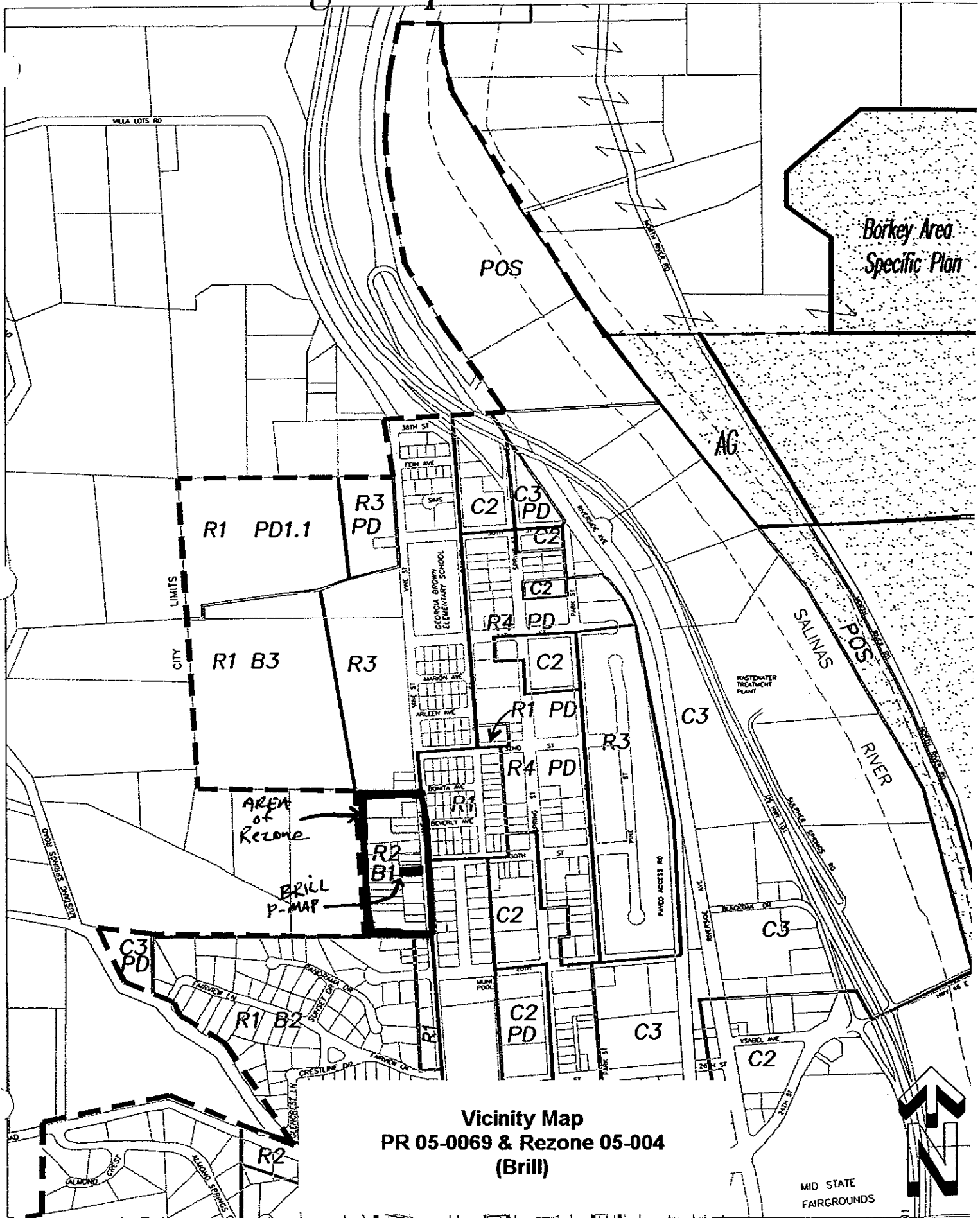
Options: After consideration of all public testimony, that the City Council consider the following options:

- a.** Introduce for first reading Ordinance No. XXX N.S. approving Rezone 05-004, eliminating the 'B-1' designation from the R2 zoning district in this area of the City; and set November 1, 2005, as the date for adoption of said Ordinance.
- b.** Amend, modify, or alter the foregoing option.

Attachments:

1. Vicinity Map
2. Ordinance adopting Rezone 05-004
3. Newspaper and Mail Notice Affidavits

# Zoning Map for Subarea 1



Vicinity Map  
PR 05-0069 & Rezone 05-004  
(Brill)

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 05-004  
(DAVID & LISA BRILL)

WHEREAS, Twin Cities Surveying on behalf of David and Lisa Brill, have submitted an application for Rezone 05-004 to omit the 'B-1' designation within the R2 zone; and

WHEREAS, by omitting the 'B-1' designation, it would bring the zoning designation in conformance with the General Plan and also be consistent with the other R2 zones in this area of the City as well as all other R2 areas Citywide; and

WHEREAS, the 'B-1' designation limits the lot size to 7,500 square feet which is not consistent with the RMF-12 which would allow up to one unit 5,445 square feet in the R2 zone; and

WHEREAS, at its September 27, 2005 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.
- 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 was adopted by the Planning Commission.
- D. Recommended that the City Council approve Rezone 05-004.

WHEREAS, at its October 18, 2005, 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.

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 October 18, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 1<sup>st</sup> day of November 2005 by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Frank R. Mecham, Mayor

ATTEST:

\_\_\_\_\_  
Sharilyn M. Ryan, Deputy City Clerk

# Zoning Map for Subarea 1

