

TO: JAMES L. APP, CITY MANAGER

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: GENERAL PLAN AMENDMENT 06-001(C) AND REZONE 06-001, TO ADD AN OFFICE OVERLAY ZONE TO PROPERTY LOCATED AT 405 AND 411 14TH STREET; APPLICANT – GEORGE DUCK

DATE: MARCH 21, 2006

Needs: For the City Council to consider the following requests:

General Plan Amendment 06-001(C): a request to add an Office Overlay (OP) to property designated RMF-8.

Rezone 06-001: a request to add an Office Overlay (OP) to property zoned Duplex Residential (R2).

- Facts:
1. This proposed General Plan Land Use Map amendment and Zoning Map amendment would extend the OP Overlay designation and zone to 405 and 411 14th Street, to allow establishment of office uses with approval of a Conditional Use Permit.
 2. The OP Overlay designation and zoning district currently applies to properties located to the east of the alley between Olive and Vine Streets. The OP Overlay also currently extends to property on the corner of 15th and Olive Streets from the alley between Olive and Vine Streets. See Attachment 1, Vicinity Map.
 3. The applicant is proposing these amendments to pursue converting the existing house to an accounting office. The applicant would also need to obtain approval of a Conditional Use Permit to establish his accounting office at this location.
 4. In a residential zone, the OP Overlay allows continuation of residential use of property. It also provides for (non-residential) office uses with approval of a Conditional Use Permit, if it can be determined that an office use would not result in land use conflicts or a significant change in neighborhood character and would be an appropriate use of property.
 5. In order to provide for homogenous land use patterns and reduce the potential for land use conflicts it is typical to establish zoning districts by whole blocks. When differing zoning districts adjoin, it typically is preferred to have the separation between districts run down the middle of blocks rather than down a street center line where differing land uses occur on opposite sides of the street.
 6. The Development Review Committee (DRC) considered these amendments and the proposed Conditional Use Permit in February, 2006.

The Planning Commission considered these requests at their public hearing on February 28, 2006. On a 3-3 vote, (one member absent), the Commission did not make a recommendation on the amendments and tabled the CUP pending the outcome of the amendments.

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:**

The policy issue to consider is whether the proposed amendments are an appropriate encroachment into a residential district. This issue is affected by the extent that office uses would result in changing the physical and social characteristics of the neighborhood.

Physical residential character is generally determined by building form and site design. Social functions of residential character are experienced through resident presence and activity during non-business hours.

The pattern of development along Olive Street in the vicinity of the proposed amendments, is largely residential. As noted, there is an existing office located one block north of the applicant's property on the corner of 15th and Olive Streets. The current OP Overlay includes this parcel as a way to recognize this office building which has been at that location for many years.

This proposal would potentially extend additional office uses to Olive Street. The physical implications from an office use on Olive Street may include increased on-street parking needs. An increase in visible on-site parking spaces may also change the residential character in the area which is predominantly residential in character with parking to the sides or rear of the dwellings, unless addressed through controls applied through the discretion of a Conditional Use Permit.

In assessing the development pattern and parking areas on Olive Street, it was determined that some, but not all properties have driveways onto Olive Street. Most corner properties take access from the cross streets off of Olive Street. Alleys provide access and parking for many interior parcels. The property located on the southeast corner of 14th and Olive Street (across from the subject site) has six adjacent cement driveways accessing carports to the street. The excessive driveway design on this corner property does not fit in with the generally low-scale design of driveways and onsite parking on Olive Street.

The applicant has indicated that he is not intending on changing the existing home elevations or garage on the property. He would also be willing to locate the six required parking spaces (if his property were permitted to be used as an office) with two spaces in the garage, two spaces in front of the garage (similar to the existing parking development pattern on Olive Street), and the remaining two in tandem along the eastern property line, accessed from 14th Street. This arrangement would be more in keeping with the residential character of the neighborhood compared to the design presented to the Planning Commission.

The social character of an office use on Olive Street may result in less ongoing activity during non-business hours for this property. Thus, this property would have less neighbor interaction or human presence occurring in evening hours and on weekends.

The applicant has indicated he would be renovating the home without changing the architecture, as part of his converting the home to an office. It is recognized that this effort would result in reinvestment and improvement to the property and that a business may result in increased economic benefit to the City.

The Planning Commission reviewed this request at their meeting of February 28, 2006. The Commission was split on their recommendation to the Council (See Draft Minutes, Attachment 4).

Policy

Reference: City of Paso Robles General Plan Update and EIR, 2003, Zoning Ordinance, and CEQA.

Fiscal

Impact: No fiscal impacts identified with this request.

Options:

After considering the public testimony received, the City Council will be asked to select one of the following options:

a. Adopt Resolution No. 06-xx denying the request to amend the General Plan and Rezone Amendments.

b. By separate actions:

(1) Adopt Resolution No. 06-xx adopting a Negative Declaration for General Plan Amendment 06-001(C) and Rezone 06-001.

(2) Indicate support (via Straw Vote) for Part C of the three part General Plan Amendment that would change the General Plan Land Use Map to extend the OP Overlay designation to 405 and 411 14th Street.

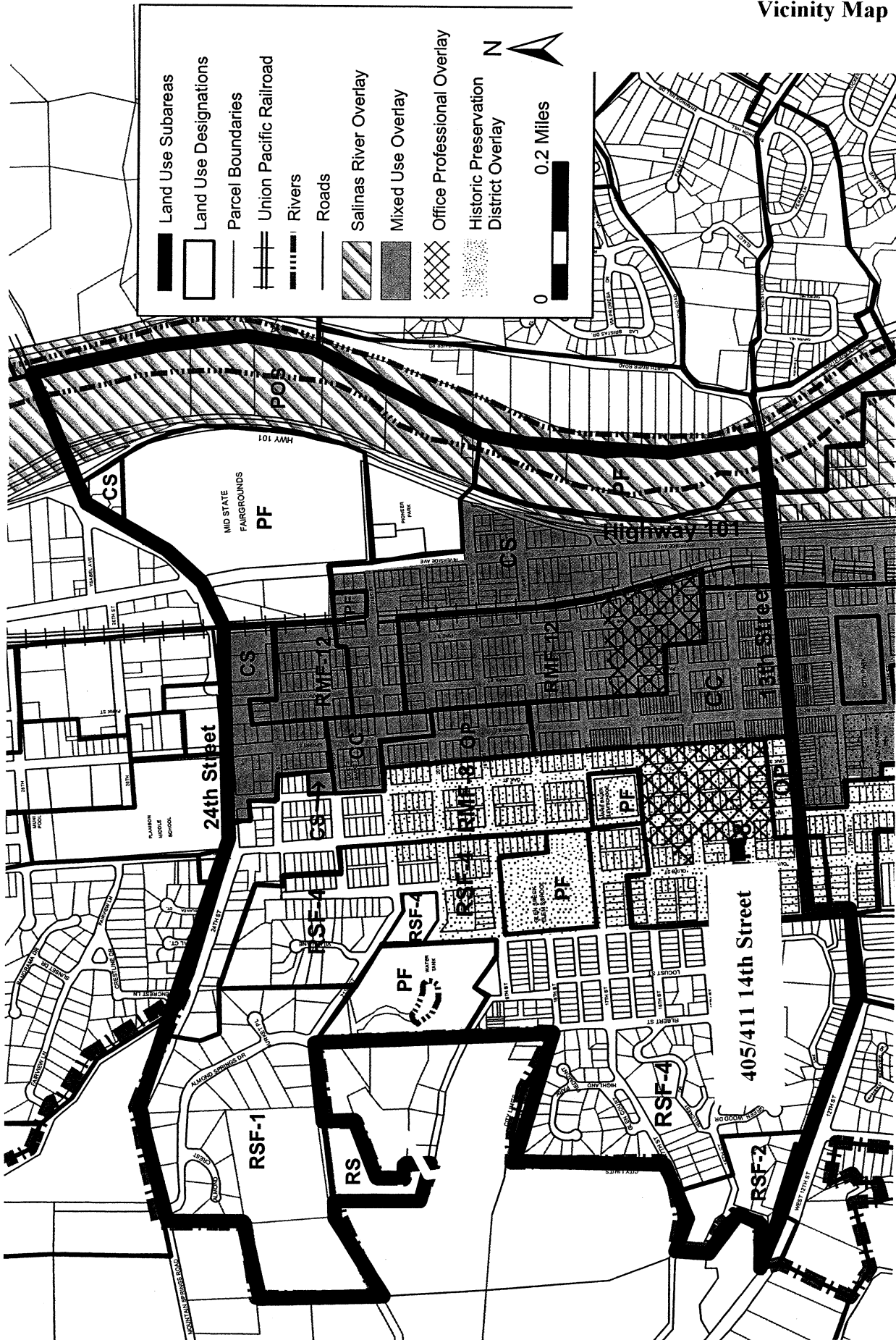
Final action on the General Plan Amendment as a whole should not be taken until the Council completes consideration of all three components.

(3) Introduce for first reading Ordinance XXX N.S. approving Rezone 06-001 that would extend the OP Overlay zoning district to 405 and 411 14th Street; and set April 4, 2006 as the date for adoption of said Ordinance.

b. Amend, modify or reject the noted option.

Attachments:

- 1 – Vicinity Map
- 2 - Site Plan
- 3 - Letter from Applicant
- 4 – Draft Planning Commission Minutes, February 28, 2006
- 5 – Draft Resolution to Deny the Amendments
- 6 – Draft Resolution Approving Negative Declaration for GPA 06-001(C) and Rezone 06-001
- 7 – Draft Resolution Approving General Plan Amendment GPA 06-001(C)
- 8 – Draft Ordinance approving Rezone 06-001



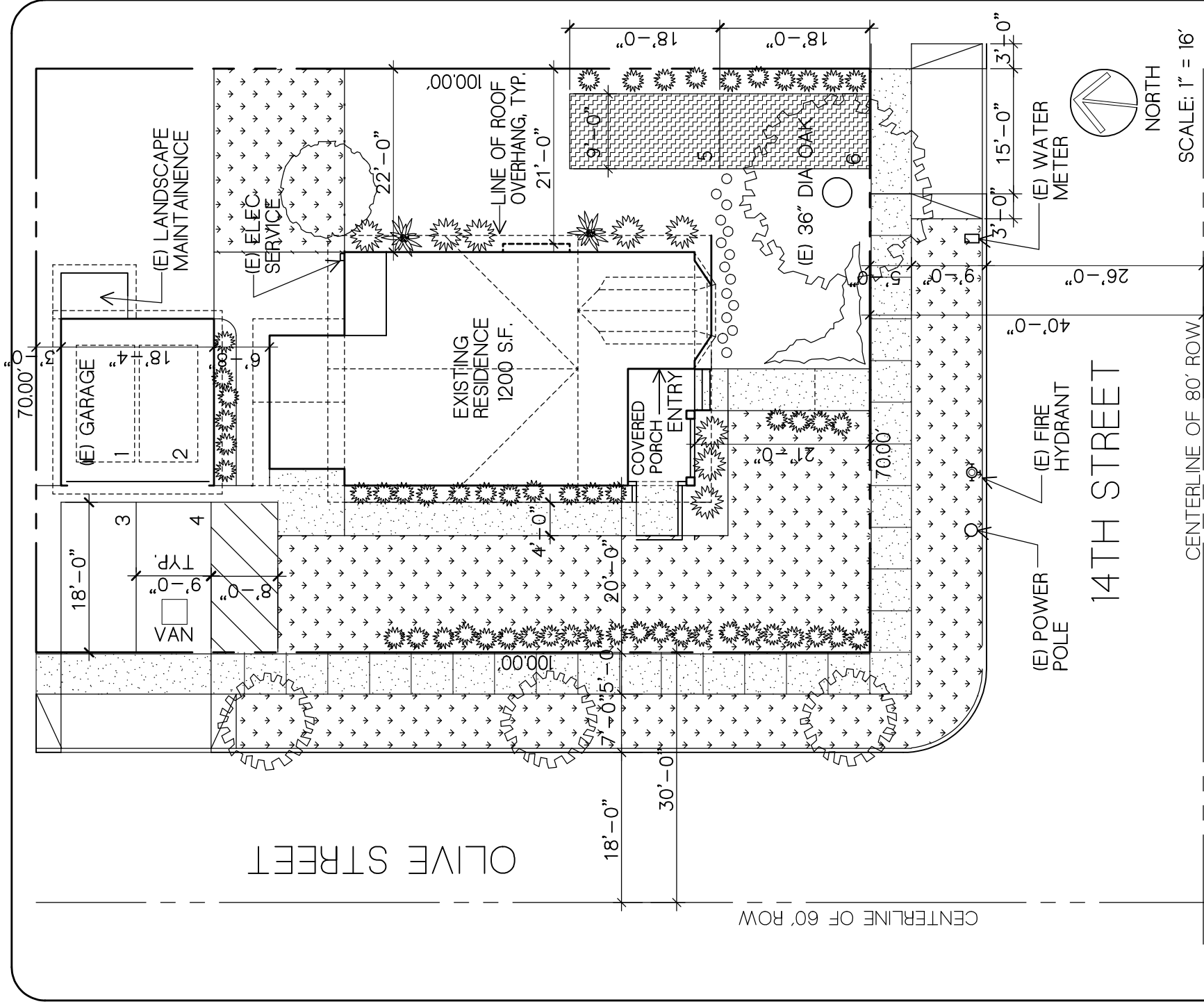
Attachment 1
 Vicinity Map

Figure
 City of El Paso de

General Plan Land Use Subarea 2 North

Source: City of El Paso de Robles, 2003.

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<p>OWNER: GEORGE AND ELLEN DUCK</p>	<p>PLOT PLAN SCHEME "B"</p>	<p>APN 008-312-05</p>
<p>PROJECT ADDRESS: 405 14TH STREET PASO ROBLES, CALIFORNIA</p>	<p>DRAWN BY: STEPHEN KING</p>	<p>DATE: 03-14-2006</p>

**Mr. and Mrs. George Duck, Jr.
909 Vista Grande
Paso Robles, California 93446
805.238.5456**

February 1st, 2006

Mr. Byron C. Devendorf
411 14th Street
Paso Robles, California 93446

Dear Byron,

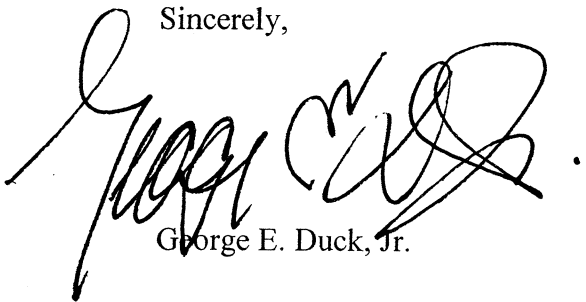
As we had discussed, I am requesting that the town of Paso Robles include my house at 405 14th Street, Paso Robles, APN # 008.312.005 in the "Office Overlay" zoning to permit my CPA practice at that location.

So as to assure continuity of the "Office Overlay" section off of 14th street, I have also proposed that your house, 411 14th Street, Paso Robles, APN # 008.312.006, be included with that designation as well.

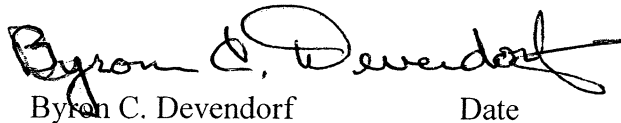
I appreciate your support and assistance in this endeavor and look forward to our being neighbors.

Sincerely,

In agreement with proposal as outlined above



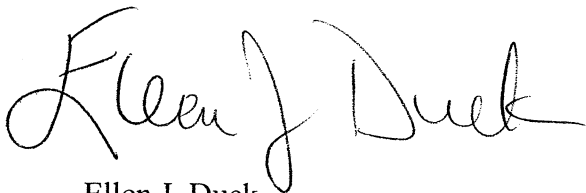
George E. Duck, Jr.



Byron C. Devendorf

Date

2-3-06



Ellen J. Duck

Paso Robles

FEB 16 2006

Planning Division

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3. FILE #: **GENERAL PLAN AMENDMENT 06-001(C),
REZONE 06-001 and CONDITIONAL USE
PERMIT 06-002**
- APPLICATION: To consider adding an Office Overlay to property designated as Residential Multi-Family Low Density (RMF-8). In conjunction with the General Plan Amendment is an application for Rezone 06-001 to consider modifying the Zoning Code designation, to add an Office Overlay to the R2 zoning of the site. Also requested is Conditional Use Permit 06-002 to allow a professional office use at this property. The Planning Commission will also be considering the content and potential application of any conditions of approval that relate to the subject applications.
- APPLICANT: George Duck
- LOCATION: 405 14th Street

Opened Public Hearing.

Letter of opposition was noted as received.

Public Testimony: In favor: George Duck, applicant

Opposed: None

Closed Public Hearing.

Action: A motion was made by Commissioner Menath, seconded by Commissioner Holstine, and passed 4-2-1 (Commissioners Flynn and Withers opposed, Commissioner Mattke absent), to recommend the City Council approve a Negative Declaration for General Plan Amendment 06-001(C), Rezone 06-001 and Conditional Use Permit 06-002 as presented.

Action: A motion was made by Commissioner Menath, seconded by Commissioner Holstine, to recommend the City Council approve General Plan Amendment 06-001(c) and failed to pass on a vote of 3-3-1 (Commissioners Flynn, Steinbeck and Withers opposed, Commissioner Mattke absent). Therefore, no recommendation was made to the City Council.

Action: A motion was made by Commissioner Menath, seconded by Commissioner Holstine, to recommend the City Council approve Rezone 06-001 and failed to pass on a vote of 3-3-1 (Commissioners Flynn, Steinbeck and Withers opposed, Commissioner Mattke absent). Therefore, no recommendation was made to the City Council.

Action: A motion was made by Commissioner Menath, seconded by Commissioner Steinbeck, and passed 6-0-1 (Commissioner Mattke absent), to table Conditional Use Permit 06-002 pending City Council consideration of the General Plan Amendment and Rezone.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DENYING A REQUEST FOR GENERAL PLAN AMENDMENT 06-001(C)
AND REZONE 06-001 TO ADD AN OFFICE OVERLAY TO PROPERTIES
LOCATED AT 405 AND 411 14TH STREET (APPLICANT - GEORGE DUCK)

WHEREAS, the City has received a request by applicant George Duck to amend the General Plan Land Use Map and Zoning Map to add an Office Overlay (OP) to properties located at 405 and 411 14th Street currently designated RMF-8 and zoned R2; and

WHEREAS, the request to add an OP Overlay would allow establishment of an office use with approval of a Conditional Use Permit at the proposed locations; and

WHEREAS, the encroachment of non-residential land uses into this residential neighborhood may change the residential character of the area due to physical and social changes that may result from office uses on these properties; and

WHEREAS, the proposed location of the OP Overlay would result in potential land use conflicts since it would result in properties across from one another with two different land use and zoning districts, which is inappropriate since it would be in conflict with orderly development of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny the request to amend the General Plan Land Use Map and Zoning Map to add an Office Overlay (OP) to properties located at 405 and 411 14th Street.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 21st day of March 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Cathy David, Deputy City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION
FOR A GENERAL PLAN AMENDMENT AND ZONING MAP AMENDMENT
TO ADD AN OFFICE OVERLAY (OP) FOR PROPERTIES LOCATED
AT 405 AND 411 14TH STREET (APNs 008-312-05 AND -06)

WHEREAS, the City Council of the City of El Paso de Robles adopted an updated General Plan in December 2003; and

WHEREAS, this General Plan Amendment and Zoning Map Amendment is consistent with the General Plan; and

WHEREAS, the General Plan Environmental Impact Report (EIR) considered and evaluated programmatically potential impacts that may result from implementation of the General Plan, and includes mitigation measures as appropriate; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) to evaluate whether this project would result in environmental impacts, and the City has determined that this project will not result in significant environmental impacts; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Negative Declaration was prepared and circulated for public review and comment; and

WHEREAS, no public comments or responses were received in regard to the Draft Negative Declaration and Initial Study; and

WHEREAS, Public Notice of the proposed Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 28, 2006 and City Council on March 21, 2006 to consider the Initial Study, the proposed Negative Declaration prepared for the proposed project, and to accept public testimony on the General Plan and Zoning Map Amendments and environmental determination; and

WHEREAS, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the proposed project. This finding is based on the Mitigation Monitoring Program included in the General Plan Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, that it does hereby recommend adoption of a Negative Declaration and in accordance with the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED THIS 21st day of March, 2006 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank R. Mecham, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk

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 TO ADD AN OFFICE OVERLAY (OP) TO
PROPERTIES LOCATED AT 405 AND 411 14TH STREET
FOR APNs 008-312-005 AND -006,
ZONING MAP AMENDMENT 06-001

WHEREAS, the current Zoning Map of properties at 405 and 411 14th Street is R-2 (Duplex/Triplex); and

WHEREAS, the General Plan land use designation is concurrently requested to be amended to apply the OP Overlay to these properties, and 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, this Zoning Map Amendment will maintain the R-2 zoning of these properties and will allow future office uses with an approved Conditional Use Permit; and

WHEREAS, at its meeting of February 28, 2006, 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 March 21, 2006, 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 February 28, 2006 public meeting;

- d. Introduced said ordinance for the first reading; and

WHEREAS, on April 4, 2006, 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.

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 March 21, 2006, and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of April, 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Cathy David, Deputy City Clerk

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Talin Shahbazian, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for the request to add an office overlay zone/ designation in an R2 zone, also a Conditional Use Permit to allow establishment of an office at 405 14th Street, Rezone 06-001/General Plan Amendment 06-001 (C)/ CUP 06-001, (Applicant George Duck) on this 10th day of February 2006.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____



Talin Shahbazian

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

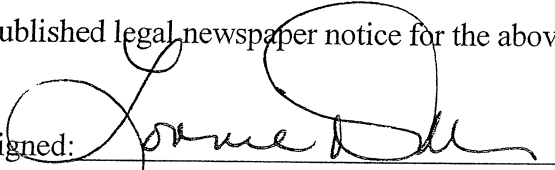
PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune Date of Publication: February 8, 2006

Project: General Plan Amendment 06-001, a three part Amendment to the Land Use Element of the City of Paso Robles General Plan

Dates: February 28, 2006 (Planning Commission) and March 21, 2006 (City Council)

I, Lonnie Dolan, 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: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF PUBLIC HEARINGS
NOTICE OF INTENT TO ADOPT
NEGATIVE DECLARATION

General Plan Amendment 06-001
A Three Part Amendment to the Land Use
Element of the City of Paso Robles General Plan

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider making recommendations regarding adoption of Negative Declarations and approval of a three (3) part General Plan Amendment relating to the Land Use Element of the General Plan, and other associated planning entitlements.

Part A: A General Plan Amendment (Land Use Element) to consider modifying the General Plan's designation of property currently designated as "Parks and Open Space" and a portion designated as "Agriculture" to a "Business Park" land use designation. In conjunction with the General Plan Amendment is an application for Rezone 05-005 to consider modifying the Zoning Code designation of the property currently designated as "Parks and Open Space" to a "Planned Industrial" zoning designation. Also, in conjunction with the General Plan Amendment, Rezone is an amendment to Tract 2778 and PD 97013. The Tract and PD is a request to subdivide the 47-acre site into twenty (20) lots for commercial/light-industrial uses. The subject property is located east of Golden Hill Road and north of Highway 46 East and would form an eastward extension to the Golden Hills Business Park. All traffic resulting from the proposed project would take access through the existing business park and the existing signalized intersection of Golden Hill Road and Highway 46 East. The applicant is the property owner, Tom Erskine.

Part B: A General Plan Amendment (Land Use Element) to consider modifying the General Plan's designation of property currently designated as "Commercial Service" to a "Residential Multi-Family Medium Density (12-units per acre - RMF-12)" land use designation. Additionally, an amendment to the text of the Land Use Element is requested to eliminate a portion of the RMF-12 Purpose Statement (pg. LU-18), that requires multi-family development in this land use category to have buildings with four or more dwelling units. In conjunction with the General Plan Amendment is an application for Rezone 05-003 to consider modifying the Zoning Code designation of the property currently designated as "Commercial/Light Industrial" to a "Residential Multi-Family/Apartment, 12-units per acre - R3" zoning designation. Also requested is Specific Plan Amendment 05-003, to amend the Borkey Area Specific Plan to reflect the change in land use for Sub Area D of the plan. The subject property is located on the south corner of River Oaks Drive and Experimental Station Road. The applicant is the property owner, Dick Willhoit.

Part C: A General Plan Amendment (Land Use Element) to consider adding an Office Overlay to property designated as Residential Multi-Family Low Density (RMF-8). In conjunction, the applicant requests the zoning map be amended to add an Office Overlay to the R2 zoning of the site. The application also includes a request to consider a Conditional Use Permit to allow a professional office use at this property. The property is located 405 14th Street, (APN 008-312-005). The applicant is the property owner, George Duck.

The Planning Commission hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, February 28, 2006 at which time all interested parties may appear and be heard.

NOTICE IS ALSO HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider the same three-part General Plan Amendment and associated applications listed above. The City Council's hearing will take place in the Conference Room of the Library / City Hall at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, March 21, 2006 at which time all interested parties may appear and be heard.

As part of the noticed Public Hearing, the City Council will consider adoption of Negative Declarations of Environmental Impact (statements that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA). The proposed Negative Declarations will be available for public review from February 8, 2006 through March 21, 2006. Copies of the staff report and draft Negative Declaration will be available for the cost of reproduction at the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446. Please write to this address or call the Planning Division at (805) 237-3970 should you have questions or comments regarding this notice or related matters.

If you challenge these requests 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, the public hearings.

Darren Nash, Associate Planner
Feb. 8, 2006

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