

To: Thomas Frutchey, City Manager
From: Susan DeCarli, City Planner
Subject: Alder Creek Apartments - Expansion

- Second Reading - Rezone 15-002 – Zoning Map Amendment

Applicant: New Heritage Limited LP (Joe Collins) - APN: 009-767-049

Date: September 6, 2016

The City Council held a public hearing on August 2, 2016, and unanimously approved the Alder Creek Apartment Project General Plan amendment and rezone ordinance amendment. This project includes a Zoning Map amendment. The rezone amendment is consistent with the land use designations approved by the City Council on August 2, 2016.

The City Council introduced the rezone ordinance amendment (Ordinance "A" - No. XXX N.S. (New Series)) at the first reading. The proposed action for the September 6, 2016 city Council meeting is to adopt the ordinance on 2nd reading by consent. The staff report from the August 2, 2016 meeting is summarized below for information. No substantive changes have been made to the proposed ordinance since the first reading. A summary of the proposed ordinances, approved by the City Attorney, was printed in The Tribune (a newspaper of general circulation) on August 26, 2016.

Summary from August 2, 2016 City Council staff report.

Needs: For the City Council to consider a recommendation from the Planning Commission to approve an application filed by Joe Collins requesting a General Plan Amendment (GPA), Zoning Map Amendment (RZ), Vesting Tentative Tract Map (VTTM), and Development Plan (PD), to allow an expansion of the existing Alder Creek apartments, to allow 16 additional 2-bedroom units in four (4) buildings.

Facts:

1. The project site is located on Gardenia Court on the southwest corner of Niblick Road and Nicklaus Street. See Attachment 1 – Project Location Map.
2. In order to accommodate the proposed development project, it is necessary to approve an amendment to the General Plan - Land Use Element land use map and the Zoning Map, and to approve of a Development Plan. The applicant also proposes to subdivide Lot 1 of Tract 2070. The project proposal includes the following components:

- a) General Plan Amendment

Amend the General Plan Land Use Element Map General Plan Land Use Element Amendment (Cycle 2 – 2016) Part A to re-designate approximately 1.50 acres of land from Residential Multi-Family Low Density, (RMF-8) to Residential Multi-Family High Density (RMF-20), and re-designate approximately 0.9 acres of land from Residential Multi-Family Low Density, (RMF-8) to Parks and Open Space (POS). See Attachment 2 – General Plan - Land Use Map Amendment.

b) Zoning Amendment

Amend the existing Residential Multi-Family (R3-10) zoning on approximately 1.50 acres of land to R-5, and rezone approximately 0.9 acres of land from R3-10 to Open Space (OS). See Attachment 3 – Zoning Map Amendment.

c) Vesting Tentative Tract Map

Subdivide Lot 1 of Tract 2070, to create VTTM 3080, Lots 1 - 3. The existing Tract 2070 includes 96 airspace condominiums, which is not proposed to change. However, the property owner currently intends to keep all of the units as rentals and not sell them. See Attachment 4 - VTTM.

d) Planned Development

To construct four (4) new buildings, each with four (4) 2-bedroom units for a total of 16 new apartment units. The apartment buildings are proposed to be consistent with the architectural style of the existing apartments on the site. See Attachment 5 –Site Plan and Elevations.

3. If approved, the proposed project would be allocated 16 surplus density units from the General Plan.
3. In accordance with the City's General Plan Housing Element, this project would provide additional rental housing supply, which is an identified need.
4. The original Tract Map No. 2070 included an offer of dedication to the City of an open space easement, which was accepted by the City. This easement is approximately 1.06-acres in area. The applicant owns the underlying property, and proposes to use 0.19 acres of this area within the development area footprint. Since this open space property is encumbered with an easement for the publics' benefit, the applicant has offered to purchase this 0.19-acre area of the easement. A property appraisal was prepared, and it determined that the value of this property easement is \$16,000. The applicant has agreed to pay this amount to the City in

exchange for City abandonment of this portion of the open space easement for development of his project.

Analysis
and

Conclusion:

The existing Alder Creek apartment project, including the apartments on both the west and east sides of Nicklaus Street, includes 96 units. The applicant is proposing a small-scale infill development project to construct 16 new apartment units within four (4) buildings, with four (4) 2-bedroom units in each building on the west side of Nicklaus Street. The development footprint would be on land currently occupied with an underutilized parking and storage area, and also on part of a vacant, open space area. Each unit would have a private patio area, and a couple small outdoor seating areas are proposed for common open space areas. The new units would have access to the open space amenities, including the pool on the east side of the project across the street. The new units would seamlessly blend in with the existing development. The applicant would need to upgrade the existing frontage sidewalks to be consistent with current ADA requirements. The site and building design will need to be graded with appropriate flatwork to ensure adequate ADA accessibility. The project would not affect the oak woodland area to the south of the development footprint. There are no oak trees or other sensitive or protected resources within the development area.

In regard to the General Plan and Zoning Map amendments, the proposed increased density is necessary to accommodate 16 more units since the size of the property is relatively small. However, the overall development pattern and intensity would be the same as the existing apartment development. The applicant will be required to pay applicable Transportation Impact Development Fees.

In accordance with the City's Procedures for Implementing CEQA, since the project scope included a General Plan Amendment a brief Water Supply Evaluation (WSE) was prepared for this project. The WSE concludes that the City has adequate water supply to meet the projected water demand for this project. A copy of the WSE is provided in Attachment 7.

Policy

Reference:

General Plan Land Use Element, Zoning Code, CEQA, 2006 Economic Strategy.

Fiscal

Impact:

As a residential subdivision, the applicant will be required to annex into the City's Community Facilities District (CFD) to cover the increased costs of public services. Based on this requirement, the project is projected to be revenue neutral to the City.

Options:

1. Approve the project by holding second reading by title only of Ordinance No. XXX N.S., amending the City of El Paso de Robles Municipal Code Section 21.12.020 (Zoning Map), as shown in Exhibit A (Attachment 1); or

2. Refer back to staff and/or the Planning Commission for additional analysis; or
3. Take action not to approve the project by denying option 1.a.

Attachments:

1. Ordinance A – No. XXX N.S., to approve the second reading of the Zoning Map Amendment

ORDINANCE NO. XXXX N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING REZONE 15-002; APPLICANT –NEW HERITAGE LP/JOE COLLINS
ALDER CREEK APARTMENTS EXPANSION - APN: 009-767-049

WHEREAS, New Heritage, LP/Joe Collins (“Applicant”), in connection with the proposed Alder Creek Apartments expansion (the “Project”), has filed a request for consideration of Rezone 15-002, to rezone property currently zoned Residential Multi-Family (R3-10) on approximately 1.50 acres of land to R-5, and to rezone approximately 0.9 acres of land from R3-10 to Open Space (OS), as shown in Exhibit A – Zoning Map Amendment; and

WHEREAS, the rezone is necessary to provide zoning map consistency with a concurrent request for a General Plan Land Use Element Diagram Amendment (GPA 15-003, Part A); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), and the City’s Guidelines to Implement CEQA, the Planning Commission has reviewed and recommended the City Council approve the Mitigated Negative Declaration prepared for the Project; and

WHEREAS, on July 12, 2016, the Planning Commission reviewed and recommended the City Council approve GPA 15-003, Part A and Rezone 15-002;

WHEREAS, on August the City Council reviewed Rezone 15-002.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Based on the facts and analysis presented to it, including all written and oral testimony, the City Council hereby makes following findings regarding Rezone 15-002:

- a. The rezone is necessary to provide zoning map consistency with a concurrent request for a General Plan Land Use Element Diagram Amendment (GPA 15-003, Part A).
- b. Rezone 13-001 would provide for orderly development within the City.

Section 3. Based on all of the foregoing findings and determinations,

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) Resolution No. 16-XX, adopted by the City Council on August 2, 2016, making findings as to the Mitigated Negative Declaration for the Alder Creek project, including the Mitigation Monitoring and Reporting Program, approved by and incorporated in said Resolutions, which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (c) The City’s General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. 16-XX prior to adoption of this Ordinance;
- (d) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to the Zoning Map Amendment, and other actions relating to the Property;

- (e) All documentary and oral evidence received at public hearings or submitted to the City Council or City during the comment period relating to the Zoning Amendment, and other actions relating to the Property; and
- (f) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

Section 4. The City Council of the City of El Paso de Robles approves Rezone 15-002, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan, as amended, as approved by the City Council.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption as provided by Government Code section 36397.

SECTION 7. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause a summary 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 Government Code section 36933.

Introduced at a regular meeting of the City Council held on August 2, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on September 6, 2016 by the following roll call vote, to wit:

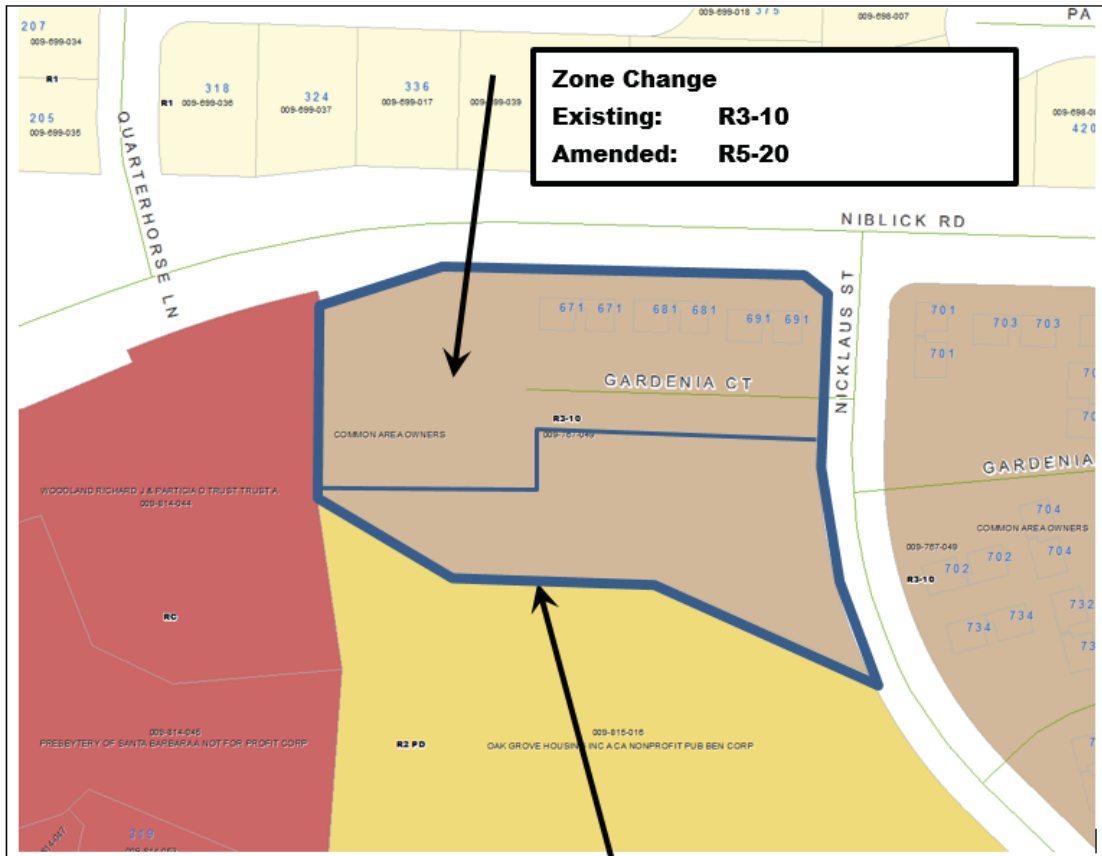
AYES:
NOES:
ABSTAIN:
ABSENT:

Steven W. Martin, Mayor

Attest:

Kristen L. Buxkemper, Deputy City Clerk

Exhibit A – Zone Change 15-002



Zone Code - Title 21

- OS, Open Space
- AG: Agriculture
- POS: Parks_Open Space
- RA: Residential Agriculture
- RS: Residential Suburban
- R1, Residential Single Family; RSF6: R
- R2, Residential Duplex/Triplex
- R3-O: 12 du/ac - office
- R9: 9 du/ac
- R3: 12 du/ac
- R4: 16 du/ac
- R5: 20 du/ac

Zone Change
Existing: RMF-8
Amended: OS