

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: AMENDMENT TO PLANNED DEVELOPMENT 00-016 (APPLICANT: OAK CREEK COMMONS LLC.)

DATE: JANUARY 9, 2006

Needs: For the Planning Commission to consider an application filed by Larry Miller on behalf of Oak Creek Commons Homeowner Association, to amend the existing development plan (PD 00-016) to eliminate the requirement to install 11 additional on-site parking spaces.

- Facts:
1. The Oak Creek Commons project site is located at 635 Nicklaus Street (see attached vicinity map).
 2. PD 00-016 was approved, via Resolution 00-084 by the Planning Commission in November 2000. At the time of the approval, the Planning Commission approved the applicant's request to defer the installment of 11 on-site parking spaces.
 3. The Planning Commission's deferral was based on the theme of the project to de-emphasize the car, and allowed the deferral of 11 parking spaces for 3 years. With the approval of the project, the Commission required the following condition of approval (Condition No. 7 of Resolution 00-084):

Adequate space shall be designed in the project for 11 more parking spaces. The installation of the additional 11 parking spaces may be postponed for 3 years, where at the end of the 3 year term Cohousing Resources shall either install the parking spaces (with the necessary permits through the City) or go before the Planning Commission via a public hearing and determine that the additional parking spaces are not necessary.
 4. On November 30, 2006, the City received an application from Larry Miller on behalf of Oak Creek Commons HOA, requesting that the parking issue be brought before the Planning Commission for a public hearing, and that the Planning Commission make a determination that the additional 11 parking spaces are not necessary. See attached letter from Larry Miller.

5. The Development Review Committee (DRC) reviewed the parking issue at their meeting on December 11, 2006. The DRC members indicated that they had been to the site to review the parking situation. Aside from busy street parking as a result of the adjacent Pat Butler Elementary School, they did not see an on-site parking problem with Oak Creek Commons, and recommended that the Planning Commission approve the amendment to PD 00-016 and omit the requirement to install the additional 11 parking spaces.

Analysis
and

Conclusions: The subject parking issue is specific to the 31 condominium units and does not include the 5 single family residential units, which each have a two-car garage. Based on the 31 condo units, 68 parking spaces are required. The project currently has 57 parking spaces, 31 within the underground parking garage and 26 in the existing surface parking lots.

The Oak Creek Commons project has been designed as a pedestrian oriented community. One of the main design elements of the project is the main corridor that runs through the middle of the project, that all of the units are oriented to. Another major element of the community is the underground parking garage, where a majority of the cars are parked out of site. The remaining parking is provided within car ports which are tucked behind landscape berms, so that the cars are screened from the street.

These elements are what make the project a successful pedestrian oriented community that de-emphasizes the car. When people “by-in” to the Cohousing premise of pedestrian orientation, they have to also understand that they will not be able to drive their car to the front door of their unit and that they may not be able to have more than one car.

After approximately two years of living in the Oak Creek Commons community, the Association believes the premise that the project needs fewer parking spaces has been proven and is requesting that the parking issue be brought before the Planning Commission for review and action. The Association is satisfied that the existing parking facilities are sufficient, claiming that the additional 11 parking spaces are not necessary.

At the time of the issuance of a building permit for the project, the City required Oak Creek Commons to put up a \$20,000 security deposit for the installation of the 11 parking spaces. If the Planning Commission omits the requirement to install the spaces, the security deposit will be released back to the HOA.

If the Commission requires the additional 11 parking spaces to be installed, staff would request the Oak Creek Commons HOA to submit a parking lot plan to

show the installation of the spaces. Timing of the installation would need to be determined.

Over the past 2 years, the City has not recognized a problem with the current parking situation, nor has the City received any complaints from the adjacent neighborhood or school regarding the on-site parking situation for the Oak Creek Commons community.

All property owners within 300-feet of the site, as well as all the property owners within the Oak Creek Commons community have been notified of the public hearing regarding this matter.

Policy

Reference: Paso Robles General Plan Land Use Element, Zoning Code

Fiscal

Impact: None

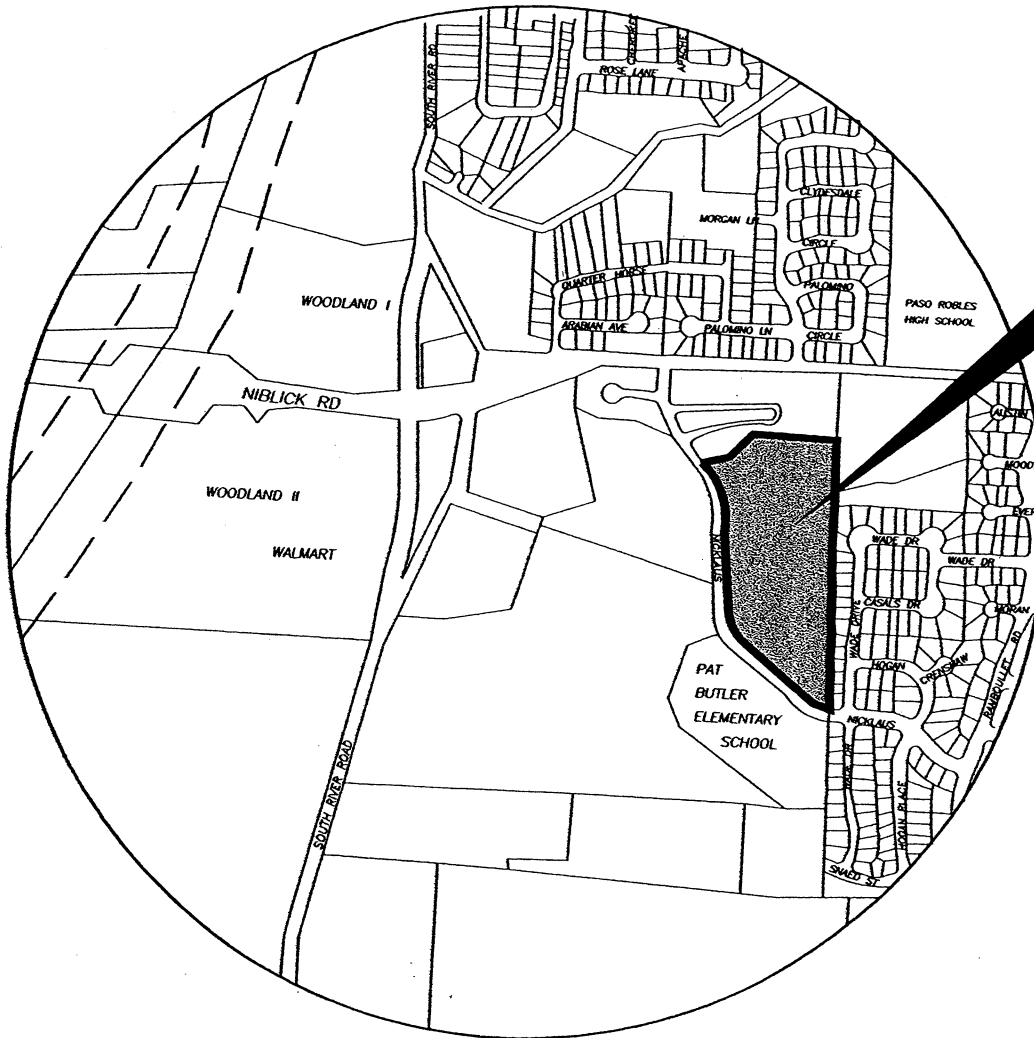
Options: After consideration of public testimony, the Planning Commission will be asked to consider:

1. Adopting the attached resolution granting approval to Amendment to Planned Development 00-016, omitting condition No. 7 of Resolution 00-084, thereby not requiring the construction of the additional 11 parking spaces on the Oak Creek Commons site;
2. That the Planning Commission Amending, Modifying, or rejecting the above option.

Attachments:

1. Vicinity Map
2. Letter from Applicant
3. Conceptual Site Plan
4. Draft Resolution Approving Amendment to PD 00-016
5. Newspaper and Mail Notice Affidavits

darren\pd\00-016Cohousing\ParkingAmendmentpcr.doc



SITE

VICINITY MAP

NTS

**TENTATIVE
TRACT 2404
OAK CREEK COMMONS**

**Oak Creek Commons Homeowner Association
635 Nicklaus Street
Paso Robles, CA 93446**

November 30, 2006

Darren Nash
Associate Planner
Paso Robles Planning Department

**Paso Robles
NOV 30 2006
Planning Division**

Dear Darren,

This letter is in response to our previous conversation regarding the Oak Creek Commons (OCC) request for return of the \$50,000 bond which we had provided as a condition for allowing construction of the project with fewer parking spaces than required by city codes.

Per our discussion, I am enclosing the following:

- ✓ Development Application for making the waiver permanent and the refund of the OCC parking bond
- ✓ Deposit check for \$1,200
- ✓ Address label set for 300 foot radius around 635 Nicklaus
- ✓ Copy of a letter dated July 16, 2006 sent to all Oak Creek Homeowners regarding the parking issue

It is my understanding that this request will be an agenda item on the December 12th meeting of the Planning Commission. I will plan on attending that meeting. If there is any preparation that I should make for that meeting or additional information that may be needed, I would appreciate it if you would let me know. I can be reached at (805) 239-9326 or by email at larryfmiller@mindspring.com.

Best regards,



Larry Miller
Chief Financial Officer,
Oak Creek Commons Homeowner Association

July 16, 2006

Dear community member,

OCC and Wonderland have a ^{20,000} ~~\$50,000~~ bond on deposit with the City of Paso Robles which is due for review next March. This bond is for the purpose of insuring that the community has money available to construct additional parking spaces should they be needed. The bond was required in order to allow the development project to provide fewer parking spaces than would be required by code. This money, if not required for parking spaces would be returned to the development corporation as additional profit share money. Our share would be approximately \$12,000 and Affordability would get an additional \$7,000.

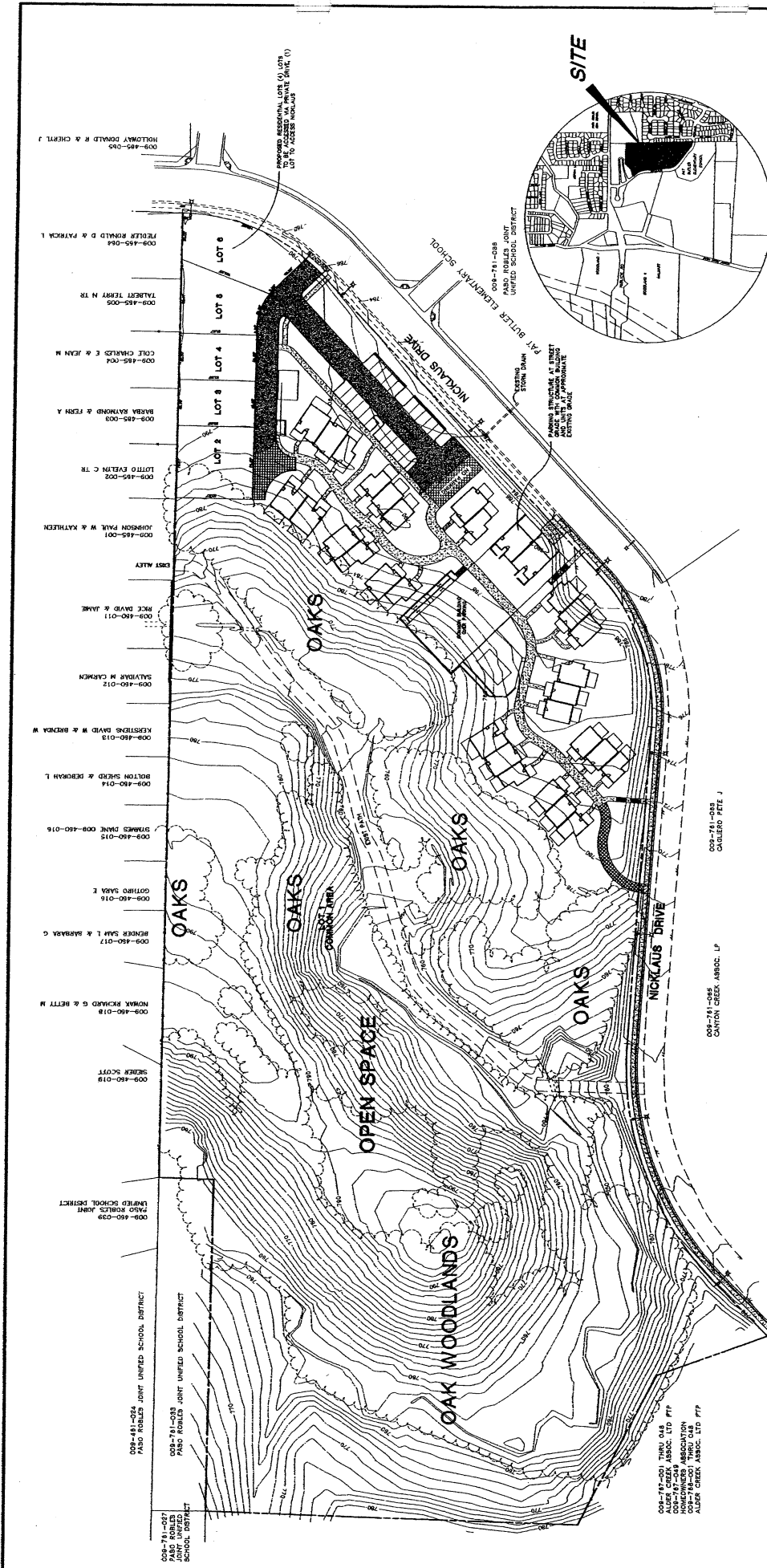
At our request, Paso Robles has agreed to review this bond early, possibly at the August Council meeting. The prime requirement for refunding the bond is that community members are satisfied with the existing number of parking spaces. This notice is to inform all OCC members of this issue and to request that anyone who does not wish this bond money to be returned to contact me or another Board member no later than July 23rd.

If we do not hear any concerns by July 23rd, we will assume that there are no objections and will proceed with the request.

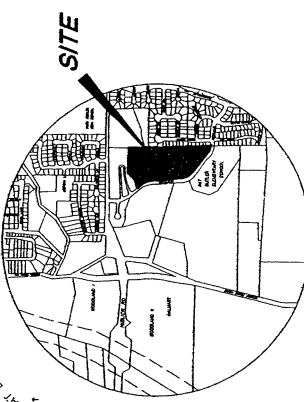
Sincerely,

Larry Miller
OCC Treasurer

Paso Robles
NOV 30 2006
Planning Division



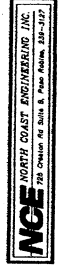
VICINITY MAP



TENTATIVE TRACT 2404 OAK CREEK COMMONS

IN THE CITY OF EL PASO, COUNTY OF SAN JUAN, STATE OF TEXAS, BEING A SUBDIVISION OF PARCEL 4 OF PARCEL MAP 89-013 RECORDED IN BOOK 53 OF PARCEL MAPS AT PAGE 1, RECORDS OF SAO COUNTY.

MASTER SITE PLAN



SHEET 2 OF 10

SITE STATISTICS

EXISTING ZONING	R-2 PD
EXISTING LAND USE	MULTI-FAMILY-MEDIUM
MAXIMUM DENSITY	8 UNITS/ACRE
TOTAL AREA	14.11 ACRES
NO. UNITS	38
DENSITY	2.8 UNITS PER ACRE
CRESET PRICE	17.8 ACRES
DEVELOPED AREA	3.58 ACRES

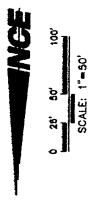
RECORD OWNER: CALERO FAMILY TRUST

APPLICANT: COHOUSING RESOURCES

ENGINEER: NORTH COAST ENGINEERING, INC.

725 CRESTON RD. STE. B
PASO ROBLES, CA 93446
STEVE SYLVESTER
C.C.E. 20743
E.C.T. 20705

LEGAL DESCRIPTION: PARCEL 4 OF 64PW1



NORTH COAST ENGINEERING, INC. 8997401.0 2005

MASTER SITE PLAN
Tentative Tract 2404 & PD 00-016
(Cohousing Resources)

RESOLUTION NO. _____
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE AMENDMENT TO PLANNED DEVELOPMENT 00-016
(Oak Creek Commons)
APN: 009-815-010

WHEREAS, Amendment to Planned Development 00-016 has been filed by Larry Miller on behalf of Oak Creek Commons Home Owners Association, to omit Condition No. 7 of Resolution 00-084, to eliminate the requirement to install an additional 11 on-site parking spaces; and

WHEREAS, Oak Creek Commons is located on the north side of Nicklaus Dr. across from Pat Butter School; and

WHEREAS, the request to bring this parking issue up for review by the Planning Commission is in accordance with Condition No. 7 of Resolution 00-084, which states as follows:

Adequate space shall be designed in the project for 11 more parking spaces. The installation of the additional 11 parking spaces may be postponed for 3 years, where at the end of the 3 year term Cohousing Resources shall either install the parking spaces (with the necessary permits through the City) or go before the Planning Commission via a public hearing and determine that the additional parking spaces are not necessary.

and;

WHEREAS, Oak Creek Commons has been in operation for approximately 2 years utilizing the existing 57 on-site parking spaces, and the City has not recognized a parking problem, or received complaints from the adjacent neighborhood or school regarding the on-site parking situation; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby resolve, determine and order as follows, based upon the facts and analysis presented in the staff reports, and public testimony:

That the Planning Commission of the City of El Paso de Robles does hereby make the following findings:

1. That the proposed Planned Development amendment is consistent with the goals and policies established by the general plan;
2. That the proposed Planned Development amendment is consistent with the zoning code;
3. That the proposed Planned Development amendment will be consistent with all other adopted codes, policies, standards and plans of the city;
4. That the proposed Planned Development will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the person residing or working in the

neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city;

5. That the proposed Planned Development amendment accommodates the aesthetic quality of the city as a whole;
6. That the proposed Planned Development amendment is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts;
7. That the proposed Planned Development amendment contributes to the orderly development of the city as a whole.
8. That in keeping with the theme of the project to de-emphasize the car, the Planning Commission allows the omission of 11 parking spaces.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Amendment to Planned Development 00-016, omitting condition No. 7 of Resolution 00-084, omitting the requirement to install the additional 11 on-site parking spaces, subject to the following conditions:

1. All remaining conditions within Resolution 00-084 shall remain in full effect.

PASSED AND ADOPTED THIS 9th day of January 2007, by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN PRO TEM MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

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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 Amendment to Plan Development 00-016 to consider omitting condition No. 7 of Resolution 00-084 (PD 00-016), which would eliminate the need to construct 11 additional on-site parking spaces, (applicant Oak Creek Commons) on this 22nd day of December, 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

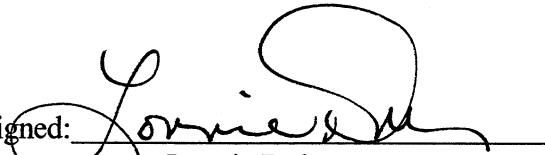
Newspaper: Tribune

Date of Publication: December 27, 2006

Meeting Date: January 9, 2007
(Planning Commission)

Project: Amendment to Planned
Development 00-016
(City initiated – Oak Creek
Commons elimination of 11
parking spaces)

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

CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider an application by the Oak Creek Commons Community to review condition No. 7 of Resolution 00-084 (PD 00-016) related to deferral of 11 parking spaces associated with the development of the Oak Creek Commons community.

Oak Creek Commons is located on the north side of Nicklaus Drive, just north of the Pat Butler Elementary School.

Condition No. 7 states as follows:

Adequate space shall be designed in the project for 11 more parking spaces. The installation of the additional 11 parking spaces may be postponed for 3 years, where at the end of the 3 year term Cohousing Resources shall either install the parking spaces (with the necessary permits through the City) or go before the Planning Commission via a public hearing and determine that the additional parking spaces are not necessary.

Oak Creek Commons community has been lived in for over three years, and the Community is requesting that the requirement for the 11 parking spaces is not necessary and requests that the Planning Commission eliminate the requirement to install the 11 spaces, as provided for within condition No. 7.

The Public Hearing, is scheduled to take place on Tuesday, January 9, 2007 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 parking issue may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided 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 questions regarding this application, please call Darren Nash at (805) 237-3970.

If you challenge the application 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 at or prior to, the public hearing.

Darren Nash, Associate Planner
December 27, 2006 6510805