

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REZONE 03-009 (PETERSON / FRANKLIN)
DATE: APRIL 6, 2004

Needs: To consider an application filed by Leo Michaud on behalf of the Peterson's and the Franklin's, to apply Planned Development (PD) Overlay zoning over two (2) R-1 zoned parcels totaling 2.87 acres. The site is located at 723 and 733 Rolling Hills Road.

- Facts:
1. The existing General Plan Land Use designation for both parcels is RSF (Residential Single Family). The existing zoning is R1 (Residential Single Family). The Peterson's have an existing entitlement to subdivide their property into 3 parcels.
 2. On March 23, 2004, the Planning Commission approved a subdivision that would incorporate the Peterson's parcels into Tentative Tract 2358 and PD 04-004, tentative map and development plan that would allow for the development of a 7-lot single family residential subdivision (3 lots for Petersons plus 4 lots for the Franklin's). A copy of the approved lot layout is attached.
 3. The request for the Rezone is to apply PD Overlay Zoning over the site in order to use the "PD" flexibility to allow for the reduction of street side yard setbacks from 10-feet to 5-feet to accommodate two existing homes.
 4. The two existing homes are proposed to be preserved and be located on proposed lots 1 and 7. The distance between the two homes is 50-feet and when the new cul de sac street (Tranquil Hills Drive) is installed, which has a 40-foot right of way, the existing homes will only have a 5-foot setback from the property line, therefore not complying with the required 10-foot street side yard setback.
 5. At their meeting on March 23, 2004 the Planning Commission recommended that the City Council approve Rezone 03-009.

Analysis and

Conclusion: Rezone 03-009 would seem appropriate to allow for the new street to be constructed between the two existing homes. If the rezone was not approved, the City Standard Street could not be constructed.

If the PD Overlay is not approved, the applicants would need to cut five feet off of each of the existing homes or use multiple driveways to access the subdivision (which is allowed under the current zoning of the properties).

The applicants could propose two driveways of 16-feet in width, side by side and not have a conflict with a setback, since the property line would be located at the center line of the driveway. This driveway would have a wider pavement width than the proposed street, have a hammerhead rather than a city standard cul de sac, and be privately maintained.

It would appear that approving the rezone to require 5-foot side yard setbacks to allow for the new public street would be more beneficial to the applicants, the neighborhood and the City. A City Standard cul-de-sac would allow delivery vehicles trash trucks and emergency services vehicles better access than two private driveways.

Policy

Reference: California Environmental Quality Act (CEQA); General Plan Land Use and Circulation Elements; Zoning Ordinance.

Fiscal

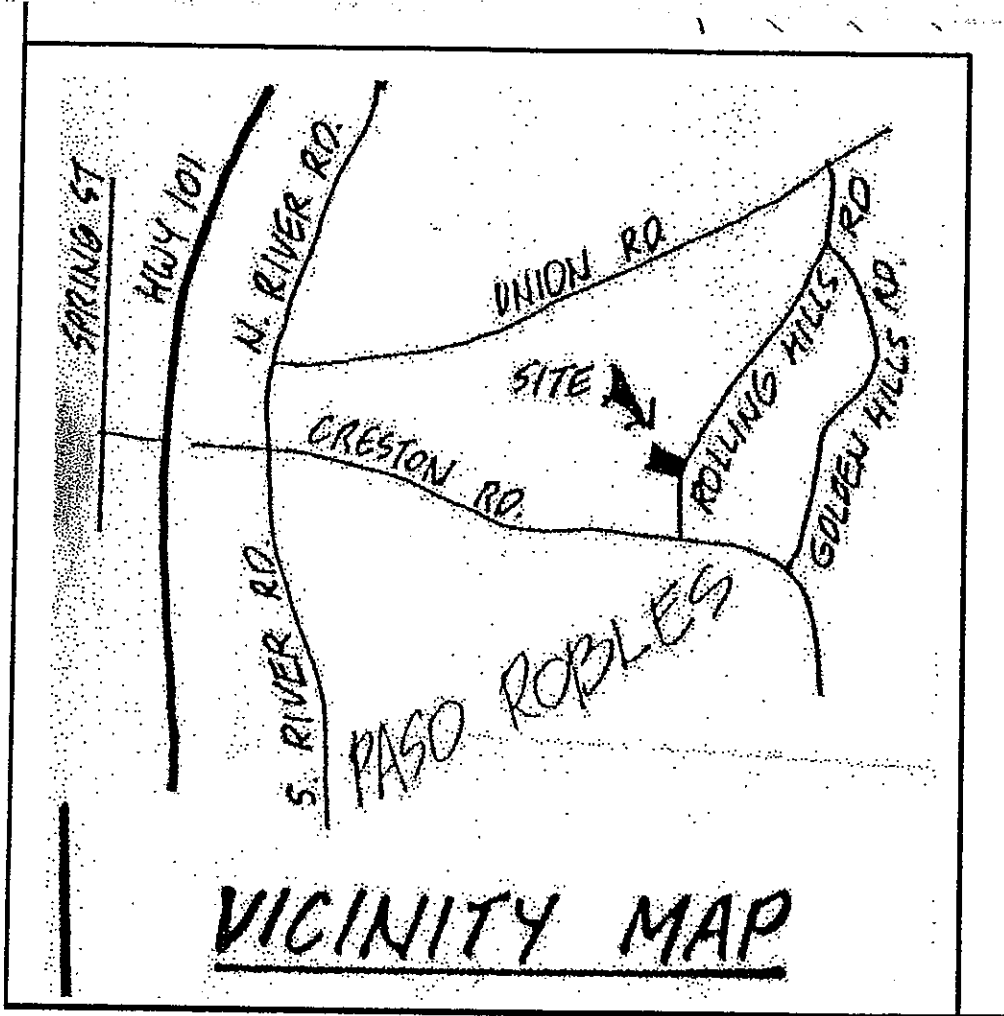
Impact: There are no quantified fiscal impacts related to this tentative subdivision.

Options: After consideration of public testimony, the City Council will be asked to make the recommendations and to take the actions listed below:

- A. Introduce Ordinance No. xxx N.S. approving Rezone 03-009 establishing Planned Development Overlay zoning over the two parcels site to allow for modifications to the side yard setbacks, in relation to Tract 2358, and set April 20, 2004, as the date for adoption of said Ordinance.
- B. Amend, modify, or alter the foregoing options.

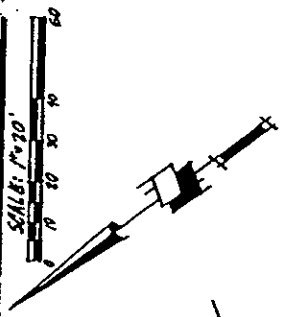
Attachments:

1. Vicinity Map
2. Current Approved Parcel Map PR 98-0163
3. Tentative Tract 2358
4. Ordinance approving Rezone 03-009
5. Newspaper and Mail Notice Affidavits

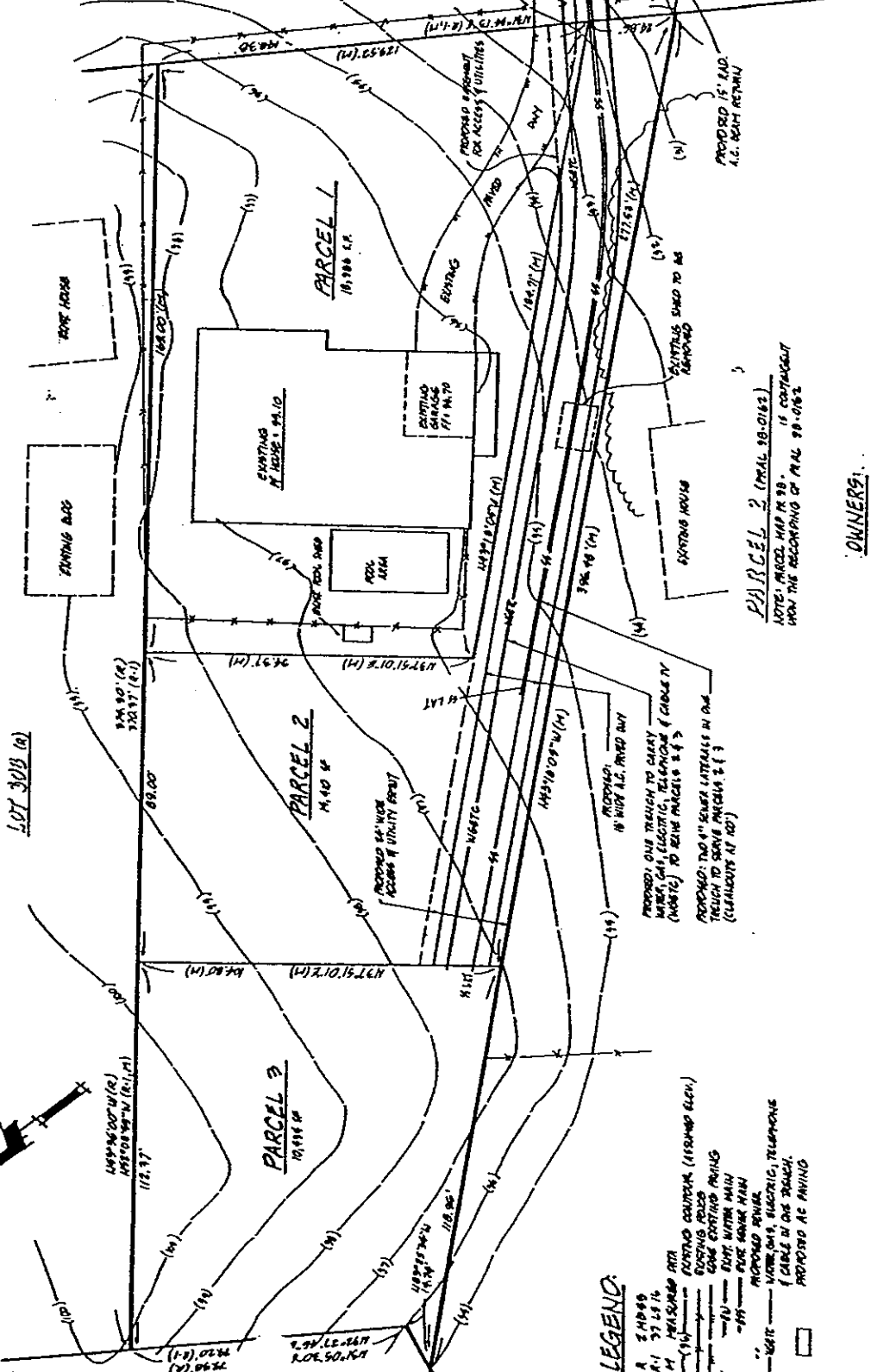
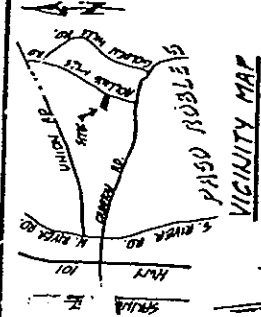


VICINITY MAP
Tract 2358, PD 04-004, Rezone 03-009
(Peterson / Franklin)

TENTATIVE PARCEL MAP PR 98-0163
 BEING A THREE LOT SUBDIVISION OF PARCEL 1 OF PARCEL MAP PR 98-0162 AS RECORDED IN DOCUMENT NO. 11180 IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA



LOT 303 (a)



- LEGEND:**
- A 3" HDBP
 - 1" 3" L.S. 14
 - M. REASUREMENT
 - EXISTING CONDUIT (18" MIN. ELEV.)
 - EXISTING ROADS
 - EXISTING DRIVEWAYS
 - EXIST. WATER MAIN
 - EXIST. SEWER MAIN
 - PROPOSED SEWER
 - PROPOSED WATER
 - PROPOSED GAS
 - PROPOSED TELEPHONE
 - PROPOSED CABLE IN ONE TRENCH
 - PROPOSED AC PAVING

OWNERS:

ROBERT E. & JOHAN G. ATTERSKI, TRUSTEES OF THE ROBERT E. ATTERSKI & JOHAN G. ATTERSKI TRUST DATED JULY 10, 1980
 1000 1000 1000
 PASO ROBLES, CALIF. 94024

SHOLDERS LAND SURVEYS

6000 1000 1000
 PASO ROBLES, CALIF. 94024
 (001) 484-1118 FAX: (001) 484-1119

Attachment A
Parcel Map PR 98-0163
 (Peterson)

6000 1000 1000
 PASO ROBLES, CALIF. 94024
 (001) 484-1118 FAX: (001) 484-1119

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Press

Date of Publication: March 24, 2004

Meeting Date: April 6, 2004
(City Council)

Project: Rezone 03-009
(Franklin/Peterson)

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 City Council of the
City of El Paso de Robles
will hold a Public Hearing to
consider the following project:

Rezone 03-009: a rezone
application filed by Leo
Michaud, on behalf of the
Franklin's and the Peterson's
to establish a Planned
Development Overlay over
the property, to allow for the
reduction of side yard set-
backs for the proposed
parcels. The project would
be located on a 3 acre par-
cel located at 723 Rolling
Hills Road.

The Public Hearing is sched-
uled to take place on
Tuesday, April 6, 2004 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 rezone 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 regard-
ing this application, please
call Darren Nash at (805)
237-3970.

If you challenge the rezone
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 cor-
respondence delivered to
the City Council at, or prior
to, the public hearing.

/s/Darren Nash, Associate
Planner

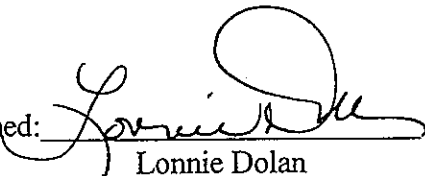
Pub: 3/24/2004
Paso Robles Press
Legal #9954

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Planned Development 04-004, Rezone 03-009 and Tentative Tract 2358 (Michaud/Peterson) on this 9th day of March 2004.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____



Lonnie Dolan

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 03-009
TRACT 2358 – 723 ROLLING HILLS ROAD (PETERSON/FRANKLIN.)

WHEREAS, Tract 2358, an application filed by Wilson Land Surveys on behalf of Robert and Joan Peterson and Harry and Karen Franklin, to divide two parcels of approximately 2.87 acres site into seven (7) individual lots located at 723 Rolling Hills Road; and

WHEREAS, in conjunction with Tract 2358, the applicant submitted an application for Rezone 03-009, to establish Planned Development Overlay zoning over the site; and

WHEREAS, with PD Overlay zoning (PD 04-004), the applicant is requesting the Planning Commission allow the reduction of the side yard setbacks to 5-feet for Lot 5 and, 6 and Lots 1 and 7 (existing homes) for the street side yard setback in relation to the new street; and

WHEREAS, the subject site is located in the RSF- land use category and R-1, zoning district; and

WHEREAS, the applicant proposes to create seven lots, ranging in size from 9,545 square feet to 39,445 square feet; and

WHEREAS, the two existing houses would remain and be located on newly created Lots 1 and 7; and

WHEREAS, all lots, with the exception of Lots 1 and 7 which is accessed from Rolling Hills Road, would be accessed from a new paved cul-de-sac street; and

WHEREAS, at its March 23, 2004 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 Tract 2358 and the environmental determination therefor.
- C. Based on the information contained in the Initial Study prepared for the Tract, 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 Negative Declaration can be adopted by the City Council.
- D. Recommended that the City Council approve Rezone 03-009.

WHEREAS, at its April 6, 2004 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.

D. Based on the information contained in the Initial Study prepared for Tract 2358, a determination was made, based on the independent review and judgment of the City Council, that there was no substantial evidence that the Project would have significant adverse effect on the environment and thus a Negative Declaration was adopted by separate Resolution.

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 Zoning Code.

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 April 6, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of April 2004 by the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

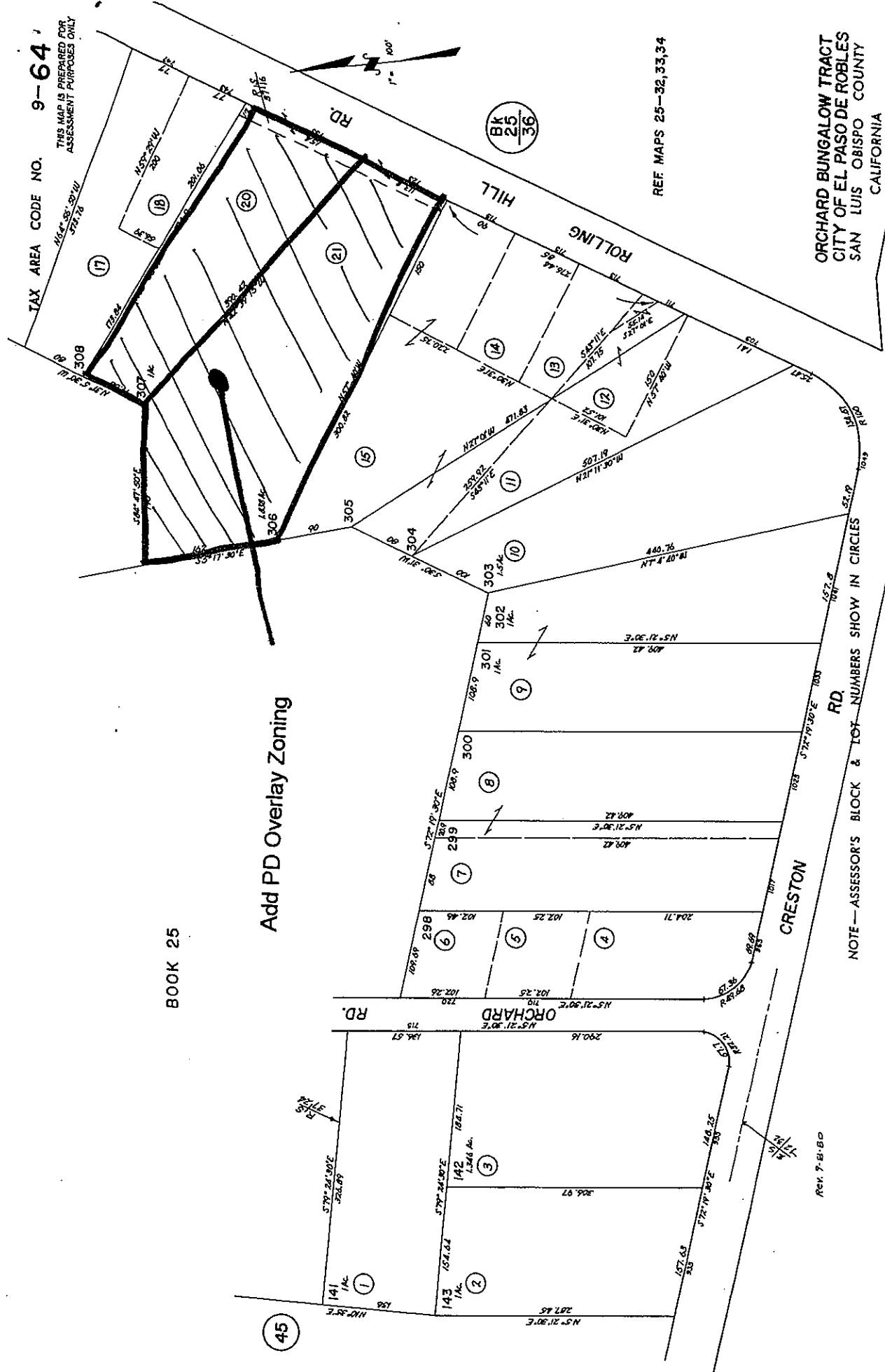
Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

TAX AREA CODE NO. 9-64

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY



BOOK 25

Add PD Overlay Zoning

REF MAPS 25-32, 33, 34

ORCHARD BUNGALOW TRACT
CITY OF EL PASO DE ROBLES
SAN LUIS OBISPO COUNTY
CALIFORNIA

NOTE—ASSESSOR'S BLOCK & LOT NUMBERS SHOW IN CIRCLES

EXHIBIT A
Rezone 03-009
(Peterson/Franklin)