Atascadero City Council

Staff Report - Community Development Department

Title 9 Planning and Zoning Text Amendment
PLN 2007-1201 for
ZCH 2007-0136 / PLN 2007-0137
5440 Traffic Way
(Habitat for Humanity)

(Proposed project consists of a 4-unit attached residential Planned Development)

RECOMMENDATIONS:

Council:
1. Adopt on second reading by title only, Draft Ordinance A, adopting Zone Change 2007-0136 establishing a Planned Development Overlay-30 code text change, based on findings; and,
2. Adopt on second reading by title only, Draft Ordinance B, adopting Zone Change 2007-0137 establishing a Zone Map Change at 5440 Traffic Way, based on findings.

DISCUSSION:

On August 28, 2007, the City Council conducted a public hearing and introduced the zone text change and the zone map change for first reading to establish a four-unit Habitat for Humanity planned development project. On a 4-0 vote, City Council approved the first reading.

Zone Text Change 2007-0136 establishes a new site-specific Planned Development Overlay-30 text amendment. Zone Map Change 2007—0137 is an amendment to the zoning map establishing a Planned Development Overlay Zone 30 on the subject site.

ATTACHMENTS:

Attachment 1: Draft Ordinance A
Attachment 2: Draft Ordinance B
ATTACHMENT 1: Draft Ordinance A
Approval of Proposed Zoning Text Change to establish a PD-30 Overlay Zone

DRAFT ORDINANCE A

AN ORDINANCE OF THE CITY COUNCIL
AMENDING THE ATASCADERO MUNICIPAL CODE BY APPROVING
ZONE CHANGE 2007-0136 TO ESTABLISH A
PLANNED DEVELOPMENT OVERLAY-30
5440 Traffic Way
(Habitat for Humanity)

WHEREAS, an application has been received from Habitat for Humanity for San Luis Obispo County, P.O. Box 613, San Luis Obispo, CA 93406, (Applicants and Property Owners) to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-family-16) to RMF-16/PD-30 (Residential Multi-Family-16 with a Planned Development Overlay-30) with corresponding Master Plan of Development and Vesting Tentative Parcel Map located at 5440 Traffic Way, (APN 029-062-013); and,

WHEREAS, Article 28 of the Atascadero Municipal Code allows for the creation of Planned Development Overlay-30 Zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0007 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Code Text to protect the health, safety, and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,
WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on July 17, 2007 studied and considered Zone Change 2007-0136, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the Planning Commission resolved to recommend the City Council introduce, for first reading by title only, an ordinance that would amend the City Zoning code text.

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on August 28, 2007 studied and considered Zone Change 2007-0136, after first studying and considering the proposed Mitigated Negative Declaration prepared for the project; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Zone Text Change Creating a PD-30 Planned Development Overlay District. The City Council finds as follows:

a. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development because the site contains easements which can not be relocated and which impact the physical layout of the proposed development.

b. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of 5440 Traffic Way and will have a beneficial effect on the area by allowing for affordable, small-lot home ownership within a multi-family zoning district, while reducing impacts to a 65-inch diameter, native Valley Oak tree.

c. Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements due to specific site constraints consisting of a non-relocatable drainage easement and a 65-inch diameter, native Valley Oak.

d. Establishment of the PD Overlay-30 on 5440 Traffic Way (APN 029-062-013) is warranted because it will provide an opportunity to establish a very-low affordable project within the City’s Redevelopment Area.
SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on August 28, 2007 resolved to introduce, for first reading by title only, an ordinance that would amend the City Zoning code text with the following:

9-3.675 Establishment of Planned Development Overlay Zone 30

Planned Development Overlay-30 is established on APN 029-062-013 (5440 Traffic Way) in the Residential Multi-family zoning district. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD Overlay-30:

a) All site development shall require the approval of a Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.

b) The Tentative Parcel Map and any subsequent amendments for the site shall be consistent with an approved Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.

c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development. Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Master Plan of Development, as conditioned. All landscaping shall be consistent with the Master Plan of Development, as conditioned and shall be installed by the developer and shall be maintained as approved.

d) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed underground and/or relocated underground.

e) Exterior walls or fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units. Fence posts shall be metal or pressure treated wood. Wood preservative/sealer shall be applied to fence panels.

f) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero; and, before the expiration of fifteen (15) days after its final passage in the Atascadero news, a newspaper published and circulated in the City of Atascadero. A Copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.
INTRODUCED at a regular meeting of the City Council held on August 28, 2007, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ________________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

_______________________________________
Dr. George Luna, Mayor

ATTEST:

_______________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Robert Schultz, Interim City Attorney
DRAFT ORDINANCE B


5440 Traffic Way
(Habitat for Humanity)

WHEREAS, an application has been received from Habitat for Humanity for San Luis Obispo County, P.O. Box 613, San Luis Obispo, CA 93406, (Applicants and Property Owners) to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-family-16) to RMF-16/PD30 (Residential Multi-Family-16 with a Planned Development Overlay-30) with corresponding Master Plan of Development and Vesting Tentative Parcel Map located at 5440 Traffic Way, (APN 029-062-013); and,

WHEREAS, the site’s General Plan Designation is HDR (High Density Residential); and,

WHEREAS, the site’s current zoning district is RMF-16 (Residential Multi-family -16); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0007 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Official Zoning Map to protect the health, safety, and welfare of its citizens by applying orderly development of the City; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning amendments; and,
WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on July 17, 2007 studied and considered Zone Change 2007-0137, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and recommended approval of the project to the City Council.

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on August 28, 2007, studied and considered Zone Change 2007-0136, after first studying and considering the proposed Mitigated Negative Declaration prepared for the project; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RMF-16/ PD-30. The Planning Commission finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements.
4. The proposed project offers certain redeeming features to compensate for the requested zone change.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on August 28, 2007, resolved introduce for first reading by title only, an ordinance that would rezone the subject site consistent with the following:

Exhibit A: Location and Zone Map Amendment Diagram

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero; and, before the expiration of fifteen (15) days after its final passage in the Atascadero news, a newspaper published and circulated in the City of Atascadero. A Copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.
INTRODUCED at a regular meeting of the City Council held on August 28, 2007, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on _________________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

____________________________________
Dr. George Luna, Mayor

ATTEST:

_____________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_____________________________________
Robert Schultz, Interim City Attorney
Exhibit A: Location and Zone Map Amendment Diagram

5440 Traffic Way / APN 029-062-013

Existing Zoning:
- Residential Multi-family - 16

Amended Zoning:
- Residential Multi-Family -16/ PD-30