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RESOLUTION 26-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING DEVELOPMENT PLAN 24-07 INCLUDING AN AFFORDABLE HOUSING DENSITY
BONUS, SITE PLAN MODIFICATION 25-09, TENTATIVE TRACT MAP 3254, AND
OAK TREE REMOVAL PERMIT 25-04 FOR
24 RESIDENTIAL CONDOMINIUMS**

420 CRESTON ROAD, APNs: 009-541-010 AND 009-541-011

APPLICANT – MONTAGE DEVELOPMENT, INC.

WHEREAS, Stephen Ross representing Montage Development, Inc. (applicant) has applied for Development Plan 24-07 including an affordable housing density bonus, Site Plan Modification 25-09, Oak Tree Removal Permit 25-04, and Tentative Tract Map 3254, a request for approval of a 24-unit residential condominium project in 12 duplex buildings (P24-0100), and

WHEREAS, the 4.32-acre site is located at 420 Creston Road (APN 009 541 010 and 009 541 011); and

WHEREAS, the site has a General Plan land use designation of Residential Multiple Family, Low Density 8 units per acre (RMF-8); and is within the Low-Density Multi-Family Residential Zoning District (R-2) zoning district where multi-family dwellings are an allowed use; and

WHEREAS, consistent with Paso Robles Municipal Code Section 21.41.070, only 3.1 acres of the site are classified as developable. The average slope of the developable area of the site is 9.8%; and

WHEREAS, consistent with Paso Robles Municipal Code Section 21.33.050, sites in the R-2 zoning district with a developable area between 5 and 10% average slope have a maximum density of 6.5 density units/acre, therefore, a maximum of 20 density units are allowed on the site; and

WHEREAS, the applicant will deed restrict 5% of all allowed dwellings (1 dwelling of 20 dwellings) for a very-low income household (making 50% of county median income) for 55 years; and

WHEREAS, consistent with California Government Code Section 65915(f)(2), in exchange for providing 5% affordable units, the project is entitled to a 20% density bonus, or 4 additional dwellings for a total of 24 dwellings. Additionally, consistent with California Government Code Section 65915(e), the project is entitled to 1 concession from the City that will result in identifiable and actual cost reductions; and

WHEREAS, the applicant has requested the City concede the requirement to provide a playground with at least 3 pieces of permanent play equipment (Paso Robles Municipal Code Section 21.33.060.E.2); and

WHEREAS, the project is consistent with General Plan Policy LU-2I, which is to “Encourage infill development as a means of accommodating growth, while preserving open space areas, reducing vehicle miles traveled, and enhancing livability/quality of life”; and

WHEREAS, the project includes a request to remove 10 oak trees with diameters totaling 176 inches; and

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WHEREAS, consistent with Paso Robles Municipal Code Section 21.16.010, approval of a development plan is required for multi-family residential projects with 11 or more dwelling units; and

WHEREAS, consistent with Paso Robles Municipal Code Section 10.01.050.D, the City Council must review requests for the removal of oak trees with a diameter of 6 or more inches that are not clearly dead or diseased beyond correction; and

WHEREAS, consistent with Paso Robles Municipal Code Section 21.09.020.B, “Multiple applications for the same project shall be processed concurrently and shall be reviewed—and approved or denied—by the highest review authority designated by this zoning code for any of the applications”; and

WHEREAS, on January 21, 2020, the City Council approved Resolutions 20-011 and 20-012 to approve a 20-unit residential project on the property (PD19-05, OTR19-24, P19-0068). The entitlements expired on January 21, 2022; and

WHEREAS, the project was reviewed by the Development Review Committee on June 2, 2025. The Development Review Committee recommended the project next be heard by the Planning Commission with a request for:

- added detailing on the garage side elevations near the entry facing Creston Road and garage facing the drive into the project, and
- the applicant to explore proving a pedestrian path to the rear open space, and
- a detailed landscaping plan, and
- a detailed fence plan, and
- the tentative tract map, if applicant intends to subdivide the property; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on February 10, 2026, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this request for a development plan, site plan modification, oak tree removal permit, and tentative tract map; and on a vote of 6-0 (Marlow absent) recommended the City Council approve the project with an amendment to Site Specific Condition of Approval #53, striking the phrase, “ADA-Compliant”; and

WHEREAS, at its regular meeting on March 3, 2026, the City Council opened a duly noticed public hearing for the project. No staff report was presented and no speakers addressed the Council. The City Council continued the hearing to March 17, 2026.

WHEREAS the City Council continued the public hearing on March 17, 2026, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this request for a development plan, site plan modification, oak tree removal permit, and tentative tract map.

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

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

Section 2. Based on the entire record before the City Council and all written and oral evidence presented, the City Council finds as follows:

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Development Plan Findings

- A. The design and intensity (density) of the proposed project is consistent with the goals and policies established by the general plan because the property is in the Residential Multiple Family, Low Density 8 units per acre (RMF-8) land use category, the purposes of which are:
- To provide multiple family residential neighborhoods at relatively low densities, typically consisting of buildings with 2 to 3 dwelling units, at densities up to 8 or 9 dwelling units per acre;
 - To permit clustered and/or attached housing production in environmentally sensitive locations;
 - To permit multi-family development without giving the impression of a high density environment;
 - To meet the needs of persons seeking rental housing units, at various price levels;
 - To provide housing in close proximity to schools, shopping, and other services, including public transit; and
 - To provide a transition zone between single-family residential neighborhoods and higher-intensity land uses.

The project has an overall density of 5.6 dwellings/acre (24 dwellings/4.32 acres) because the project avoids the environmentally sensitive seasonal creek and oak woodland at the southern edge of the property. The buildings are duplexes, which will not have the building massing associated with high density development. The project is approximately 0.5 mile from Saint Rose Catholic School, 0.6 mile from Georgia Brown Elementary School, and a 1.5-mile drive from Paso Robles High School. The site is between downtown and William's Plaza commercial center. RTA Routes A and B run east and west on Creston Road with the nearest east bound stop located about 300 feet west of the site.

The project is consistent with General Plan Policy LU-2I, which is to "Encourage infill development as a means of accommodating growth, while preserving open space areas, reducing vehicle miles traveled, and enhancing livability/quality of life".

- B. The design and intensity (density) of the proposed project is consistent with the policies and development standards established by any applicable specific plan, special planned development, or master development plan because the site is not subject to a specific plan, special planned development, or master development plan.
- C. The design and intensity (density) of the proposed project is consistent with the zoning code, including the purpose and intent of the zoning districts in which a development project is located as well as applicable design and development standards. The site is in the R-2 zoning district, the purpose of which is "to accommodate low-scale attached housing types and [to implement] the general plan residential, multiple-family, low density designation". The project is 24 units in 12 duplex buildings that meet the applicable design and development standards including the Objective Design Standards listed in Paso Robles Municipal Code Chapter 21.50. The project does not include a playground as required by Paso Robles Municipal Code Section 21.33.060.E.2 because it is a concession required by State law due to the Affordable Housing Density Bonus.

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- D. The design and intensity (density) of the proposed project is consistent with all other adopted codes, policies, standards, and plans of the city, including design guidelines adopted by resolution by the planning commission.
- E. The proposed project will not be detrimental to the public health, safety, or welfare, or be injurious to property or other improvements in the vicinity because it is a well-designed residential project. Sight-distance concerns on Creston Road will be addressed before completion of the project so that turning movements leaving the site meet safety requirements.
- F. The proposed project accommodates the aesthetic quality of the city as a whole, especially where development will be visible from gateways to the city and scenic corridors and contributes to the orderly development of the city as a whole because it is a well-designed residential project. The duplex buildings are in scale with other buildings in the vicinity. The dwellings closest to Creston Road will have front porches facing the street and are required to keep their front fences low to maintain the desired appearance from the nearby street, which is a significant arterial road, although not in a scenic corridor.
- G. The proposed project is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of any environmental and social (such as privacy) impacts because it is a well-designed residential project with buildings in scale with other buildings in the vicinity. The project is clustered near Creston Road and avoids impacts to the seasonal creek and oak woodland at the southern edge of the property.
- H. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stream courses, oak trees, vistas, historic buildings and structures because the project is located on a vacant but disturbed site. The buildings will be clustered near Creston Road and will avoid impacts to the seasonal creek and oak woodland at the southern edge of the property.

Development Plan Modification Findings

- A. There are no alternatives to the requested fence height modification, such as a modification allowed through a density bonus (Chapter 21.61), that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public because the requested modification is relatively minor and out of scale with the cost of providing additional affordable units. The fence will be located approximately 10 feet behind the sidewalk and will not have an impact on the public.
- B. The modification will not be detrimental to the health, safety, or general welfare of the persons within the vicinity because the modification allows a 42-inch-tall fence where a 36-inch-tall fence is allowed by right. The fence will be located approximately 10 feet behind the sidewalk and will not have an impact on the public.
- C. The modification results in a superior project (such as more usable open space, more creative design, better interface with neighboring properties and/or public realm, less grading or a less exposed public view of grading, protection of oak trees, provision of deed-restricted affordable

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housing, etc.) because it gives the occupants of the dwellings in buildings 1 and 2 a degree of privacy in their private open space while maintaining an appropriate appearance for a front yard.

- D. The characteristics of the project and the degree of potential for the project to negatively impact neighboring properties justify the modification because it is a small modification and it has very little potential to impact the neighborhood.
- E. The modification does not preclude or prevent adequate fire protection.
- F. The modification does not impair the sight distance of vehicles on the street or on the driveway of adjacent lots because it will be located about 10 feet behind the sidewalk so will not interfere with sight distance for a car waiting to enter Creston Road.

Oak Tree Removal Findings

- A. The oak tree removals are justified because of the condition of the oak trees with respect to their general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation. The arborist report (Exhibit G) indicates trees 4-10 are in poor to very poor condition, many having suffered moderate to severe drought stress with structural defects. A previous project approved for the site in 2020 would have preserved Tree #6, a large 44-inch diameter valley oak, which at the time was in very good condition. Unfortunately, the tree was seriously damaged in the 2020 River Fire and is no longer salvageable. Trees 1-3 are in fair condition but are located at the front of the lot where the driveway is proposed.
- B. The oak tree removals are necessary to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned because the project will only disturb about 3 acres of the 4.32-acre site to avoid impacts to the seasonal creek and a relatively intact oak woodland at the southern edge of the property. The dwellings are clustered on the flattest, most disturbed portions of the site. The 10 trees to be removed are scattered within the limits of grading and are generally in poorer condition than the many trees to be retained.
- C. The oak tree removals are justified because of the topography of land, and limited potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters because the trees proposed for removal are on the flattest (and hence less erodible) portion of the site. The oaks on the steeper portions of the lot and near the seasonal creek will be retained. A stormwater basin south of the buildings will recharge runoff from the project, which will be more available to the remaining trees on the property.
- D. The oak tree removals are justified because of the number, species, size and location of existing trees in oak woodland that tracks a seasonal creek that flows at the southern edge of the property, which will not be impacted by the project. The largest and most attractive tree to be removed was damaged by the River Fire in 2020 and cannot be salvaged. The project will include oak trees distributed throughout the project.
- E. The oak tree removals are justified because they allow reasonable use of the property while retaining the relatively intact oak woodland at the southern edge of the property, which is a good

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forestry practice. The woodland has higher value as habitat and as a wildlife corridor than the poor-quality trees located in the disturbed areas closer to Creston Road.

Tentative Tract Map Findings

- A. The tentative tract map is designed, to the extent feasible, to provide for passive or natural heating or cooling opportunities because the buildings and future air-space condominium lots are largely oriented with the cardinal directions, so roof overhangs can more easily shade south- and west-facing windows. The building orientation will also facilitate catching prevailing winds, which come from the west.

- B. The tentative tract map provides for land uses compatible with the Residential Multiple Family, Low Density 8 units per acre (RMF-8) land use category where the property is located, and the provisions for design and improvements promote the goals and objectives of the General Plan because the purposes of the RMP-8 land use category are:
 - To provide multiple family residential neighborhoods at relatively low densities, typically consisting of buildings with 2 to 3 dwelling units, at densities up to 8 or 9 dwelling units per acre;
 - To permit clustered and/or attached housing production in environmentally sensitive locations;
 - To permit multi-family development without giving the impression of a high density environment;
 - To meet the needs of persons seeking rental housing units, at various price levels;
 - To provide housing in close proximity to schools, shopping, and other services, including public transit; and
 - To provide a transition zone between single-family residential neighborhoods and higher-intensity land uses.

The project has an overall density of 5.6 dwellings/acre (24 dwellings/4.32 acres) because the project avoids the environmentally sensitive seasonal creek and oak woodland at the southern edge of the property. The buildings are duplexes, which will not have the building massing associated with high density development. The project is approximately 0.5 mile from Saint Rose Catholic School, 0.6 mile from Georgia Brown Elementary School, and a 1.5-mile drive from Paso Robles High School. The site is between downtown and William's Plaza commercial center. RTA Routes A and B run east and west on Creston Road with the nearest east bound stop located about 300 feet west of the site.

The project is consistent with General Plan Policy LU-2I, which is to "Encourage infill development as a means of accommodating growth, while preserving open space areas, reducing vehicle miles traveled, and enhancing livability/quality of life".

- C. The Subject Site is physically suitable for the type and density of development proposed in the Tentative Tract/Parcel Map because the project is on the flattest portion of the site near a major arterial road.

- D. The subdivision design and improvements proposed in the Tentative Tract/Parcel Map are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat because no development will occur in any significant habitat of a rare or endangered

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species of plant, animal, or insect, or any fragile or unique biotic community. The condominiums will be placed on the flattest portion of the lot and will not impact the seasonal drainage and oak woodland at the southern edge of the property.

- E. The subdivision design and type of improvements proposed in the tentative tract map are not likely to cause serious public health problems because all development and public improvements will be performed per the requirements of all applicable standards and codes, including the zoning and building codes.
- F. The subdivision design and type of improvements proposed in the tentative tract map will not conflict with easements acquired by the public at large for access through or use of the Subject Site because easements, including a 30-foot-wide PG&E easement on the western property line have been preserved through subdivision design.
- G. The discharge of waste into an existing sewer system from development proposed in the tentative tract map will not cause a violation of existing requirements prescribed by the local water quality control board because all dwellings are required to obtain sewer connection permits before occupancy and the City's Sewer Master Plan anticipates residential development on the property.

Section 3. The project is exempt from environmental review as a class 32 categorical exemption for infill development pursuant to the State's Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15332. Exhibit H of this resolution is a Notice of Exemption.

Section 4. The City Clerk shall record the Notice of Exemption within 5 days of adoption of this resolution.

Section 5. Based on the entire record before the City Council, all written and oral evidence presented, and the findings set forth in this Resolution, the City Council approves Development Plan 24-07, Site Plan Modification 25-09, Tentative Tract Map 3254, and Oak Tree Removal Permit 25-04 as depicted and conditioned by the following exhibits:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site-Specific Conditions of Approval
B	Standard Conditions of Approval
C	Architectural Plans
D	Landscape Plan
E	Grading and Drainage Plan
F	Tentative Tract Map 3254
G	Arborist Report
H	CEQA Notice of Exemption

Section 6. This Resolution shall become effective fifteen (15) days following its adoption.

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APPROVED this 17th day of March 2026, by the following roll-call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Martin, City Clerk

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
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