

ORDINANCE NO. 755 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)
 (REZONE 98003 - MESA/PROSPECT C-3,PD ZONING CONDITIONS)

WHEREAS, Ordinance 560 N.S., adopted by the City Council on August 2, 1988, established the following three conditions on the use and development of the property rezoned C-3,PD by that ordinance:

1. That all land uses be subject to approval of a Conditional Use Permit;
2. That all fee simple driveway strips from the site to Prospect Avenue be quitclaimed to those parcels which have frontage on Prospect Avenue prior to commercial light industrial use and/or development of the site;
3. That all landlocked parcels either be merged with adjacent parcels with frontage on either Golden Hill or Mesa Roads or provided with access, public utility and drainage easements whose adequacy shall be determined by the Planning Commission prior to recordation; and

WHEREAS, since adoption of Ordinance 560 N.S. in 1988, the following has occurred:

1. The three conditions established by Ordinance 560 N.S. were not recorded and do not reflect themselves on title reports for the parcels rezoned C-3,PD by Ordinance 560 N.S.; therefore, there has been no public record to advise new property owners of the 1988 conditions of the C-3-PD zoning;
2. Property ownership has changed on all of the parcels rezoned C-3,PD by Ordinance 560 N.S.;
3. Current property owners have expressed concerns that they had not been made aware of the conditions established by Ordinance No. 560 N.S., and that they have made plans to develop and use their property based on generally available information; and

WHEREAS, Ordinance No. 745 N. S. was adopted by the City Council On June 2, 1998, reiterating the conditions of Ordinance No. 560 (and making it necessary to reflect any change in both ordinances); and

WHEREAS, Section 21.16A.020 requires approval of a development plan for any development in the Planned Development (PD) Overlay Zone; and

WHEREAS, with a development plan application, the City could impose conditions on the design of commercial facilities (e.g., orientation of buildings and parking, construction of masonry walls, installation of landscaping) that would help mitigate conflicts between residential and commercial properties that the three conditions of Ordinance No. 560 N.S. were designed to remedy; and

WHEREAS, at its meeting of May 12, 1998, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the information contained in the Initial Study prepared for this rezone, recommended that the City Council find that there would not be a significant impact on the environment and adopt a Negative Declaration in accordance with the California Environmental Quality Act.
- d. Recommended that the City Council adopt the ordinance eliminating the conditions placed on the property by Ordinance 560 N.S., and

WHEREAS, at its meetings of May 19, August 4, October 20, and November 17, 1998, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this rezone;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- d. Based on the information contained in the Initial Study prepared for this rezone, the City Council finds that there would not be a significant impact on the environment and adopted a Negative Declaration in accordance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

- 1. The above stated facts of this ordinance are true and correct.
- 2. This rezone is consistent with the City's General Plan.

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

SECTION 1. The second of the three conditions listed in Section 1 of Ordinance 560 N.S. is hereby repealed, eliminating the requirement for the commercial property owners to quitclaim property to the adjacent residential property owners. The same provision shall be repealed from Section 2 b of Ordinance No. 745 N. S., which reiterated the content of Ordinance No. 560 N. S.

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.

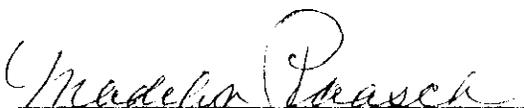
SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on November 17, 1998, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of December, 1998, by the following roll call vote, to wit:

AYES: Baron, Macklin, Mecham, Swanson, and Picanco
 NOES: None
 ABSENT: None
 ABSTAINING: None


 Duane J. Picanco, Mayor

ATTEST:


 Madelyn Paasch, City Clerk

ABJ657



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

STATE OF CALIFORNIA	}
COUNTY OF SAN LUIS OBISPO	}§
CITY OF EL PASO DE ROBLES	}

I, Candace Aschle, Deputy City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance 755 N.S. is a true and correct copy of the original on file which was duly and regularly adopted, passed and approved by the City Council of the City of El Paso de Robles, California at a regular meeting and meeting place thereof of said City Council on the 1st day of December, 1998 by the following vote:

AYES: Baron, Macklin, Mecham, Swanson, and Picanco
 NOES: None
 ABSENT: None
 ABSTAIN: None

DATED this 9th day of December, 1998.



 City Clerk of the City Council of the
 City of El Paso de Robles, State of California

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