

ORDINANCE NO. 768 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 98004 - GHORMLEY)

WHEREAS, in conjunction with General Plan Amendment (GPA) 98-01(C), John Ghormley has filed and application for Rezone 98004 to rezone a 14.75 acre parcel, described as Parcel 2 of Parcel Map PR 79-198 (the "site") from PM to R-2,PD; and

WHEREAS, John Ghormley has proposed that occupancy of dwelling units to be built on the site be restricted to seniors and the Initial Study prepared for this rezoning recommends that, in order to preserve land use compatibility with the adjacent Sierra Bonita neighborhood, a deed restriction limiting occupancy to the same senior age group effective in Sierra Bonita; and

WHEREAS, at its meetings of May 26 and July 14, 1998, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (general plan amendment and rezone);
- b. Conducted a public hearing to obtain public testimony on the proposed project;
- c. Based on the information contained in the Initial Study prepared for this project, unanimously found that there was no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration, subject to the following mitigation measure:
 1. Prior to second reading of an ordinance to rezone the site to R-2, a deed restriction limiting use of the site for seniors (at least one member of each household must be age 55 or older and no household member may be less than 18 years of age) shall be recorded;
- d. Recommended that the City Council approve this project; and

WHEREAS, at its meetings of June 16 and July 21, 1998, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission;
- c. Conducted a public hearing to obtain public testimony on the proposed project;
- d. Found that there was no substantial evidence that the proposed project would have a significant adverse effect on the environment and approved a Negative Declaration for this application in accordance with the California Environmental Quality Act, subject to the following mitigation measure:
 1. Prior to second reading of an ordinance to rezone the site to R-2,PD, a deed restriction limiting use of the site for seniors (at least one member of each household must be age 55 or older and no household member may be less than 18 years of age) shall be recorded;
- e. Adopted a resolution to approve General Plan Amendment 98-01, which enables Rezone 98001 to be in conformance with the General Plan;

WHEREAS, On April 2, 1999, Jack Ghormley recorded a deed restriction on the site in which at least one member of each household must be age 55 or older and no household member may be less than 18 years of age;

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. 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 of 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 July 21, 1998, and passed and adopted by the City Council of the City of El Paso de Robles on the 4th day of May, 1999, 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

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