

ORDINANCE NO. 829 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 02-003 / SOUTHEAST CORNER OF SERENADE DRIVE
AND S. RIVER ROAD /CAGLIERO)

WHEREAS, Mike Toohey on behalf of Pete Cagliero has initiated an application for Rezone 02-003 to rezone an approximate 2.2-acre site from R2-PD (Low Density Multi Family Residential, Planned Development) to R4,PD (High Density Multi Family Residential, Planned Development); and

WHEREAS, the project site is located on the southeast corner of Serenade Drive and South River Road (APN 009-815-007); and

WHEREAS, in conjunction with Rezone 02-003, an application has been submitted for General Plan Amendment 02-01 (Part 3 of 4), requesting to change the General Plan Land Use designation from Residential Multi Family Low Density (RMFL - 8 units per acre) to Residential Multi Family High Density (RMF-H - 16 units per acre); and

WHEREAS, General Plan Amendment 02-01 (Part 3 of 4) requests to change the text in Table LU-10 of the General Plan Land Use Element to allow densities up to 16 units per acre on sites that are 2 acres or larger in area rather than 3 acres; and

WHEREAS, PD 97012 was approved by the Planning Commission on December 9, 1997, which studied multi-parcel, 58-acre area which included the subject property, where it was determined that 161 dwelling units could be established and still meet the R2/RMF-L designations; and

WHEREAS, although 161 units were established the maximum number of dwelling units per parcel could not be increased from the base general plan and zoning requirements; and

WHEREAS, in order to increase the number of dwelling units from 13 to 26, Mr. Cagliero has submitted General Plan Amendment 02-01 (Part 3 of 4) and Rezone 02-003; and

WHEREAS, when adding the proposed 26 units to the established 136 units would add up to 162 units, just one more unit over the 161 units established by PD 97012, and

WHEREAS, at its meeting of May 28, 2002, the Planning Commission took the following actions:

- 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 project;
- c. Based on the information contained in the Initial Study prepared for this project, 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;
- d. Recommended that the City Council approve the proposed rezone; and

WHEREAS, at its meeting of June 18, 2002, the City Council opened and continued the item to the City Council meeting on July 2, 2002; and

WHEREAS, at its meeting of July 2, 2002, 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. Based on the information contained in the Initial Study prepared for this project, found that there was no substantial evidence that this project would have significant adverse effects on the environment and approved a Negative Declaration.

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 2, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 16 day of July 2002 by the following roll call vote:

AYES: Finigan, Heggarty and Mecham
NOES: Nemeth, Picanco
ABSENT: None
ABSTAIN None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

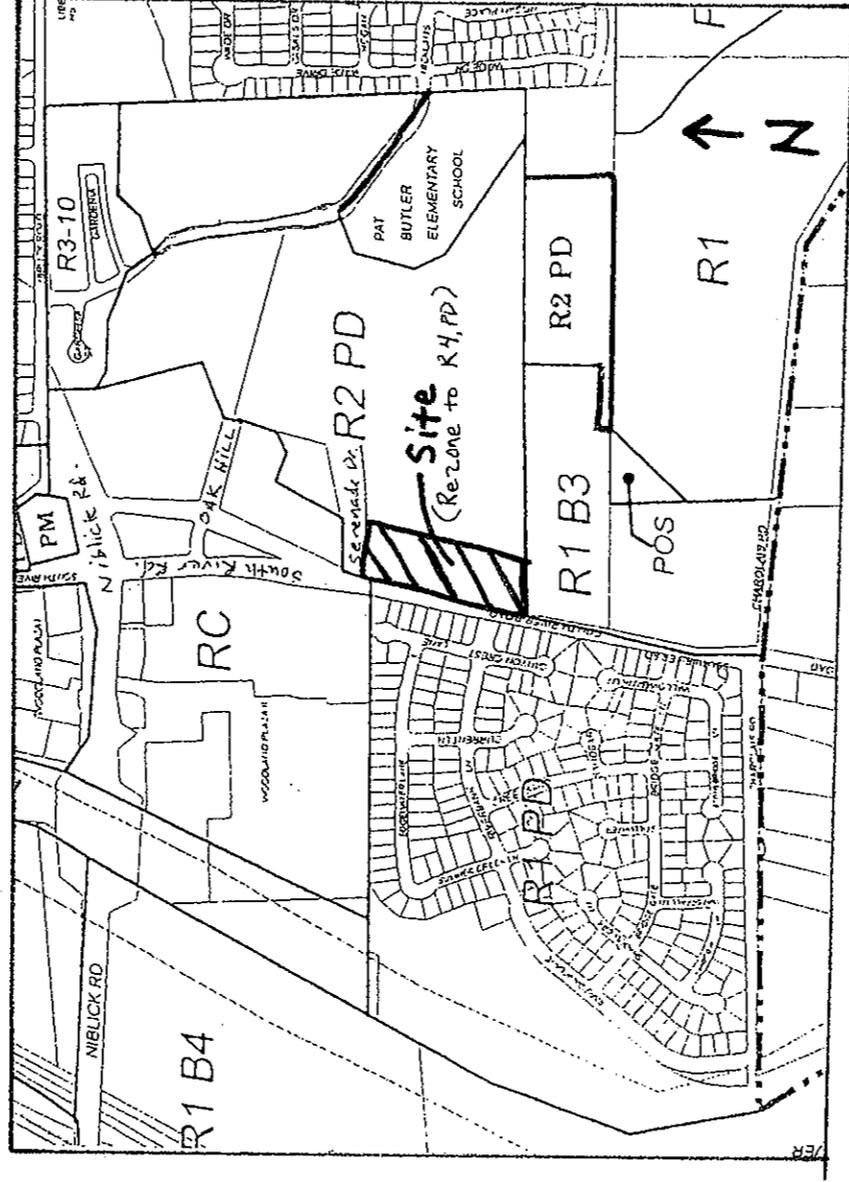


EXHIBIT A
 Change Zoning Designation from R2,PD
 to R4.PD
 Rezone 02-003 (Cagliero)