

ORDINANCE NO. 830 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 02-004/OAK CREEK PARK/ CITY INITIATED)

WHEREAS, the City of Paso Robles has initiated an application for Rezone 02-004 to rezone an approximate six-acre park from R-1 (Single-Family Residential) to POS (Parks and Open Space); and

WHEREAS, the project site is located on seven contiguous parcels between Scott Street and Cedarwood Drive, east of Creston Road and west of residences along Driftwood Drive; and

WHEREAS, Rezone 02-004 (Oak Creek Park) is a request to modify the zoning designation for Assessors Parcel Numbers 009-756-003, 004, 005, 006, 007, 008, and 009-753-080 from Residential Single-Family, Planned Development overlay (R1 PD) to Parks and Open Space (POS); and

WHEREAS, the existing General Plan land use category for two of the seven parcels (APN 009-756-005 and -007) is RSF (Residential Single-Family); and

WHEREAS, the existing General Plan land use category for the remaining five parcels comprising the park (APN Nos. 009-756-003, 004, 006, 008, and 009-753-080) is POS (Parks and Open Space); and

WHEREAS, this application was filed in conjunction with an application for a General Plan Amendment (GPA 02-01, Part 4 of 4) to amend the land use designation on the two residential parcels from RSF to POS, to bring the General Plan land use designation of all seven parcels underlying the park into consistency with the existing use and development on site; and

WHEREAS, this rezone request, approved concurrently with the General Plan amendment, would bring the project zoning into conformance with the General Plan; 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 the meeting of June 18, 2002, the City Council opened the public hearing and continued this item to the meeting of July 2nd, 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 as amended and approved in GPA 02-01 (Part 4 of 4)

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 16th day of July 2002 by the following roll call vote:

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

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk