

ORDINANCE NO. 866 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE  
APPROVING A ZONING MAP CHANGE FOR 935 CRESTON ROAD  
(ASSESSOR PARCEL NUMBER 009-641-002) FROM R1 (SINGLE-FAMILY RESIDENTIAL)  
TO R2 PD (DUPLEX/TRIPLEX PLANNED DEVELOPMENT)  
REZONE 03-002 (NANCI BERNARD)

WHEREAS, Ms. Nanci Bernard has filed an Zone Change Application, Rezone 03-002 seeking to change the zoning of the approximately one-acre property at 935 Creston Road from R1 (Single-Family Residential) to R2 PD (Duplex/Triplex Planned Development); and

WHEREAS, the proposal is to bring the zoning of the property into conformity with its General Plan Land Use Designation of RMF-L (Residential Multiple Family – Low, Up to 8 units/acre); and

WHEREAS, the zone change would not authorize any development/redevelopment of the property, but rather would provide the applicant to pursue the City's approval to demolish the existing house and to develop the property with multi-family residential units; and

WHEREAS, any request to develop the site would require submittal of an application for a Planned Development, which application would be subject to separate environmental review and subsequent review and consideration by the Planning Commission; and

WHEREAS, pursuant to Section 15061 (b)(3) of the State California Environmental Quality Act (CEQA) Guidelines and the City's Rules and Procedures for Implementation of CEQA, the proposed zone change is exempt from further review; and

WHEREAS, this exemption only applies to the zone change and does not apply to any subsequent Planned Development application that may be filed with the City seeking authorization to develop/redevelop the property; and

WHEREAS, the zone change is exempt since development of the site pursuant to its designation as RMF-L (Residential Multiple Family - Low) was properly reviewed and evaluated in the Environmental Impact Report prepared, circulated, and certified for the 1991 General Plan Land Use Element Update; and

WHEREAS, California Government Code Section 65860 (Planning & Zoning Law) requires zoning to be consistent with the General Plan and further provides that a property-owner may request a zone change to enforce compliance with this Section; and

WHEREAS, rezoning the property at 935 Creston Road as R2 PD (Duplex/Triplex Planned Development) would make the site's zoning the same as its General Plan Land Use Designation.

WHEREAS, at its meeting of July 8, 2003, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the proposed ordinance for the zone change;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance for the zone change; and
- c. Recommended that the City Council approve the zone change and adopt the enabling ordinance.

WHEREAS, at its meeting of October 7, 2003, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the proposed ordinance for the zone change;
- b. Considered the Planning Commission's recommendation to approve the zone change and to amend the Official Zoning Map for the City of El Paso de Robles (which Map is a part of Title 21 – Zoning of the Municipal Code);
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance for the zone change; and

- d. Introduced the ordinance for first reading and set October 21, 2003 as the date for a second reading and adoption of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the City Council of the City of El Paso de Robles, 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 amendment of the zoning map is consistent with the City's General Plan.

NOW, THEREFORE, BE IT FURTHER KNOWN, that the City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. The Official Zoning Map of Title 21 of the Municipal Code is hereby amended for the property at 935 Creston Road (Assessor Parcel No. 009-641-002) as shown on Exhibit A of this ordinance.

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 October 7, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 21<sup>st</sup> day of October by the following vote:

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

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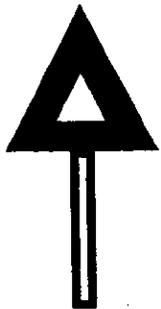
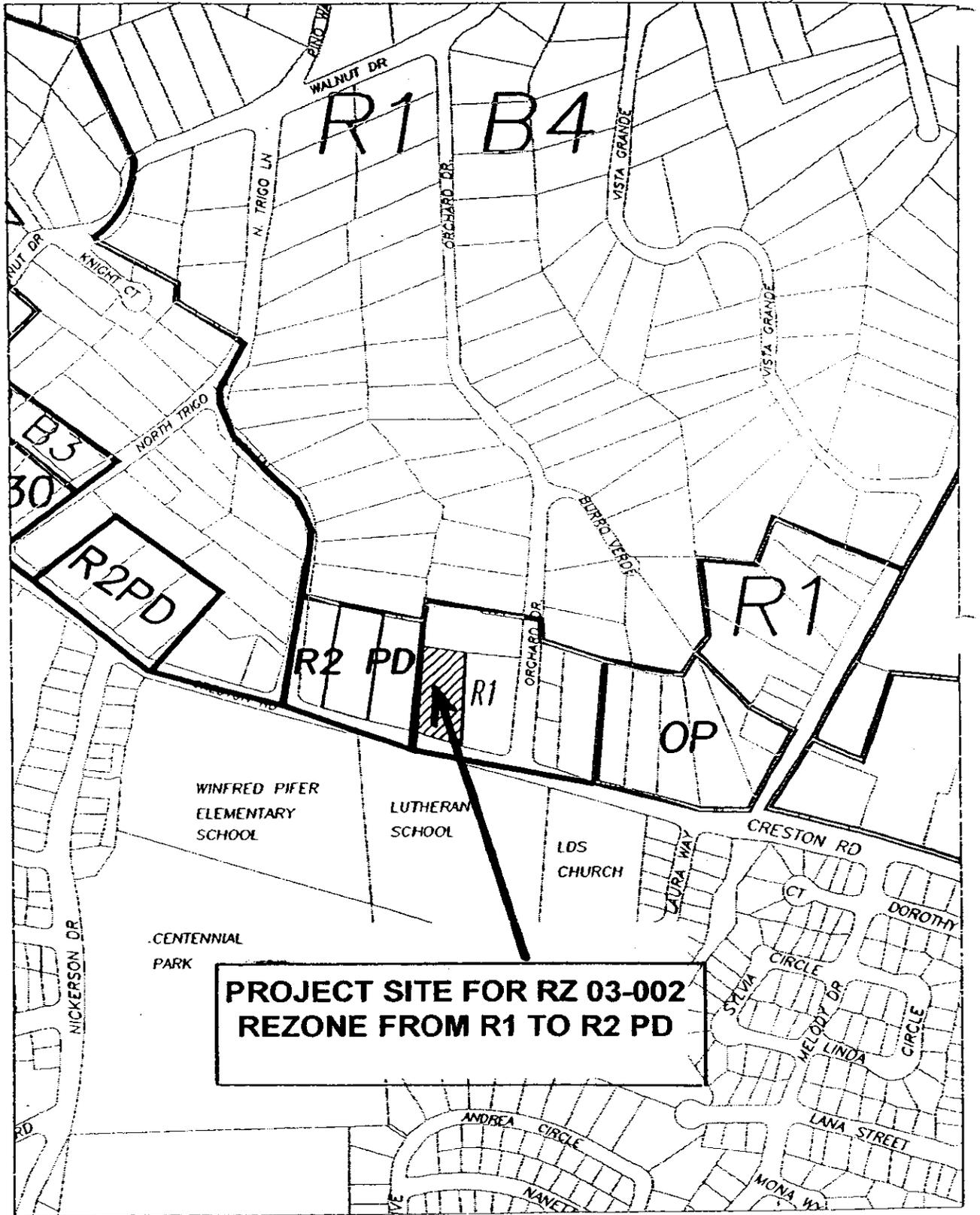
Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

# EXHIBIT "A"



NORTH

*General Plan Site Designation RMF-L (Residential Multi-Family Low Density)*