

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.22.035C OF THE MUNICIPAL CODE
(PARKING CODE TIME EXTENSION / AMENDMENT)

WHEREAS, in 1994, the City Council of the City of El Paso de Robles amended the City's Off-Street Parking Code provisions to provide special incentives for development in the Downtown Area; and

WHEREAS, in 1998 the City Council extended the special incentives for development in the Downtown area until December 31, 2003; and

WHEREAS, those provisions, and, in particular, Section 21.22.035C of the Municipal Code, provide that certain of the incentives would expire on December 31, 2003, unless the City Council extends the incentives by ordinance; and

WHEREAS, at its meeting of November 12, 2003 the Planning Commission took the following actions regarding the status of the time extension:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted the recommendations of the City's Downtown Parking Consultant and the Paso Robles Main Street Program, along with public testimony on the proposed ordinance;
- c. Recommended that the City Council approve a time extension for the special development incentives provided by Section 21.22.035C of the Municipal Code; and

WHEREAS, at its meeting of December 2, 2003, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the code amendment and adopted a Negative Declaration in accordance with the California Environmental Quality Act;
- d. Considered the Commission's recommendation from the Planning Commission's November 12, 2003 public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on December 16, 2003, the City Council held second reading of said ordinance.

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 time extension / code amendment 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 21.22.035C of the Municipal Code is hereby amended to read as follows:

C. Effective Dates. The off-street parking requirements and exemptions from said requirements that are provided for in this section shall apply from the effective date of the ordinance codified in this chapter through December 31, 2005. Prior to December 31, 2005, the City Council may, by ordinance, determine to extend the effective period of said requirements and/or exemptions. In the absence of an affirmative action by the City Council to extend the requirements and/or exemptions provided for in this chapter, on January 1, 2006 off-street parking requirements for new constructions within the downtown area, as defined in Section 21.22.030 et seq. of the Paso Robles Municipal Code, shall revert to the off-street parking requirements contained in Section 21.22.040 of the Paso Robles Municipal Code. Even if the City Council does not extend the off-street parking requirements and/or exemptions provided for by this chapter, any buildings and structures, existing as of January 1, 2006, shall continue to be exempt from off-street parking requirements.

SECTION 1. 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 2. 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 3. 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 4. 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 December 2, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 16th day of December by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk