

ORDINANCE NO. XXX 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) ZONE CHANGE 04-008
(J.M. WILSON DEVELOPMENT)
APN: 009-815-002

WHEREAS, Tract 2611, an application filed by North Coast Engineering on behalf of J.M. Wilson Development to divide an 11 acre parcel into forty-five (45) single-family residential lots; and

WHEREAS, Tract 2611 is located at 1650 South River Road; and

WHEREAS, in conjunction with Tract 2611, the applicant submitted an application for Rezone 04-008, to change the Zoning designation of the lower property from R1,B3 to R1,PD-4, and change the Zoning designation of the upper property from R1,B3 to R1,PD-6 and establish Planned Development Overlay zoning over the site; and

WHEREAS, PD 04-017 has been filed to establish the design criteria for the subdivision, with the intent that the project continue the same character as the neighboring Serenade project; and

WHEREAS, at its December 14, 2004 meeting, the Planning Commission took the following actions:

- A. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- B. Conducted a public hearing to obtain public testimony on the proposed Tract 2611 and PD 04-017 and the environmental determination therefor.
- C. Did not approve PD 04-017, based on what seemed to be concerns regarding the use of all two-story homes and 5-foot side yard setbacks as well as the use of narrow lots.
- D. Based on the information contained in the Initial Study prepared for the Tract, a determination has been made that there is no substantial evidence that the Project would have significant adverse effect on the environment and thus a Mitigated Negative Declaration can be adopted by the City Council.
- E. On a 5/1 vote recommended that the City Council approve Rezone 04-008.

WHEREAS, at its January 4, 2004 meeting, the City Council took the following actions:

- A. Considered the facts and analysis, as presented in the staff report and the attachments thereto.
- B. Considered the recommendation of the Planning Commission.
- C. Conducted a public hearing to obtain public testimony on the proposed project and environmental determination therefor.
- D. The land use designation for the subject property was established with the 2003 General Plan Update and addressed with the Environmental Impact Report that accompanied the General Plan Update. Based on the independent review and judgment of the City Council, the City Council determined that there was no substantial evidence that the Project would have a significant adverse effect on the environment beyond those addressed in the General Plan Environmental Impact Report.

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, does hereby make the following findings that:

1. The above stated facts of this Ordinance are true and correct.
2. The Rezone is consistent with the City's General Plan and Zoning Code.

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 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 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 January 4, 2005, and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of January 2005 by the following roll call vote, to wit:

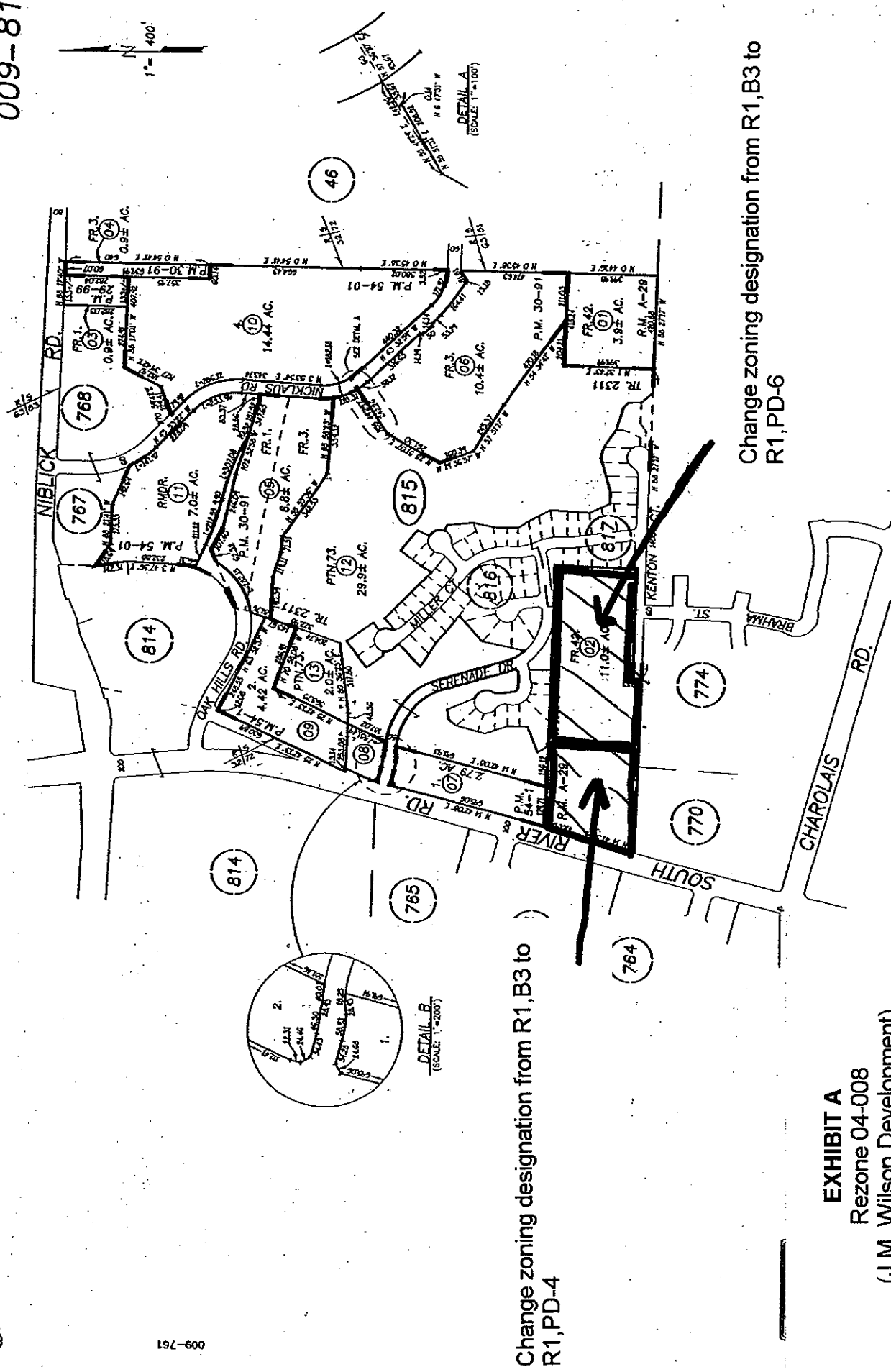
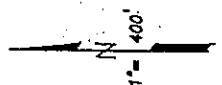
AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

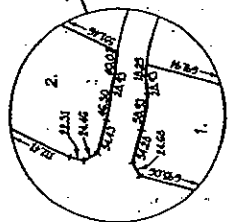
Sharilyn M. Ryan, Deputy City Clerk

009-81



Change zoning designation from R1, B3 to R1, PD-4

Change zoning designation from R1, B3 to R1, PD-6



DETAIL B (SCALE: 1"=200')

DETAIL A (SCALE: 1"=100')

EXHIBIT "A"

EXHIBIT A
Rezone 04-008
(J.M. Wilson Development)