

ORDINANCE NO. 738 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 97009 - CAGLIERO)

WHEREAS, in conjunction with General Plan Amendment (GPA) 97-04(B) and Planned Development 97012 Pete Cagliero filed Rezone 97009 to rezone the following:

- 4.8 acres (a portion of Assessor Parcel No. (APN)) located on the east side of South River Road, approximately 500 feet south of Niblick Road from R1 B4 (Single Family Residential - 1 unit/ac) to RC (Regional Commercial)
- 58 acres (the remaining portion of APN 009-760-36 and APN 009-761-012) located on the east South River Road, approximately 250 feet south of Niblick Road, and west of Nicklaus Drive from a mixture of R1 B4 (Single Family Residential - 1 unit/ac), R2 (Duplex/Triplex), R3 PD10 (Apartment Planned Development 10 units/ac and POS (Parks & Open Space); and

WHEREAS, at its meeting of December 9, 1997, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (general plan amendment and rezone);
- 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, unanimously 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 this project; and

WHEREAS, on December 16, 1997, City Council opened the public hearing for the rezone request and continued the hearing to the Council's January 6, 1998 meeting for further consideration; and

WHEREAS, at its meeting of December 16, 1997, 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 Rezone, the proposed mitigation measures, the mitigation contract signed by the applicant, the staff report, and testimony received as a result of the public notice, the City based on its own independent and objective judgment found that all potentially significant effects of the project, on the environment can and will be avoided or mitigated to a level of insignificance by:
 1. Imposing the approved mitigation measures on future development; and
 2. Compliance with the Mitigation contract that allows for further, development specific, CEQA review;

- e. Based on the City's independent judgment, the City Council of the City of El Paso de Robles granted a Negative Declaration for General Plan Amendment 97-04(B) and Rezone 97009 in accordance with the California Environmental Quality Act;
- f. Adopted a resolution to approve General Plan Amendment 97-04, which enables Rezone 97009 to be in conformance with the General Plan;

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:

ABJ657

SECTION 1. Section 21.12.020 of the Municipal Code (Zoning Map) is hereby amended so that the northern portion of Assessor's Parcel No. 009-760-36 is rezoned from R1 B4 to RC, and that the remaining portion of Assessor's Parcel No. 009-760-36 and all of 009-761-012 is rezoned from R1 B4, R2, R3 PD10, and POS to R2 PD; as shown on the attached Exhibit A, Zoning Map Subarea 7.

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.

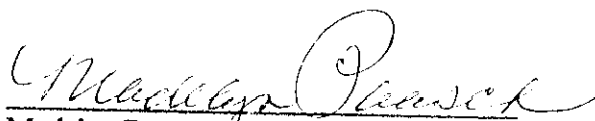
SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on December 16, 1997, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of January, 1998, by the following roll call vote, to wit:

AYES: Iversen, Macklin, Swanson, and Picanco
 NOES: None
 ABSENT: Baron
 ABSTAIN: None

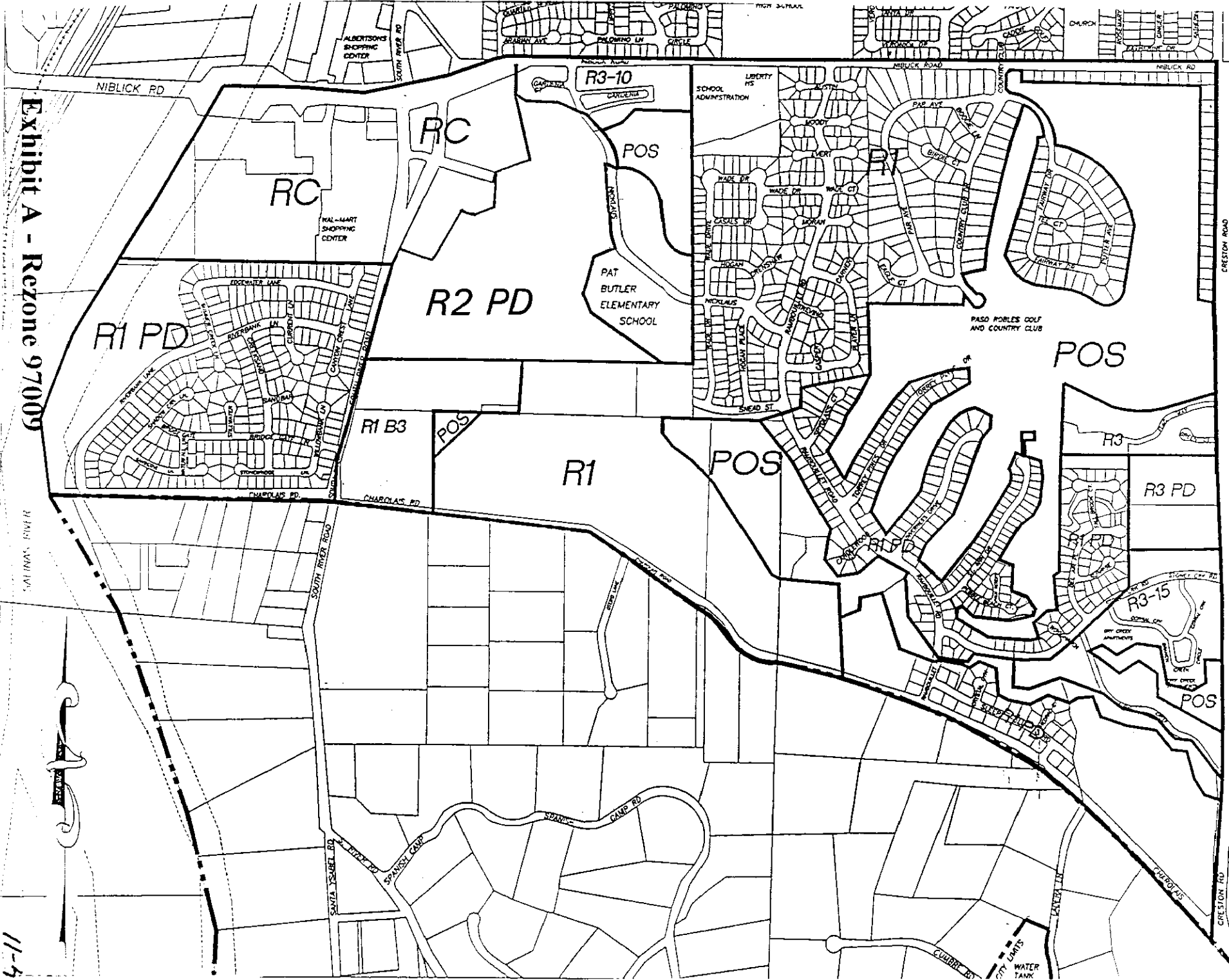

 Duane J. Picanco, Mayor

ATTEST:


 Madelyn Paasch, City Clerk

Zoning Map for SUBAREA 7

Exhibit A - Rezone 97009



11-4