

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Rezone 04-002 (Applicant: Ken Parish)
DATE: June 1, 2004

Needs: For the City Council to consider a request filed by John McCarthy on behalf of Ken Parish to rezone an existing 7,000 square foot parcel from R-3 to C-3, in order to bring the zoning designation in conformance with the existing General Plan designation.

- Facts:**
1. The subject property is located at 1830 Riverside Avenue (see attached Vicinity Map).
 2. The General Plan land use designation for the parcel is Commercial Service (CS) and the current zoning is R-3 (residential multi-family, 12-units/acre).
 3. The properties directly across Riverside Avenue (Design Images - Dzida) had a similar zoning designation, and in 1996 Ordinance No. 718 N.S. was adopted changing the zoning designation from R3 to C3 to be consistent with the General Plan.
 4. The properties to the north, south and east are also R3 zoned with the CS general plan designation. These properties are currently developed with multi-family residential, at some point in the future they could also request to be rezoned to C3 as well.
 5. The Planning Commission reviewed the rezone request at their meeting on May 11, 2004, where the Planning Commission recommended that the City Council approve Rezone 04-002. The recommendation to approve the rezone was in order to bring the zoning into compliance with the General Plan Designation. There was discussion by the Commission about whether the Commercial Service designation should remain in this area, since it appears that the area is still predominantly residential with new residential currently being constructed on properties in this neighborhood.
 6. Pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA) and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment. Based on the information and analysis contained in the Initial Study, and based on the fact that the rezone is consistent with the Environmental Impact Report completed in 1991 for the General Plan, a determination has been made that the proposed Project qualifies for issuance of a Negative Declaration.

**Analysis
and**

Conclusions: In August 1991, the City Council, as part of the General Plan Land Use Element update, categorized the area proposed to be rezoned as Commercial Service. This land use designation allows for a variety of retail, service and light industrial uses. The proposed C-3 zoning is consistent with the Commercial Service land use designation.

Therefore, because the rezone is consistent with the General Plan, it would be appropriate to

rezone the property from R-3 (Apartment) to C-3 (Commercial/Light Industrial) consistent with this rezone application.

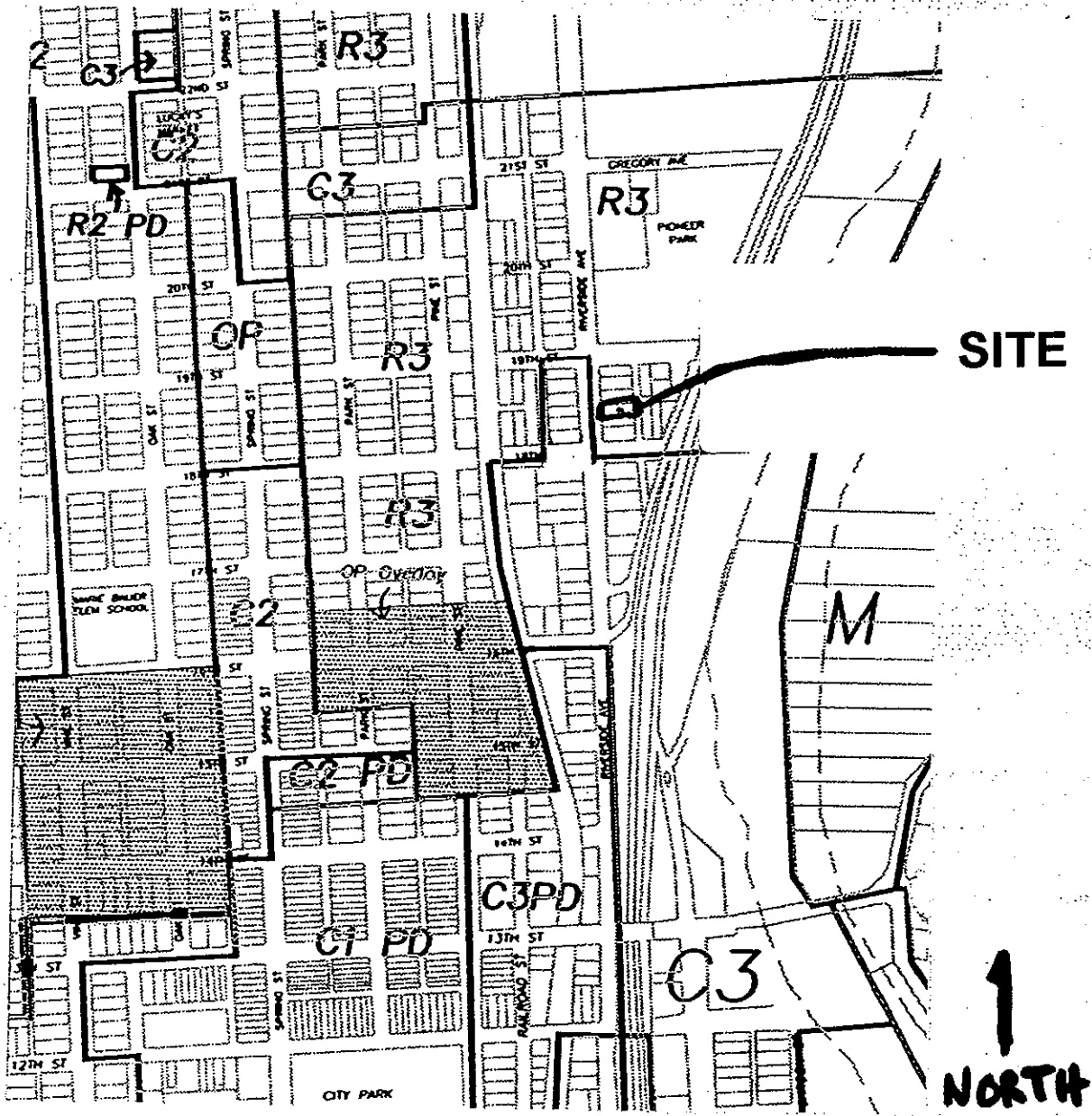
Options: After consideration of all public testimony, that the City Council adopts one of the following options:

- a. (1)** Adopt a Resolution adopting a Negative Declaration for the Rezone 04-002 application; and
- (2)** Introduce and hold first reading of Ordinance No. XXX N.S. to approve Rezone 04-002 to change the zoning designation from R3 (Residential Multi-family, 12 units to the acre) to C3 (Commercial/Light Industrial); and set June 15, 2004, as the date for adoption of said ordinance.
- b.** Amend, modify or reject the foregoing option.

Attachments:

- 1. Vicinity Map
- 2. Draft Resolution adopting a Negative Declaration for Rezone 04-002
- 3. Draft Ordinance approving Rezone 04-002
- 4. Public Notice Affidavits

Darren/ZC/rezone04-002Parish/CCStaffReport



VICINITY MAP
 REZONE 04-002
 1830 Riverside Avenue
 (Ken Parish)

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

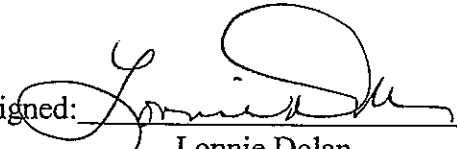
Newspaper: Paso Robles Press

Date of Publication: April 21, 2004

Meeting Date: May 11, 2004
(Planning Commission)
June 1, 2004
(City Council)

Project: Rezone 04-002 (McCarthy/Parish)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

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CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS;
NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATIONS

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council of the City of El Paso de Robles will be holding Public Hearings to consider the following application:

Rezone 04-002: Request by John McCarthy on behalf of Ken Parish, to modify the zoning designation for Assessors Parcel Number 008-243-003, from Residential Multi-family, Medium Density (R3), to Commercial / Light Industrial with Planned Development Overlay (C3,PD) to bring the zoning designation in conformance with the General Plan designation of Commercial Service (CS).

The hearings will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on the following dates:

Planning Commission: Tuesday, May 11, 2004
City Council: Tuesday, June 1, 2004

As part of the noticed Public Hearing, the City Council will consider adoption of Negative Declarations of Environmental Impact (statements that there will be no significant environmental effects) in accordance with the provisions of the California Environmental Quality Act (CEQA). The proposed Negative Declaration will be available for public review from Wednesday, April 21 through Tuesday, May 11, 2004. Copies of the staff report and draft Negative Declaration will be available for the cost of reproduction at the Community Development Department, City Hall, 1000 Spring Street, Paso Robles, CA 93446. Please write to this address or call

the Planning Division at (805) 237-3970 should you have questions or comments regarding this notice or related matters.

All interested parties may appear and be heard at these public hearings. Comments on the proposed project may also be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the respective hearings.

If you challenge the Rezone or Negative Declaration applications in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission and/or the City Council at, or prior to, the public hearings.

/s/Darren Nash, Associate Planner

Pub: 4/21/2004
Paso Robles Press
Legal #9977

AFFIDAVIT

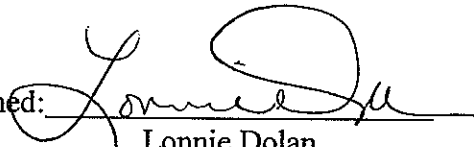
OF MAIL NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Rezone 04-002 (Parish) on this 28th day of April 2004.

City of El Paso de Robles
Community Development Department
Planning Division

Signed:


Lonnie Dolan

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING A NEGATIVE DECLARATION FOR REZONE 04-002
(1830 RIVERSIDE AVE. – KEN PARISH)

WHEREAS, John McCarthy on behalf of Ken Parish have filed Rezone 04-002 to rezone an approximately 7,000 square foot site from R-3 (Apartment) to C-3 (Commercial/Light Industrial) to be consistent with the General Plan designation for the property, which is CS (Commercial Service); and

WHEREAS, the site is located at 1830 Riverside Avenue; and

WHEREAS, in August 1991, the City Council of Paso Robles updated the Land Use Element of the General Plan for this area to the Commercial Service (CS) land use category; and

WHEREAS, the proposed rezoning of the site to C-3 is consistent with the Commercial Service land use category; and

WHEREAS, the General Plan land use category of Commercial Service (CS) and the environmental impacts associated with this land use were evaluated as part of the General Plan Environmental Impact Report (EIR); and

WHEREAS, the Planning Commission at their meeting on May 11, 2004, reviewed the rezone request and recommended that the City Council adopt Rezone 04-002; and

WHEREAS, an Initial Study was prepared for this project (on file in the Community Development Department), which concludes that the project as proposed will not have significant impacts on the environment, since the proposed rezone would bring the property into conformance with the General Plan; and

WHEREAS, based on the information contained in the Initial Study prepared for this project, the Planning Commission found that the request is consistent with the General Plan Environmental Impact Report adopted for the 1991 General Plan, which designated this area of the City as Commercial Service (CS) and therefore, it is determined that there is no substantial evidence that this project would have significant adverse effects on the environment and recommended that the City Council approve a Negative Declaration; and

WHEREAS, Public Notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, public hearings were conducted by the Planning Commission on May 11, 2004 and by the City Council on June 1, 2004 to consider the Initial Study prepared for this application, and to accept public testimony regarding this proposed environmental determination for the proposed zoning modification; and

WHEREAS, based on the information contained in the Initial Study prepared for this zoning modification and testimony received as a result of the public notice, the City Council finds no substantial evidence that the project would have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that based on the City's independent judgment, the City Council of the City of El Paso de Robles does hereby approve a Negative Declaration for Rezone 04-002 in accordance with the California Environmental Quality Act.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of June 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

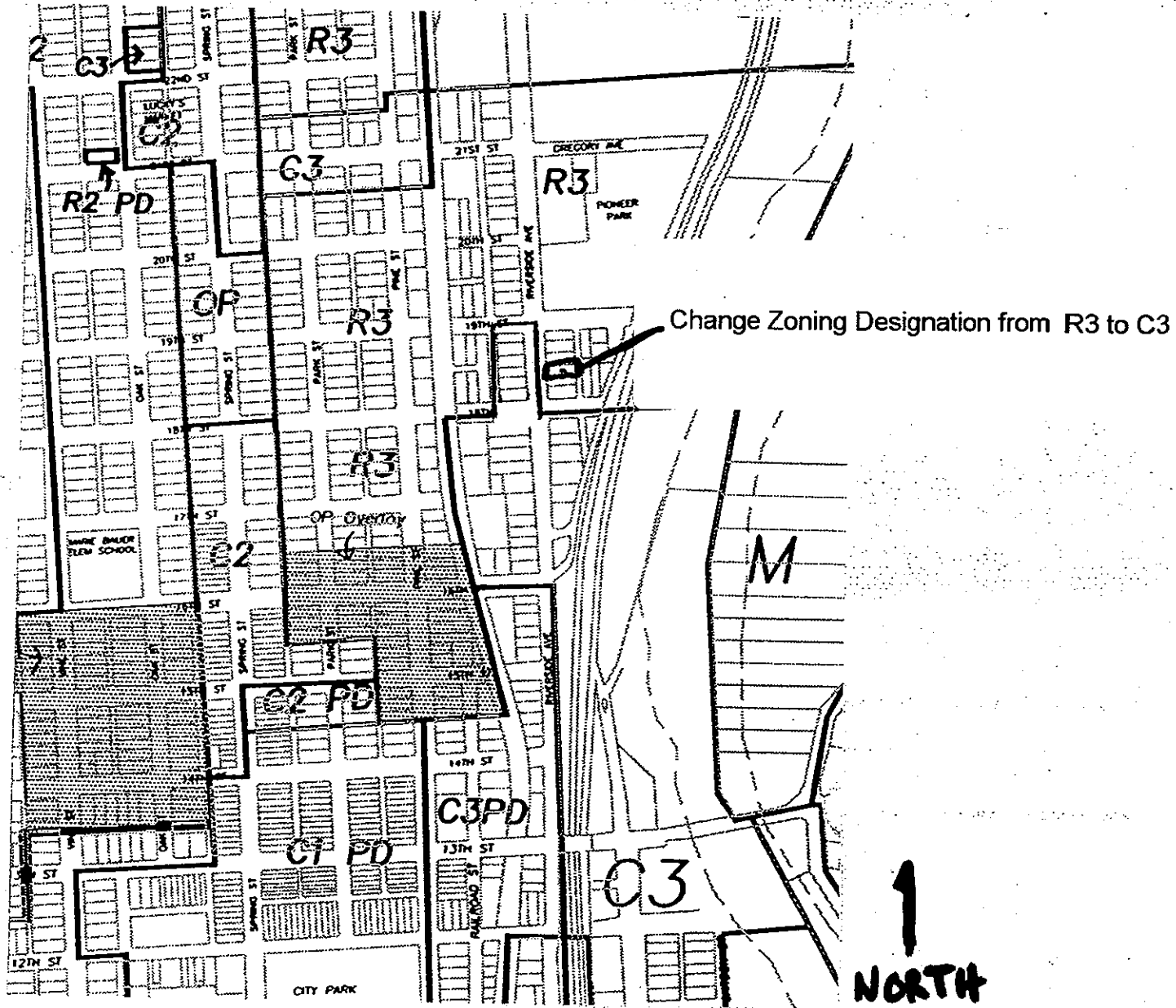
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT A



REZONE 04-002
1830 Riverside Avenue
(Ken Parish)