

Attachment 7

ORDINANCE NO. XXXX N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ADOPTING AN AMENDMENT TO TITLE 10 VEGETATION (RZN 23-02) AND FINDING THE ACTION EXEMPT FROM CEQA UNDER STATE CEQA GUIDELINES SECTIONS 15060(c)(2) AND (c)(3) AND 15061(B)(3)

WHEREAS, the City of El Paso de Robles, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the City is working on a comprehensive update to the Zoning Code (Title 21). Concurrent with that process, several clean-up items have been identified where Title 21 is referenced in other Titles of the Municipal Code; and

WHEREAS, various Titles of the Paso Robles Municipal Code have proposed amendments to facilitate the update to Title 21. Most of the proposed amendments are to correct code references that will be outdated if Title 21 is amended. More substantive changes are proposed in Titles 10 and 19. In Title 10, the review authority for oak tree removal permits would be changed so the Development Review Committee and Planning Commission could approve certain removals. Title 19 would be repealed and replaced with updated standards for billboards that have been consolidated from Title 21; and

WHEREAS, on August 13, 2024, the Planning Commission held a public hearing for amendments to Title 21 and amendments to the Zoning Map including removing special conditions overlays D and E as well as removing of Hillside District Overlay, and on six successive votes of 6-0-1 (one Commissioner absent), recommended the City Council approve said amendments; and

WHEREAS, on August 27, 2024, the Planning Commission held a public hearing for amendments to Municipal Code Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, and 19, and on five successive votes of 5-0-2 (two Commissioners absent), recommended the City Council approve said amendments; and

WHEREAS, the City Council finds that these updates to the Zoning Code, Zoning Map, and updates to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22 do not qualify as a project under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, § 15060, subd. (c)(2)-(3), and are exempt from CEQA under State CEQA Guidelines, § 15061(b)(3); and

WHEREAS, a duly noticed public hearing was conducted by the City Council on September 17, 2024, to consider the facts as presented in the staff report prepared for this Zoning Code update, Zoning Map amendments, and Municipal Code amendments, and to afford the public an opportunity to comment upon such items.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. Findings for Approval. Based on the facts and analysis presented to it, including all written and oral testimony, the City Council hereby finds and determines:

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- a. RZN 23-02 is consistent with the following Goals and Policies of the General Plan:
 - Land Use Element Policy LU-2B Action Item 1: By defining and implementing updated zoning standards through the amendments to Title 21 and the associated updates to Titles 2, 3, 5, 7, 8, 9, 10, 12, 14, 19, and 22, the City ensures that zoning regulations are not only up-to-date but also promote the enhancement and conformity of existing structures throughout the City.
 - Housing Element Policy H-3.3: By updating the Zoning Code and Zoning Map, and the associated references throughout the Municipal Code, the proposed code updates ensure that the City remains current in recent legislation, particularly as it relates to housing, thereby helping remove and reduce governmental constraints while facilitating compliant and effective housing development throughout the City.
- b. The proposed Title amendments will not adversely impact the public health, safety, and welfare, because the proposed amendments are designed primarily for organizational purposes and to enhance clarity, consistency, and compliance with state and federal laws, thereby providing a more predictable and efficient regulatory framework for all community stakeholders. By establishing clearer standards and processes, this update to Title 10, in addition to Titles 2, 3, 5, 7, 8, 9, 12, 14, 19, and 22, in relation to proposed amendments to Title 21 helps protect public interests, facilitate responsible growth, and maintain the integrity of communities throughout the City. Moreover, the enhanced provisions relating to housing helps support the provision of adequate housing in the City of El Paso de Robles, which in turn contributes positively to the overall welfare of the City and its residents.

Section 3. The Council hereby adopts the language attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Environmental Determination. The City Council finds that this Title amendment does not qualify as a “project” under CEQA because the Title text amendments do not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment. (See State CEQA Guidelines, § 15378 [defining “project”], § 15060(c)(2)-(3).) Alternatively, even if the Title text amendments did qualify as a project under CEQA, they are exempt from CEQA because it can be seen with certainty that there is no possibility that the Title text amendments may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 7. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36937.

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INTRODUCED at a regular meeting of the City Council held on September 17, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk

Exhibit A – Text Amendments to Title 10 Vegetation