

ORDINANCE NO. 938 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21, ZONING, OF THE MUNICIPAL CODE
REZONING PROPERTY TO MULTIPLE-FAMILY RESIDENTIAL WITH
PLANNED DEVELOPMENT OVERLAY (R-3-PD) FOR PROPERTY LOCATED
AT 1450 GOLDEN HILL ROAD, APN 025-366-012
APPLICANT – GOLDEN HILL DEVELOPMENT, LLC
ZONING MAP AMENDMENT 06-004

WHEREAS, the current Zoning of subject property is Single Family Residential (R-1 B-3); and

WHEREAS, this Zoning Map Amendment to change the zoning to R-3 with Planned Development (PD) Overlay, will allow multiple-family residential development of this property, with a maximum residential density of 12 dwelling units per acre, as shown in Exhibit A; and

WHEREAS, in accordance with Section 21.16A.030, Density and use limitations, the use of the subject site will be limited to senior retirement/residential care type facilities not to exceed 125 units; and

WHEREAS, at its meeting of August 14, 2007, the Planning Commission 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 prepared for the project, the Planning Commission found that there was no substantial evidence that approval of this portion of the amendment would have significant adverse effects on the environment and recommended that the City Council approve a Mitigated Negative Declaration for this amendment;
- d. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, based on consideration of information received at its meeting of September 18, 2007, 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. Considered the Commission's recommendation from the Planning Commission's August 14, 2007 public meeting;

- d. Determine that the proposed rezoning to be consistent with the City's General Plan;
- e. Based on its independent judgment, found that there was no substantial evidence that this amendment would have significant adverse effect on the environment and approved a Mitigated Negative Declaration for this General Plan amendment in accordance with the California Environmental Quality Act;
- f. Introduced said ordinance for the first reading; and

WHEREAS, on October 2, 2007, the City Council held second reading of said ordinance.

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

SECTION 1. The zoning map amendment is hereby established on the official Zoning Map as shown in Exhibit A.

SECTION 2. Section 21.13.030 of the Zoning Ordinance, Overlay District Regulations, is hereby amended to add the following language (**bold print**):

Each subsection set forth below contains conditions placed on the use and/or development of certain properties by the ordinances cited therein for zoning map amendments for such properties. The conditions listed below are additional to the primary zoning district regulations set forth in Chapter 21.20, and performance standards set forth in Chapter 21.21.

I. 2450 Golden Hill Road, a 11.88 acre site (Lot 2 of PR 06-0272) is conditioned by Ordinance No. XXX N.S. to require a conditional use permit to ensure that uses for the site are limited to senior retirement communities/residential care type uses, as shown on Figure 21.13-7.

SECTION 3. This Ordinance will not take effect until 31 days after the adoption of Ord.No.938 N. S.

SECTION 4. 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 5. 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 6. 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, such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

Introduced at a regular meeting of the City Council held on September 18, 2007, and passed and adopted by the City Council of the City of El Paso de Robles on the 16th day of October, 2007, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk

RESCINDED BY RESO 07-226 ON 12/4/07

Zoning Map for Subarea 8

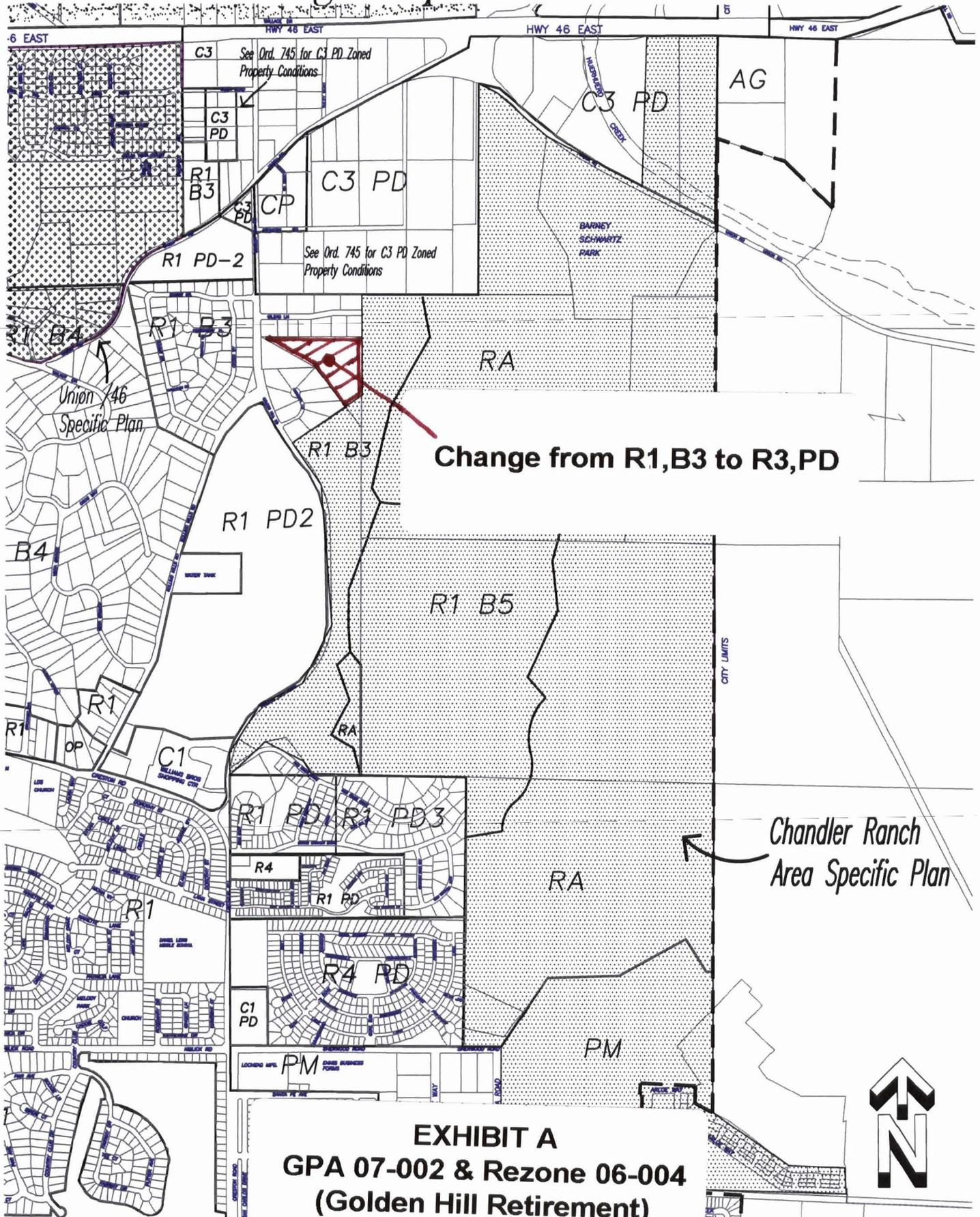


EXHIBIT A
GPA 07-002 & Rezone 06-004
(Golden Hill Retirement)