

ORDINANCE NO. 1033 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
ADOPTING REZONE 15-002; APPLICANT –NEW HERITAGE LP/JOE COLLINS  
ALDER CREEK APARTMENTS EXPANSION - APN: 009-767-049

WHEREAS, New Heritage, LP/Joe Collins (“Applicant”), in connection with the proposed Alder Creek Apartments expansion (the “Project”), has filed a request for consideration of Rezone 15-002, to rezone property currently zoned Residential Multi-Family (R3-10) on approximately 1.50 acres of land to R-5, and to rezone approximately 0.9 acres of land from R3-10 to Open Space (OS), as shown in Exhibit A – Zoning Map Amendment; and

WHEREAS, the rezone is necessary to provide zoning map consistency with a concurrent request for a General Plan Land Use Element Diagram Amendment (GPA 15-003, Part A); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), and the City’s Guidelines to Implement CEQA, the Planning Commission has reviewed and recommended the City Council approve the Mitigated Negative Declaration prepared for the Project; and

WHEREAS, on July 12, 2016, the Planning Commission reviewed and recommended the City Council approve GPA 15-003, Part A and Rezone 15-002;

WHEREAS, on August the City Council reviewed Rezone 15-002.

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 incorporated herein by reference.

Section 2. Based on the facts and analysis presented to it, including all written and oral testimony, the City Council hereby makes following findings regarding Rezone 15-002:

- a. The rezone is necessary to provide zoning map consistency with a concurrent request for a General Plan Land Use Element Diagram Amendment (GPA 15-003, Part A).
- b. Rezone 13-001 would provide for orderly development within the City.

Section 3. Based on all of the foregoing findings and determinations,

- (a) The Recitals set forth in this Ordinance, which are deemed true and correct;
- (b) Resolution No. 16-099, adopted by the City Council on August 2, 2016, making findings as to the Mitigated Negative Declaration for the Alder Creek project, including the Mitigation Monitoring and Reporting Program, approved by and incorporated in said Resolutions, which Resolutions and exhibits are incorporated herein by reference as if set forth in full;
- (c) The City’s General Plan, as amended by the General Plan Amendment adopted by the City Council by Resolution No. 16-100 prior to adoption of this Ordinance;
- (d) All City staff reports (and all other public reports and documents) prepared for the Planning Commission, City Council, or others relating to the Zoning Map Amendment, and other actions relating to the Property;
- (e) All documentary and oral evidence received at public hearings or submitted to the City Council or City during the comment period relating to the Zoning Amendment, and other actions relating to the Property; and
- (f) All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City’s fiscal and financial status; City policies and regulations; reports, projections and correspondence related to development within and surrounding the City; State laws and regulations and publications.

Section 4. The City Council of the City of El Paso de Robles approves Rezone 15-002, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and subject further to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan, as amended, as approved by the City Council.

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 thirty (30) days after its passage and adoption as provided by Government Code section 36397.

SECTION 7. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause a summary 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 Government Code section 36933.

Introduced at a regular meeting of the City Council held on August 2, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on September 6, 2016 by the following roll call vote, to wit:

AYES: Strong, Gregory, Hamon, Reed, Martin  
NOES:  
ABSTAIN:  
ABSENT:

  
Steven W. Martin, Mayor

Attest:

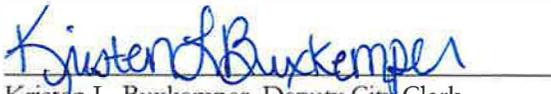
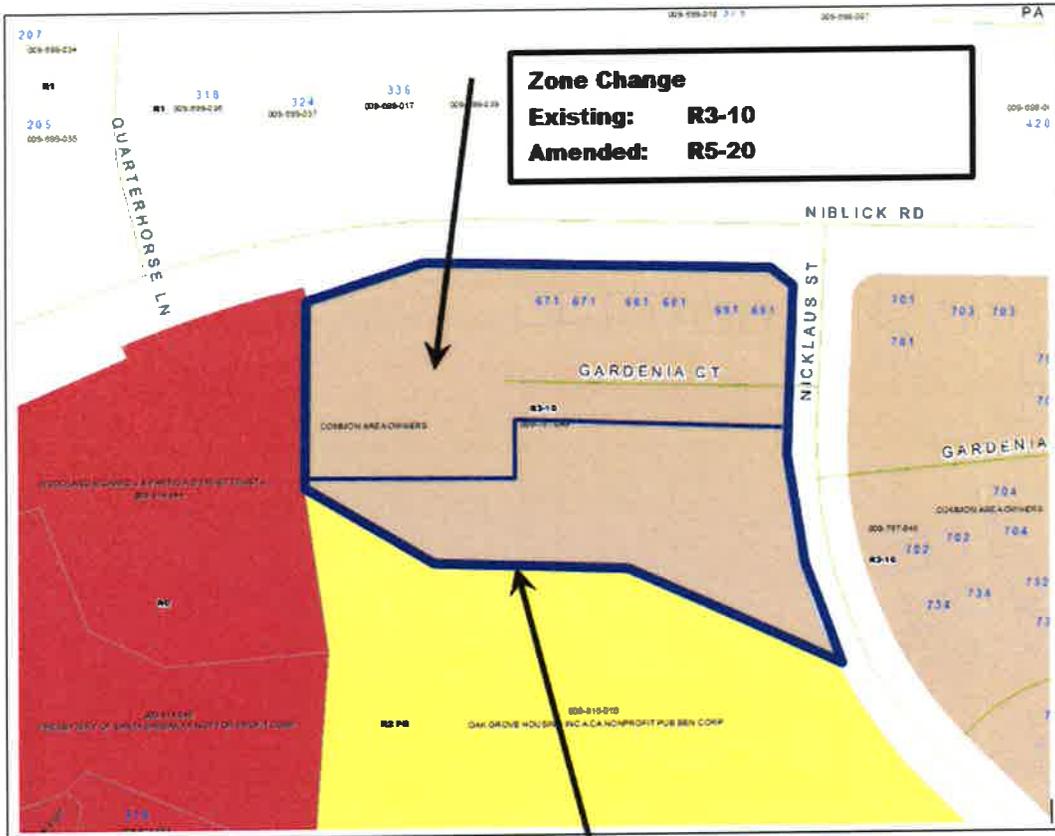
  
Kristen L. Buxkemper, Deputy City Clerk

Exhibit A – Zone Change 15-002



**Zone Code - Title 21**

- OS, Open Space
- AG: Agriculture
- POS: Parks\_Open Space
- RA: Residential Agriculture
- RS: Residential Suburban
- R1, Residential Single Family; RSF6: R
- R2, Residential Duplex/Triplex
- R3-O: 12 du/ac - office
- R9: 9 du/ac
- R3: 12 du/ac
- R4: 16 du/ac
- R5: 20 du/ac

**Zone Change**  
**Existing: RMF-8**  
**Amended: OS**