

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: General Plan Amendment 07-002, Rezone 06-004, PD 06-024, CUP 06-011, PR 06-272, for property located at 1450 Golden Hill Road, APN 025-366-012; Applicant – Golden Hill Development LLC
DATE: December 4, 2007

Needs: For the City Council to repeal the General Plan Amendment, Rezone, Planned Development, Use Permit, Tentative Tract Map, and Notice of Determination referenced above.

Facts:

1. Following a public hearing on September 18, 2007, the Council adopted separate resolutions approving a Mitigated Negative Declaration, General Plan Amendment, Planned Development, Use Permit, and Tentative Parcel Map for the Golden Hill senior housing project and expansion of the Covenant Presbyterian Church. In addition, the Council introduced an Ordinance that rezoned the property consistent with the General Plan.
2. The Council was scheduled to Adopt the Rezone Ordinance (2nd Reading) on October 2, 2007 but continued the matter to the October 16th agenda. After receipt of public comment at that second hearing, the Council took no action on the Ordinance and delayed adoption indefinitely.
3. The City received a request from John Belsher, the applicant's attorney, on November 14, 2007 (Attachment 1) stating that his client was withdrawing its application and intended to proceed with a revised request that excluded expansion of the church. A revised application was received by the City on November 20, 2007.

Analysis & Conclusion: The prior project for which various City entitlements were required has been withdrawn. Staff would therefore request that all prior approvals be repealed. The revised project will go back through the review and hearing process in a manner as prescribed by law.

Policy Reference: None

Fiscal Impact: None

- Options:
- a. Adopt the attached resolution repealing the Mitigated Negative Declaration, General Plan Amendment, Rezone, Conditional Use Permit, Planned Development, and Tentative Parcel Map and direct staff to file the necessary paperwork as may be required by law.
 - b. Amend, modify or reject the foregoing option.

Attached:

- 1. Request to Withdraw
- 2. Resolution to Repeal

Attachment 1

Request to Withdraw

Ron Whisenand

From: John Belsher [john@belsherandbecker.com]
Sent: Wednesday, November 14, 2007 10:13 AM
To: Ron Whisenand; Iris Yang; Jon Seitz
Cc: Bill Hawk; Jon; Larry Werner; bruce@fraserseiplearchitects.com
Subject: Covenant Presbyterian withdrawal of CUP application

Ron, as you know this firm represents Bill Hawk, the owner of the Golden Hills project. Mr. Hawk desires the following:

1. Withdraw the CUP application for the Covenant Presbyterian Church, without prejudice to re-submit in the future;
2. Proceed with the General Plan Amendment 07-002 to place the proposed Senior Center parcel into RMF-12 (as presently proposed) and leave the proposed Church parcel in RSF-2.
3. Proceed with the Tentative Map Parcel Map PR 06-0272, as presently proposed.
4. Proceed with the PD approval 06-024 for the Senior Center, including associated access, utilities, drainage and parking on the proposed Church parcel which is part of the Senior Center project, as presently proposed, including the access road crossing the Church parcel and the parking areas adjacent to the Senior Center on the eastern portion of the proposed Church parcel. The site plan and tentative map will be revised to eliminate the proposed Church sanctuary. As discussed with you previously, the project is further revised to include a screen wall along the six parking spaces on the east side of the proposed Church parcel which face toward the Lopate parcel, together with landscaping per the current Landscaping Plan, as mitigation for noise and light which might affect the neighbors.
5. Proceed with the rezoning of the proposed Senior Center parcel to R-3, PD and the proposed Church parcel to R-1 B-3, PD.
6. Proceed with the CUP approval 06-011 for the Senior Center.

The property owner acknowledges that the foregoing will result in the City re-circulating an Initial Study/Mitigated Negative Declaration, following additional discussion with staff and re-submittal of the tentative map and project plans deleting the Church sanctuary building and, finally, that said document will be prepared "in-house". The property owner acknowledges and expects that the City document will expressly state that it is not an environmental approval for the Church expansion and will not be used as such should the Church expansion be reapplied for, but the environmental document will nonetheless evaluate potential cumulative traffic impacts of the Church expansion as currently proposed (prior to this withdrawal), as a "cumulative impact" reasonably foreseeable future project. We appreciate there may be additional fees for this action, as well as the re-noticing of a public hearing.

Please advise if you need anything more from the property owner/applicant before proceeding.

John W. Belsher
BELSHER & BECKER
412 Marsh Street
San Luis Obispo, California 93401
Telephone: (805) 542-9900
Facsimile: (805) 542-9949

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RESOLUTION NO. 07-

A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
REPEALING RESOLUTIONS 2007-192, 2007-193, 2007-194, AND 2007-195
AND REPEALING THE FIRST READING OF ORDINANCE 938 NS

WHEREAS, on September 18, 2007, the City Council took the following actions for property located at 1450 Golden Hill Road, APN #025-366-012, with regard to the application of Golden Hill Development, LCC (herein the "Project"):

- A. Adopted Resolution 2007-191, adopting a Mitigated Negative Declaration for the Project;
- B. Adopted Resolution 2007-192, approving General Plan Amendment 07-002, to amend the land use designation from Residential Single Family (RSF-2) to Residential Multi-Family, 12 units per acre (RMF-12);
- C. Adopted Resolution 2007-193, approving Planned Development 06-024 to construct a multi-level, one hundred twenty-five (125) unit senior retirement community;
- D. Adopted Resolution 2007-194, approving a Conditional Use Permit to construct a six thousand three hundred thirty foot (6,330) expansion to the existing four thousand three hundred forty square foot (4,340) church/preschool;
- E. Adopted Resolution 2007-195, approving a Tentative Map to subdivide the 13.4 acre site into two parcels;
- F. Introduced for first reading Ordinance 938 NS approving a change in the zoning district from R-1B3, single family residential two (2) units per acre, to multi-family residential, twelve (12) units per acre (R-3 PD); and

WHEREAS, the City Council was scheduled to adopt Ordinance 938 NS, (second reading), on October 2, 2007, but continued the matter to the October 16, 2007, Agenda; and

WHEREAS, on October 16, 2007, the City Council, after receipt of public comment, continued indefinitely the second reading of Ordinance 938 NS that would approve the rezoning for the Project; and

WHEREAS, on or about November 14, 2007, the City received a written communication that Applicant was withdrawing its application for the Project; and

WHEREAS, on or about November 20, 2007, the City received a revised application related to the Project; and

WHEREAS, the City Council held a public hearing on December 4, 2007, and accepted public comment regarding the repeal of the prior actions taken by the City Council related to the Project.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the City Council of the City of El Paso de Robles as follows:

Section 1. The above Recitals are true and correct and incorporated into this Resolution by this reference and constitute findings in support of this Resolution. Based on such findings, the City Council hereby repeals the following:

1. Resolution 2007-191
2. Resolution 2007-192
3. Resolution 2007-193
4. Resolution 2007-194
5. Resolution 2007-195
6. The introduction of Ordinance 938 NS

Section 2. The Community Development Director is hereby authorized to file all appropriate notices regarding the actions herein taken by the City Council.

PASSED AND ADOPTED THIS 4th day of December, 2007 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

FRANK R. MECHAM, MAYOR

ATTEST:

DEBORAH ROBINSON, DEPUTY CITY CLERK