



Memorandum

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DATE April 15, 2008
TO City of Paso Robles City Council
FROM Iris P. Yang, City Attorney; Kara K. Ueda
RE *Quorum v. City of Paso Robles*, San Luis Obispo County Case No. CV 051041

As you may remember, Quorum Realty Fund sued the City over its preparation of a Mitigated Negative Declaration for the Inn at Vintners Village project. CENCO Investment, LLC is the developer of that project and was the real party in interest in the case.

The case was heard by the Honorable Jac Crawford. The judge determined that the Mitigated Negative Declaration was not adequate under the California Environmental Quality Act and ordered the City to set aside its determinations on the Mitigated Negative Declaration, the Planned Development, and the Conditional Use Permit and to prepare an Environmental Impact Report consistent with his decision.

In order to comply with the judge's decision, the City Council is now being asked to formally rescind its November 15, 2005 approvals of PD05-010 and CUP 05-006 as well as the Mitigated Negative Declaration for the project. CENCO will be required to resubmit an application for the project. Pursuant to the court's order, the City will be required to prepare an EIR consistent with the court's decision for that project.

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RESOLUTION NO _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES RESCINDING PROJECT APPROVALS PD05-010 AND CUP05-006 AND THE MITIGATED NEGATIVE DECLARATION FOR THE INN AT VINTNERS VILLAGE PROJECT

WHEREAS, the City of El Paso de Robles previously approved PD05-010 and CUP05-006 and approved a Mitigated Negative Declaration for the Inn at Vintners Village project (the "Project"); and

WHEREAS, Quorum Realty Fund filed an action in San Luis Obispo County Superior Court challenging the adequacy of the Mitigated Negative Declaration prepared in connection with the Project; and

WHEREAS, the court has determined that the Mitigated Negative Declaration was not adequate in certain respects and has directed the City to rescind its approvals of the Planned Development and Conditional Use Permit for the Project and to set aside the Mitigated Negative Declaration therefor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles that Resolution No. 05-231 (adopting the Mitigated Negative Declaration), Resolution No. 05-232 (approving Planned Development 05-010) and Resolution No. 05-233 (approving CUP 05-006) are hereby rescinded.

PASSED AND ADOPTED this 15th day of April, 2008 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

Attest:

City Clerk