Action Item

Agenda Item No. 4

City Manager's Approval

Report to the Auburn City Council

To:	Mayor and City Council Members
From:	Lance E. Lowe, AICP, Associate Planner
Date:	August 13, 2012
Subject:	Second Reading of An Ordinance to Rezone ±1.9 Acres Located at 211 Brook Road from Residential Single Family, Minimum Parcel Size 10,000 square feet (R-1-10) to Open Space Conservation (OSC).

The Issue

Should the City Council Adopt a Second Reading of an Ordinance to Rezone ±1.9 acres located at 211 Brook Road from Residential Single Family, Minimum Parcel Size 10,000 square feet (R-1-10) to Open Space Conservation (OSC)?

Conclusions and Recommendation

Staff recommends that the City Council take the following action:

Hold a Second Reading, by Title only, of an Ordinance to Rezone ±1.9 Acres Located at 211 Brook Road from Residential Single Family, Minimum Parcel Size 10,000 square feet (R-1-10) to Open Space Conservation (OSC) (**Attachment 1**).

Background

On July 9, 2012 the Auburn City Council held a duly noticed public hearing and adopted the draft Ordinance as presented.

A Second Reading is required to finalize the processing of the ordinance. Should the City Council decide to adopt the Second Reading of the Ordinance on August 13, 2012, the Ordinance will become effective thirty (30) days thereafter.

Project Description

El Toyon Institute (ETI) proposed a General Plan Amendment, Rezone, Use Permit & Tree Permit for a proposed mediation and training facility to be located at 209, 211 & 215 Brook Road.

The project consists of three parcels totaling ±2.5 acres. The first parcel at 207 Brook Road is undeveloped. The property includes a boundary line adjustment to reconfigure the property line to coincide with the General Plan Amendment and Rezone. The second parcel totaling ±1.9 acres

at 211 Brook Road is the location of a second unit and the historic residence known as El Toyon. El Toyon is a locally recognized historic resource that has been placed on the National Register of Historic Places on March 31, 2010 for its distinctive Shingle Style of Architecture. The Rezone from Residential Single Family, Minimum Parcel Size 10,000 square feet (R-1-10) to Open Space Conservation (OSC) will allow the 211 Brook Road property to be used for education; as a library; and, mediation retreat center. The mediation space on the main level is ±2,293 sq. ft. with an additional ±640 sq. ft. in the second unit. In addition, ETI hopes to convert an existing ±960 square foot garage into a class room which would be used for training purposes. The converted garage will be ±768 square feet with accessible bathrooms. The third adjacent parcel to the south identified as 215 Brook Road, would be used for parking (**Exhibit A** - July 9, 2012 City Council Staff Report with Attachments and Exhibits).

Alternatives Available to Council; Implications of Alternatives

A. Hold a Second Reading and adopt Ordinance as presented;

B. Deny the Second Reading; or,

C. Amend the Ordinance and Introduce and hold a first reading, by title only, as amended.

Fiscal Impacts

Fiscal impacts related to the project may stem from further challenge from the appellant and /or other individuals and groups. However, in accordance with adopted Condition of Approval A-12, the applicant shall defend, indemnify and hold harmless the City, from and against any claim resulting from the project.

The applicant has paid the application fees for the General Plan Amendment, Rezone, Use Permit and Tree Permit.

Additional Information

Please see the following attachments for more details:

ATTACHMENT –

1. Rezone Ordinance No. 12-_____ with Rezone Exhibit

EXHIBIT –

A. July 9, 2012 City Council Staff Report with Attachments and Exhibits
(On File with the City Clerk)

ATTACHMENTS

ATTACHMENT 1

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN REZONING PROPERTY LOCATED AT 211 BROOK ROAD FROM RESIDENTIAL SINGLE FAMILY, MINIMUM PARCEL SIZE 10,000 (R-1-10), TO OPEN SPACE CONSERVATION (OSC) ZONE

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

A. The City Council held a public hearing on July 9, 2012, to consider a Rezone from Residential Single Family, minimum parcel size 10,000 square feet (R-1-10), to Open Space Conservation (OSC) for property located at 211 Brook Road as shown in **Exhibit A** attached hereto and incorporated herein by reference;

B. The City Council has considered all of the evidence submitted into the administrative record which includes, but is not limited to:

1. November 15, 2011 Planning Commission Staff Report an Minutes prepared by the Community Development Department.

2. Planning Commission recommendation at the November 15 2011, Planning Commission hearing;

3. Staff report prepared by the Community Developmen Department for the July 9, 2012 City Council meeting;

3. Project Description, Project Plans and Exhibits submitted by the applicant;

4. Initial Study/Mitigated Negative Declaration prepared by City Community Development Department;

5. Mitigation Monitoring & Reporting Plan;

6. Staff presentation at the public hearing held on July 9, 2012;

7. Public comments, written and oral, submitted at or prior to the public hearing;

8. All related documents submitted at or prior to the public hearing;

9. The City of Auburn General Plan, Zoning Ordinance, and all other applicable regulations and codes;

C. The Findings of Fact for Rezone 11-1 (File RE 11-1) are:

1. The Rezone is consistent with the General Plan;

2. The Rezone is consistent with the public interest, healt safety, and welfare of the City of Auburn;

D. In view of all of the evidence in the record and based on the foregoing findings, the City of Auburn City Council further finds the following:

1. All documents and materials relating to the proceedings fc the Rezone (11-1) are maintained in the City of Auburn Communit Development Department; 1225 Lincoln Way, Room 3; Auburn, CA 95603;

E. In view of all of the evidence and based on the foregoing findings, the City of Auburn City Council hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Plan for Rezone 11-1.

THE CITY COUNCIL OF THE CITY OF AUBURN DOES ORDAIN AS FOLLOWS:

Section One: The City of Auburn City Council Rezones 211 Broo Road from Residential Single Family, minimum 10,000 square feet (R-1-10 to Open Space Conservation (OSC) Zone.

Section Two: This Ordinance shall take effect thirty days following it adoption as provided by Government Code Section 36937.

Section Three: The City Clerk shall certify to the passage and adoptio of this Ordinance and shall give notice of its adoption as required by law Pursuant to Government Code Section 36933, a summary of this Ordinanc may be published and posted in lieu of publication and posting of the entir text.

Section Four: Should any provision of this Ordinance, or it application to any person, parcel or circumstance, be determined by a court o competent jurisdiction to be unlawful, unenforceable or otherwise void, tha determination shall have no effect on any other provision of this Ordinance o the application of this Ordinance to any other person, parcel or circumstanc and, to that end, the provisions hereof are severable.

DATED: August 13, 2012

Kevin Hanley, Mayor

ATTEST:

Joseph G. R. Labrie, City Clerk

I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 13th day of August 2012 by the following vote on roll call:

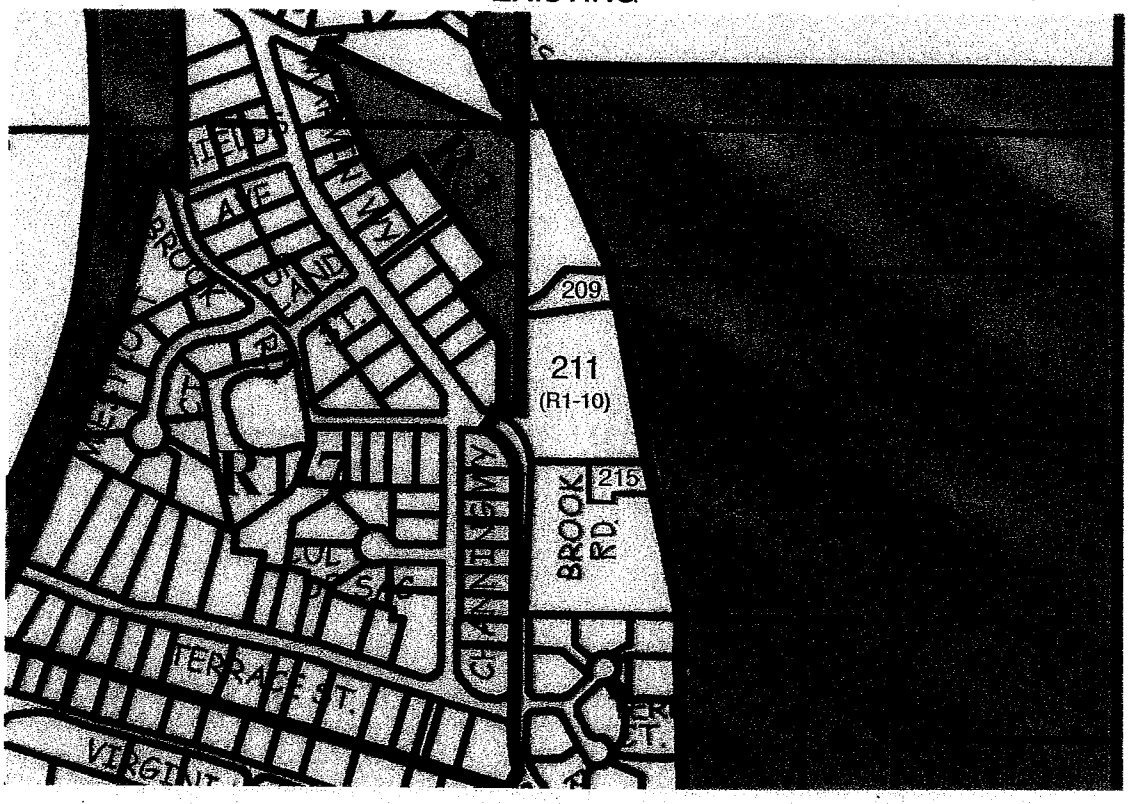
Ayes:
Noes:
Absent:

Joseph G. R. Labrie, City Clerk

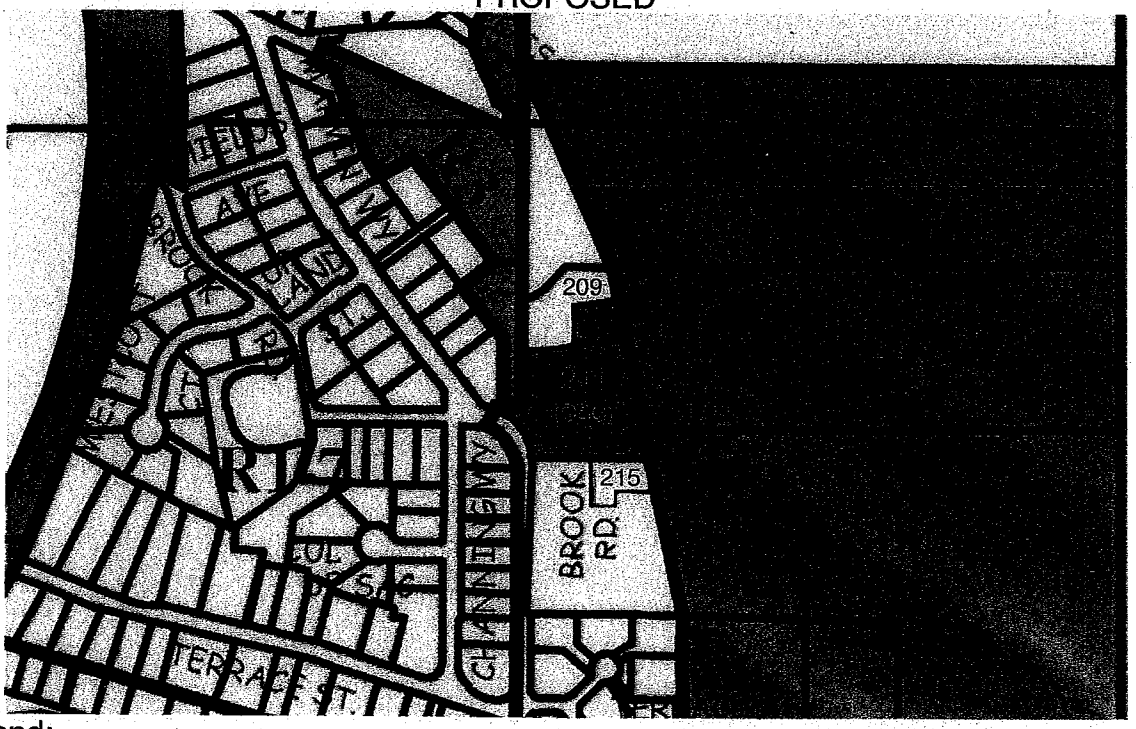
EXHIBIT A

Rezoning Proposal

EXISTING



PROPOSED



Legend:

209 - Not included in Project, Lot Line Adjusted, Remains R-1

211 - Proposed Project Site, Lot Line Adjusted, Rezoned to OSC

215 - Proposed Parking Lot, Remains R-1

ON FILE WITH THE CITY CLERK

EXHIBIT