

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Request for Reconsideration of Appeal of Tentative Tract Map 2772;
(Owner: Mondo; Appellant: Erskine)
DATE: December 19, 2006

Needs: To decide whether to reconsider Council's December 5, 2006 approving the appeal of Tentative Tract Map No. 2772

Facts:

1. The Council held a public hearing on December 5, 2006 regarding an appeal of the Planning Commission's approval of a tentative tract map for Doug Mondo at the southwest corner of Airport and Dry Creek Roads.
2. Following the close of the public hearing and after extensive discussion and debate, the Council adopted Resolution 06-226 (attached) that granted the appeal and modified Planning Commission conditions of approval.
3. The change to the project conditions would require the applicant to locate, design (but not build), and dedicate with their subdivision map a suitable public roadway easement from Dry Creek Road to the subdivision's southern boundary thereby providing additional legal access to the appellant's property (APN 025-431-040).
4. After the meeting adjourned, Councilmembers expressed concern that there was confusion concerning the effect and timing of the public access condition.
5. Section 5.5.3 of the Council Policies and Procedures adopted on December 18, 2001 and revised on May 20, 2003, states "Any Council member may request an item be placed on a future agenda. If the request is to reconsider a Council action effected within the preceding 12 months, authorization for placement will require majority action of the Council."
6. This matter is therefore placed on your agenda to determine whether a Council majority wishes to reconsider.
7. If the Council chooses to reconsider the matter, it will be placed on your January 2, 2007 agenda as a new public hearing.

Analysis &

Conclusion:

The Council's rules for reconsideration are an important tool to readdress issues where the outcome appears confusing. In this case, the following circumstances contributed to confusion on the issue:

- The parties had yet to reach an arrangement on access rights between themselves
- The appellant's alternative access points to the property through surrounding property that he owns
- Topographic constraints making a logical public access connection difficult
- The inadequacy of the proposed private streets internal to the development to provide access to adjoining property
- The applicant's uncertainty of future development of the remainder property and how it would coordinate with a public access roadway
- The Council's authority to require public access to property outside of the subdivision boundaries where no development is contemplated when other legal access to appellant's property exists

If the Council majority decides to reconsider the appeal, a public hearing will be scheduled for January 2, 2007. The hearing would be re-noticed and additional presentations by staff, the appellant, and the applicant are likely.

Policy

Reference:

Council Policies and Procedures, December 18, 2001

Fiscal

Impact:

None

Options:

- a. Direct staff to re-notice the appeal for reconsideration on January 2, 2007
- b. Deny the reconsideration and sign Resolution No. 06-226 from December 5, 2006
- c. Amend, modify or reject the foregoing options.

Attached:

Draft Resolution No. 06-226

RESOLUTION NO. 06-226

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING AN APPEAL AND AMENDING PLANNING COMMISSION APPROVAL
OF TENTATIVE TRACT 2772
(OWNER: MONDO; APPELLANT: ERSKINE)

WHEREAS, Tentative Tract 2772, located at the southwest corner of Airport and Dry Creek Roads, was approved by Planning Commission Resolution No. 06-0085 on October 10, 2006; and

WHEREAS, the Planning Commission found Tentative Tract 2772 to be consistent with the City's General Plan and development regulations. The subdivision was approved subject to various conditions of approval; and

WHEREAS, in a letter dated October 25, 2006, the appellant, Tom Erskine, cited concerns with traffic safety and with the use of private streets as related to access to his adjoining property; and

WHEREAS, the City Council finds that the conditions of approval as adopted in Planning Commission Resolution No. 06-0085 do not adequately address the appellant's concerns regarding access to his property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby uphold the appeal and amends the Planning Commission approval of Tentative Tract 2772, subject to the following:

SECTION 1: All conditions as outlined in Planning Commission Resolution No. 06-0085 with the exception of Condition No. 24 regarding access to the adjacent property shall remain in effect, and

SECTION 2: Condition No. 24 shall be modified as follows:

“24. The applicant shall design a public street from Dry Creek Road through the subdivision to the boundary of APN: 025-431-040 subject to the approval of the City Engineer. The public street shall be offered for dedication on the final map.”

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 5th day of December, 2006 by the following vote:

YES: Nemeth, Strong, and Mecham
NOES: Picanco
ABSTAIN: Hamon
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk