

**RESOLUTION NO. 97- 108**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
TO AMEND PLANNED DEVELOPMENT 96005  
(FRANK ARCIERO AND SONS)  
APNS: 205-402-14 THROUGH 20**

WHEREAS, on April 22, 1987, the City Council approved General Plan Amendment 87-01 to the General Plan of the City of El Paso de Robles, establishing the requirement for a Specific Plan to be prepared for the area bounded by Union Road, Highway 24, North River Road, and Prospect Avenue, referred to as the "Union/46 Specific Plan Area;" and

WHEREAS, on March 1, 1988, the City Council adopted the Union/46 Specific Plan; and

WHEREAS, on February 18, 1992, the City Council amended the Union/46 Specific Plan; and

WHEREAS, the Union/46 Specific Plan contains specific development and design standards for key segments of the Plan Area; and

WHEREAS, on August 26, 1996, the Planning Commission of the City of El Paso de Robles in Resolution 96-053 approved Planned Development 96005, the development of an approximately 40 acre site into 103 single family residential parcels, two detention basins and open space area, generally located north of Union Road, west of Prospect Avenue and south of Highway 46 East; and

WHEREAS, Planned Development 96005 utilized the PD overlay zoning of this property to modify the minimum lot size, width and depth requirements which would normally be required by the City's R-1/Hillside ordinances to achieve the proposed design within Tentative Tract 2223; and

WHEREAS, on April 23, 1997, an application to amend Planned Development 96005 was been filed by Frank Arciero and Sons in conjunction with an application to amend tentative map 2223 to

- Eliminate the requirement for this development to install the full street improvements of Mesa Road from Prospect Ave. to Golden Hills Road.
- Add a gravel fire lane as a secondary emergency access.
- Change the design of the noise/privacy wall along Highway 46 to be a straight line and eliminate the "jogs."
- Eliminate the landscaping along the Highway 46 side of the northern perimeter wall and add trees to the interior side of the wall along Highway 46.
- Eliminate the maintenance road north of the northern perimeter wall along Highway 46
- Change the construction of the maintenance road to the sewage lift station from a paved drive to a gravel drive.

- Limit the landscaping along the maintenance road to hydro-seeding the areas where need for slope stabilization.
- Eliminate the playground equipment from the detention basin in Phase I.
- Add one residential single family lot by reducing the open space lot; and

WHEREAS, at their meeting of June 10, 1997, after consideration of public testimony, the Planning Commission took the following actions regarding the proposed amendment to Planned Development 96005 and Tentative Tract 2223:

- a. Considered the facts and analysis, as presented in the staff report prepared for the application to amendment to Planned Development 96005 and Tentative Tract 2223;
- b. Conduct a public hearing to obtain public testimony on the application to amendment to Planned Development 96005 and Tentative Tract 2223;
- c. Adopted Resolution 97-029 approving an amendment to Planned Development 96005 and adopted Resolution 97-028 approving an amendment to Tentative Tract 2223, and made findings as required by the City of Paso Robles Zoning Code; and

WHEREAS, a letter of appeal was been filed by Frank Arciero & Sons on June 19, 1997, appealing the Planning Commission's June 10, 1997, decision and requesting that the City Council approve the amendment request as originally proposed; and

WHEREAS, an Environmental Impact Report (EIR) was prepared for the Union/46 Specific Plan area and the EIR was certified for adequacy by the City Council in February of 1988; and

WHEREAS, there has been no significant increase or change in the severity of identified effects of the Specific Plan's build out since the preparation and certification of said EIR in 1988; and

WHEREAS, there has been no significant change in land use patterns within the surrounding area to this project, or significant changes to traffic circulation circumstances (with the exception of the installation of a traffic signal at the Golden Hill Road and Highway 46 intersection which has improved the traffic circulation circumstances beyond that which was initially identified within the certified EIR); and

WHEREAS, per Section 15182 of the State's Guidelines to Implement CEQA (California Environmental Quality Act), this residential project is in compliance with the Specific Plan for which the aforementioned EIR was prepared and will therefore not require any additional environmental review; and

WHEREAS, Section 21.16A.050 of the Municipal Code requires adoption of a development plan in conjunction with the development of any property within a Planned Development Overlay District; and

WHEREAS, a public hearing was conducted by the City Council on July 1, 1997 and July 15, 1997, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed planned development and associated tract application.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby determine the following, based upon the facts and analysis presented in the staff reports, and public testimony:

**I. Findings**

The City Council of the City of El Paso de Robles does hereby make the following findings:

1. The following items of the proposed amendment to Planned Development 96005 are consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations):
  - Develop Mesa Road to local rural standard from Prospect Ave. to Golden Hills Road.
  - Develop Prospect Ave. to local rural standards from Union Road. to Mesa Road, including a concrete sidewalk, natural gas line and sewer line.
  - Add a gravel fire lane as a secondary emergency access.
  - Change the design of the noise/privacy wall along Highway 46 to be a straight line and eliminate the “jogs.”
  - Limit depth of the landscaping along the Highway 46 side of the northern perimeter wall to ten feet.
  - Eliminate the maintenance road north of the northern perimeter wall along Highway 46
  - Limit the landscaping along the maintenance road to hydro-seeding the areas where need for slope stabilization.
  - Eliminate the playground equipment from the detention basin in Phase I.
  - Add one residential single family lot by reducing the open space lot.
2. Granting the amendments list in Finding 1 will not adversely affect the policies, spirit and intent on the general plan, applicable specific plans, the zoning code, policies and plans of the City.
3. The proposed project with the amendments list above is designed to be sensitive to, and blend in with, the character of the site and surrounding area.
4. The proposed project's design and density of developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area.
5. The development would be consistent with the purpose and intent of this chapter and would not be contrary to the public health, safety and welfare.
6. The proposal to improve Mesa Road to the local rural standard will adequately serve the proposed project as a secondary access and is consistent with the Union/46 Specific Plan which requires street improvements as part of the development process. The access would not be disharmonious or a disruptive element to the surrounding area.
7. A straight noise/privacy wall along Highway 46 with a landscaping area of ten feet deep along the wall's north side would be consistent with the Union/46 Specific Plan and would be sensitive to the

surrounding area. The policies and development standards contained within the Union/46 Specific Plan emphasize the importance of the Highway 46 corridor for affecting an impression of the community of Paso Robles. A straight wall with ten feet of landscaping on the north side would satisfy the intent of the Union/46 Specific Plan.

8. The request to eliminate the requirement to pave the sewage lift station access road is inconsistent with Chapter 21.16A (Planned Development Overlay District Regulations) since it is contrary to the public health, safety and welfare. For long term maintenance, erosion protection, and all-weather access to the lift station, the access road should be paved for heavy equipment to access the facility.
9. Lot 104 is consistent with the Union/46 Specific Plan. Only one oak is located on Lot 104 and a residential dwelling unit may be build on the property without requiring the removal of one or more oaks. The future home would not block the view of the oak woodland.

## **II. Planned Development Amendment Approval**

The City Council of the City of El Paso de Robles does hereby amend PD 96005 as follows:

1. Prospect Ave. is amended to be dedicated as a public easement and the street improvements for Prospect Ave. are revised to include a concrete sidewalk on one side of the street, and the installation of sewer lines and natural gas lines.
2. Mesa Road is amended to be improved as a local rural street (standard A-7) east of the intersection with Prospect Ave.
3. The landscaping adjacent to the north side of the Highway 46 noise/privacy wall is revised to be designed without high maintenance ground cover that would necessitate a maintenance access road. The project landscaping adjacent to Highway 46 shall be limited to ten feet in depth and subject to final review and action by the Development Review Committee.
4. The design of the noise/privacy wall along Highway 46 is revised to be a straight line without "jogs" as shown on Exhibit B of Tentative Tract 2223 Amendment.
5. The requirement for a maintenance road to the slope area adjacent to Highway 46 is eliminated (Condition 14 of Resolution 96-052).
6. The requirement to install playground equipment in the detention basin of Phase I is eliminated. (Condition 23 of Resolution 96-052).
7. The landscaping for the maintenance access road to the sewage lift station shall be limited to hydroseeding where soil has been disturbed.
8. The proposed fire lane located between the Harris property (025-402-021) and the Johnson property (025-402-021) shall be improved as a gravel all-weather road paved and gated at Prospect Avenue and "A" street; the width and design shall be subject to approval of the Chief of Emergency Services. If not acceptable to the Chief of Emergency Services, the applicant shall be required to provide fire sprinklers as specified in site specific condition no. 27 of Planning Commission Resolution 96-052.

9. The Planned Development 96005 is amended to include an additional residential lot, Lot 104 as shown on Exhibit B of Tentative Tract 2223 Amendment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso De Robles, does hereby approve the amendment to Planned Development 956004 subject to the following conditions:

1. The applicant shall comply with all Standard Conditions of Approval and Site Specific Conditions of Approval for Planned Development 96005, Planning Commission Resolution 96-053 and except as specifically modified by this resolution.
2. The project shall comply with all conditions of approval contained in the resolutions granting approval to tentative tract 2223.
3. Condition 2 of Resolution 96-053 is amended to read as follows:

The following tract design details shall be subject to review and final approval by the Development Review Committee (DRC) prior to final map approval (and/or approval of improvement drawings for tract 2223) in accordance with conditions established by the tract resolution:

- a. Landscaping design and palette for project boundary landscaping (north and west);
- b. Signage;
- c. Fencing and gating for maintenance road accesses;
- d. Detention Basin landscaping;
- e. Street Tree and parkway landscaping treatment.

PASSED AND ADOPTED THIS 5th day of August, 1997 by the following roll call vote:

AYES: Baron, Iversen, Macklin, and Swanson  
NOES: Picanco  
ABSENT: None

  
MAYOR DUANE PICANCO

ATTEST:

  
MADELYN PAASCH, CITY CLERK