

RESOLUTION NO.: 00-077
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE AN AMENDMENT TO PLANNED DEVELOPMENT 99-028
(PASO ROBLES YOUTH ARTS FOUNDATION)

WHEREAS, At its meeting of February 22, 2000, the Planning Commission adopted Resolution PC 00-15 to approve Planned Development (PD) 99-028, which authorized the Paso Robles Youth Arts Foundation to develop a 7,600 square foot community recreation center at the northwest corner of Spring and 32nd Streets, subject to 22 conditions; and

WHEREAS, Condition #22 of Resolution PC 00-15 requires the Paso Robles Youth Arts Foundation to remove all existing overhead utilities and place them underground to the respective utility agencies' requirements prior to issuance of a Certificate of Occupancy; and

WHEREAS, Overhead utility lines for three utilities (electric power, phone and cable TV) exist on the proposed recreation center site's 32nd and Oak Street frontages; these lines extend beyond the site, north and south along Oak Street, and west along 32nd Street; and

WHEREAS, Donna Berg, President of the Paso Robles Youth Arts Foundation, has submitted a letter indicating that the combined costs of undergrounding the overhead utilities is estimated to be about \$120,000, which is more than 10 percent of the cost of constructing the proposed recreation center building, and has requested that the City amend the conditions of Resolution PC 00-015 to allow the property owner to execute an agreement not to oppose the formation of a future utility underground district instead of undergrounding existing overhead utility lines along streets bordering the proposed center; and

WHEREAS, In instances where the cost of undergrounding overhead utilities has proven to be overly burdensome on a project, the City has approved deferrals of conditions to underground utilities, provided that applicants/property owners execute an agreement not to oppose the formation of a future underground assessment district; and

WHEREAS, a public hearing was conducted by the Planning Commission on October 24, 2000 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding the proposed planned development amendment; and

WHEREAS, based upon the facts and analysis presented, and public testimony received, the Planning Commission finds that, subject to the conditions of approval listed below, that the establishment, maintenance and operation for the requested use applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso De Robles does hereby approve an amendment to Planned Development 99-028 revising Condition #22, as adopted by Resolution PC 00-015 to read as follows:

22. Prior to issuance of a Certificate of Occupancy, the applicant shall either underground the existing overhead utilities or enter an agreement not to protest the future formation of an Assessment District to underground the overhead utilities. The form shall be in a manner to be reviewed and approved by the City Attorney and/or City Engineer.

PASSED AND ADOPTED THIS 24th day of October, 2000 by the following roll call vote:

AYES: Steinbeck, Tascona, Warnke, Johnson, Finigan, McCarthy, Nemeth

NOES: None

ABSENT: None

ABSTAIN: None

CHAIRMAN GARY NEMETH

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

ED\YOUTH ARTS FOUNDATIION\PD AMEND RESO