

RESOLUTION NO.: 02-042

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 01-019
(WHITE)
APN: 008-325-001

WHEREAS, Section 21.16I.210 Subsection (C) of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for an accessory building with floor area that exceeds fifty (50) percent of the size of the residence on a multiple family lot, and

WHEREAS, an application for a Conditional Use Permit was submitted by the applicant for approval of an 860 square foot detached accessory building on a lot with an existing 600 square foot residence, and

WHEREAS, The site is zoned Residential Multiple-Family (R-3), and the General Plan designation is Residential Multi-Family, Medium Density (RMF-M) with an overlay of Office Professional (OP), and

WHEREAS, the building is located over the previously existing garage under the dripline of the mature oak trees on site, and adequate oak tree protection measures have been incorporated into the project, and

WHEREAS, the project is categorically exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Section 15301, and

WHEREAS, a public hearing was conducted by the Planning Commission on July 23, 2002, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Conditional Use Permit request, and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the amendment to the approved use herein 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 Conditional Use Permit 01-019 subject to the following conditions:

STANDARD CONDITIONS:

1. This project approval shall expire on July 23, 2004 unless a time extension request is filed with the Community Development Department prior to expiration. Implementation of any phase of this project eliminates this time constraint.
2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
3. Prior to issuance of a building permit, the applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.
4. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
5. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.
6. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
7. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and subject to approval by the Community Development Director or his designee.

SITE SPECIFIC CONDITIONS:

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard condition.

COMMUNITY DEVELOPMENT:

8. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>

A	Proposed Site Plan
B	Floor Plan
C	Elevations

9. This Conditional Use Permit (CUP) authorizes construction of an 862 square foot, one-story garage structure in a manner described in attached exhibits and as by conditions contained within this resolution.
10. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide two street trees of a species selected from the City-approved list, planted in accordance with requirements of Chapter 10.04.050.
11. The following Oak Tree Protection Measures from the arborist report prepared by Steve Richards, Arbor Tree Surgery, dated July 7, 2002 shall be reproduced on the plans and followed during all phases of construction:
 - Protective fencing, six feet high and securely staked, shall be placed at the dripline of both oak trees prior to the start of any construction work, to the satisfaction of the City Engineer.
 - All ground surface within the fencing shall be cut by hand.
 - The existing ground surface within the dripline shall not be cut, filled, pared or compacted, except that under the footprint of the building, up to six inches of soil may be removed to prepare for foundation construction.
 - All roots encountered larger than one (1) inch in diameter shall be cleanly cut with proper hand tools.
 - Wet burlap shall be placed over any exposed roots until the exposed area is refilled, to prevent drying out.
 - Backhoe operator (working outside the dripline only) shall take care not to injure any roots.
 - Within the fenced area, no dirt, gasoline, chemicals, or equipment shall be stored, nor shall anything be attached to the trees.
8. Pursuant to submittal requirements and City Standard Condition B-1, prior to occupancy the applicant shall provide on a 3.5 inch disk or IBM-compatible CD a copy of all signed and stamped approved plans, exhibits, resolutions, and all submittal materials and other documentation pertaining to approval of this application for electronic archiving. The applicant may elect to have the City send out the documents for scanning at the applicant's expense.

ENGINEERING CONDITIONS:

13. Prior to the release of the Certificate of Occupancy, all off-site public improvement plans shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.
14. Prior to the issuance of a Certificate of Occupancy, the applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services and any outstanding annexation fees.
15. Undergrounding of overhead utilities is required with this project. In lieu of undergrounding at this time, the Applicant shall agree not to protest the formation of, and to participate in, a special district whose specific purpose is the future “undergrounding” of overhead utilities in this vicinity. On-site utilities serving the project shall be placed underground.

PASSED AND ADOPTED THIS 23rd Day of July, 2002, by the following roll call vote:

AYES: Calloway, Ferravanti, Johnson, Kemper, McCarthy, Steinbeck

NOES: None

ABSENT: Warnke

ABSTAIN: None

CHAIRMAN ED STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY