

RESOLUTION NO.: 04-089

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE PLANNED DEVELOPMENT 03-024
(McMillan)

APN: 009-104-118

WHEREAS, Planned Development PD 03-024 has been filed by Rand Salke on behalf of Ian and Coralie McMillan, for the development of a new 4,557 square foot mixed use building to be built at 829 10th Street at the south east corner of the intersection of 10th Street and Pine Street, and

WHEREAS, the site is zoned C3,PD, according to Section 21.16A of the Zoning Code, in the PD overlay zone a development plan is required to be reviewed and approved by the Planning Commission, and

WHEREAS, the site is within the Community Commercial (CC), General Plan land use designation with a Mixed Use (MU) overlay, and

WHEREAS, the proposed uses within the building are office uses and a 900 square-foot caretakers residence located on the second floor, uses which are allowed in the C3 zoning district; and

WHEREAS, four on-site parking spaces will be provided for the proposed development, and

WHEREAS, the proposed project is Categorically Exempt from environmental review per Section 15305 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA), and

WHEREAS, a public hearing was open and continued by the Planning Commission on July 13, 2004 to consider the proposed project, at which time no decision was made; and

WHEREAS, the request of the applicant the public hearing scheduled for July 27, 2004 was open and continued at by the Planning Commission to the August 10, 2004 Planning Commission meeting; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 10, 2004 to consider facts as presented in the staff report prepared for the development plan, and to accept public testimony regarding the application, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby resolve, determine and order as follows, based upon the facts and analysis presented in the staff reports, and public testimony:

That the Planning Commission of the City of El Paso de Robles does hereby make the following findings:

1. That the proposed Planned Development is consistent with the goals and policies established by the general plan;
2. That the proposed Planned Development is consistent with the zoning code;
3. That the proposed Planned Development will be consistent with all other adopted codes, policies, standards and plans of the city;
4. That the proposed Planned Development will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the person residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city;
5. That the proposed Planned Development accommodates the aesthetic quality of the city as a whole;
6. That the proposed Planned Development is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of environmental and social impacts;
7. That the proposed Planned Development contributes to the orderly development of the city as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby resolve, determine and order as follows, based upon the facts and analysis presented in the staff reports, and public testimony:

STANDARD CONDITIONS:

1. The applicant shall comply with all those conditions which are indicated on "Exhibit A" to this resolution.
2. 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>
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B	Preliminary Site Plan
C	Landscaping Plan
D	Building Elevations
E	Floor Plans
F	Color Board (on file)

*Large copies of plans are on file in the Community Development Department

COMMUNITY DEVELOPMENT SITE SPECIFIC CONDITIONS:

3. This planned development application, PD 03-024, would allow the construction of a 4,557 square foot mixed use building.
4. All signage needs to be reviewed and approved by the DRC.
5. All on-site operations of this facility shall comply with Section 21.21.040 of the Zoning Code (General Performance Standards for all uses) in relation to noise, dust, odor, hazards, vibration, glare, et cetera.
6. There shall be no unshielded lighting on the building such as wall mounted “light packs”. All lighting shall be fully shielded and decorative in nature. The applicant shall demonstrate that lighting is shielded in conjunction with planning staff review of the construction drawings.
7. No outdoor storage is allowed with this development plan.
8. All recommendations included in the arborist report prepared by Alvarez & Tamagni dated December 31, 2003 and March 25, 2004 shall be followed before, during, and after construction activities, including but not limited to the following:
 - a. Tree protection shall be in place and inspected by the project arborist prior to commencement of construction activities
 - b. A copy of the arborist report shall be provided to all Contractors working on the project site. Each contractor shall sign an agreement acknowledging that they will follow the recommendations included in the arborist report.
 - c. Prior to final occupancy the arborist shall submit a final report verifying that construction activities were performed in compliance with the arborist report.
9. A decorative masonry trash enclosure with view obscuring gates shall be provided on the project site

ENGINEERING SITE SPECIFIC CONDITIONS:

10. Prior to occupancy, the applicant shall place curb, gutter and sidewalk along the frontage of the project on 10th Street. The applicant shall submit conceptual designs for a new bulb-out at the northwest corner of 10th and Pine Streets and for diagonal parking on 10th Street. The final design of improvements on 10th Street shall be as approved by the City Engineer.
11. On direction from the City Planning Commission, the City of Paso Robles shall submit an application to the City Council to request the removal of the existing 40-inch white oak located within the alley.
 - a.) If the City Council approves the request to remove the oak tree, the applicant shall be responsible for the following improvements: Prior to occupancy of the structure, the applicant shall construct improvements to the alley along the west boundary of the project. The alley shall be constructed in accordance with City Standard A-17. Improvements shall be designed and constructed as approved by the City Engineer. The City of Paso Robles shall bear the costs of the tree removal permit and the cost to remove the tree.

If the City Council does not approve the tree removal request the applicant will be responsible for the following improvements: Prior to occupancy, the applicant shall construct improvements to the alley along the west boundary of the project. The alley shall be constructed in accordance with City Standard A-17 where it is being used to access the applicant's project. The remainder of the alley shall be landscaped to protect the existing oak tree and to provide public walking access. Improvements shall be designed and constructed as approved by the City Engineer.

12. Prior to occupancy, the applicant shall provide a decorative street light along 10th Street.
13. Prior to occupancy, the applicant shall provide underground utility service to the

project. The pole that currently serves the project site shall be removed. No new poles shall be placed.

EMERGENCY SERVICES SITE SPECIFIC CONDITIONS:

14. Provisions shall be made to update the Fire Department Run Book.

PASSED AND ADOPTED THIS 10th day of August 2004, by the following Roll Call Vote:

AYES: Commissioner's Ferravanti, Flynn, Hamon, Johnson, and Steinbeck

NOES: Commissioner's Kemper and Mattke

ABSENT:

ABSTAIN:

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY