

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT APPROVAL FOR TENTATIVE PARCEL MAP PR 04-0463
(BERNSTEIN) APN: 009-144-006**

WHEREAS, this is Tentative Parcel Map PR 04-0463, an application filed by Gary and Marianne Bernstein, to divide an approximately 11,250 square foot multiple family residential parcel into two (2) individual parcels located at 530 9th Street; and

WHEREAS, the subject site is located in the Residential Multi-Family Low Density (RMF-8) land use category and R-2-OP Low-Density Multiple-Family Office Overlay zoning district; and

WHEREAS, the applicant proposes to create two lots, where parcel 1 is proposed to be 7,875 s.f. and Parcel 2 would be 3,376 s.f.; and

WHEREAS, a house currently exists on Parcel 1 and will remain, and proposed Parcel 2 is currently vacant; and

WHEREAS, the proposed map would be consistent with Section 21.16I.060, Density of Residential Development; and

WHEREAS, the proposed tentative parcel map is Categorically Exempt from environmental review per Section 15315 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA), Class 15, Minor Land Divisions; and

WHEREAS, the open public hearing was conducted by the Planning Commission on September 28, 2004 to consider facts as presented in the staff report prepared for the tentative parcel map, and to accept public testimony regarding the application; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings as required by Government Code Sections 66474 and 65457:

1. The proposed tentative parcel map is consistent with the adopted General Plan for the City of El Paso de Robles;
2. The design of lots, streets, open space, drainage, sewers, water and other improvements is consistent with the General Plan and Zoning Ordinance;
3. The site is physically suitable for the type of development proposed;
4. The site is physically suitable for the proposed density of development;
5. The design of the land division is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
6. The land division proposed is not likely to cause serious public health problems;

7. The design of the land division will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision;
8. The fulfillment of the requirements listed in the Conditions below are a necessary prerequisite to the orderly development of the site and surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby grant tentative map approval for Tentative Parcel Map PR 04-0463 subject to the following conditions of approval.

STANDARD CONDITIONS OF APPROVAL:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution.

SITE SPECIFIC CONDITIONS OF APPROVAL:

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

PLANNING

2. The project shall be designed so that it substantially conforms with the following exhibit and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
B	Tentative Parcel Map PR 04-0463

3. In accordance with the Zoning Code limiting density to two units per 7,000 square feet in the R2 zoning district, only 1 dwelling unit is allowed on each of the parcels.
4. Pursuant to submittal requirements and Standard Condition B-1 of Attachment A, 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.
5. Prior to the issuance of any building permits site plans, architectural elevations and landscaping plans shall be reviewed by the Development Review Committee.
6. Oak tree protection measures shall be implemented as recommended in the Oak Tree Report prepared for this project.

ENGINEERING

7. Prior to recordation of the final parcel map, curb, gutter and sidewalk shall be repaired on 9th Street at the direction of the City Engineer.
8. Prior to occupancy of any building on Parcel 2 (the southerly parcel), alley paving and ribbon gutter shall be constructed in accordance with City Alley Standard A-17 from 9th Street to the southerly boundary of the subject property in accordance with plans approved by the City Engineer.
9. Prior to final map approval, the existing overhead services to the existing residence shall be relocated underground. The applicant shall enter into an agreement not to protest the formation of an assessment district to underground existing overhead utilities in the block.
10. Prior to occupancy of any building on Parcel 2, an 8-inch water main must be constructed in 9th Street from the existing 6-inch line in Oak Street to the west boundary of the subject property in accordance with plans approved by the City Engineer.
11. The final parcel map shall include all utility easements necessary, including an easement for water service to Parcel 2 from the new water main in 9th Street.

PASSED AND ADOPTED THIS 28th day of September, 2004 by the following Roll Call Vote:

AYES: Commissioners – Johnson, Ferravanti, Hamon, Kemper and Chair Flynn
 NOES: Commissioners – None
 ABSENT: Commissioner – Mattke, Steinbeck
 ABSTAIN: Commissioners - None

 CHAIRMAN, TOM FLYNN

ATTEST:

 ROBERT A. LATA
 SECRETARY OF THE PLANNING COMMISSION