

RESOLUTION NO.: 04-0142

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO GRANT TENTATIVE MAP APPROVAL FOR  
TRACT 2611  
(J.M. WILSON DEVELOPMENT)  
APN: 009-815-002

WHEREAS, Tract 2611, an application filed by North Coast Engineering on behalf of J.M. Wilson Development to divide an 11 acre parcel into forty-five (45) single-family residential lots; and

WHEREAS, Tract 2611 is located at 1650 South River Road; and

WHEREAS, in conjunction with Tract 2611, the applicant submitted an application for Rezone 04-008, to change the Zoning designation of the lower property from R1,B3 to R1,PD-4, and change the Zoning designation of the upper property from R1,B3 to R1,PD-6 and establish Planned Development Overlay zoning over the site; and

WHEREAS, PD 04-017 has been filed to establish the design criteria for the subdivision, with the intent that the project continue the same character as the neighboring Serenade project; and

WHEREAS, in order to be consistent with the Serenade project, the Commission allowed the modifications to the street standards as follows:

- a. allow the Hillside Standard A-8 for "B-Street";
- b. allow curb adjacent sidewalk for the streets within the project.

WHEREAS, an Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was approved by the Planning Commission on December 14, 2004; and

WHEREAS, a public hearing was conducted by the Planning Commission on December 14, 2004 to consider facts as presented in the staff report prepared for the tentative tract 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. With the approval of Rezone 04-008, 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 design of the land division and types of improvements proposed are not likely to cause serious public health problems;
7. The design of the land division and the type of improvements proposed will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision;
8. The intent of the design of the land division and type of improvements of the upper portion of the project is to be consistent with the Serenade subdivision, in terms of lot size, grading and street standards.

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 Tract 2611 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.
2. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 04-017 and its exhibits.
3. In the event that during site construction there are archaeological or historical resources unearthed, work shall stop and the developer and/or his contractor shall contact the Community Development Department so that appropriate mitigation measures can be identified and implemented per CEQA requirements.

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.

COMMUNITY DEVELOPMENT 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.

4. 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	Standard Conditions
B	Tentative Tract Map
C	Preliminary Grading and Drainage Plan
D	Preliminary Site Plan / Model Layout

5. This Tentative Tract Map 2611 coincides with Rezone 04-008 and Planned Development 04-017 and authorizes the subdivision of approximately 11-acres site into a maximum of 45 single family residential lots ranging from approximately 4,500 square feet to 14,456 square feet in size.
6. The maximum number of residential lots permitted within this subdivision/development plan shall be 45. No lots shall be eligible for further subdivision (with the exception of minor lot line adjustments).
7. PD 04-017 has been approved to allow the following deviations to the standard zoning code requirements for the upper 7-acre portion of the site:
  - a. allow a minimum 5-foot interior side yard setbacks for both one and two story homes;
  - b. allow retaining walls between two side yards to extend beyond 4-feet to no higher than 5 feet;
  - c. allow the reduction in lot sizes to a minimum of 4,500 square feet;
  - d. allow the use of pad grading without the requirement to have setbacks to slopes and retaining walls from property lines unless required by building codes;
  - e. to allow the use of model homes for the project; and
8. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map and preliminary grading plan (Exhibits B C & D, reductions attached; full size copies are on file in the Community Development Department) and as amended by site specific and standard conditions contained in this resolution.
9. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 04-017 and its exhibits.

10. Grading of the lower portion of the tract, lots 40-45 shall be consistent with Hillside Grading Regulations. No pad or mass grading is allowed for these lots, except for those lots that have a natural slope of less than 10-percent. The final grading plan will need to be reviewed by the City Engineer for final determination.

**Biological Mitigation:**

11. There is one oak tree located within the South River Road right of way. Prior to the issuance of a grading permit, an arborist report will be required for the tree. The tree shall be designed around per the direction of the arborist and the City Engineer, unless the tree is allowed to be removed by the City Council.
12. Besides the tree in the right of way, no other oak trees are proposed to be removed, although impacts to oak trees could occur during development of the project site. As recommended by Althouse & Meade in their biological study dated October 2004, the mitigations shall be complied with:
  - a. Prior to the issuance of a grading permit, an oak tree protection plan shall be prepared and approved by the City of Paso Robles. A recommended template is provided as Appendix A to the Althouse and Meade Report.
  - b. As part of the Plan, tree canopies and trunks within 50-feet of proposed disturbance areas shall be mapped and numbered. Data for each tree shall include diameter at breast height (4.5 ft) of each stem/trunk, canopy diameter, tree height, tree health, and habitat notes (cavities for birds or bats), raptor nests, wood rat nests.
  - c. Impacts to the oak canopy or root zone shall be avoided. Impacts include any ground disturbance within the Critical Root Zone (CRZ) of the tree. The CRZ designated by measuring one foot of radius from trunk for every inch of dbh (diameter at breast height).
  - d. Oaks Removed shall be removed only at City Council approval and shall be replaced at the ratio as required by the Oak Tree Ordinance.
  - f. Replacement trees shall be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 5 years.
13. Constructive notice shall be recorded against the title of Lots 40, 41, 21 and 45 (Unless Council allows the removal of the tree adjacent to Lot 45), notifying future owners that

any construction on these lots will need to stay out of the Critical Root Zone of the Oak Trees.

14. A Biological Assessment was completed by Althouse and Meade, Inc. in October 2004. The following mitigations were recommended:
  - a. To prevent impacts to breeding birds, any tree removals or trimming shall be conducted from September to March, outside of the breeding season. If work is conducted during the breeding season, a qualified biologist should survey the work area to determine if nesting birds are present. If nesting birds are present, work may not be conducted that might disturb them, until after chicks have fledged.
  - b. Focused surveys for spadefoot toad shall be conducted on the property during the rainy season within three weeks of pool formation. If spadefoot toad is found on the property, appropriate mitigation shall be determined by consultation with the California Department of Fish and Game.

### **Engineering Site Specific Conditions**

15. Brahma Street shall be improved within the subdivision in accordance with City Local Street Standard A-5 and plans approved by the City Engineer. Sidewalk may be adjacent to curb if approved by the Planning Commission.
16. The extension of Kenton Court and the loop street (B-Street) may be constructed in accordance with the Serenade Tract (Tract 2311) Standard (32-foot wide streets with sidewalks adjacent to curb) as approved by the Planning Commission.
17. South River Road shall be improved in accordance with City Arterial Standard A-1. Removal of the existing oak tree must be approved by the City Council.
18. Prior to final map approval, the subdivider shall enter into an agreement to participate in the construction of a median in South River Road from Charolais Road to Serenade Drive.
19. Overhead utilities located along the south boundary of the subdivision shall be relocated underground.
20. A storm water detention basin shall be provided to mitigate impacts on downstream properties. The detention basin shall be designed and landscaped to retain parkway and yard landscape irrigation runoff.

21. Improvements to the open space lot shall be made as directed by the City's Emergency Services Department and by the City Street Superintendent. Improvements may include, but not be limited to, fencing, gates and signs.
22. Connection/s to the 20-inch City sewer main in South River Road shall be at an existing manhole.
23. Drainage from Lots 1 through 8 and Kenton Court shall be directed to a storm water detention basin.

PASSED AND ADOPTED THIS 14<sup>th</sup> day of December, 2004 by the following Roll Call Vote:

AYES: Hamon, Steinbeck, Ferravanti, Johnson

NOES: Mattke, Flynn

ABSENT: None

ABSTAIN: Kemper

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CHAIRMAN, TOM FLYNN

ATTEST:

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ROBERT A. LATA, SECRETARY OF THE PLANNING COMMISSION

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