

RESOLUTION NO. 05-0074

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT TENTATIVE MAP APPROVAL FOR
PARCEL MAP PR 02-250
(KIM OECK)
APN: 008-091-049**

WHEREAS, Parcel Map PR 02-250, an application filed by EMK & Associates on behalf of Kim Oeck, to divide an approximate 6-acre site into one (1) 1-acre parcel with a 5-acre remainder parcel; and

WHEREAS, the subject site is located in the Residential Single Family (RSF) land use category and R-1 zoning district; and

WHEREAS, the existing house would remain and be located on the 5-acre remainder portion of the site; and

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

WHEREAS, this item is a continued public hearing from the Planning Commission meeting on May 24, 2005, at the request of the applicant in order to review the conditions of approval with the City Engineer, and

WHEREAS, a public hearing was conducted by the Planning Commission on June 28, 2005 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 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;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby grant tentative map approval for Parcel Map PR 02-0250 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.

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

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Standard Conditions of Approval
B	Tentative Parcel Map PR 02-0250
C	New Lot 1 Exhibit
D	Arborist Report

3. Future development of Parcel 1 shall comply with all of the rules and regulations within Chapter 21.16E, R-1 District Regulations, of the Zoning Code.
4. Pursuant to submittal requirements and Standard Condition B-1 of Attachment A, prior to the recordation of the final parcel map, 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 a grading permit for the home on Parcel 1, the final, grading plan, site plan, landscape plan, architectural elevations and colors/materials shall be reviewed by the Development Review Committee (DRC).
6. The new house including any grading shall be designed to stay out of the Critical Root Zone of the oak tree.
7. Any encroachment into the CRZ of the oak trees for the construction of the driveway shall be constructed of pavers and monitored by the project arborist. All oak tree preservation measures, as outlined in the attached Arborist Report (Exhibit D), shall be complied with.
8. Prior to the issuance of a building permit for Parcel 1, the project Arborist shall review the plans to insure that there are no significant impacts to the oak trees, and that any mitigation has been designed into the project.
9. Prior to or in conjunction with the recording of the final map, Conditions 6, 7 and 8 along with the Arborist Report for the project shall be recorded against the title of Parcel 1.
10. The applicant shall take the steps necessary to annex to or form a City Community Facilities District (CFD) in order to provide funding for City services for each new parcel or dwelling unit in the proposed development. The agreement to form or annex to a CFD shall be in a manner to be approved by the City Attorney. Participation in a City CFD for services is intended to fully mitigate the incremental impact of new residential development on City services and maintain such services at the standards established in the General Plan.

If for any reason, applicant does not take the necessary steps to have the development included within a CFD, applicant shall, in a manner subject to approval by the City Council and City Attorney, provide for alternative means of fiscal mitigation at a level equal to the special taxes established in the Rate and Method of Apportionment applicable to CFD 2005-1, as they may be adjusted from time to time.

For any project resulting in the development of five (5) or more residential units on separate parcels, applicant shall also prepare and record the necessary documents to form

a homeowners association (the "HOA") for such development, which HOA shall become active only if and when the CFD is terminated. The HOA documents shall provide that the HOA shall be required to fund the services provided by the CFD, and at the same level established in the Rate and Method of Apportionment for the CFD.

11. Prior to recordation, the final map shall include all utility easements necessary, including easements for water and sewer services to all parcels.
12. Prior to final map approval, the applicant shall enter into an agreement not to protest the formation of an assessment district to underground existing overhead utilities in the block.
13. Prior to occupancy of a building on Parcel 1, improvements shall be made to the intersection of 6th and Olive Street in accordance with plans approved by the City Engineer.

PASSED AND ADOPTED THIS 28th day of June, 2005 by the following Roll Call Vote:

AYES: Flynn, Hamon, Holstine, Johnson, Menath, Steinbeck
NOES:
ABSENT: Mattke
ABSTAIN:

CHAIRMAN, ED STEINBECK

ATTEST:

ROBERT A. LATA, SECRETARY OF THE PLANNING COMMISSION

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