

RESOLUTION NO. 92-128

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
ACKNOWLEDGING A DE FACTO TIME EXTENSION
FOR TENTATIVE TRACT 1771
AND AGREEING TO A MODIFICATION
OF CONDITIONS OF APPROVAL OF TRACT 1771
(COKER ELLSWORTH)

WHEREAS, on April 7, 1992, the City Council unanimously acted to implement steps which would reduce the number of traffic lanes from four to two on Charolais Road, and

WHEREAS, on June 19, 1990, the City Council adopted Resolution 90-104 granting tentative tract map approval to Tract 1771, a 195 lot residential subdivision located on the north side of Charolais Road, east of South River Road, and

WHEREAS, on May 12, 1992, the applicant filed a request for a one year time extension of the subject tentative tract map, and

WHEREAS, on June 2, 1992, the City Council adopted a resolution denying the applicant's May 12, 1992 request for time extension, and

WHEREAS, the applicant subsequently submitted new information not available to the City Council at the time of their June 2, 1992 consideration of the time extension request, and

WHEREAS, on July 21, 1992 the City Council directed staff to set a public hearing to reconsider the one year time extension filed by the applicant, and

WHEREAS, a public hearing was conducted by the City Council on August 4, 1992, to consider facts as presented in the staff report prepared for this time extension request, and to accept public testimony regarding the extension, and

WHEREAS, the City's records reflect that during the two year period provided for under Section 66452.6 of the State of California Subdivision Map Act, there did exist a period of 216 days during which a de facto Moratorium on the processing of a Final Map for Tract 1771 did occur; and

WHEREAS, that period of 216 days, during which processing of the applicant's final map did not occur, constitutes grounds for an automatic extension of the initial two year approval of Tentative Tract Map 1771, pursuant to Sections 66452.6 B-1 and F of the Subdivision Map Act; and

WHEREAS, the Applicant and the City agree that certain established conditions of approval of Tentative Tract Map 1771 warrant modification to reflect the recently adopted General Plan and the most current street improvement plans for Charolais Road;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso De Robles, does hereby acknowledge that a de facto Moratorium of 216 days occurred during the two year life of Tentative Tract Map 1771 and therefore the subject Tentative Tract Map will expire on February 16, 1993; and

THEREFORE, BE IT FURTHER RESOLVED, that pursuant to agreement between the applicant and the City, the conditions of approval of Tentative Tract Map 1771 are hereby modified as follows:

1. All conditions adopted within resolution 90-104 shall remain in full force and effect (on file in the Community Development Department), except as modified by this resolution.

2. Charolais Road shall be dedicated and improved as follows:

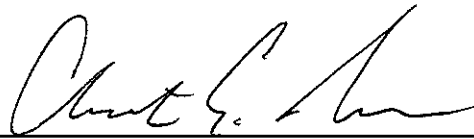
- o Dedication to accommodate the full 100 foot right of way width shall be made by the applicant;
- o The applicant shall redesign his street improvement plans and construct two travel lanes with a Class I bikeway on the north side of the street and landscaping along the entire right of way in a manner to be approved by the City Engineer;
- o The landscaped area separating the bikeway from the travel lanes and the bikeway from the subdivision boundary shall be maintained by the Benefit Maintenance District of which this project is required to be a part;

3. The applicant shall submit revised landscaping and irrigation plans for the Charolais Road frontage (and wall plans as they may be effected), for review and approval by the Architectural Review Committee (ARC). All landscaping shall be installed at the time of other public improvements.

4. The applicant shall agree in a manner acceptable to the City Attorney to pay impact mitigation fees as may be established through a resolution adopted by the City Council. The agreement shall be entered into before recordation of the final map.

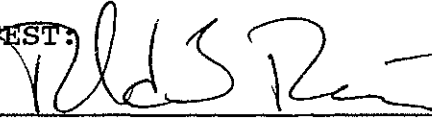
PASSED AND ADOPTED THIS 4th Day of August, 1992 by the following Roll Call Vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen
NOES: None
ABSENT: None



MAYOR CHRISTIAN E. IVERSEN

ATTEST:



CITY CLERK, RICHARD J. RAMIREZ

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