

RESOLUTION NO. 94-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
DENYING AN APPEAL THEREBY CERTIFYING  
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR  
TENTATIVE TRACT 2047 & PLANNED DEVELOPMENT 90024 AS ADEQUATE  
(CAGLIERO/MCGONAGILL)

WHEREAS, Planned Development 90024 has been filed by Pete Cagliero and Tom McGonagill in conjunction with an application for tentative tract map 2047 to establish development details for 60 townhomes, landscaping, fencing and private park area on an approximate 17 acre site with open space area, located on Nicklaus Road, east of South River Road, south of Niblick Road and the Alder Creek Apartments and north of Pat Butler Elementary School, and

WHEREAS, a public hearing was conducted by the Planning Commission on February 14, 1994, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed subdivision, and

WHEREAS, on February 14, 1994 the Planning Commission approved the EIR certification, Planned Development 90024 and Tentative Tract 2047, and

WHEREAS, on February 28, 1994 Evelyn Lotito filed an appeal of the project, and

WHEREAS, a public hearing was conducted by the City Council on April 5, 1994, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed subdivision, and

WHEREAS, the 60 unit multiple family residential project constitutes a "project" as defined by the California Environmental Quality Act (CEQA), and

WHEREAS, consideration of the project is a discretionary action of the City Council of the City of Paso Robles (City), and the City is defined under CEQA as the "lead agency" for the project, and

WHEREAS, in its capacity as lead agency, the City has overseen the preparation of an environmental impact report (EIR) on the probable environmental effects of the proposed project; and

WHEREAS, a draft of the EIR for Tentative Tract 2047 and Planned Development 90024 was circulated to all responsible agencies and other interested agencies, organizations, and individuals for a period of forty-five (45) days concluding December 14, 1992, and

WHEREAS, copies of the Draft EIR for Tentative Tract 2047 and Planned Development 90024 were also available throughout the forty-five day period referenced above for public inspection and review at City Hall and the public library, and

WHEREAS, the City received three letters commenting on the content of the Draft EIR by the close of the forty-five day review period referenced above, and

WHEREAS, on December 9, 1992, the Planning Commission of the City of Paso Robles conducted a public hearing and not one person gave testimony on the Tentative Tract 2047 and Planned Development 90024 EIR other than the Planning Commissioners themselves; and

WHEREAS, responses to the comments contained in the three letters and the Planning Commissioner have been prepared and the Final EIR has been modified, enhanced or refined in response to these comments; and

WHEREAS, public testimony raised no new issues or concerns related to the environmental impacts of Tentative Tract 2047 and Planned Development 90024 not previously addressed in the EIR or adequately responded to by the City's consultant, staff or legal counsel in the Final EIR; and

WHEREAS, the Planning Commission of the City of Paso Robles has had the opportunity to review and consider the content of the EIR for the proposed Tentative Tract 2047 and Planned Development 90024 and has itself heard testimony regarding the EIR from the public at the hearing conducted on December 9, 1992; and

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Paso Robles that the Final EIR for the Tentative Tract 2047 and Planned Development 90024 fully and adequately addresses, identifies and evaluates all potential environmental consequences of the proposed development of Tentative Tract 2047 and Planned Development 90024 and fully conforms to the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, and certification of the EIR in its present form is appropriate, responsible, and in the interests of the citizens of the City of Paso Robles and the State of California. The City Council of the City of Paso Robles has reviewed and considered the information contained in this EIR prior to taking any action on the proposed Tentative Tract 2047 and Planned Development 90024 project.

PASSED AND ADOPTED THIS 5th day of April, 1994 by the following roll call vote:

AYES: MARTIN, HEGGARTY, PICANCO, MACKLIN, IVERSEN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE



MAYOR CHRISTIAN E. IVERSEN

ATTEST



RICHARD J. RAMIREZ, CITY CLERK