Atascadero City Council
Staff Report – Community Development Department

PLN 2006-1171 / APL 2007-0014
Appeal of Planning Commission Action on August 7, 2007
Reconsideration of Tentative Parcel Map 2006-0087
10270 Santa Ana Road
(Baltes / Koch)

(Appeal of the Planning Commission’s denial of a two-lot Tentative Parcel Map and Tree Removal Permit at 10270 Santa Ana Road)

RECOMMENDATIONS:

Council:

1. Deny the appeal and uphold the Planning Commission decision to deny Proposed Tentative Parcel Map 2006-0087;

   or

2. Refer the application back to staff and Planning Commission to consider the applicant’s revised Tentative Parcel Map. This option would require plan check for code compliance and revision of the Mitigated Negative Declaration.

REPORT-IN-BRIEF:

The application consists of an appeal of the Planning Commission’s denial of a two lot Tentative Parcel Map and Tree Removal Permit at 10270 Santa Ana Road on August 7, 2007. This appeal includes a request to review issues raised at Planning Commission and the findings for denial.

Situation and Facts:

1. Appellant/ Property Owner: Sandi Baltes; 1014 Lockhaven, Brea, CA 92821

2. Representative: Kim Koch; 1039 W. Whittier Blvd, Lahabra, CA 90631
3. Project Address: 10270 Santa Ana Road, Atascadero, CA 93422
   APN 054-162-004

4. General Plan Designation: Rural Estate (RE)

5. Zoning District: RS (Residential Suburban)

6. Site Area: 7.13 acres gross

7. Existing Use: One existing residence

8. Environmental Status: Proposed Mitigated Negative Declaration posted
   July 17, 2007 – August 5, 2007

**DISCUSSION:**

**Background:** The site is located at 10270 Santa Ana Road. The property is 7.13 acres gross and is currently developed with one single family residence which is currently undergoing a remodel. The application for a two lot Tentative Parcel Map was heard before Planning Commission on August 7, 2007. The Planning Commission, after receiving comments from the applicant, the applicant’s representative, and members of the public, took action to deny the project based on several findings. The Parcel Map was denied on a 7-0 vote of the Planning Commission.

Items discussed by the Planning Commission and members of the public included concerns about the location of the access flag, impacts to waterways, and neighborhood compatibility. The Commission made the following findings in the resolution for denial:

**PC Denial Finding #1:** “The design and improvement of the proposed subdivision will cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.”

- **Justification #1:** Photos presented by the public at the Planning Commission hearing indicated a pond on the neighbor’s property which was not identified on the plans or analyzed in the Mitigated Negative Declaration.

**PC Denial Finding #2:** “The proposed subdivision will not be accomplished without detriment to the adjacent properties.”

- **Justification #2:** Several owners from neighboring properties expressed concern about the visual and environmental impacts which may be associated with the development.

**PC Denial Finding #3:** “The flag lot is not justified by topographical conditions.”
- **Justification #3:** The access flag was proposed on the steeper, heavily wooded side of the site, and would not provide direct access to the project site on Parcel 1. An access easement located on the opposite side of the lot was proposed to contain the actual access road.

**PC Denial Finding #4:** “The subdivision is not consistent with the character of the immediate neighborhood.”

- **Justification #4:** Concern that the shape, size, and configuration of the flag lot is not consistent with the neighboring properties.

**PC Denial Finding #5:** “The proposed accessway improvements do not meet the intent of the subdivision ordinance and/or are not adequate for safe emergency vehicle access.”

- **Justification #5:** The subdivision ordinance requires that all lot have dedicated street frontage. However, the ordinance does not allow applicants to count the flag portion of the proposed lot to meet minimum lot sizes. Therefore, in order to meet the minimum lot size based on performance standards, the applicant proposed to locate a shorter flag on the eastern side of the lot. The actual driveway was proposed in an access easement on western side of the lot where there are fewer trees and very little slope.

**PC Denial Finding #6:** “The shape of the proposed lots are irregular and do not constitute orderly development.”

- **Justification #6:** The location of the flag and the irregular shape of the lot were items of concern for the Planning Commission.

The complete Planning Commission staff report is included as Attachment 2 of this report for the Council’s information. Minutes from the Planning Commission hearing are included as Attachment 3 of this report.

**Analysis:** Staff has further analyzed the items discussed at the Planning Commission hearing. Staff identified two ponds (currently dry) just outside of the project site. These ponds were not shown on the original site survey. The applicant has surveyed the ponds since the August 7 hearing and has included the ponds on the site plan.
Site Survey Submitted by Applicant September 18, 2007
Site Photos: Larger Pond
(September 2007)

Site Photos: Smaller Pond
(September 2007)
The Central Coast Regional Water Quality Control Board (Water Board or RWQCB) is responsible for regulating water quality and associated issues related to water quality. The Regional Board’s Water Quality Control Plan (Basin Plan) sets forth specific requirements for installing septic systems around waterways. Title 8 (The Plumbing Code) in the Atascadero Municipal Code provides the same setback standards for septic systems. Table 4-3 in Title 8, reflects the Basin Plan’s requirement that septic systems be sited a minimum of 200 feet from to reservoirs, including ponds, either natural or man made.

**Title 8, Table 4-3. Horizontal Distance Separation (In Feet)**

<table>
<thead>
<tr>
<th></th>
<th>Building Sewer</th>
<th>Septic Tank</th>
<th>Leach Field or Seepage Bed</th>
<th>Seepage Pit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings or structures, including porches, steps, breezeways,</td>
<td>2</td>
<td>5</td>
<td>8(^{(1)})</td>
<td>8(^{(1)})</td>
</tr>
<tr>
<td>patios, and carports whether covered or not</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property line</td>
<td>Clear(^{(2)})</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>Water supply well</td>
<td>50(^{(3)})</td>
<td>50</td>
<td>100</td>
<td>150</td>
</tr>
<tr>
<td>Streams, when shown 7 1/2 minute USGS Map and when a defined</td>
<td>50</td>
<td>50</td>
<td>100</td>
<td>100</td>
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<tr>
<td>channel with definite bed and banks exists</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Swales, ephemeral draws or other natural watercourses with</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
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<tr>
<td>drainage areas larger than 10 acres</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trees</td>
<td>*</td>
<td>10(^{(7)})</td>
<td>*</td>
<td>10(^{(7)})</td>
</tr>
<tr>
<td>Seepage pits</td>
<td>--</td>
<td>5</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>Leach field or seepage bed</td>
<td>--</td>
<td>5</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>On-site domestic water service line</td>
<td>1(^{(4)})</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Distribution box</td>
<td>--</td>
<td>--</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Pressure public water main</td>
<td>10(^{(5)})</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Sloping ground, cuts, or other embankments</td>
<td>--</td>
<td>--</td>
<td>15(^{(6)})</td>
<td>15(^{(6)})</td>
</tr>
<tr>
<td>Reservoirs, including ponds, lakes, tanks, basins, etc. for</td>
<td>200</td>
<td>200</td>
<td>200(^{(7)})</td>
<td>200(^{(7)})</td>
</tr>
<tr>
<td>storage, regulation and control of water recreation, power,</td>
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<tr>
<td>flood control or linking</td>
<td></td>
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<tr>
<td>Springs</td>
<td>100</td>
<td>100</td>
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1. Distance separation shall be increased to twenty (20) feet when building or structure is located on a downward slope below a leach field, seepage bed or seepage pit.
2. See Section 315 (c) of Uniform Plumbing Code.
3. Distance separation may be reduced to twenty-five (25) feet when the drainage piping is constructed of materials approved for rise within a building.
5. For parallel construction or crossings, approval by the Health Department shall be required.
6. Distance is measured as horizontal distance to daylight. This distance may be reduced where it is demonstrated that favorable geologic conditions and soil permeability exist based on a report and analysis prepared by a licensed geologist or soils engineer.
7. Distance is measured at spillway elevation.

\(^{(*)}\) See tree protection guidelines.
Due to the location of these ponds, staff has determined that the Tentative Parcel Map which was originally presented at Planning Commission on August 7 is not in compliance with the RWQCB Basin Plan and does not meet City Plumbing Code requirements. The map therefore should not be approved by City Council as originally proposed.

Revised Plans: In order to address the Planning Commission’s findings for denial, the concerns raised by the public at the August 7 hearing, and the RWQCB requirements, the applicant has revised the proposed Tentative Parcel Map.

The revised plans have been provided by the applicant for Council review for informational purposes only. A full size plan set has been provided for City Council members and the revised lot layout and site plan is also shown in Attachment 4 of this report. The applicant has included a revised Tentative Parcel Map, revised grading plan with new septic and building sites, revised arborist report, revised tree protection plan, and a biologist report which analyzes the biological impacts associated with the revised TPM. The flag has been moved to provide direct access to Lot 1. The residence and septic location have also been moved in order to meet the basin plan requirement to provide 200 foot distance from the leach field to the ponds.

The revised plans have not been plan checked by staff review and CEQA documents have not been prepared. Staff’s preliminary review has found that the revised layouts appear to meet the requirements of the Subdivision Ordinance and the Basin Plan; however, a full plan check by all departments, including Planning, Fire, Building, and Public Works is required in order to deem the revised plans complete for public hearing.

If the City Council chooses not to uphold the Planning Commission denial, then the project would be required to be referred back to staff for plan check and CEQA review. The project would then be scheduled for a public hearing at Planning Commission.
Denied Tentative Parcel Map 2006-0087, August 7, 2007 (Subject of Appeal)

Revised Tentative Parcel Map, September 18, 2007
Submitted for informational purposes only; Council may not take action on this revised map
Environmental Review:

A Mitigated Negative Declaration was circulated on July 17, 2007 for the original Tentative Parcel Map. In light of the new information regarding the ponds on the neighboring properties, the originally proposed Parcel Map does not meet the Water Quality Basin Plan, and therefore, the plans would require revision and recirculation of the environmental document prior to approval of any alternative lot layouts.

Conclusion: On August 7, 2007, the Planning Commission denied a two lot Tentative Parcel Map and Tree Removal Permit at 10270 Santa Ana Road. The applicant has submitted an alternative lot layout and site plan that may address the issues raised at the August 7 hearing. Staff recommends that City Council either uphold the Planning Commission denial of the original TPM, or refer the application back to staff and Planning Commission for reconsideration of the revised Tentative Parcel Map and site plan.

ALTERNATIVES:

1. The City Council could grant the appeal and approve the original 8/7/07 Parcel Map. The Council would have to find that the Mitigated Negative Declaration adequately addresses water quality issues.

ATTACHMENTS:

Attachment 1: Application for Appeal
Attachment 2: Planning Commission Minutes: 8/7/07
Attachment 3: Planning Commission Resolution for Denial: 8/7/07
Attachment 4: Revised TPM and applicant letter; provided by applicant for informational purposes only
Attachment 5: Draft Resolution A: Council Resolution Denying Appeal and upholding Planning Commission’s denial of TPM 2006-0087
Attachment 6: Planning Commission Staff Report: 8/7/07
<table>
<thead>
<tr>
<th>ITEM NUMBER:</th>
<th>B-1</th>
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<tbody>
<tr>
<td>DATE:</td>
<td>10/09/07</td>
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</tbody>
</table>

Attachment 1: Application for Appeal
PLN 2006-1171

City of Alhambra
Planning Division
Applicant as Form

**APPEAL APPLICATION**

| OWNER 1: | Sandi Baltes |
| ADDRESS: | 1014 Lockhaven |
| Brea, Ca 92821 |
| PHONE #: | 310-560-5271 |
| FAX #: | |

| OWNER 2: | Kim Koch |
| ADDRESS: | 1039 W Whittier Blvd |
| La Habra CA 9063 |
| PHONE #: | 562-691-4596 |
| FAX #: | 562-691-5245 |

| PROJECT ADDRESS: | 10270 Santa Ana Rd |
| ASSESSOR PARCEL NUMBER(S) (APN): | 054-162-004 |
| PROJECT OR DECISION TO BE APPEALED: | PC Decision on 8-7-07 |
| REASON FOR APPEAL: | I disagree with the Commission's interpretation of the Code. |

I/herewith certify the filing of this application and declare that this application and related documents are true and correct.
(Note: the signature of the property owner(s) is required on this application before it will be accepted. Wet signatures are required. Faxed signatures will not be accepted.)

**Owner 1**

**Applicant/Agent**

**For staff use only**

Fees: 460.00
Receipt #: 900104
4. **PLN 2006-1171, 10270 SANTA ANA ROAD: 2-LOT TENTATIVE MAP**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Sandi Bates, 1014 Lockhaven, Brea, CA 92821</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agent</td>
<td>Kim Koch, 1039 W. Whittier Blvd., La Habra, CA, 90631</td>
</tr>
<tr>
<td>Project Title</td>
<td>PLN 2000-1171/ TPM 2000-0087 / TRP 2007-0109</td>
</tr>
<tr>
<td>Project Location</td>
<td>10270 Santa Ana Rd, Atascadero, CA 93422</td>
</tr>
<tr>
<td></td>
<td>(San Luis Obispo County) APN 054-162-004</td>
</tr>
<tr>
<td>Project Description</td>
<td>The proposed project consists of a Tentative Parcel Map with a 2 lot split in the RS Zone. The existing lot is 7.13 acres gross (6.62 acres net) with an average slope of 30%. Proposed Parcel 2 (which contains an existing residence) is proposed at 3.15 acres gross with a 24% average slope. Parcel 1 is proposed at 3.97 acres gross with a 34% average slope. A building envelope with a slope of 10% is provided on Parcel 1 for one new residence; the site is currently vacant. The project proposal includes the removal of 5 Blue Oaks (75&quot; total DBH) for the construction of the new residence and driveway. An additional 4 native trees (68&quot; total DBH) will be impacted 45%-50% and shall require bonds to ensure the trees survive construction. General Plan Designation: Rural Estate (RE) Zoning District: Residential Suburban (RS)</td>
</tr>
<tr>
<td>Proposed Environmental Determination</td>
<td>Based on the initial study prepared for the project, a Mitigated Negative Declaration is proposed. The proposed Mitigated Negative Declaration is available for public review from at 6907 El Camino Real, Community Development Department, from 8:00 a.m. to 5:00 p.m., Monday through Friday</td>
</tr>
</tbody>
</table>

Assistant Planner Callie Taylor gave the staff report and answered questions of the Commission.

Commissioner O’Grady stated for the record that he lives in Long Valley, that this is part of that subdivision, but that he lives miles away from the project.

City Engineer Steve Kahn suggested changing from the Army Corps of Engineers to the Regional Water Quality Board in the condition for review of the setbacks from the septic system.

**PUBLIC COMMENT**

Kim Koch, applicant’s representative, spoke about the applicant’s goal for the property, and stated they want to do a quality development and have abided by all guidelines put forth by the City. Mr. Koch answered questions of the Commission.

Lena Ellison stated she borders the property in question, explained that the swale is not dry most of the year, and asked the Commission to hold off approving this project until
several issues have been addressed. Those issues were submitted in written form to the Commission. (Exhibit A) Ms. Ellison also read a letter into the record from neighbors Will and Maxine Richison objecting to the lot split due to drainage issues with the septic system. (Exhibit B)

Linda Kelts expressed her concerns with this site including trash, garbage, and roofing paper strung across her property, grading done to date, inconsistencies with the actual building site, possible further splitting of the back lot, and water quality in light of the septic systems.

Sheri Hafer stated she was concerned with crowding on the lot which would not be in character with the rest of the neighborhood, the length of time the current construction is taking, trash on the site, removal of several oak trees and additional impacts to the trees from the proposed road, that the house will be located too near a large oak tree a pond and the creek, excessive grading, the septic system, and the use of a large retaining wall that may affect the pond.

Robin Bohen commented that she lives three houses away from this house and was told when she purchased her home that all houses in the area would have large lots that could never be subdivided, and she is concerned that this would start a trend of breaking up larger lots. She wants to preserve having a natural area around her home.

Kim Koch expressed his agreement with much of what the previous speakers said. He explained the reasons that the pace of construction has not been maintained and anticipated completion of construction in the next three to four months.

Sandi Baltes, owner and applicant, explained that she hopes to move here for her retirement, and reassured those present that she would do nothing to hurt the area. She wants this project to work and will do all she can to keep the area beautiful.

Chairperson O'Keefe closed the Public Comment period.

Commissioner comments:

Chairperson O'Keefe was concerned that there could be two additional units built on this along with the fact that this seems to be a major drainage area with an amount of water greater than had been thought.

Commissioner Marks commented that there were some very strong site limitations, especially the swale and water course, and the proposed primary septic system, which does not appear to be legal.

Commissioner O'Grady stated that upon looking at the findings he cannot agree that the subdivision is consistent with the character of the immediate neighborhood nor does he believe that the proposed accessway improvements meet the letter of the Subdivision Ordinance.
Chairperson O'Keefe explained she had a problem with the addition of the flag lot to meet the minimum lot size requirements and which created a strange configuration, that second units could be built, that there is a lot of water in the area, and that there is a lack of compatibility with the neighborhood.

Due to Commission concerns, a straw vote was taken on approval of the project.

Commissioner Heatherington – No. Due to problems with the configuration of the lot in an area that is over five acres for the norm, and with the swale and drainage areas. Additionally second units in this area would make her vote for denial.

Commissioner Marks – No. He is uncomfortable with the septic setup, site limitations, and putting a larger house on small building pad which would create a bigger impact. A second unit on the site would work but not a full residence.

Commissioner Slane – No. As it is proposed at this point, he believes is it not consistent with neighborhood.

Vice Chairperson Fonzi – No. She did not have enough information about the drainage area.

Commissioner Jack – No. The new information received made him want more information.

Commissioner O'Grady – No. For the reasons he previously articulated

Chairperson O'Keefe – No.

**MOTION:** By Commissioner Heatherington and seconded by Commissioner O'Grady to deny the project because of the irregular shape of the proposed subdivision and because the following findings could not be met:
- No. 5. The design and improvement of the proposed subdivision will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.
- No. 8. The proposed subdivision will be accomplished without detriment to the adjacent properties.
- No. 10. The flag lot is justified by topographical conditions.
- No. 11. The subdivision is consistent with the character of the immediate neighborhood.
- No. 12. The proposed accessway improvements meet the intent of the subdivision ordinance and are adequate for safe emergency vehicle access.

*Motion passed 5:0 by a roll-call vote.*
RESOLUTION NO. PC 2007-0065


10270 SANTA ANA ROAD (BALTES)

WHEREAS, an application was received from Kim Koch, 1039 W. Whittier Blvd, La Habra, CA 90631 (Contact) and Sandi Baltes, 1014 Lockhaven, Brea, CA 92821 (Owner) for a Tentative Parcel Map to establish a subdivision of an existing 7.13 acre lot into two (2) lots containing 3.15 acres and 3.97 acres gross each; and,

WHEREAS, the proposed project has a General Plan Designation of Rural Estate (RE); and,

WHEREAS, the site is located in the Residential Suburban Zone (RS); and,

WHEREAS, the Planning Commission held a duly noticed public hearing to consider the proposed Tentative Parcel Map application on August 7, 2007 at 7:00 p.m. and considered testimony and reports from staff, the applicants, and the public.

NOW, THEREFORE, the Planning Commission takes the following actions:

SECTION 1. Findings for denial of subdivision and flag lot design. The Planning Commission finds as follows:

- The design and improvement of the proposed subdivision will cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.
- The proposed subdivision will not be accomplished without detriment to the adjacent properties.
- The flag lot is not justified by topographical conditions.
- The subdivision is not consistent with the character of the immediate neighborhood.
- The proposed accessway improvements do not meet the intent of the subdivision ordinance and/or are not adequate for safe emergency vehicle access.
- The shape of the proposed lots are irregular and do not constitute orderly development.
SECTION 2. Denial. The Planning Commission does hereby deny PLN 2006-1171, denying Tentative Parcel Map 2006-0087, to establish a subdivision of an existing 7.13 gross acres into two (2) lots containing 3.15 and 3.97 acres gross each:

On motion by Commissioner Heatherington and seconded by Commissioner O’Grady, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: Chairperson O’Keefe, Vice Chairperson Fonzi, Commissioners Marks, O’Grady, Jack, Slane, Heatherington (7)

NOES: None (0)

ABSENT: None (0)

ABSTAINED: None (0)

ADOPTED: August 7, 2007

CITY OF ATASCADERO, CA

___________________________________________
Joan O’Keefe
Planning Commission Chairperson

ATTEST:

___________________________________________
Warren Frace
Planning Commission Secretary
To: City Council  
City of Atascadero

On August 7, 2007 at a regular meeting of the Atascadero Planning Commission, the information pertaining to project PLN 2006-1171 was presented. At that meeting, staff of the Planning Department forwarded a report recommending approval of the project. Their report confirmed the project was completely within development guidelines and precedent as set by previous approval of projects similar in form and configuration. Subsequent discussion took place at the open forum section of the meeting. Residents’ objections arose and consisted of discussion of the project’s proximity to the drainage swale, configuration of the subdivision (i.e. flag lot with an easement for access), and potential impact to the environment. Rather than direct us to meet with staff and address these issues, the Commission simply voted “no” denying the project. This lack of due diligence and process on the part of the Commission has resulted in this appeal to the Council. Our questions are: If we conform to all development guidelines and precedent, how can the project approval be denied? If the commission decides to change precedent, why do we not have the right to adjust our project to comply with their new guidelines or concerns? I believe due process provides us that right

Council has been presented with a revised project configuration which fully addresses the six findings on which the commission based its denial.

Planning Commission Findings and Applicants Response:

Planning Commission Findings
1. The design and improvement of the proposed subdivision will cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

Applicant Response:
Sierra Delta Corporation has prepared a report discussing impact to the environment and its conclusion is as follows: The proposed project will not result in any direct impacts to the drainage tributary to Graves Creek or to the associated reservoirs. Potential indirect impacts to the drainage will be minimized with incorporation of the above recommended mitigations measures. In addition, the leach field has been relocated to provide a 200ft setback from the drainage swale and small ponds.
A&T arborist has prepared a report on the impact of the project and has not noted any negative impact that cannot easily be mitigated through conventional means.

Planning Commission Findings
2. The proposed subdivision will not be accomplished without detriment to the adjacent properties.

Applicant Response:
The project consists of the extensive remodel of an existing residence and the construction of a new residence. The value of each residence will be in excess of one million dollars. Additionally, the project requires the slurry sealing of the ½ street contiguous with the project. Furthermore, the project will include a tree conservation and open space easement. As a result of these efforts, the value and quality of living in the area will be enhanced.

Planning Commission Findings
3. The flag lot is not justified by topographical conditions.

Applicant Response:
The flag lot configuration has been adjusted to be similar in configuration to two flag lots within a 1500’ radius. The reconfiguration specifically utilizes natural topography.

Planning Commission Findings
4. The subdivision is not consistent with the character of the immediate neighborhood.

Applicant Response:
The flag lot configuration has been adjusted to adequately address topographical conditions. Please review attachment “A” which illustrates lot size coverage and lot configuration. Lot size coverage is the percentage of the lot covered by structures. The flag lot configuration is similar to two nearby flag lot.
Planning Commission Findings
2. The proposed accessway improvements do not meet the intent of the subdivision ordinance and/or not adequate for safe emergency vehicle access

Applicant Response:
   The accessway improvements have been modified and comply with City Planning and Fire access requirements to allow for safe emergency vehicle access.

Planning Commission Findings
3. The shape of the proposed lots are irregular and do not constitute orderly development

Applicant Response:
   All the lots in the area are irregular. Our proposed lot is consistent in size and shape with other lots in the area. The flag portion of the lot as currently proposed is consistent with other nearby flag lots.

Conclusion:
Considering the additional analysis and revisions we have made to this project, It is my sincere hope that Council will refer this matter back to the Planning Commission for further consideration and ultimate planning commission approval. We are available to anyone who wishes to discuss this project and are willing to make adjustments, as possible, to bring this project to fruition.

Respectfully Submitted,

Kim Koch and Sandi Baltes
Attachment 4: Letter from Kim Koch & Revised TPM & site plan; Supplemental Information provided by applicant for informational purposes only
Submitted September 18, 2007
Attachment 4: Revised TPM & site plan;
Supplemental Information provided by applicant for informational purposes only
Submitted September 18, 2007
Attachment 4: Revised TPM and site plan; Supplemental Information provided by applicant for informational purposes only Submitted September 18, 2007
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO UPHOLDING THE PLANNING COMMISSION’S ACTION TO DENY TENTATIVE PARCEL MAP 2006-0087 LOCATED AT 10270 SANTA ANA ROAD APL 2007-0014 (BALTES / KOCH)

WHEREAS, an appeal of the Planning Commission’s action denying Tentative Parcel Map 2006-0087 has been received from Sandi Baltes, 1014 Lockhaven, Brea, CA 92821; and,

WHEREAS, the site is located within the Rural Estate (RE) land use designation of the City of Atascadero’s General Plan Land Use Diagram; and,

WHEREAS, the proposed project site is located in the Residential Suburban (RS) zoning district; and,

WHEREAS, the Planning Commission reviewed Tentative Parcel Map 2006-0087 application on August 7, 2007, at 7:00 p.m. and considered testimony and reports from staff, the applicant, and the public; and,

WHEREAS, the Planning Commission adopted PC Resolution 2007-0065, denying the Tentative Parcel Map 2006-0087; and

WHEREAS, the City Council reviewed the appeal of the Planning Commission action on October 9, 2007, at 7:00 p.m. in the Council Chambers located at 6907 El Camino Real and considered testimony and reports from staff, the appellant, and the public; and,

WHEREAS, the City Council decided to uphold the Planning Commission’s action for denial based on the findings; and,

NOW, THEREFORE, the City Council takes the following actions:

SECTION 1. Denial of Appeal. The City Council upholds the action of the Planning Commission on August 7, 2007, denying Reconsideration of Tentative Parcel Map 2006-0087, and finds as follows:

SECTION 1. Findings for Denial of Appeal. The City Council finds that the as follows:

- No. 5: The design and improvement of the proposed subdivision will cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.
• No. 8: The proposed subdivision will not be accomplished without detriment to the adjacent properties.
• No. 10: The flag lot is not justified by topographical conditions.
• No. 11: The subdivision is not consistent with the character of the immediate neighborhood.
• No. 12: The proposed accessway improvements do not meet the intent of the subdivision ordinance and/or are not adequate for safe emergency vehicle access.
• Additional Finding: The shape of the proposed lots are irregular and do not constitute orderly development.

BE IT FURTHER RESOLVED, that the City Council does hereby deny Appeal 2007-0014 and affirms the Planning Commission’s denial of Tentative Parcel Map 2006-0087 (PLN 2006-1171.)

On motion by Council Member __________, and seconded by Council Member __________ the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: ( )
NOES: ( )
ABSENT: ( )
ABSTAIN: ( )
ADOPTED:

CITY OF ATASCADERO

________________________________________
George Luna, Mayor

Attest:

________________________________________
Marcia McClure Torgerson, City Clerk

APPROVED AS TO FORM:

________________________________________
Robert Schultz, Interim City Attorney
See Following