

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TRACT 2972 (NUNNO, LLC)

DATE: APRIL 8, 2008

Needs: For the Planning Commission to consider an application filed by North Coast Engineering, Inc. on behalf of Michael Nunno, requesting to subdivide two industrial/warehousing buildings into 32 air space condominium lots.

Facts:

1. The subject property is located on the south side of Dry Creek Road, just west of the Santa Cruz Biotech property, at 3500 Dry Creek Road. (See attached location map).
2. The General Plan land use designation for the site is Business Park (BP). The Zoning district is Airport, Planned Development (AP, PD).
3. On February 22, 2005 the Planning Commission approved Planned Development 01-030 which allowed the construction of the two 50,000 square foot buildings for industrial/warehouse use.
4. The buildings are currently under construction.
5. The subdivision would allow for the creation of 28 units consisting of 3,500 \pm square feet each and four units consisting of 1,750 \pm square feet each, with shared parking and site facilities on Lot One.
6. The request to subdivide the two existing buildings complies with the density provisions for the AP, PD Zoning District and with the BP Land Use designations, and with the Conditions of Approval for Planned Development 01-030.
7. A mitigated negative declaration was adopted for the original Planned Development in accordance with the California Environmental Quality Act (CEQA). Pursuant to 15063.(b)(C); the project's effects were adequately examined by the original mitigated negative declaration and project level mitigation measures were identified within the study. Along with the mitigation measures from the CEQA process, the standard and site specific conditions of development from the Planned Development 01-030 approval will also apply to the Tentative Tract.

Analysis
and

Conclusion: PD 01-030 was approved to allow for the construction of the two buildings for industrial/warehousing type uses. Since there are many uses permitted in the AP, PD zone that would require more parking than what was approved by the original Planned Development, a condition of approval has been included to require recording of Constructive Notices against the title of each unit informing future owners and tenants that the use of the building is limited to industrial/manufacturing and warehouse uses.

Taking into consideration the uses of the building being limited to industrial and storage as indicated by the plans submitted by the applicant, the proposed project is consistent with the requirements for development in the AP, PD zoning district, as well as the Business Park land use designation.

The light industrial/warehousing subdivision is consistent with Economic Strategy policy for promoting local industry opportunities by providing industrial/manufacturing spaces that are able to be owned versus only leased spaces, which will broaden the opportunities and choices for potential entrepreneurs. It is compatible with the General Plan, Zoning Code and Airport Land Use Plan (ALUP) Zone 5, in terms of general site planning, persons/acres densities, and the proposed light industrial/storage uses.

Policy

Reference: General Plan; Airport Land Use Plan; Municipal / Zoning Code; Economic Strategy

Fiscal

Impact: No fiscal impacts are anticipated from this subdivision.

Options: After consideration of all public testimony, the Planning Commission should consider the following options:

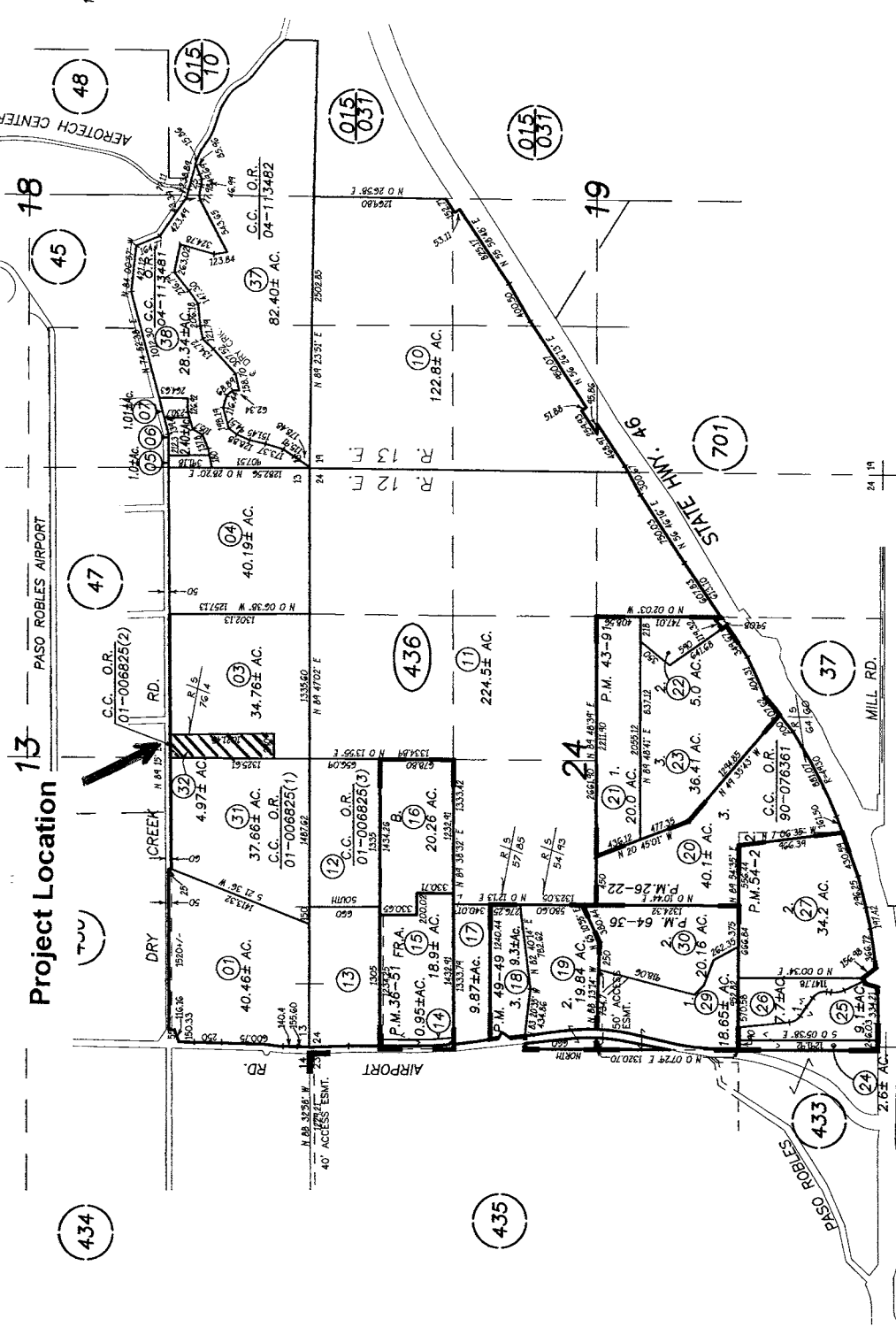
- a. Adopt the attached Resolution approving Tentative Tract 2972;
- b. Amend, modify, or reject the above options.

Report

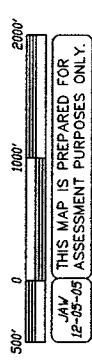
Prepared By: Mathew Fawcett, Assistant Planner

Attachments:

1. Vicinity Map
2. Project Description
3. Draft Resolution Approving Tract 2972
4. Resolution 05-0019 Approving Negative Declaration for PD 01-030
5. Resolution 05-0020 Approving PD 01-030
6. Newspaper and Mail Notice Affidavits



Project Location



JAN 12-05-05
THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

REVISIONS	D.S.	DATE
	06-19-01	12-09-05
	07-28-00	01-03-07
	07-31-00	02-28-07
	07-31-00	03-01-07

CITY OF PASO ROBLES
ASSESSOR'S MAP, COUNTY OF
SAN LUIS OBISPO, CALIF.
BOOK 025, PAGE 436

T.26S ; R.12E. ; PORTIONS SECTIONS 13, 24, M.D.B.M.
T.26S ; R.13E. ; PORTIONS SECTIONS 18, 19, M.D.B.M.

**Attachment 1:
Vicinity Map**



Paso Robles

FEB 22 2008

Planning Division

February 22, 2008

Mr. Ronald Whisenand
Community Development Director
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

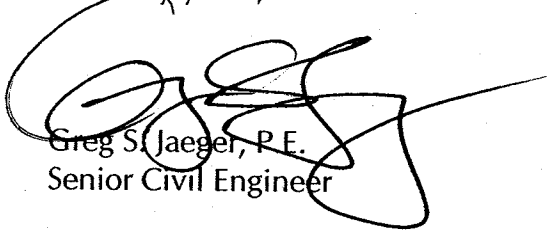
Subject: Tract 2972
Dry Creek Road, Commercial Condominiums

Dear Ron:

Please find attached an application for a tract map for condominium purposes to subdivide the two existing buildings into air space condominiums at the Dry Creek Road commercial site, which is in compliance with the current zoning. This site is part of the planned development approved February 22, 2005 per Development Plan PD 01-030.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely yours,



Greg S. Jaeger, P.E.
Senior Civil Engineer

GSJ/jms
Enclosures

**Attachment 2:
Project Description**

RESOLUTION NO. 08-
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT TENTATIVE MAP APPROVAL FOR TRACT 2972
(NUNNO, LLC)
APN: 025-436-032

WHEREAS, Tentative Tract 2972 has been filed by North Coast Engineering, Inc. on behalf of Nunno, LLC, to subdivide two existing light industrial/storage buildings into 32 air space condominium lots; and

WHEREAS, the site is located at 3500 Dry Creek Road; and

WHEREAS, the project site is located within the Airport Planned Development (AP, PD) Zoning District and the Business Park (BP) Land Use category; and

WHEREAS, Planned Development 01-030 was approved on February 22, 2005, and the standard and site specific conditions of development from the Plan Development approval shall apply to the Tentative Tract; and

WHEREAS, an environmental Mitigated Negative Declaration was adopted for PD 01-030 (Resolution 05-0019) in accordance with the California Environmental Quality Act (CEQA) that adequately examined the project's effects and project level mitigation measures were identified within the Mitigated Negative Declaration, and it has been determined that additional environmental analysis is not required and that the mitigation measures approved with the Planned Development shall apply to the Tentative Tract per CEQA §15063(b)(C); and

WHEREAS, a public hearing was conducted by the Planning Commission on April 8, 2008 to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed subdivision; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following findings as required by Government Code Section 66474:

1. As conditioned, the proposed tentative tract map is consistent with the adopted General Plan for the City of El Paso de Robles by providing an area for clean and attractive business and industries in which all activities are conducted indoors (some limited outdoor storage and/or activities may be permitted via approval of a conditional use permit.);
2. As conditioned, the design of lots, streets, open space, drainage, sewers, water and other improvements are consistent with the General Plan and Zoning Ordinance;
3. The site is physically suitable for the type of subdivision proposed as shown tentative tract map;
4. The design of the subdivision is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
5. The design of the subdivision and types of improvements proposed are not likely to cause serious public health problems; and

6. The design of the subdivision 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 to Tract 2972 subject to the following conditions of this resolution:

STANDARD CONDITIONS:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution. Note: All checked standard conditions shall apply unless superseded by a site specific condition.
2. The project shall comply with all conditions of approval contained in the resolution granting approval to Planned Development 01-030 and its exhibits (Resolution 05-0020).

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.

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

EXHIBIT	DESCRIPTION
A	Standard Conditions
B	Tentative Tract Map

4. This Tentative Tract Map 2972 and authorizes the subdivision of two existing buildings into 28 air space condominium units each approximately 3500 square feet in size and four air space condominium units each approximately 1,750 square feet in size, and lot one with shared parking and other site facilities (e.g. drainage, garbage, etc).
5. The maximum number of air space condominium lots permitted within this subdivision shall be 32. No lots shall be eligible for further subdivision (with the exception of minor lot line adjustments).
6. The Final Subdivision Map shall be in substantial compliance with the tentative tract map, along with the other exhibits (Exhibits A and B, 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.
7. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 01-030 and its exhibits (Resolution 05-0020).
8. The intent of this project is to allow for the subdivision of buildings originally approved for industrial/manufacturing and warehousing uses. If in the future, a different type of use is proposed, the use shall comply with Table 21.16.200, Permitted Land Uses for All Zoning Districts and Chapter 21.20 Off Street Parking and Loading Regulations. Some uses may require the need for a Conditional

Use Permit, and the need to provide additional parking. The use may be prohibited if the necessary parking can not be provided, or if a Conditional Use Permit is not approved by the City.

9. All signage is required to meet the requirements Chapter 21.19 Signs of the Zoning Ordinance.

PASSED AND ADOPTED THIS 8th Day of April, 2008 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN ED STEINBECK

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

EXHIBIT A OF RESOLUTION 08-_____

**CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS
FOR COMMERCIAL TRACT AND PARCEL MAPS**

PROJECT #: Tentative Tract 2972

APPROVING BODY: Planning Commission

DATE OF APPROVAL: April 8, 2008

APPLICANT: Nunno, LLC

LOCATION: 3500 Dry Creek Road

The following conditions that have been checked are standard conditions of approval for the above referenced project. The checked conditions shall be complied with in their entirety before the project can be finalized, unless otherwise specifically indicated. In addition, there may be site specific conditions of approval that apply to this project in the resolution.

COMMUNITY DEVELOPMENT DEPARTMENT - The applicant shall contact the Planning Division, (805) 237-3970, for compliance with the following conditions:

A. GENERAL CONDITIONS

- 1. This project approval shall expire on April 8, 2010, unless a time extension request is filed with the Community Development Department prior to expiration.
- 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process, development shall comply with the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. Prior to recordation of the map, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 4. This project is subject to the California Environmental Quality Act (CEQA), which requires the applicant submit a \$1850.00 filing fee for the Notice of Determination payable to "County of San Luis Obispo". The fee should be submitted to the Community Development Department within 24 hours of project approval, which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.
- 5. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.

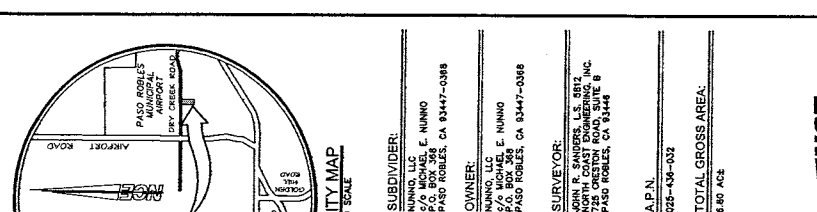
- 6. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- 7. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and subject to approval by the Community Development Department.
- 8. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 9. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- 10. The following areas shall be placed in a Landscape and Lighting District:

- 11. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:
Interior streets, open space areas and other common parkway and landscaping areas.
- 12. The applicant shall install durable, decorative fence/wall treatments and landscaping along all arterial streets consisting of brick, tubular steel with pilasters, or other similar materials as determined by the Development Review Committee, but specifically excluding precision block and wood fences. Substantial setbacks with landscaping may be considered as an alternative, subject to approval by the Development Review Committee.
- 13. The applicant shall provide a one-foot non-access easement along the rear/side of all lots that back up/side against a collector or arterial street.

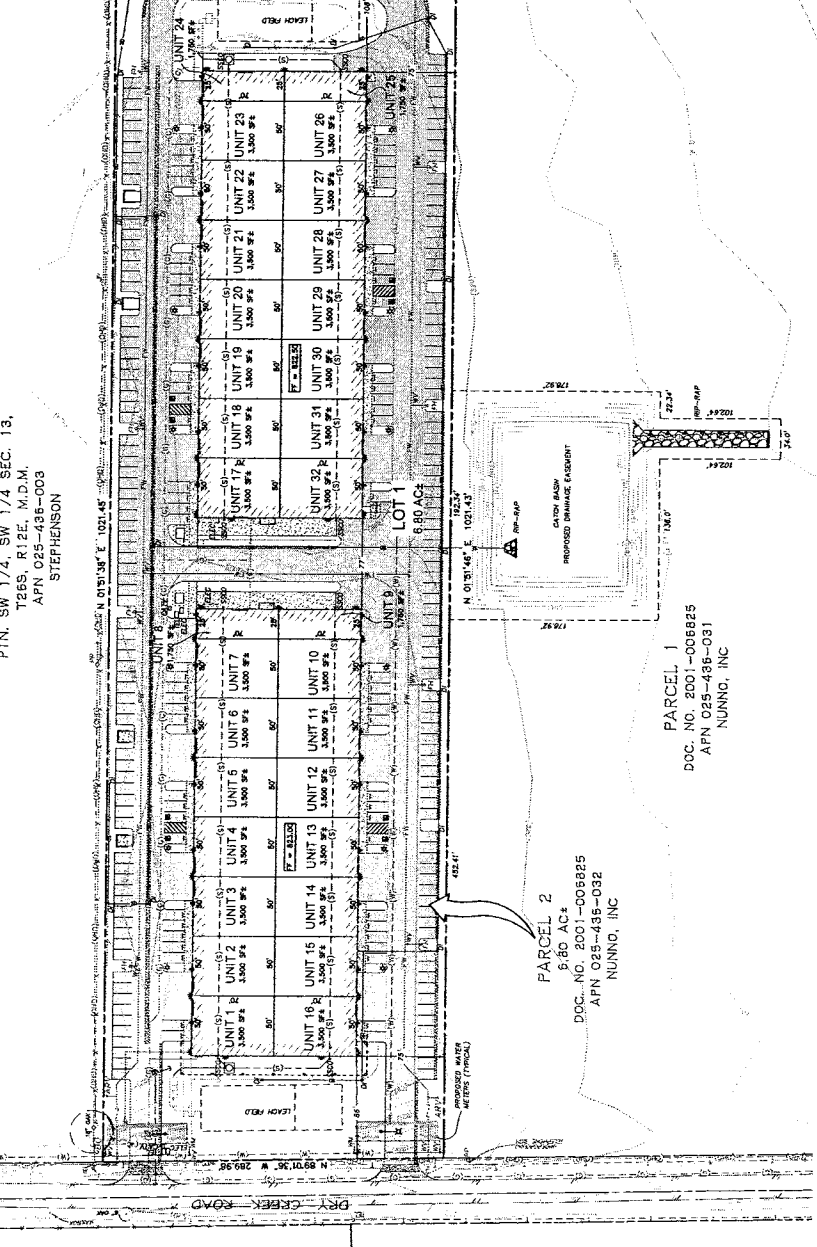
B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS OR RECORDATION OF THE FINAL MAP, WHICHEVER OCCURS FIRST:

- 1. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department.
- 2. Prior to the issuance of building permits, the
 - Development Review Committee shall approve the following:
 - Planning Division Staff shall approve the following:
 - a. A detailed landscape plan including walls/fencing;
 - b. Other: _____
- 3. The Covenants, Conditions, and Restrictions (CC&Rs) and/or Articles Affecting Real Property Interests are subject to the review and approval of the Community Development Department, the Public Works Department and/or the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the affected City Departments.

- 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 or ordinance adopted by the City Council, in effect at the time building permits are issued.
- 5. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- 6. The developer shall provide constructive notice to all buyers that all homes are required to utilize semi-automated trash containers as provided by the City's franchisee for solid waste collection.
- 7. The developer shall provide constructive notice to future buyers that all residential units shall be required to be equipped with trash compactors.
- 8. The applicant shall meet with the City's Crime Prevention Officer prior to the issuance of building permits for recommendations on security measures to be incorporated into the design of the structures to be constructed. The applicant is encouraged to contact the Police Department at (805) 237-6464 prior to plan check submittal.



PTN. SW 1/4, SW 1/4 SEC. 13,
T26S, R12E, M.D.M.
APN 025-436-003
STEPHENSON



PARCEL 54
52/PM/11 & 86/RS/92
APN 025-471-031
CITY OF PASO ROBLES

PARCEL 2
5.80 AC±
DOC. NO. 2001-008825
APN 025-436-032
NUNNO, INC

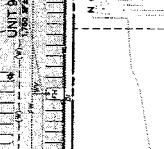
SUBDIVIDER:
NUNNO, LLC
2/A MICHAEL E. NUNNO
PASO ROBLES, CA 93447-0388

OWNER:
NUNNO, LLC
2/A MICHAEL E. NUNNO
PASO ROBLES, CA 93447-0388

SURVEYOR:
NORTH COAST ENGINEERING, INC.
228 ORESTON ROAD, SUITE B
PASO ROBLES, CA 93448

A.P.N.
025-436-032

TOTAL GROSS AREA:
6.69 ACRE



VESTING TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES

TRACT 2972

IN THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
BEING PARCEL 2 OF THE CERTIFICATE OF COMPLIANCE RECORDED IN DOCUMENT NO. 2001-008825 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

NCE
NORTH COAST ENGINEERING, INC.
228 ORESTON ROAD, SUITE B, PASO ROBLES, CA 93448

LEGEND:

- EXISTING OUTLINE
- EXISTING WATER LINE
- EXISTING SANITARY LINE
- EXISTING OVERHEAD LINE
- EXISTING UNDERGROUND LINE
- EXISTING FENCE LINE
- EXISTING UTILITY POLE
- EXISTING UTILITY MAST
- EXISTING TELEPHONE LINE
- EXISTING POWER LINE
- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING PAVEMENT
- PAVED SPACE WITH CURB & GUTTER
- PROPPOSED
- PROPOSED WATER LINE
- PROPOSED SANITARY LINE
- PROPOSED OVERHEAD LINE
- PROPOSED UNDERGROUND LINE
- PROPOSED FENCE LINE
- PROPOSED UTILITY POLE
- PROPOSED UTILITY MAST
- PROPOSED TELEPHONE LINE
- PROPOSED POWER LINE
- PROPOSED CONCRETE
- PROPOSED ASPHALT
- PROPOSED PAVEMENT
- PROPOSED DRIVEWAY
- PROPOSED SIDEWALK
- PROPOSED BIKEWAY
- PROPOSED WATER METER

NOTES:

- THE BOARDY MEASUREMENTS CALCULATED FROM A FIELD SURVEY CURRENTLY IN PROGRESS BY NUNNO, INC.
- THE CONTOUR INTERVAL IS 1 FOOT, UNLESS OTHERWISE NOTED.
- THIS SITE IS CURRENTLY UNDER CONSTRUCTION, SO AS A RESULT, ANY TOPOGRAPHIC FEATURES SHOWN HEREON WILL BE SUBJECT TO CHANGE IN THE NEAR FUTURE.
- UTILITIES SHOWN HEREON ARE BASED ON AS-BUILT RECORD DRAWINGS AND RECORD DRAWINGS ONLY. ACTUAL LOCATIONS AND DEPTHS OF UTILITIES MAY DIFFER FROM THE PROPERTY MAP. CONTACT THE UTILITY OWNERS.
- ZONING = AP PD (AIRPORT PLANNED INDUSTRIAL)
- PROPOSED RECIPROCAL EASEMENTS OVER ALL PARCELS INCLUDE ACCESS, UTILITIES, WATER, SEWER, DRAINAGE AND PARKING, EXCEPT UNDER BUILDING FOOTPRINTS.
- IMPROVEMENTS PER APPROVED ARCHITECTURAL PLANS FOR PARCELS DEVELOPMENT 01-030 (RESOLUTION 03-0020) ARE CURRENTLY UNDER CONSTRUCTION.

RESOLUTION NO.: 05-0019

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING A MITIGATED NEGATIVE DECLARATION FOR
PLANNED DEVELOPMENT 01-030
(Nunno LLC)
APN: 025-431-016

WHEREAS, Planned Development PD 01-030 has been filed by Michael Nunno on behalf of Nunno LLC, for the development of two (2) 50,000 square foot light industrial/warehouse buildings, located on the south side of Dry Creek Road, at 3500 Dry Creek Road; and

WHEREAS, the site is zoned AP,PD, according to Section 21.16A of the Zoning Code, in the PD overlay zone a development plan is required to be reviewed and approved by the Planning Commission, and

WHEREAS, according to the 1977 Airport Land Use Plan, light industrial and warehousing are permitted uses in Zone 4; and

WHEREAS, it would appear that the proposed uses would be in compliance with the Draft Airport Land Use Plan, where this site would be in Zone 3; and

WHEREAS, this item is a open public hearing continued from the Planning Commission hearings on January 24, 2005 and February 8, 2005; and

WHEREAS, the February 8, 2005 continuance was requested by the applicant in order to allow more time to review the conditions of approval for the project; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 22, 2005, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed development plan, and

WHEREAS, public notice of the proposed Mitigated Negative Declaration was given as required by Section 21092 of the Public Resources Code, and

WHEREAS, based on the information contained in the Initial Study prepared for this parcel map and development plan applications, the proposed mitigation measures, the mitigation contract signed by the applicant, the staff report, and testimony received as a result of the public notice, the City, using its own independent judgement, finds that all potentially significant effects of the project on the environment can and will be avoided or mitigated to a level of insignificance by:

Imposing the specified mitigation measures on future development; and

Compliance with the Mitigation Contract that allows for further, development specific, CEQA review.”

WHEREAS, a public hearing was conducted by the Planning Commission on February 22, 2005, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed project, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve a Mitigated Negative Declaration for Planned Development 01-030 subject to the applicant complying with the following mitigation measures contained in the Resolution approving Planned Development 01-030:

<u>Condition No.</u>	<u>Topic of Mitigation</u>
PD 01-030 Resolution:	
16	Air Quality
17,18	Biological (Kit Fox)

PASSED AND ADOPTED THIS 22nd day of February, 2005, by the following roll call vote:

AYES: Flynn, Steinbeck, Hamon, Mattke, Johnson, Menath, Holstine

NOES: None

ABSENT: None

ABSTAIN: None



 CHAIRMAN ED STEINBECK

ATTEST:



 ROBERT A. LATA, PLANNING COMMISSION SECRETARY

darren\pd\01-030Nunno\ND.res

RESOLUTION NO.: 05-0020
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE PLANNED DEVELOPMENT 01-030
(Nunno LLC)

APN: 025-431-006

WHEREAS, Planned Development PD 01-030 has been filed by Michael Nunno on behalf of Nunno LLC, for the development of two (2) 50,000 square foot light industrial/warehouse buildings, located on the south side of Dry Creek Road, at 3500 Dry Creek Road; and

WHEREAS, the site is zoned AP,PD, according to Section 21.16A of the Zoning Code, in the PD overlay zone a development plan is required to be reviewed and approved by the Planning Commission, and

WHEREAS, according to the 1977 Airport Land Use Plan, light industrial and warehousing are permitted uses in Zone 4; and

WHEREAS, it would appear that the proposed uses would be in compliance with the Draft Airport Land Use Plan, where this site would be in Zone 3; and

WHEREAS, this item is a open public hearing continued from the Planning Commission hearings on January 24, 2005 and February 8, 2005; and

WHEREAS, the February 8, 2005 continuance was requested by the applicant in order to allow more time to review the conditions of approval for the project; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 22, 2005, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed development plan, and

WHEREAS, a resolution was adopted by the Planning Commission approved a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Planned Development application in accordance with the California Environmental Quality Act, and

WHEREAS, based upon the facts and analysis presented in the staff reports, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following findings:

1. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations) as follows:
 - a. The granting of this permit will not adversely affect the policies, spirit and intent on the general plan, applicable specific plans, the zoning code, policies and plans of the City;
 - b. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area;
 - c. The proposed project's design and density of developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area;
 - d. The development would be consistent with the purpose and intent of this chapter and would not be contrary to the public health, safety and welfare;
 - e. The development is consistent with the purpose and intent of the 1977 Airport Land Use Plan, and is also consistent with the Draft Airport Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby approve Planned Development 01-030 subject to the following conditions:

STANDARD CONDITIONS:

1. The applicant shall comply with all those conditions which are indicated on "Exhibit A" to this Resolution.
2. 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>
B	Plot Plan / Monument Sign Detail
C	Site / Grading Plan –Bldg A
D	Site / Grading Plan –Bldg B
E	Architectural Elevations
F	Landscape Plan- Bldg. A
G	Landscape Plan- Bldg. B
H*	Color/Material Board
I	General Performance Standards

* Indicates that exhibit is on file in the Community Development Department.

3. Any site specific condition imposed by the Planning Commission in approving this project may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the approval of this project. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use for this approval.

COMMUNITY DEVELOPMENT SITE SPECIFIC CONDITIONS:

4. The approval of Planned Development PD 01-030 would allow the construction of two (2) 50,000 square foot light industrial/warehouse buildings with ancillary parking and landscaping. The project would be developed in two phases, where building A would be constructed with Phase I and Building B would be constructed with Phase II.
5. The non-illuminated monument sign shall comply with the details shown on Exhibit A. Any additional signage would need to go through the sign review process and be reviewed by the Development Review Committee.
6. All exterior light fixtures shall be designed to be fully shielded and subject to planning staff review prior to issuance of construction permits.
7. There shall be no outdoor storage permitted with this development plan.
8. All mechanical equipment such as HVAC equipment shall be located on the ground and not on the roofs of the buildings. Any roof mounted equipment shall be fully screened by architectural screens to match the building.
9. All on-site operations of this facility shall comply with Section 21.21.040 of the Zoning Code (General Performance Standards for all uses) in relation to noise, dust, odor, hazards, vibration, glare, et cetera (copy attached as Exhibit I).
10. Prior to the issuance of building permits for construction, the developer shall submit detailed plans for review and approval by the Development Review Committee (DRC) as described in the standard conditions (Exhibit A).

ENGINEERING SITE SPECIFIC CONDITIONS

11. Prior to issuance of a building permit, the applicant will be required to enter into an agreement not to protest the formation of an assessment district to participate in the future realignment of Airport Road and improvement of its intersection with State Highway 46, and enter into an agreement in a form to be approved by the City Attorney to participate in the cost of a Project Study Report and related environmental documentation and studies. The level of participation shall be based on the site specific traffic generated.
12. Prior to issuance of a building permit, the applicant shall enter into an agreement not to protest the formation of an assessment district to participate in the future extension of sanitary sewer to the area.
13. Prior to occupancy of any building, the applicant shall extend the 16-inch water main in Dry Creek Road from the west boundary of the Santa Cruz Biotech property to the west boundary of the subject project.

EMERGENCY SERVICES SITE SPECIFIC CONDITIONS

14. Approved Automatic Fires Sprinkler System will be required to be installed in the buildings.
15. Provide KNOX box locked key box at approved location.

AIR POLLUTION CONTROL DISTRICT CONDITIONS

16. The SLO County Air Pollution Control District (APCD) reviewed the Nunno project and requested that the following measures be added as conditions of approval for the project:

AQ-1 Naturally Occurring Asbestos: If during construction or grading naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying and Surface Mining Operations. These requirements may include but are not limited to:

- a. an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins;
- b. an Asbestos Health and Safety Program will also be required for some projects.

AQ-2 **Fugitive Dust Emissions:** The project will exceed the APCD mitigation threshold for grading of 4.0 acres of continuously worked area and is located near an active industrial area. In order to minimize offsite dust transport and potential nuisance impacts, it will be essential that this project closely manage fugitive dust as defined in the letter that accompanied the July 10, 2003 letter from APCD. The Attachment I, Dust Mitigation Measures is attached to this initial study.

AQ-3 **Operation Phase Mitigation:** By implementing the following recommended on-site mitigation measures, the air quality impacts from this industrial park will be reduced to a level of insignificant:

Site Design Measures:

- a. Provide bike parking at a ratio of one bike parking space for every 10 employee automobile spaces.
- b. Provide preferential carpool parking for employees.
- c. Provide preferential carpool and vanpool parking.

Energy Efficiency Measures:

- d. Increase building energy efficiency by 10-percent above Title 24 requirements. This can be accomplished in number of ways (increasing attic, wall or floor insulation, etc.)

BIOLOGICAL CONDITIONS (KIT FOX MITIGATION)

17. San Joaquin Kit Fox/Habitat Preservation:

Prior to the issuance of permits for grading/construction, the applicant shall provide for habitat preservation, in a form acceptable to the CA Fish & Game Department, in an amount equal to two acres of habitat, or fraction thereof, for each acre of development, or fraction thereof. The applicant shall have the ability to enter into an agreement with CA Fish & Game Department for payment of an in-lieu fee of \$2500 per acre to The Nature Conservancy for a total replacement habitat of 13.36 acres based on the score from the Kit Fox Evaluation Form and Procedure and the CA Fish & Game replacement of 2-acres for each of the 6.68-acres lost.

18. San Joaquin Kit Fox Protective Measures Before and During Construction:

- a. Within 30 days prior to initiation of construction, the applicant shall hire a qualified biologist acceptable to the U.S. Fish and Wildlife Service, CA Fish & Game Department, and the Community Development Director or his designee, to conduct a pre-construction survey for active kit fox dens
- b. Before any grading or construction activities commence, all personnel associated with the project shall attend a worker education program regarding the sensitive biological resources potentially occurring in the project area (i.e., San Joaquin kit fox). This program is to include information on the kit fox, its life histories and careful review of the mitigation measures to be implemented in order to avoid or reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Community Development Department shall be notified of the time that the applicant intends to hold this meeting.
- c. To prevent entrapment of the kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- d. During the construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the kit fox has escaped.
- e. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

- f. Use of pesticides shall be in compliance with all local, state and federal regulations. (This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which kit foxes depend.)
- g. Any contractor or employee that inadvertently kills or injures a kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project. In the event that such observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the CA Fish & Game Department by telephone. Formal notification shall also be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the CA Fish & Game Department for care, analysis, or disposition.
- h. So as not to attract red fox, coyotes, or domestic dogs to the area, all waste products shall be disposed of in a manner that would not attract these animals.
- i. If any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-construction survey, the following mitigation measures shall apply:
- (i) Fenced exclusion zones shall be established by a qualified biologist around all kit fox dens that can be avoided but may be inadvertently impacted by project activities; exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
 - Potential kit fox den: 50 feet
 - Known kit fox den: 100 feet
 - Kit fox pupping den: 150 feet
 - (ii) Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and CA Fish & Game Department shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

- (iii) If any known or potential San Joaquin kit fox dens are discovered within the designated project area which shall be unavoidably destroyed by the proposed project, excavation of kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and CA Fish & Game Department. A copy of any such authorization received shall be provided to the City for its records.

AIRPORT CONDITIONS:

19. a. Non-reflective materials shall be used in buildings and signs where reflection would cause a flying hazard.
- b. Avigation easements shall be required over the entire project site prior to issuance of grading and/or building permits.
- c. No electromagnetic transmissions determined to interfere with aircraft operations shall be allowed.
- d. 45db maximum interior office levels


PASSED AND ADOPTED THIS 22nd day of February 2005, by the following Roll Call Vote:

AYES: Flynn, Steinbeck, Hamon, Mattke

NOES: Johnson, Menath, Holstine

ABSENT: None

ABSTAIN: None


CHAIRMAN ED STEINBECK

ATTEST:



ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

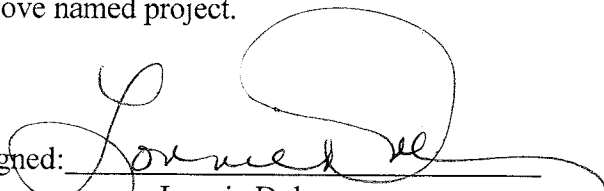
Newspaper: Tribune

Date of Publication: March 26, 2008

Meeting Date: April 8, 2008
Planning Commission

Project: Tentative Tract 2972
(Nunno – 3500 Dry Creek Rd.)

I, Lonnie Dolan, employee of the Community
Development Department, Planning Division, of the City
of El Paso de Robles, do hereby certify that this notice is
a true copy of a published legal newspaper notice for the
above named project.

Signed: 
Lonnie Dolan

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider a request by North Coast Engineering, Inc. on behalf of Nunno, LLC, for Tentative Tract Map 2972, a project proposing to subdivide two existing light industrial/storage buildings into air space condominiums. The project is located at 3500 Dry Creek Road.

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, April 8, 2008, at which time all interested parties may appear and be heard.

Comments on the proposed project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing. Should you have any questions regarding this application, please call Mathew Fawcett at (805) 237-3970.

If you challenge the Tentative Tract Map application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Mathew Fawcett, Assistant Planner

March 26, 2008 6707767

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Mathew Fawcett, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for a Tract 2972 (Nunno, LLC – APN: 025-436-032) on this 25th day of March 2008.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Mathew Fawcett

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