

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TENTATIVE TRACT MAP (TR 2980) AND RIGHT-OF-WAY ABANDONMENT FOR A REGIONAL SHOPPING CENTER LOCATED AT GOLDEN HILL ROAD AND HIGHWAY 46 (APN 025-391-037, 038, 039, 063 AND 067) APPLICANT – REGENCY CENTERS

DATE: AUGUST 12, 2008

Needs: For the Planning Commission to consider a request for tentative tract map to subdivide an approved commercial retail shopping center, and to also recommend the City Council abandon an unnecessary public right-of-way that exists on site.

Facts:

1. The project site is located northeast of Highway 46 at Golden Hill Road (See Attachment 1, Vicinity Map).
2. The Planning Commission approved a large-scale regional commercial shopping center for this property in September 2007. The applicant has not yet commenced construction, but has been processing site improvement plans, and building plans for many of the buildings since the land use entitlement was approved.
3. The tract map is a request to subdivide the property into 11 commercial parcels. Individual buildings or units are proposed on the lots. The map does not include a separate parcel for commonly used facilities such as the driveways, parking lots, etc. A reciprocal access easement and maintenance agreement would need to be recorded with the map to ensure legal access and maintenance of these facilities.
4. The right-of-way abandonment is a request to abandon a 30 x 750 foot long strip of public right-of-way easement that extends westerly from Golden Hill Road into the site at the project's main entrance. Consistent with Section 65402 of the Government Code, abandonment of this public right-of-way would not be in conflict with the City's General Plan as discussed in the body of this report.
5. This project is exempt from the California Environmental Quality Act (CEQA) per Guideline section 15061(b)(3).

Analysis and

Conclusions: The proposed tentative tract map is being requested by the applicant to facilitate financing and allow prospective businesses to have individual ownership of their building, space and/or parcel. For buildings that are attached (lots 2 through 5, and lots 7 through 9), the buildings are designed to be constructed in compliance with all building codes regarding fire wall ratings to allow for individual ownership of the units.

The site is designed to allow legal access and parking for all users of the site. It is suggested that since shared facilities including access, parking, landscaping, lighting, and walkways are commonly used, that a reciprocal easement and maintenance agreement benefiting all property owners of the site be recorded concurrently with the Final Map for this project. Additionally, the property owners have indicated they will include access

and maintenance agreements that would apply to property owners in Covenants, Conditions, and Restrictions (CC&Rs).

In regard to the right-of-way abandonment, previous owners of the property offered to dedicate this easement for public road purposes. The City has not accepted this offer of dedication. The City does not have an interest in maintaining or otherwise being responsible for this land within a private project since the right-of-way is no longer needed to serve this property or for areawide circulation needs. The right-of-way does cross property outside the control of the project applicants. The owner of the service station on the corner of the project entrance on Golden Hill Road has provided documentation consenting access across the first 220 feet of the right-of-way easement from Golden Hill Road since he owns that portion of the easement and has a driveway access onto it (see Attachment 5).

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, Airport Land Use Plan, 2006 Economic Strategy.

Fiscal

Impact: No direct fiscal impact.

Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

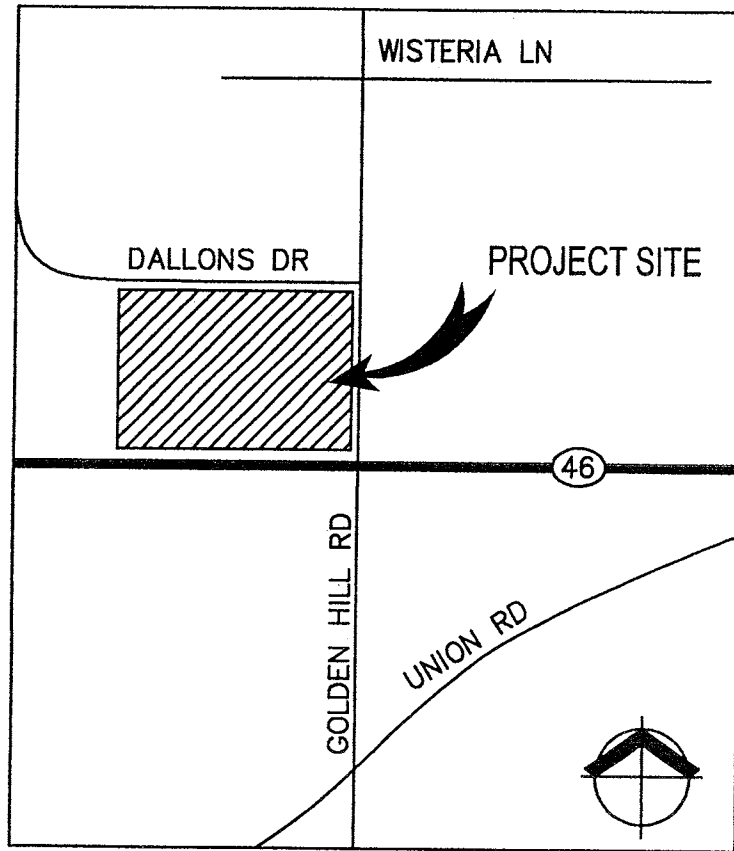
1. Adopt the attached resolution approving the Tract 2980
2. Amend, modify, or reject the above-listed action.

Staff Report Prepared By: Susan DeCarli

Attachments:

1. Vicinity Map
2. Tract Map 2980
3. Resolution
4. Agreement Letter
5. Newspaper and Mail Notice Affidavits

Attachment 1
Vicinity Map



VICINITY MAP
N.T.S.

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PASO ROBLES
APPROVING TENTATIVE TRACT MAP 2980
FOR PROPERTY LOCATED AT GOLDEN HILL ROAD AND HWY. 46 EAST
APNs : 025-391-037, -038, -039, -063, AND -067
APPLICANT – REGENCY CENTERS**

WHEREAS, Tentative Tract Map 2980 has been filed by Regency Centers; and

WHEREAS, Tentative Tract Map 2980 is an application to subdivide commercial property into 11 parcels; and

WHEREAS, the project is consistent with the General Plan land use designation of Commercial Service (CS), and the Zoning district which is Commercial/Light Industrial (C3); and

WHEREAS, the proposed subdivision will not affect the ability of the entire site to be developed in accordance with the approved Planning Development 06-025 and Conditional Use Permit 06-013; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 12, 2008 on this project to accept public testimony on Tentative Tract Map 2980; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 *et seq.*) ("CEQA") and the CEQA Guidelines (14 Cal. Code Regs. §15000 *et seq.*) , this project is exempt from CEQA under CEQA Guideline section 15061(b)(3); and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission makes the following findings:

1. The proposed tentative tract map is consistent with the adopted General Plan for the City of El Paso de Robles; and
2. The design of lots, streets, open space, drainage, sewers, water and other improvements are consistent with the General Plan and Zoning Ordinance, and the approved Planned Development 06-025 and Conditional use permit; and
3. The site is physically suitable for the type of development proposed; and
4. The site is physically suitable for the proposed density of development; and
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; and
6. The land division proposed is not likely to cause serious public health problems; and
7. The design of the land division will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision; and
8. The fulfillment of the requirements listed in the Conditions below is a necessary prerequisite to the orderly development of the site and surrounding area.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Tentative Tract Map 2980, subject to the following conditions:

STANDARD CONDITIONS:

1. This project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit “A” and incorporated herein by reference.

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.

2. The project shall be constructed in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBIT	DESCRIPTION
A	Standard Conditions of Approval
B	Tract 2847

3. A reciprocal access and parking easement and agreement for site access, parking, and maintenance of all project entrances, parking areas, landscaping, hardscape, common open space areas and site lighting standards and fixtures, shall be recorded prior to or in conjunction with the Final Map. Said easement and agreement shall apply to all properties, and be referenced in the site Covenants, Conditions and Restrictions (CCRs).
4. Prior to recordation of the final map:
 - All development of the property shall be in conformance with and subject to all conditions of approval of PD 06-025.
 - The applicant shall offer to dedicate 30-feet as public right-of-way along the Highway 46E frontage of the property.

PASSED AND ADOPTED THIS 12th day of August, 2008 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CHAIRMAN ED STEINBECK

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

EXHIBIT A OF RESOLUTION ____

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

PROJECT #: Tentative Tract Map 2980

APPROVING BODY: Planning Commission

DATE OF APPROVAL: 8-12-08

APPLICANT: Regency Centers

LOCATION: Golden Hill Road/Hwy. 46E

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 August 12, 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 \$25.00 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.

(Adopted by Planning Commission Resolution 94-038)

- 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:

- 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: Exterior Lighting Cut Sheets
- 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

(Adopted by Planning Commission Resolution 94-038)

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.
- N/A 5. ~~In order for this tract/parcel map to be in conformance with the General Plan, the lots/parcels of the tract/parcel map shall be annexed into a Community Facilities District (CFD) that serves to mitigate impacts to public schools. Said CFD shall either be a joint City School District CFD or a CFD created by the School District that the City Council has approved. If at the time that the final map is submitted for approval, proceedings to annex the tract/parcel map into a CFD have not been completed, the applicant shall record on all lots/parcels, a waiver of future protest to the formation of a CFD joint City School District CFD of a CFD created by the School Districts that the City Council has approved. This condition shall not be imposed if the developer executes a development agreement with the District to mitigate school impacts.~~
- 6. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- 7. 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.
- 8. The developer shall provide constructive notice to future buyers that all residential units shall be required to be equipped with trash compactors.
- 9. 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.

PUBLIC WORKS DEPARTMENT - The applicant shall contact the Engineering Division, (805) 237-3860, for compliance with the following conditions:

APPLICANT: Regency Centers
REPRESENTATIVE: WRG
PROJECT: Tentative Tract 2980

PREPARED BY: John Falkenstien
CHECKED BY:
TO PLANNING:

C. PRIOR TO ANY PLAN CHECK:

- 1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

D. PRIOR TO RECORDING OF THE FINAL OR PARCEL MAP:

- 1. The owner shall pay all Final Map fees, and current and outstanding fees for Engineering Plan Check and Construction and Inspection services and any annexation fees due.

- 2. If, at the time of approval of the final/record parcel map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act, prior to recordation. The owner shall also be required to post securities to guarantee the installation and completion of said improvements as specified in the Subdivision Map Act and submit a Certificate of Insurance as required by the City. The owner shall also be required to post securities for grading in accordance with Section 7008 of the Uniform Building Code, latest edition. This bond shall be of sufficient amount to ensure completion of the grading and drainage facilities. (A finding of "orderly development" has been made for this condition on parcel maps).

Bonds required and the amount shall be as follows:
Performance Bond.....100% of improvement costs.
Labor and Materials Bond.....50% of performance bond.

- 3. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:
 - a. Street lights;
 - b. Parkway and open space landscaping;
 - c. Wall maintenance in conjunction with landscaping;
 - d. Graffiti abatement;
 - e. Maintenance of open space areas.

- 4. The owner shall offer to dedicate to the City a 6 foot public utilities and 6 foot tree easement adjacent to all road right-of-ways. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
 - a. Public Utilities Easement;
 - b. Water Line Easement;
 - c. Sewer Facilities Easement;
 - d. Landscape Easement;
 - e. Storm Drain Easement.

(Adopted by Planning Commission Resolution 94-038)

- 5. The subdivider shall offer to dedicate and improve the following street(s) to the standard indicated:

Golden Hill Road	Arterial	
Dallons Drive	Collector	
Street Name	City Standard	Standard Drawing No.

- 6. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require a signature of approval by the Department of Public Works, Street Superintendent and the Community Development Department.
- 7. All improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to Public Works Department Standards and Specifications.
- 8. Prior to any site work a Preliminary Soils Report shall be prepared for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site.
- 9. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility, together with the improvement plans. The composite utility plan shall also be signed by the Water, Fire, Wastewater and Street Division Managers.
- 10. A complete grading and drainage plan prepared by a registered civil engineer shall be included with the improvement plans. Drainage calculations shall be submitted, with provisions made for on-site detention/ retention if adequate disposal facilities are not available, as determined by the City Engineer.
- 11. The owner shall provide an additional map sheet to record concurrently with the final map or parcel map showing the lot configuration, and the area subject to inundation by the 100 year storm with base flood elevations shown in feet, in relation to the National Geodetic Vertical Datum of 1929.
- 12. The owner shall install all utilities (sewer, water, gas, electricity, cable TV, and telephone) underground to each lot in the subdivision. Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground, except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project, unless it is determined that no need for future extension exists. All underground construction shall be completed and approved by the City and the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- 13. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City Engineer. Boring and jacking rather than trenching may be required on newly constructed or heavily traveled City Streets.
- 14. Prior to paving any street, the water and sewer systems shall successfully pass a City pressure test. The sewer system shall also be tested by a means of a mandrel and video inspection with a copy of the video tape provided to the City. No paving shall occur until the City has reviewed and viewed the sewer video tape and has determined that the sewerline is acceptable. Any repair costs to the pipeline including trench paving restoration shall be at the developer's expense.

(Adopted by Planning Commission Resolution 94-038)

- 15. The owner shall install all street name, traffic signs and traffic striping as directed by the City Engineer.
- 16. The adjoining existing City street is inadequate for the traffic generated by the project, or will be severely damaged by the construction. The applicant shall remove the entire roadway and replace it with a minimum full half-width street plus a 12' wide travel lane and 8' wide base shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition.)
- 17. The development includes a phased street construction along the project boundary for future completion by the adjacent property owner, the applicant shall provide a minimum half-width street plus a 12' travel lane and 4' wide base shoulder adequate for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition.)
- 18. The project fronts on an existing street. The applicant shall pave-out from the proposed gutter to the edge of pavement if the existing pavement section is adequate, and shall feather the new paving out to the centerline for a smooth transition. If the existing pavement, structural sections or geometrics are inadequate per current City Standards, the roadway shall be replaced to centerline and the remaining pavement shall be overlaid. (A finding of "rough proportionality" has been made in the resolution for this condition.)

E. PRIOR TO ANY SITE WORK:

- 1. The applicant shall obtain a Grading Permit from the City Building Division.
- 2. Prior to issuance of a Grading Permit the developer shall apply, through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.
- 3. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to its removal.
- 4. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed.
- 5. Any grading anticipated during the rainy season (October 15 to April 15) will require the approval of a construction zone drainage and erosion control plan to prevent damage to adjacent property. Appropriateness of areas shall be subject to City Engineer approval.
- 6. Any construction within an existing street shall require a traffic control plan. The plan shall include any necessary detours, flagging, signing, or road closures requested. Said plan shall be prepared and signed by a registered civil or traffic engineer.

F. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

(Adopted by Planning Commission Resolution 94-038)

- 1. A final soils report shall be submitted to the City prior to the final inspection and shall certify that all grading was inspected and approved, and that all work has been done in accordance with the plans, preliminary report, and Chapter 70 of the Uniform Building Code.
- 2. The applicants civil and soils engineer shall submit a certification that the rough grading work has been completed in substantial conformance to the approved plans and permit.
- 3. Building permits shall not be issued until the water system has been completed and approved, and a based access road installed sufficient to support the City's fire trucks, in a manner approved by the Fire Chief.
- 4. Prior to issuance of a Building Permit for building within Flood Insurance Rate Map (FIRM) zones A1-A30, AE, AO, AH, A, V1-V30, VE and V, the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance program. This form must be completed by a land surveyor, engineer or architect licensed in the State of California.
- 5. Prior to issuance of a Building Permit for building within Flood Insurance Rate Map (FIRM) zones A1-A30, AE, AO, AH, A, V1-V30, VE and V, the developer shall provide a Flood Proofing Certificate in accordance with the National Flood Insurance program. This form must be completed by a land surveyor, engineer or architect licensed in the State of California.

G. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- 1. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
- 3. All disturbed areas not slated for development shall be protected against erosion in a manner acceptable to the City Engineer, which may include hydroseeding or landscaping.
- 4. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection Services and any outstanding annexation fees.
- 5. All top soil removed shall be stockpiled and evenly distributed over the slopes and lots upon completion of rough grading to support hydroseeding and landscaping. All slope areas shall be protected against erosion by hydroseeding or landscaping.
- 6. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood, gypsum board, etc.) and removed from the project to a recycling facility in accordance with the City's Source Reduction and Recycling Element.
- 7. If any of the public improvements or conditions of approval are not completed or met, then the subdivider may, at the discretion of the City Engineer, enter into a Performance Agreement with the City to complete said improvements at a later date and post securities to cover the cost of the improvements. The form of the agreement and amount of the securities are subject to the approval of the City Engineer.
- 8. A blackline clear Mylar (0.4 MIL) copy and two (2) blue-line prints of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection.

(Adopted by Planning Commission Resolution 94-038)

A reduced copy (i.e. 1" = 100') of the composite utility plan shall be provided to update the City's Atlas Map.

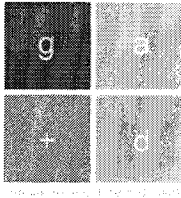
- 9. A benchmark shall be placed for vertical control on the U.S.G.S. Datum as required by the City Engineer.

PASO ROBLES FIRE DEPARTMENT - The applicant shall contact the Fire Department, (805) 237-3973, for compliance with the following conditions:

H. GENERAL CONDITIONS

- 1. Fire hydrants shall be installed at intervals as required by the Fire Chief and City Engineer. The maximum spacing for single family residential shall be 500 feet. The maximum spacing for multi-family and commercial/residential shall be 300 feet. On-site hydrants shall be placed as required by the Fire Chief.
- 2. Building permits shall not be issued until the water system, including hydrants, has been tested and accepted and a based access road installed sufficient to support the City's fire apparatus (HS-20 truck loading). The access road shall be kept clear to a minimum of 24 feet at all times and shall be extended to each lot and shall be maintained to provide all weather driving conditions.
- 3. No buildings shall be occupied until all improvements are completed and accepted by the City for maintenance.
- 4. If the development includes phased street construction, temporary turn-arounds shall be provided for streets that exceed 150 feet in length. The temporary turn around shall meet City requirements as set forth in the Public Works Department Standards and Specifications.
- 5. All open space areas to be dedicated to the City shall be inspected by the Fire Department prior to acceptance. A report shall be submitted recommending action needed for debris, brush and weed removal and tree trimming. The developer shall clean out all debris, dead limbs and trash from areas to be recorded as open space prior to acceptance into a Benefit Maintenance District.
- 6. Any open space included in a private development shall be subject to the approval of a vegetation management plan approved by the Fire Chief.
- 7. Each tract or phase shall provide two sources of water and two points of access unless otherwise determined by the Fire Chief and Public Works Director.
- 8. Provisions shall be made to update the Fire Department Run Book.

(Adopted by Planning Commission Resolution 94-038)



17 July 2008

John Falkenstien, City Engineer
Community Development Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Agreement to Abandonment former "A" Street Right-of-Way
Golden Hills Plaza Shopping Center, Golden Hill Road & "A" Street
Regency Center and Pfeil Property / Mobil Service Station / Pacific Pride Fuel Center
2401 / 2403 Golden Hill Road, Paso Robles, California

Dear John:

In reference to the Golden Hills Plaza Shopping Center project, we are pleased to inform you that our clients Pfeil / Mobil / Pac Pride (owners) have reached a mutually amicable agreement with Regency Centers (applicant) regarding the abandonment, reversion, and privatization of the former "A" Street right-of-way.

After much discussion and deliberation, all parties have agreed to the following:

1. The owners hereby agree to the proposal to abandon the existing "A" Street right-of-way and revert the underlying property to its' original ownership. The owners take no exception to the resultant realignment and subsequent new private "street" improvements required to accommodate the proposed new driveway entry access into the Golden Hills Plaza project. By mutual agreement, all hard and soft cost associated with these new "access" improvements will be borne by the applicant. We have requested that the realigned north driveway for the Pac Pride facility be reconstructed with a 45' width, if possible, in order to accommodate semi and tractor-trailer customers who will no longer be able to utilize the existing east driveway due to proposed median improvements in Golden Hill Road.
2. By mutual consent, both parties agree that the short and long term maintenance costs of this newly privatized access road will be borne by the applicant.
3. By mutual consent, the applicant has agreed to provide partial reimbursement to the owner for the construction and installation of the required on-site access drive aisle between the Mobil Station and its' westerly boundary. This private agreement will be handled via separate document between the applicant and owner.

garcia architecture + design
1037 mill street, san luis obispo, california 93401
phone 805.783.1880 fax 805.783.1861 www.garciaarchdesign.com

We trust that this letter meets with the city's approval. Should you have any questions or comments regarding this matter, please do not hesitate to contact our office.

Sincerely,

garcia architecture + design

A handwritten signature in black ink, appearing to read 'Garcia', with a long horizontal flourish extending to the right.


George Garcia, AIA

cc: Jim Pfeil, Property Owner
Doug Ulrich, Golden Hill Mobil Station Owner
Mike Buzetti, Golden Hill Mobil Station Owner
Ken Dewar, Pacific Pride Owner
Carol Florence, Oasis Associates
Paul Loubet, Regency Centers
Mike Mauno, Regency Centers

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Susan DeCarli, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for PD Amendment 06-025 and Tract 2980 on this 25th day of June 2008.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Susan DeCarli

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

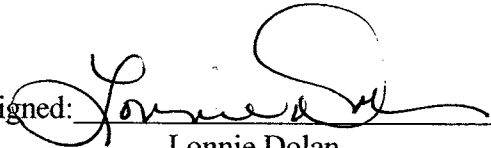
Newspaper: Tribune

Date of Publication: June 25, 2008

Hearing Date: July 8, 2008

Project: Amendment to Planned Development 06-025 and Tract 2980 (Regency Centers/Hwy 46 east and Golden Hill Road)

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

forms\newsaffi.691

**CITY OF EL PASO DE ROBLES
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 on Tuesday, July 8, 2008, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following projects:

1. Amendment to Planned Development 06-025: A request filed by Regency Centers to modify Conditions of Approval previously approved for a regional shopping center to be located north of Highway 46 East and Golden Hill Road which includes a 169,112 s.f home improvement and garden center, and several other retail buildings with a combined building square footage of approximately 105,000 s.f., and three restaurant pads. (APNs 025-391-037, -033, -039, -063, and -067).
2. Tract 2980 and Public Right-of-Way Abandonment: A request filed by Regency Centers located north of Highway 46 East and Golden Hill Road, to subdivide the property into 11 commercial parcels and abandon an existing public Right-of-Way that extends from Golden Hill Road onto the project site.

Written comments on the proposed Planned Development Amendment 06-025 and Tract 2980 and Right-of-Way Abandonment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Susan DeCarl at (805) 237-3970 or send email to sdecarl@pcity.com.

If you challenge this 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.

Susan DeCarl, AICP
City Planner

June 25, 2008

6737726