

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: TENTATIVE PARCEL MAP PR 07-0301, AT 2550 DRY CREEK ROAD
(APPLICANT: PASO ROBLES PARTNER, LLC)
DATE: SEPTEMBER 9, 2008

Needs: For the Planning Commission to consider a Parcel Map application filed by John McCarthy on behalf of Dry Creek Partners, LLC, to subdivide a 7.1 acre parcel into two parcels.

- Facts:
1. The property is located at the west end of Dry Creek Road, west of Airport Road (see attached Vicinity Map).
 2. The General Plan land use designation for the site is BP (Business Park). The Zoning designation is AP-PD (Airport, Planned Development).
 3. The applicant is requesting to subdivide the 7.1 acre site into two parcels, where Parcel 1 would be 2.95-acres and Parcel 2 would be 4.15 acres.
 4. As a result of the subdivision, the existing wine crush building would remain and be on Parcel 2, the applicant's are proposing to construct a new wine storage building on Parcel 1 in the future. The plans for the future building will need to go before the Development Review Committee (DRC) prior to the issuance of a building permit.
 5. Table 21.16.200, Permitted Land Uses for all Zoning District, describes wineries and wine storage as a permitted use in the AP-PD zoning district.
 6. The site is located within Airport Land Use Planning Zone 5 of the Airport Land Use Plan. The Plan indicates that wine storage facilities are compatible in Zone 5, and since they are compatible, the Plan indicates that "the associated land use group is at a level of intensity or density or location which is not considered to present a significant risk to the safety or persons on the ground or to persons in aircraft overflying the proposed use, nor are the land use ground sensitive to anticipated aircraft noise or frequent aircraft over flights".
 7. Although the proposed wine storage building would not seem to be

compatible with the Business Park land use category, in this case, since there are vineyards planted within and around the site, and it would appear that they will remain on site for many years, the request to establish the wine storage building on this site would seem appropriate.

8. This application is Categorically Exempt from environmental review per Section 15303 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).
9. Although the parcel map is exempt from environmental review, based on the environmental review prepared for PR 05-0381 (which created this 7.1-acre parcel), it was determined that it was necessary to mitigate for kit fox impacts associated with the development of the wine crush building. Similarly, kit fox impacts will need to be mitigated with the future construction of the storage building, based on the disturbed area of the site. A condition of approval has been inserted in to the draft resolution requiring kit fox mitigation to be completed prior to issuance of a grading permit.

Analysis
and

Conclusion: The project as designed is in conformance with the General Plan and Zoning Code requirements for wine storage uses in the AP-PD zoning district and although the wine storage building would not seem compatible within the Business Park (BP) land use category, it would be compatible with the existing vineyards on the site.

Plans for the proposed building will need to meet all necessary building and fire codes. Prior to the issuance of a Building Permit, plans for the building will need to be reviewed by the DRC.

Policy

Reference: General Plan, Zoning Ordinance

Fiscal

Impact: None.

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

- A. Adopt the attached resolution granting approval to Tentative Parcel Map PR 07-0301, subject to standard and site specific conditions.
- B. Amend, modify, or alter the foregoing options.

Prepared by:

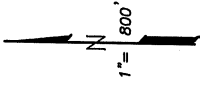
Darren Nash
Associate Planner

Attachments:

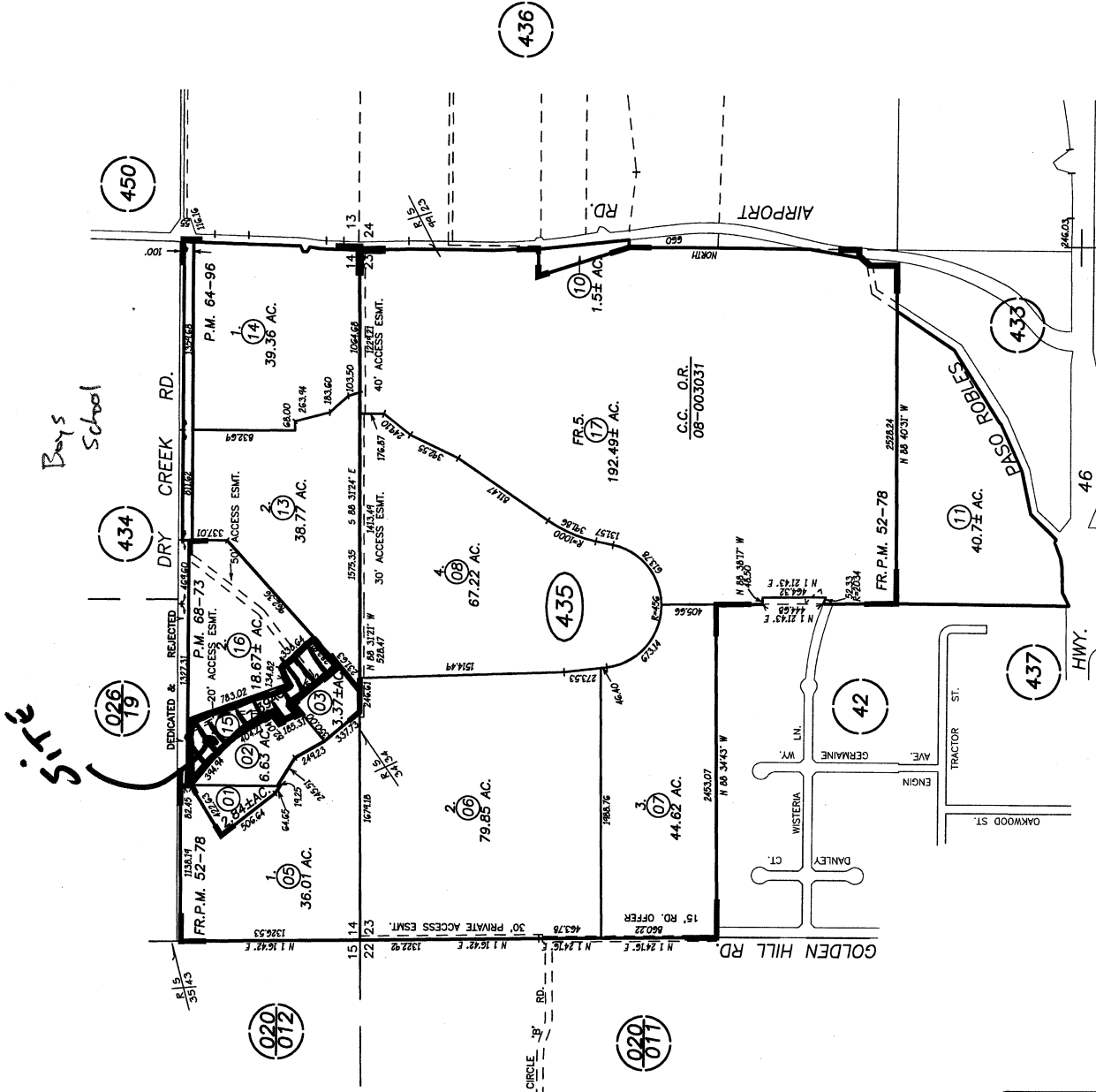
1. Vicinity Map
2. Applicants Project Description
3. Tentative Parcel Map PR 07-0301- Reduction
4. Memo from City Engineer
5. Resolution to Approve PR 07-0301
6. Newspaper and Mail Notice Affidavits

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025-435

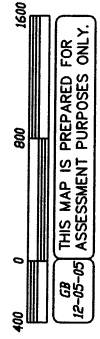


CITY OF PASO ROBLES
ASSESSOR'S MAP, COUNTY OF
SAN LUIS OBISPO, CA.
BOOK 025 PAGE 435



M.

Vicinity Map
PR 07-0301
(Dry Creek Partners)



THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

REVISIONS	I.S.	DATE

Attachment 1
Vicinity Map
PR 07-0301
(Dry Creek Partners, LLC)

MCCARTHY ENGINEERING, INC.

PROJECT MANAGEMENT, CIVIL AND TRAFFIC ENGINEERING

Tentative Parcel Map PR 07-301 – Paso Robles Partners LLC

Paso Robles

2 LOT- Parcel Map

JAN 23 2008

Project Description

Planning Division

The project consists of a 7.1 acre lot located west of Airport Road and south of Dry Creek Road in Paso Robles California. It is located on just south of the State Boys School near the City of Paso Robles old sewer treatment plant near the Huer Huero Creek.

The project involves a two lot Parcel Map split which will split the property into 2 parcels so that the Crush Facility can be on it's own parcel.

There are a number of oak trees on the property with the new Crush facility, but none are proposed for removal and the second lot contains no oak trees.

The existing lot is above the 100 year floodway as defined by FEMA maps.

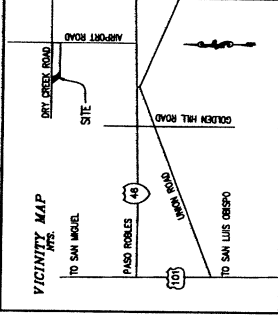
Wastewater is handled by the nearby City Sewer system, and water is also by the City water mains which were run into the area by the Crush facility in 2007.

Attachment 2
Project Description
PR 07-0301
(Dry Creek Partners, LLC)

737 ORCHARD DRIVE, PASO ROBLES, CALIFORNIA, 93446
(805)238-9585 (805)237-8556 FAX
e-mail mac@tcsn.net

TENTATIVE PARCEL MAP PR 07-0301

A SUBDIVISION OF PARCEL 1 OF PR 05-0381
IN THE CITY OF EL PASO DE ROBLES



General Notes

PROJECT - TO CREATE A 2 LOT SUBDIVISION.

LOCATION: PARCEL 1 OF PARCEL MAP PR 05-381

WATER - PUBLIC WATER LINE TO THE LOT INSTALLED WITH THE CRUSH FACILITY.

DOMESTIC WASTEWATER - CITY OF PASO SEWER SYSTEM. CITY LINE RUNS THROUGH LOT 2.

AIRPORT OVERLAY ZONE 5

PARCEL MAP PR 07-0301

BEING A SUBDIVISION OF PARCEL 1 OF PR 05-0381 IN THE CITY OF EL PASO DE ROBLES, AS RECORDED IN BOOK 61, PAGE 97 OF PARCELS MAPS, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

OWNER'S STATEMENT

I HEREBY DECLARE, APPROVAL OF THE DIVISION OF ALL PARTS OF THIS PARCEL MAP IS THE PROPERTY OF THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

DATE: _____

BY: _____

GENERAL INFORMATION

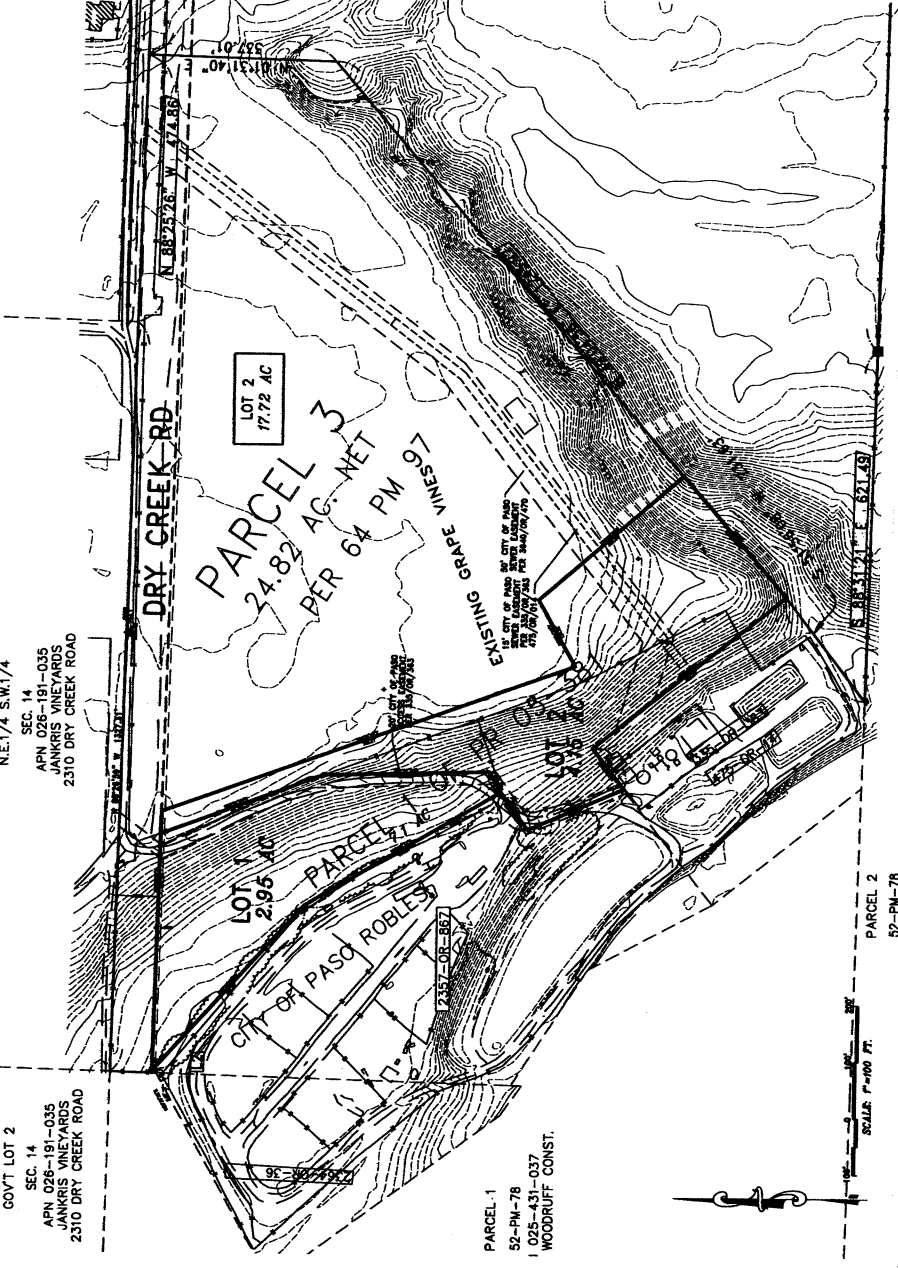
PROPERTY OWNERS: PASO ROBLES PARTNERS, LLC, ROBLES PARTNERS, LLC, CHANDLER TRINIDAD INVESTMENTS, LLC

SITE ADDRESS: PASO ROBLES, CA 94244

GENERAL PLAN - RP

APN 026-026-191-035

REPRESENTATIVE: _____



GOVT LOT 2
SEC. 14
APN 026-191-035
JANKRIS VINEYARDS
2310 DRY CREEK ROAD

NE 1/4 S.W. 1/4
SEC. 14
APN 026-191-035
JANKRIS VINEYARDS
2310 DRY CREEK ROAD

PARCEL - 1
52-PM-78
1 025-431-037
WOODRUFF CONST.

SCALE: 1" = 100 FT.

PARCEL 2
57-PM-78

Attachment 3
Tentative Parcel Map
PR 07-0301
(Dry Creek Partners, LLC)

MEMORANDUM

TO: Darren Nash
FROM: John Falkenstien
SUBJECT: PR 07-0301
DATE: September 2, 2008

Streets and Traffic Impacts

Dry Creek Road is classified as an Arterial Street in the circulation element of the General Plan. In accordance with the Arterial Standard A-1, the right of way for Dry Creek Road shall be 100 feet. A center landscape median is typical.

This application is the third subdivision of the original Hogue property. As a condition of the Hogue Parcel Map a 75-foot offer of dedication was made along the north boundary adjacent to a more historical 25-foot offer. A realignment of Dry Creek Road in Tract 2772 is currently under construction east of this property. In accordance with the Circulation Element, Dry Creek Road will eventually be extended to connect to Golden Hill Road.

With the development of Tract 2772, Dry Creek Road is proposed to be constructed with two lanes and turn pockets. Two lanes will adequately serve Dry Creek Road for the life of the current General Plan.

Subdivisions along Dry Creek Road will have impacts on Airport Road, the intersection of Airport Road and Highway 46 East, and the Highway 46 East corridor. The connection of Dry Creek Road to Golden Hill Road will eventually provide a parallel and alternative route to the Airport, thereby relieving impacts on the 46E corridor.

Sewer

Sewer is available to this property from the City's Airport trunk line and the City owned property to the west. Plans must be provided to show how sewer will be extended to Parcel 1.

Water

Water is available to the property from an 8-inch water main serving Parcel 2. The 8-inch water main lies in an easement over adjacent property to Dry Creek Road. Provisions must be made for service to Parcel 1.

Drainage

Low impact development best management practices will be required with any development of these properties.

Site Specific Conditions of Approval

The Planning Commission must make a finding that the fulfillment of the construction requirements in the following conditions is a necessary prerequisite to the orderly development of the surrounding area.

Prior to recordation of the final map, Dry Creek Road shall be constructed in accordance with the typical cross-section established in Tract 2772 (a center median and one lane in each direction) to the west boundary of the subdivision in accordance with plans approved by the City Engineer. A parkway and median planting master plan shall be provided. All irrigation and related infrastructure shall be placed with the construction of improvements for Dry Creek Road. Landscape planting shall be installed with the development of either lot.

An easement must be provided across Parcel 2 for the benefit of Parcel 1 to accommodate sewer, water and other utility lines.

Prior to recordation of the final map, a sewer line must be provided to Parcel 1 in accordance with a plan approved by the City Engineer.

Prior to recordation of the final map, fire suppression and domestic water lines must be provided to Parcel 1 in accordance with plans approved by the City Engineer.

Low impact development best management practices shall be incorporated into the development of both parcels

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT TENTATIVE MAP APPROVAL FOR
PARCEL MAP PR 07-0301
(DRY CREEK PARTNERS, LLC)
APN: 025-435-0015

WHEREAS, Parcel Map PR 07-0301, an application filed by John McCarthy, on behalf of Dry Creek Partners, LLC to subdivide a 7.1-acre site into two parcels where Lot 1 would be 2.95 acres and Lot 2 would be 4.15 acres; and

WHEREAS, the site is located at 2550 Dry Creek Road, west end of Dry Creek Road, west of Airport Road; and

WHEREAS, the subject site is located in the Business Park (BP) land use category and the AP-PD zoning district; and

WHEREAS, wine storage buildings are permitted in the AP-PD zoning district and;

WHEREAS, the property is within and surrounded by existing vineyards, the subdivision and the construction of the storage building would be compatible with the existing land use; and

WHEREAS, the proposed parcel map is Categorically Exempt from environmental review per Section 15315 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA); and

WHEREAS, a public hearing was conducted by the Planning Commission on September 9, 2008, to consider facts as presented in the staff report prepared for the tentative parcel map, and to accept public testimony regarding the application; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings as required by Government Code Sections 66474 and 65457:

1. The proposed tentative parcel map is consistent with the adopted General Plan for the City of El Paso de Robles in that it provides for clean and attractive businesses and industries in which as activities are conducted indoors;
2. As conditioned the design of lots, streets, open space, drainage, sewers, water and other improvements is consistent with the General Plan and Zoning Ordinance;
3. The site is physically suitable for the type of development proposed as demonstrated with the proposed development concept plan provided;
4. The site is physically suitable for the proposed density of development;

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;
6. The design of the land division and types of improvements proposed are not likely to cause serious public health problems;
7. The design of the land division 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;
8. The fulfillment of the requirements listed in the conditions 7-12 below are a necessary prerequisite to the orderly development of the site and surrounding area.
9. The design of the land division and the type of improvements proposed are compatible with the Airport Land Use Plan, the intensity or density or location is not considered to present a significant risk to the safety or persons on the ground or to persons in aircraft overflying the proposed use, nor are the land use ground sensitive to anticipated aircraft noise or frequent aircraft over flights.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby grant tentative map approval for Parcel Map PR 07-0301 subject to the following conditions of approval:

STANDARD CONDITIONS OF APPROVAL:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution.

SITE SPECIFIC CONDITIONS OF APPROVAL:

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard condition.

PLANNING

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

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Standard Conditions
B	Tentative Parcel Map

3. PR 07-0301 would allow the subdivision of the existing 7.1-acre site into two lots where Parcel 1 would be 2.95 acres and Parcel 2 would be 4.15 acres.

4. Pursuant to submittal requirements and Standard Condition B-1 of Attachment A, prior to occupancy the applicant shall provide on a 3.5 inch disk or IBM-compatible CD a copy of all signed and stamped approved plans, exhibits, resolutions, and all submittal materials and other documentation pertaining to approval of this application for electronic archiving. The applicant may elect to have the City send out the documents for scanning at the applicant's expense.
5. Prior to the issuance of a building permit for the wine storage building, the necessary materials shall be submitted for a Site Plan review by the Development Review Committee (DRC).
6. Prior to the issuance of a grading permit, the applicant shall hire a biologist to confirm the disturbed area of the site in relation to the construction of the wine storage building, as well as the required mitigation ratio for kit fox mitigation. Once the disturbed area and ratio have been determined, the following kit fox mitigation measures shall be complied with:

BR-1 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of acreage (amount of acres as determined by biologist) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

This mitigation alternative (a.), requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- b. Purchase of required credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

- c. The mitigation obligation for impacts to kit fox habitat from Tentative Parcel Map PR 05-0381, can be met by the applicant entering into an Agreement and Irrevocable Offer to Dedicate Conservations Lands with Robert A. Grant, Sr., Successor Trustee of The Grant Family Trust dated October 19, 1993, and Robert Grant, Jr. (the “Grants”) and the Department of Fish and Game (“Department”), under which applicant will pay the Grants to commit to protect the required acres of kit fox habitat, on certain real property owned by the Grants in San Luis Obispo County, by obligating credits form the anticipated Palo Prieto Conservation Bank, if such bank is approved by the Department on or before June 30, 2006, or by providing a conservation easement to the Department over such 70 acres of habitat lands, if the Conservation Bank has not been approved by June 30, 2006.
- d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of the required acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the City prior to City permit issuance and initiation of any ground disturbing activities.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City Planning Division. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.

- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction**, fenced exclusion zones shall be established around all known and potential kit fox dens. 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:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of*

the San Joaquin kit fox". Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction**,

In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.

BR-5 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-6 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, 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.

BR-7 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site 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, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-8 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in

closed containers only and regularly removed from the site. Food items may attract San Joaquin 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.

BR-9 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-10 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall 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 Department for care, analysis, or disposition.

BR-11 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

7. The Planning Commission must make a finding that the fulfillment of the construction requirements in the following conditions is a necessary prerequisite to the orderly development of the surrounding area.
8. Prior to recordation of the final map, Dry Creek Road shall be constructed in accordance with the typical cross-section established in Tract 2772 (a center median and one lane in each direction) to the west boundary of the subdivision in accordance with plans

approved by the City Engineer. A parkway and median planting master plan shall be provided. All irrigation and related infrastructure shall be placed with the construction of improvements for Dry Creek Road. Landscape planting shall be installed with the development of either lot.

9. An easement must be provided across Parcel 2 for the benefit of Parcel 1 to accommodate sewer, water and other utility lines.
10. Prior to recordation of the final map, a sewer line must be provided to Parcel 1 in accordance with a plan approved by the City Engineer.
11. Prior to recordation of the final map, fire suppression and domestic water lines must be provided to Parcel 1 in accordance with plans approved by the City Engineer.
12. Low impact development best management practices shall be incorporated into the development of both parcels.
13. Prior to the recordation of the final map, an Avigation Easement shall be recorded over both parcels.

PASSED AND ADOPTED THIS 9th day of September, 2008 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN, ED STEINBECK

ATTEST:

RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

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EXHIBIT A OF RESOLUTION 07-_____

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

PROJECT #: Tentative Parcel Map PR 07-0301

APPROVING BODY: Planning Commission

DATE OF APPROVAL: September 9, 2008

APPLICANT: Dry Creek Partners, LLC

LOCATION: 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 September 9, 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: Architectural Site Plans and Elevations

(Adopted by Planning Commission Resolution 94-038)

- 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.
- 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 or 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: Mondo
REPRESENTATIVE: McCarthy
PROJECT: Tentative Parcel Map 07-0301

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:

<u>Dry Creek Road</u>	<u>Arterial</u>	
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.
15. The owner shall install all street name, traffic signs and traffic striping as directed by the City Engineer.

(Adopted by Planning Commission Resolution 94-038)

- 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:

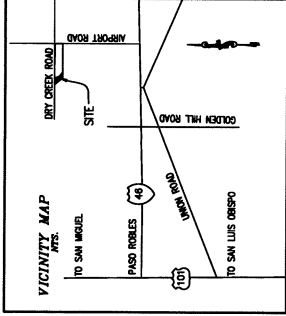
H. GENERAL CONDITIONS

- 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)

TENTATIVE PARCEL MAP PR 07-0301

A SUBDIVISION OF PARCEL 1 OF PR 05-0381
IN THE CITY OF EL PASO DE ROBLES



General Notes

PROJECT - TO CREATE A 2 LOT SUBDIVISION.

LOCATION: PARCEL 1 OF PARCEL MAP PR 05-381

WATER = PUBLIC WATER LINE TO THE LOT INSTALLED WITH THE CRUSH FACILITY.

DOMESTIC WASTEWATER = CITY OF PASO ROBLES SEWER SYSTEM. CITY LINE RUNS THROUGH LOT 2.

AIRPORT OVERLAY ZONE 5

PARCEL MAP PR 07-0301

BRING A SUBDIVISION OF PARCEL 1 OF PR 05-0381 IN THE CITY OF EL PASO DE ROBLES, AS RECORDED IN BOOK 64, PAGE 5 OF PARCEL MAPS OF THE COUNTY OF SAN JOSE, STATE OF CALIFORNIA.

OWNER'S STATEMENT

I, THE UNDERSIGNED, AS THE OWNER OF THE PARCEL SHOWN ON THIS TENTATIVE MAP AND CERTIFY THAT I AM AN AUTHORIZED REPRESENTATIVE OF THE PERSONS AND FIRMS WHOSE NAMES ARE SET FORTH IN THE LIST OF THE UNDERSIGNED.

DRY CREEK ROAD, SEE SHEET 59-PM-78 FOR REPRESENTATIVE

GENERAL INFORMATION

PROJECT OFFICER: PASO ROBLES PARTNERS LLC
CITY ENGINEER: JANKRIS VINEYARDS
COUNTY ENGINEER: JANKRIS VINEYARDS
STATE ADDRESS: DRY CREEK ROAD WEST OF AIRPORT ROAD
PASO ROBLES, CA 95448

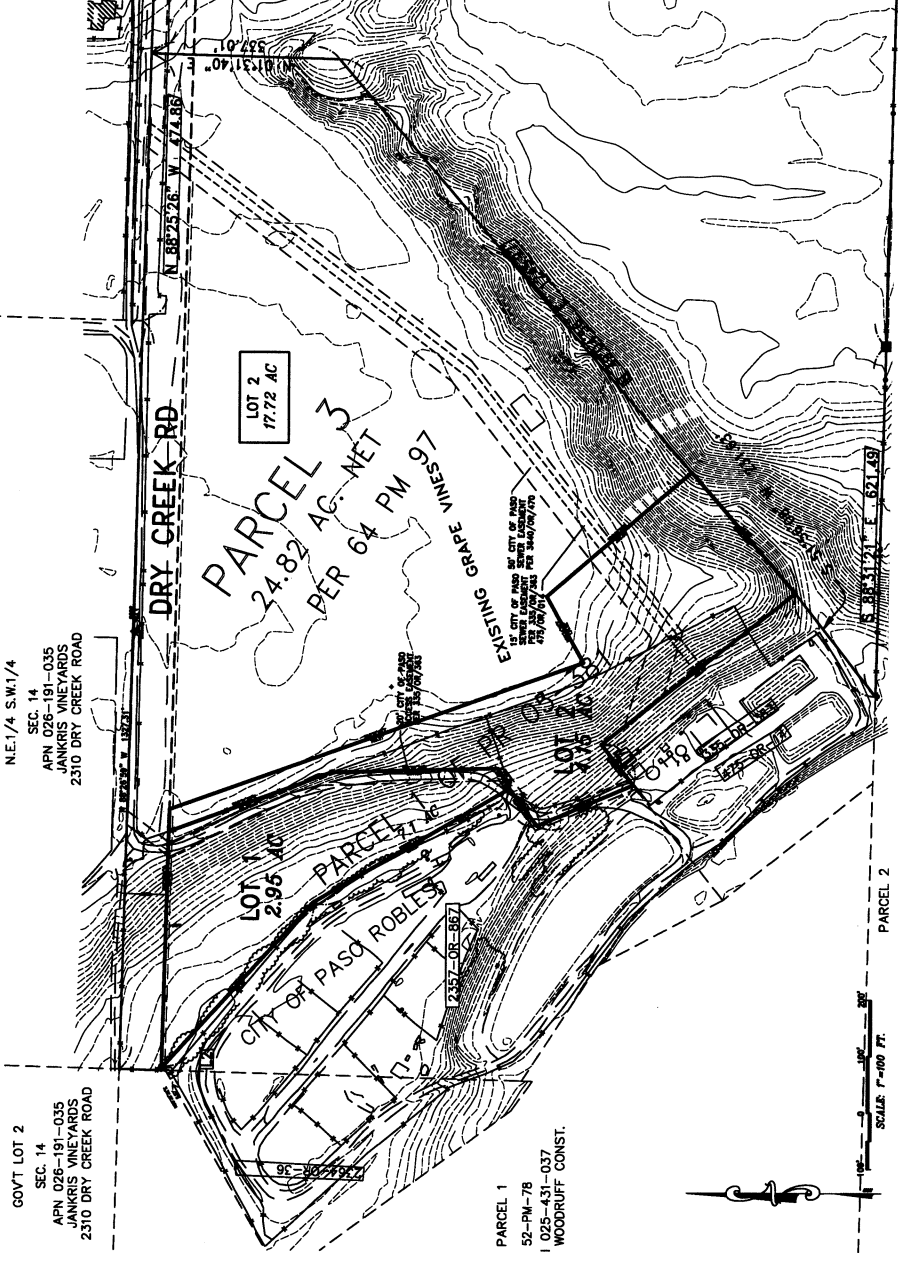
ENGINEER: JANKRIS VINEYARDS
APN 026-191-035
APN 026-431-037



PASO ROBLES PARTNERS LLC

MAP WITH TOPOGRAPHIC INFO

Project	1-15-07	Sheet	2 OF 2
Scale	1" = 100'		



N.E. 1/4 S.W. 1/4
SEC. 14
APN 026-191-035
JANKRIS VINEYARDS
2310 DRY CREEK ROAD

GOVT LOT 2
SEC. 14
APN 026-191-035
JANKRIS VINEYARDS
2310 DRY CREEK ROAD

PARCEL 1
52-PM-78
1 026-431-037
WOODRUFF CONST.

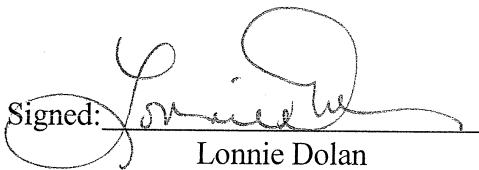
PARCEL 2
59-PM-78

Exhibit B
Tentative Parcel Map
PR 07-0301
(Dry Creek Partners, LLC)

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Tentative Parcel Map PR 07-0301 (Dry Creek Partners, LLC) on this 29th day of August 2008.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

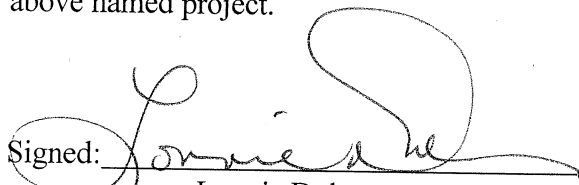
Newspaper: Tribune

Date of Publication: August 30, 2008

Hearing Date: September 9, 2008

Project: Tentative Parcel Map
PR 07-0301 (Dry Crk Ptnrs)

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

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 Parcel Map PR 07-0301, a parcel map application filed by John McCarthy on behalf of Dry Creek Partners, to subdivide an existing 11.25-acre lot into two parcels. The site is located on the west end of Dry Creek Road, west of Airport Road. (APN: 025-435-015)

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, September 9, 2008, at which time all interested parties may appear and be heard.

This application is Categorically Exempt from environmental review per Section 15315 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

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 Darren Nash at (805) 237-3970.

The proposed parcel map PR 07-0301 will be available for review at the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, on the Thursday before the scheduled date of this hearing.

If you challenge the parcel 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.

Darren R. Nash, Associate Planner
August 30, 2008 6758462