

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: TENTATIVE PARCEL MAP PR 07-0003 (SOUTHWEST CORNER OF TRACTOR AND COMBINE STREETS, APN: 025-421-013) (APPLICANT: HENRY & LESLIE HEER)

DATE: JANUARY 27, 2009

Needs: For the Planning Commission to consider a Tentative Parcel Map application filed by John McCarthy on behalf of Henry and Leslie Heer to subdivide an approximately 5.48 acre lot into two parcels.

Facts:

1. The site is located at the southwest corner of Tractor and Combine Streets (see attached Vicinity Map).
2. The General Plan land use designation for the site is Commercial Service (CS) and the Zoning designation is Commercial/Light Industrial (C-3).
3. The proposed tentative parcel map would create two lots consisting of approximately 2.48 acres (Parcel 1) and 3 acres (Parcel 2). Any future projects proposed on the newly created parcels will go through the City's development review process.
4. An outdoor storage use was established according to §21.21.110(C) *Outdoor Storage Areas* of the zoning code on the property prior to its annexation into the City. The use may be continued in accordance with §21.20.340 *Nonconforming Use*.
5. The Development Review Committee (DRC) reviewed the proposed subdivision at their meeting on January 12, 2009. Discussions included timing of public improvements, existing infrastructure and the outdoor storage use. The Committee recommended that the Planning Commission approve the proposed parcel map with the recommendation that the City Engineer work with the applicant on the timing of certain public improvements.
6. This application is Categorically Exempt from environmental review per Section 15315, Class 15 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA) because the proposed division is proposing less than four parcels, zoned commercial, no variances are required, access is available, and does not have slope greater than 20 percent.

Analysis
and

Conclusion:

As noted above, any future development proposed to be built on the newly created parcels shall go through the City's development review process, which will include the appropriate level of review based on the type of project proposed.

Currently there is an existing outdoor storage use on the property where Lot 2 is proposed. It has been in operation prior to the annexation of the property into the city. The code states that use shall be deemed a pre-existing nonconforming use and may continue in accordance with §21.20.340 (Nonconforming Use). The existing storage use is non-conforming to the current standards because it is not thoroughly screened from public view and adjacent properties, does not comply with landscape setback requirement, and parking is not provided. However, the proposed subdivision is in compliance with this code section since it is not proposing to enlarge or intensify the use of the site as a storage area. Nevertheless, a condition of approval has been included to require the non-conforming issues be brought into conformance with the zoning code at the time either one of the new parcels are developed.

During the DRC meeting, the applicant's representative brought up concerns that included the timing of public improvements. The DRC felt that the improvements would not be necessary with this subdivision since no development was being proposed, however they deferred the issue to the City Engineer by means of a recommendation. The City Engineer has since conditioned the subdivision that requires the public improvements be completed prior to occupancy of any building instead of with the subdivision.

The proposed subdivision is not proposing any new developments or uses. The lot split will enable the property to be more consistent with typical lot sizes used for industrial/commercial development, which would support the intent of the Economic Strategy to foster new industrial/commercial infill development. The proposed subdivision is in compliance with the C-3 zoning standards and the General Plan.

Policy

Reference:

General Plan, Zoning Ordinance, and Economic Strategy.

Fiscal

Impact:

There are no anticipated fiscal impacts associated with this proposed subdivision.

Options: After consideration of public testimony, the Planning Commission will be asked to consider the actions listed below:

A. Adopt the attached Resolution 08-xxx, approving TPM PR 07-0003, subject to standard and site specific development conditions; or

B. Amend, modify, or alter the foregoing options.

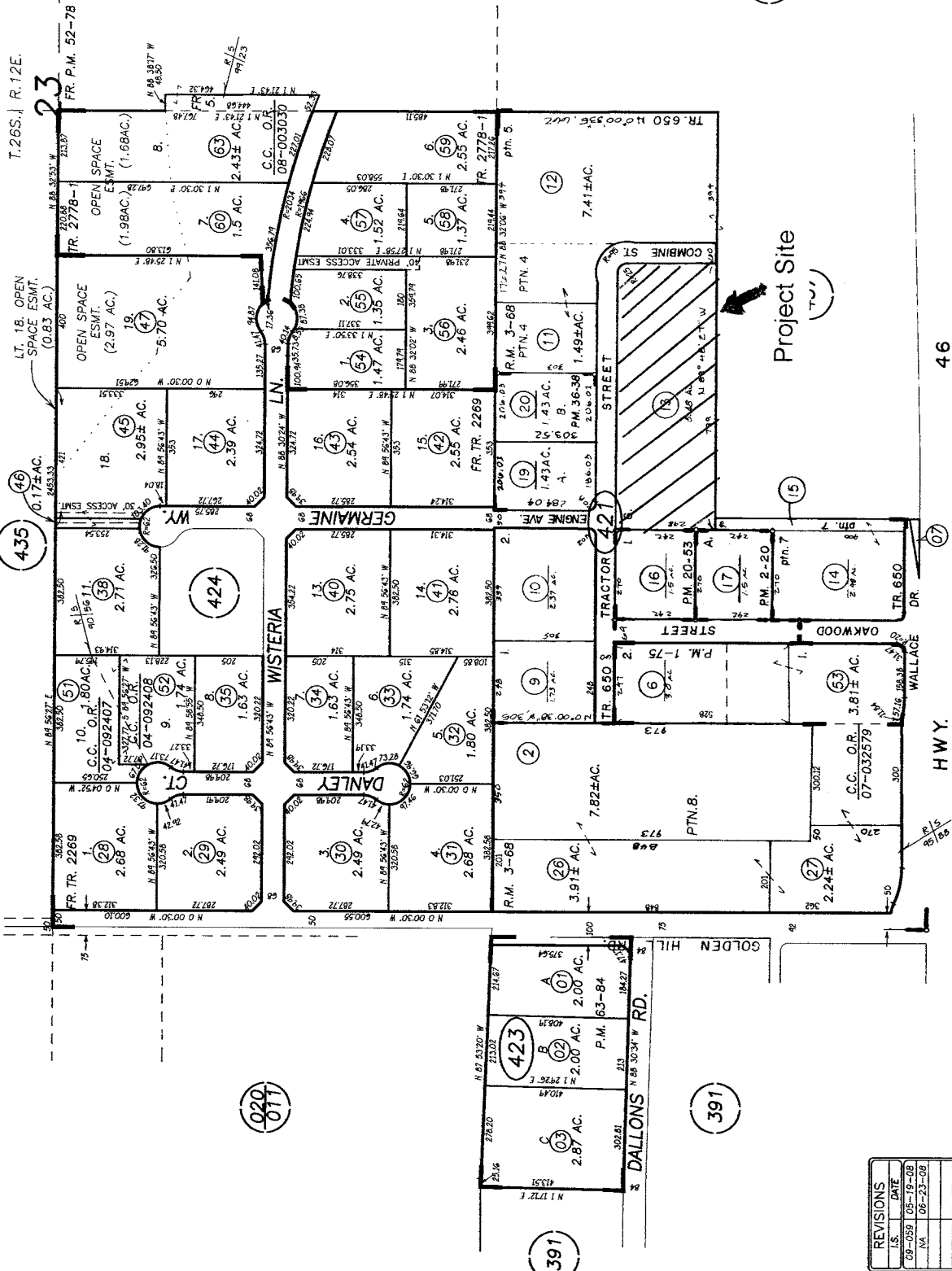
Prepared by:

Mathew Fawcett
Assistant Planner

Attachments:

1. Vicinity Map
2. Memo from City Engineer
3. Zoning Code §21.21.110 & §21.20.340
4. Resolution to Approve TPM PR 07-0003
5. Newspaper and Mail Notice Affidavits

025-421



CITY OF PASO ROBLES
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CALIF.
 BOOK 025 PAGE 421

TRACT NO. 2778-1, R.M. Bk. 30 . Pn. 67-69.

Attachment 1:
 Vicinity Map

REVISIONS	I.S.	DATE
	09-059	05-19-08
	104	06-23-08

THIS MAP IS PREPARED FOR
 ASSESSMENT PURPOSES ONLY.

150' 0 300' 600'

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391

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Project Site

T.26S., R.12E.

23

FR. P.M. 52-78

LT. 18. OPEN SPACE ESMIT. (0.83 AC.)

OPEN SPACE ESMIT. (2.97 AC.)

10. C.C. O.R. 04-092407

FR. TR. 2269

FR. P.M. 52-78

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TR. 2778-1

OPEN SPACE ESMIT. (1.98 AC.)

18. OPEN SPACE ESMIT. (0.83 AC.)

10. C.C. O.R. 04-092407

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MEMORANDUM

TO: Matt Fawcett
FROM: John Falkenstien
SUBJECT: PR 07-0003 Heer
DATE: March 13, 2007

Streets

The subject property is located on Tractor and Combine Streets in the Wallace Industrial Park, an industrial subdivision originally established in the County. Tractor and Combine Streets are local industrial streets.

Utilities

There are 8-inch water mains adjacent to the site on Tractor and Combine Streets. The nearest sewer line is a recently constructed 8-inch line in Tractor Street at the east boundary of the Weyrick subdivision approximately 600 feet to the west. The sewer line will have to be extended to serve development of either new parcel.

Drainage

The City is obligated under their Phase II Municipal Storm Water discharge permit with the Regional Water Quality Control Board to require that any development of these parcels be subject to low impact development best management practices. Furthermore, there are no facilities downstream of the site suitable to handle increased storm water run-off. Consistent with other recent developments in this area, development of these parcels must retain all storm water run-off up to a 100-year storm.

Site Specific Conditions

Prior to occupancy of any building, the frontage of the development on Tractor and Combine Streets shall be improved in accordance with City Industrial Street Standard A-4 (with the exception that the existing curb line may remain as originally established) and plans approved by the City Engineer.

Prior to occupancy of any building, an 8-inch sewer line must be extended in Tractor Way to 10 feet east of the common line of Parcels 1 and 2 in accordance with plans approved by the City Engineer.

Any development of the property must include low impact development best management practices for storm water quality. Drainage retention facilities must be included in accordance with the recommendations of the City's storm water master plan.

**Attachment 2:
Memo**

21.21.110 Outdoor storage areas.

A. Purpose and Intent. The purpose of this section is to ensure that all outdoor storage areas shall be completely screened from both public view and adjacent properties, and that outdoor storage does not create any conditions that are detrimental to the appearance of the premises or surrounding properties or in any other manner that is detrimental to the public health, safety, welfare or causes a public nuisance.

B. Review and Approval. All uses that initiate, expand or intensify an outdoor storage area shall file an application to be reviewed and approved by the community development department. Applications may be referred by the community development director to the planning commission or its designated subcommittee.

Sites which do not have dedicated public right-of-way, in conformance with the city's street master plan or other legal access in a form acceptable to the city engineer, or existing public improvements such as curb, gutter, sidewalk, street lights and street trees in conformance with the city's street master plan shall require a conditional use permit, unless the applicant voluntarily installs or posts the appropriate security for such improvements, in a manner to be approved by the public works director.

C. Pre-existing Outdoor Storage Uses. Any outdoor storage use legally established prior to the effective date of the ordinance codified in this section shall be deemed a pre-existing nonconforming use. Such uses may continue in accordance with Section 21.20.340 (nonconforming use) provided that the use is operated and maintained in compliance with the conditions prescribed at the time of its establishment, if any.

D. Definition. "Outdoor storage" is defined as any materials, products, vehicles, equipment of supplies that are not totally enclosed within a building.

E. All outdoor storage areas shall conform to the following regulations:

1. Commercial/mini storage uses are prohibited along Spring Street and Creston Road.
2. All outdoor storage areas within commercial and industrial zones shall be thoroughly screened from public view and adjacent properties by a combination of walls or fences and landscaping. Landscaping requirements shall be as follows:

a. A minimum of twenty-five feet of landscaped setback shall be required for projects that front or back to a collector, arterial, state highway, state highway frontage road or residentially zoned property.

b. A minimum of fifteen foot of landscape setback shall be required for all other streets less significant than a collector.

c. Up to fifty percent of the landscape setback can be used for off-street parking, but a minimum of a ten-foot landscape setback shall be required between the property line and the parking area. The purpose and intent is to insure adequate screening is provided and the Planning Commission shall have the option of requiring parking to other areas if needing to address the need to provide adequate screening.

d. Outdoor Storage projects shall be discouraged at the entrances to the city, unless project is fully screened by architecturally designed walls and treatments (use Paso Robles Storage on Union Road as an example of this standard).

3. The stored materials shall be limited to those normally associated with the principal use on the site.

4. All walls or fences shall be at least six feet but no greater than eight feet in height.

5. Landscape planters shall be a minimum of five feet wide (interior dimensions) unless an existing planter is less. In no cases shall the planter be less than three feet wide. The landscaping should be placed adjacent to the wall or fence to create interest and deter graffiti and vandalism.

6. In cases where unusual topographical conditions, land use conflicts or zone boundaries exist, the outdoor storage areas may require additional screening structures and/or materials as determined by the community development director.

Attachment 3: Zoning Code Sections

7. Storage materials or equipment that exceed the height of the wall or fence shall be stored on the rear fifty percent of the site unless otherwise approved by the planning commission or its designated subcommittee.

8. All arterial streets shall have a combination of decorative masonry wall and landscaping along outdoor storage areas adjacent to the right-of-way unless otherwise approved by the planning commission or its designated subcommittee.

9. All screening materials shall be installed and finished prior to the commencement of storage onsite unless a security is posted in an amount and manner as determined by the community development director. (Ord. 821 N.S. (part), 2002; Ord. 632 N.S. § 2 Exh. A, 1992)

21.20.340 Nonconforming use.

Nonconforming land uses may continue to be operated and maintained subject to the following limitations:

(a) The site or building areas in which they are located shall not be enlarged or increased.

Exception: Subject to approval of a conditional use permit, additions may be made to residential dwelling units in commercial and industrial districts, provided that said addition shall not increase the number of dwelling units on a property;

(b) The intensity or level of use or activity shall not be increased;

(c) If abandoned for a period of six months or more, they shall neither be reestablished nor resume operation; subsequent land uses shall conform to the general and district regulations of this title;

(d) If the building or structures in which they are located are damaged by fire, earthquake, explosion or other act to an extent of more than fifty percent of the fair market value, they shall neither be continued nor be reestablished. Exception: If the nonconforming use consists of residential dwellings in a commercial or industrial district, subject to approval of a conditional use permit, said dwellings may be rebuilt if damaged to an extent of more than fifty percent;

(e) If they have not been abandoned for a period of six months or more, they may be replaced by another nonconforming use of the same or less-intensive nature, as determined by the planning commission, subject to approval of a conditional use permit. (Ord. 650 N.S. § 2, 1993; Ord. 543 N.S. § 2(B), 1988; Ord. 405 N.S. § 2 (part), 1977)

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 07-0003
(HENRY & LESLIE HEER)
APN: 025-421-013

WHEREAS, Parcel Map PR 07-0003, an application filed by John McCarthy on behalf of Henry and Leslie Heer, to subdivide an approximately 5.48 acre lot into two parcels; and

WHEREAS, the site is located at the southwest corner of Tractor and Combine Streets; and

WHEREAS, the subject site is located in the Commercial Service (CS) land use category, and the Commercial/Light Industrial (C-3) zoning district; and

WHEREAS, as a result of the proposed parcel map two parcels consisting of approximately 2.48 acres (Parcel 1) and 3 acres (Parcel 2) would be created; 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 January 27, 2009, 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 not in conflict with the adopted General Plan for the City of El Paso de Robles in that it is not currently proposing any new development or uses for the site;
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 subdivision proposed;
4. 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;
5. The design of the land division and types of improvements proposed are not likely to cause serious public health problems;

6. 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;

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 07-0003 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 of Approval
B	Tentative Parcel Map PR 07-0003

3. As a result of the proposed parcel map two parcels consisting of approximately 2.48 acres (Parcel 1) and 3 acres (Parcel 2) would be created.
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 approval of a Final Map, a constructive notice shall be recorded notifying current or future property owners that prior to issuance of building permits for development of either lot, the nonconforming use of outdoor storage shall be brought into conformance with the zoning code requirements for outdoor storage.

6. Prior to occupancy of any building, the frontage of the development on Tractor and Combine Streets shall be improved in accordance with City Industrial Street Standard A-4 (with the exception that the existing curb line may remain as originally established) and plans approved by the City Engineer.
7. Prior to occupancy of any building, an 8-inch sewer line must be extended in Tractor Way to 10 feet east of the common line of Parcels 1 and 2 in accordance with plans approved by the City Engineer.
8. Any development of the property must include low impact development best management practices for storm water quality. Drainage retention facilities must be included in accordance with the recommendations of the City's storm water master plan.

PASSED AND ADOPTED THIS 27th day of January, 2009 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN CHARLES TREATCH

ATTEST:

RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

EXHIBIT A OF RESOLUTION 08-_____

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

PROJECT #: Tentative Parcel Map PR 07-0003

APPROVING BODY: Planning Commission

DATE OF APPROVAL: January 27, 2009

APPLICANT: Henry and Leslie Heer

LOCATION: Southwest Corner of Tractor and Combine Streets

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 January 27, 2012 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.

- 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

- 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: Henry & Leslie Heer
REPRESENTATIVE: John McCarthy
PROJECT: Tentative Parcel Map 07-0003

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.

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

Street Name	City Standard	Standard Drawing No.
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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.

- 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:

- 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) blueline prints of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. 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.

ZONING

CURRENT ZONING IS COMMERCIAL SERVICE (CS)
 GROSS ACREAGE = 6.48 ACRES
 NET ACREAGE = 210,668 SQ. FT.

NOTES

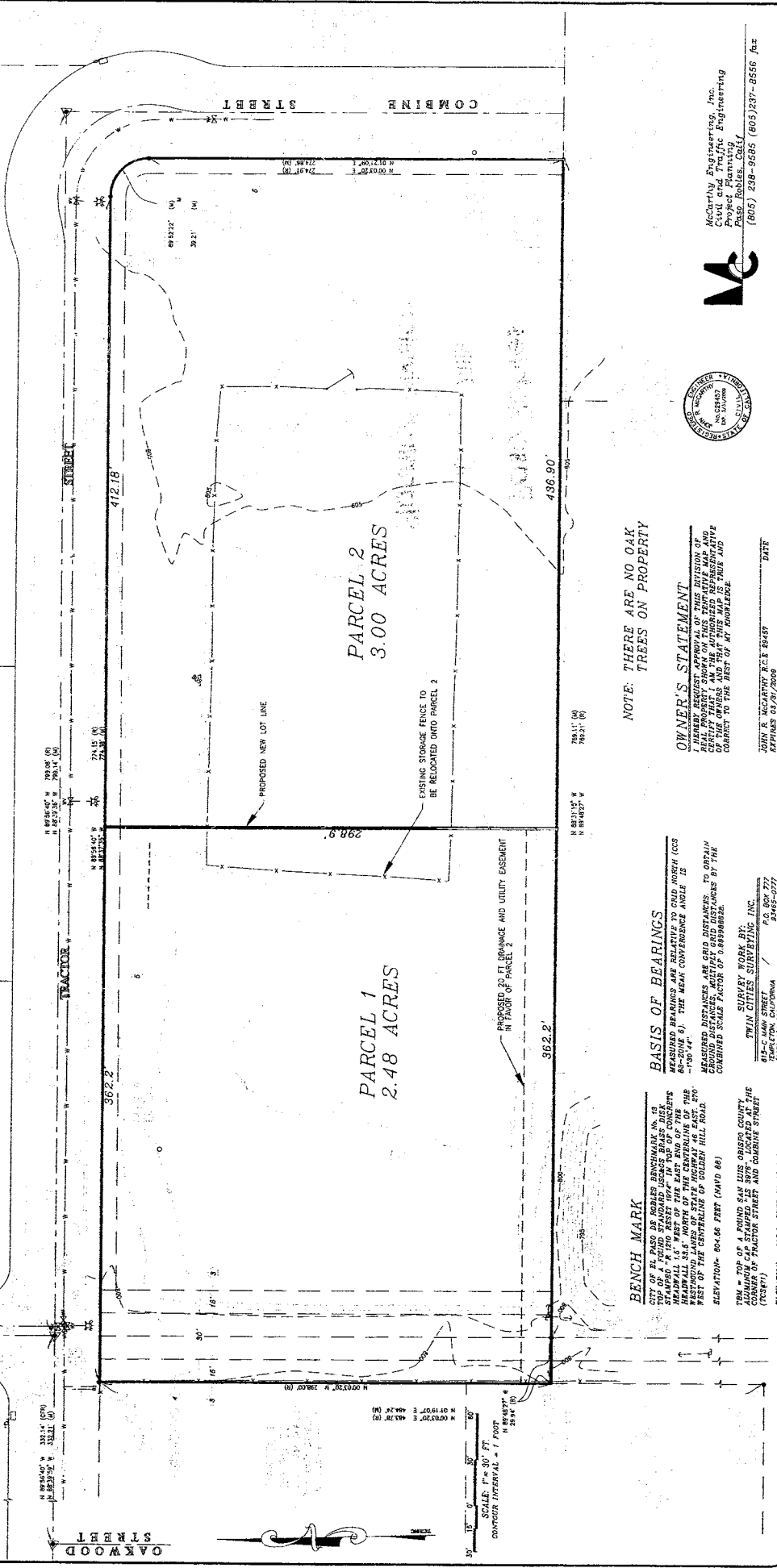
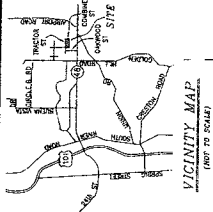
1. ANY POSSIBLE EASEMENTS AFFECTING PROPERTY ARE UNKNOWN EXCEPT AS SHOWN.
2. UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) ARE BASED ON RECORD DRAWINGS ONLY. ACTUAL LOCATION MAY VARY.
3. ADDITIONAL UNDERGROUND UTILITY SERVICE INFORMATION REGARDING UTILITY LOCATIONS, DEPTHS, CONDITION, AND CAPACITY, CONTACT UTILITY OWNERS.

4. FIELD SURVEY PERFORMED: 07/24/2007
5. BOUNDARY INFORMATION SHOWN IS RECORD PER: RECORD DATA PER 10 MB 46
6. PRELIMINARY DATA
7. FIRST AMERICAN TITLE INSURANCE COMPANY
8. ORDER NO. 4501-200749
9. DATED: AUGUST 14, 2007

1. EASEMENTS PER PRELIMINARY TITLE REPORT
2. EASEMENTS FOR RIGHT OF WAY FOR ROAD
3. EASEMENTS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER 2004 1551, PAGE 674, 07 OFFICIAL RECORDS.
4. EASEMENTS FOR ELECTRICAL FACILITIES AND INCIDENTAL PURPOSES PER 2004 1603, PAGE 474, OFFICIAL RECORDS.
5. EASEMENTS FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.

TENTATIVE PARCEL MAP PR 07-0003
 BEING A SUBDIVISION OF LOT 5, TRACT 650 AS RECORDED IN BOOK 19, PAGE 46 OF MAPS IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

PROPERTY OWNERS/SITE INFORMATION
 OWNERS: HEVLA L. WELLS NEER PASO ROBLES, CA 92464
 CONTACT: JOHN MCCARTHY APN 205-421-013
 PHONE: (805)-338-9688



NOTE: THERE ARE NO OAK TREES ON PROPERTY

OWNER'S STATEMENT
 I HEREBY REQUEST APPROVAL OF THIS DIVISION OF REAL PROPERTY SHOWN ON THIS TENTATIVE MAP AND OF THE OWNERS AND THAT THIS MAP IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

BASIS OF BEARINGS

MEASURED BEARINGS AND DISTANCES TO OLD MERRILL (CS 85-ZONE 6). THE MEAN CONVERGENCE ANGLE IS -7'00.44".
 MEASURED DISTANCES ARE GRID DISTANCES. TO OBTAIN COMBINED SCALE FACTOR OF 0.9999984.

BENCH MARK

CITY OF EL PASO DE ROBLES BENCHMARK NO. 13 STAMPED "A TO 8251184" AT TOP OF CONCRETE HEADWALL 15' WEST OF THE EAST END OF THE BUS STOP. THE BENCH MARK IS LOCATED AT THE WEST END OF THE CENTRALLINE OF GOLDEN HILL ROAD. ELEVATION: 804.46 FEET (MVD 88)

TRM = 505.05 ± 1.00 IN. 5/16 THE JUDSON COUNTY ALUMINUM CAP STAMPED "SIS SITE" AT THE CORNER OF TRACTOR STREET AND COMBINE STREET (PC871)

SURVEY WORK BY:
 TWIN CITIES SURVEYING, INC.
 1400 S. GARDNER AVENUE
 TAMPA, FLORIDA 33604
 (813) 834-1024

JOHN L. MCCARTHY, P.E. #1439
 EXPIRES 03/31/2008



Mc
 McCarthy Engineering, Inc.
 Civil and Traffic Engineering
 Project Planning
 2330 ROBLES CIRCLE
 (805) 238-9688 (605) 237-8656 Fax

Exhibit B:
TPM PR 07-0003

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

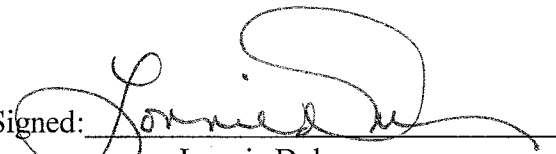
Newspaper: Tribune

Date of Publication: January 14, 2009

Hearing Date: January 27, 2009
(Planning Commission)

Project: Tentative Parcel Map
PR 07-0003 (John McCarthy on behalf of Heer, south-
west corner of Tractor and Combine Streets)

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 a request by John McCarthy on behalf of Henry and Leslie Heer, for a Tentative Parcel Map PR 07-0003, a project to subdivide a 5.48 acre parcel into two commercial parcels consisting of a 2.48 acre parcel and 3 acre parcel. The project is located at the southwest corner of Tractor and Combine Streets.

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, January 27, 2009, at which time all interested parties may appear and be heard.

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

If you challenge the Tentative 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.

Mathew Fawcett,
Assistant Planner

January 14, 2009

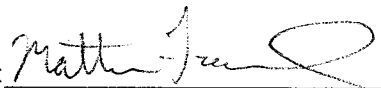
6791226

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Mathew Fawcett, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for a Tentative Parcel Map PR 07-0003 (Henry and Leslie Heer – APN:025-421-013) on this 13th day of January 2009.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Mathew Fawcett

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