

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PLANNED DEVELOPMENT 08-011 AMENDMENT
(FRANK CLAYTON)

DATE: APRIL 14, 2009

Needs: To consider a request by Frank Clayton to amend PD 08-011 to modify Condition No. 6 of Resolution 09-010, related to the required improvement and maintenance of Paso Robles Boulevard.

Facts: 1. On February 24, 2009, the Planning Commission approved PD 08-011 which allows the import 62,500 cubic yards of compacted fill dirt into the lower 2.96-acre portion of an approximate 6 acre site located at the northeast corner of Highway 46 East and Paso Robles Blvd. (See Attachment 1, Vicinity Map)

2. Condition No. 6 of the resolution approving PD 08-011 states as follows:

Prior to placement of fill material, Paso Robles Boulevard shall be improved along the frontage of the property with a new structural paving section, 24 feet wide, designed with a Traffic Index of 7.0.

3. On March 11, Clayton submitted a letter (Attachment 2) agreeing to maintain Paso Robles Boulevard, in lieu of new improvements. The letter was accompanied by an acknowledgement signed by adjacent property owners Erskine and Butterfield supporting Clayton's proposal.

Analysis
and

Conclusion: The Planning Commission approved this application in February subject to the condition to improve Paso Robles Street. It was noted at the hearing that street improvements are routinely associated with planned development applications. In this case, Paso Robles Boulevard currently serves only two other properties aside from Clayton's. Clayton has provided acknowledgement from neighboring property owner's Erskine and Butterfield supporting his request to maintain the road rather than improve it.

Future plans for Paso Robles Boulevard are uncertain. Given the support of neighboring property owner's it appears reasonable to defer street improvements until more intense development occurs and more definite plans for Paso Robles Boulevard have been established. A draft resolution

including a revised Condition No. 6 is included to this report as Attachment 4. All other conditions remain in effect.

Policy

Reference: General Plan Land Use Element, Economic Strategy, and Zoning Code

Fiscal

Impact: None

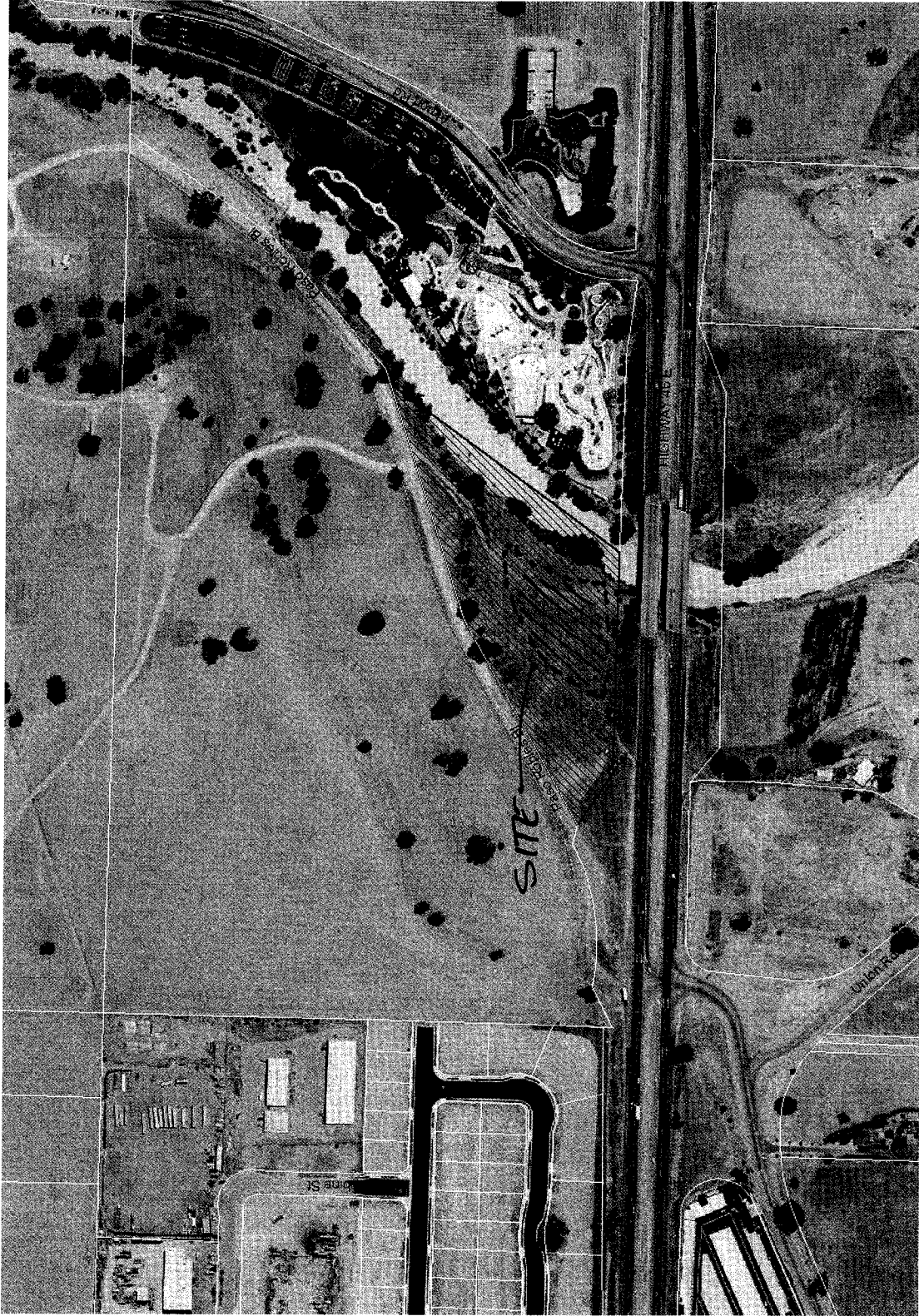
Report Prepared by: John Falkenstien and Darren Nash

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

1. Rescind Resolution 09-010 and adopt the attached resolution granting approval to Planned Development 08-011, allowing the pre-grading of the site, subject to standard and site-specific development conditions; and
2. That the Planning Commission amend, modify, or reject the above options.

Attachments:

1. Location Map
2. Applicant's letter
3. Revised Resolution Approving PD 08-011
4. Newspaper and Mail Notice Affidavits



Attachment 1
Location Map
PD 08-011
(Clayton Pre-Grading)

Row

To: City of Paso Robles
Paso Robles City Council

From: Frank Clayton

Re: The appeal of Planning Commission decision
PD 8-11 paragraph 6 -road buildout

RECEIVED
CITY MANAGER

MAR 11 2009

CITY OF PASO ROBLES

Gentlemen,

The reasons for this appeal are the following:

We feel there is not a need for this type of road at this time.

To my knowledge there has not been a decision made as to what type of road ultimately will be required on Paso Robles Boulevard.

Presently Paso Robles Boulevard is a dead end road, serving the properties of three owners.

We would like to propose the following plan:

Mr. Clayton will maintain the road in front of his property, patching all pot holes throughout the entire truck traffic, and the road will be left better than present after the proposed fill.

Enclosed is a letter signed by all three property owners agreeing to this proposal. Also in the letter is a request to install a gate across the road just past Clayton road and Erskine entrance gate.

The reason for the request is the amount of illegal dumping on this road beyond this point. Would certainly be of help in controlling this matter.

Please feel free to contact me should you have any questions or concerns.

Thank you,



Frank G. Clayton

cc: Tom Erskine
Brett Butterfield

Attachment 2
Applicant's Letter
PD 08-011 Amendment
(Clayton)

February 27, 2009

To: City of Paso Robles
Paso Robles City Council
John Faulkenstein

From: Paso Robles Blvd. property owners
Frank Clayton
Tom Erskine
Brett Butterfield

Re: Paso Robles Blvd. Road Rebuild

Dear John,

As the only three property owners on Paso Robles Blvd, None of us feel the need for a complete buildout of Paso Robles Blvd. in front of the Clayton Property at this time. We would like to propose the following plan instead;

- Mr Clayton will maintain road entire length of property from this day on patching all potholes throughout entire truck traffic, and road will be left better than present after proposed fill.
- Ravine Waterpark will maintain remainder of road patching all potholes as needed.
- All three property owners realize that road build-out will be required at time of project ~~application~~ approval.

• Gate may be installed on road just past Mr Clayton road.

Please feel free to contact us should you have any questions or concerns,

Thank You,

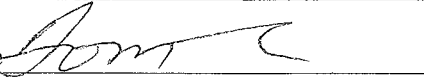
Frank Clayton



Brett Butterfield



Tom Erskine



RESOLUTION NO.:
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES APPROVING
AMENDMENT TO PLANNED DEVELOPMENT 08-011
(Clayton)
APN: 025-433-001

WHEREAS, on February 24, 2009, the Planning Commission adopted Resolution 09-010 approving PD 08-011, allowing the import of up to 62,500 cubic yards of fill dirt to be placed on approximately 2.96 acres of an approximately six acre site located on the northeast corner of Highway 46 East and Paso Robles Boulevard; and

WHEREAS, with the approval of PD 08-011, the Commission approved Condition No. 6, which required Paso Robles Boulevard to be improved along the frontage of the property with a new structural paving section, 24 feet wide; and

WHEREAS, on February 27, 2009, Mr. Clayton submitting a letter requesting that Condition No. 6 be amended to allow for the road material to stay as is, but that Mr. Clayton would repair the pot holes and maintain the road; and

WHEREAS, the letter included the signatures of all three property owners that take access from the road; and

WHEREAS, the site is zoned C2,PD, according to Section 21.23B.030(A)(6) Review Requirements of the Zoning Code, allows a property owner to grade a site, where the disturbance is greater than 20,000 square feet without the submittal of development plans, if approved through the Development Plan (PD) public hearing review process by the Planning Commission; and

WHEREAS, after the fill is imported and is compacted it will be approximately 20 feet below Highway 46 East which is considered an entrance to the City; and

WHEREAS, since the fill will be approximately 20 feet below Highway 46 East at this entrance to the City, the fill is not anticipated to conflict with the intent of Goal LU-2 of the General Plan to maintain and enhance the City's image/identity; and

WHEREAS, the fill on its own does not seem to conflict with Gateway Design Plan, however, future development proposed for the site will need to comply with the Gateway Standards; and

WHEREAS, on February 24, 2009, the Planning Commission adopted Resolution 09-009 approving a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Planned Development application in accordance with the California Environmental Quality Act; and

WHEREAS, a public hearing was conducted by the Planning Commission on April 14, 2009, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Amendment to PD 08-011; and

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

1. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.23B *Development Review* as follows:
 - A. The design and intensity (density) of the proposed development plan is consistent with the following:
 1. The goals and policies established by the general plan, there is no development proposed with this pre-grading application, future compliance with goals and policies will be required with an application for development in the future;
 2. The policies and development standards established by any applicable specific plan, this site is not located within specific plan area;
 3. The zoning code, particularly the purpose and intent of the zoning district in which a development project is located, this pre-grading project is being complied for as allowed by Section 21.23B.030(A)(6) of the Zoning Code;
 4. All other adopted codes, policies, standards, and plans of the city will be met as a result of complying with the conditions of approval and environmental mitigation measures identified in this resolution and accompanying resolution approving a Mitigated Negative Declaration;
 - B. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the person residing or working in the neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city, since the placement of the fill material will be required to be done in a manner that is subject to the City Engineering standards for stabilization to prevent erosion, and standards to insure proper drainage;
 - C. The proposed development plan accommodates the aesthetic quality of the city as a whole, especially where development will be visible from gateways to the city and scenic corridors, since as a result of this pre-grading project the pad elevation of the site will be approximately 20-feet below the elevation of the highway;
 - D. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides appropriate visual appearance, and contributes to the mitigation of any environmental and social (e.g., privacy) impacts, no development is proposed with this grading project, any future project will need to be reviewed for compliance with the applicable codes including the Gateway Design Plan to insure compatibility;
 - E. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, stress courses, oak trees, vistas, historic buildings and structure no development is proposed with this grading project, in the future project

will need to be reviewed for compliance with the applicable codes including the Gateway Design Plan to insure compatibility;

- F. The proposed development plan contributes to the orderly development of the city as a whole, in the future project will need to be reviewed for compliance with the applicable codes including the Gateway Design Plan to insure compatibility;
- G. For projects located within the planned development (overlay) district, the proposed development plan is in conformance with the findings listed in Section 21.16A.070, in the future project will need to be reviewed for compliance with the applicable codes including the PD Overlay district regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby rescind Resolution 09-010 and approve an Amendment to Planned Development 08-011, subject to the following conditions:

STANDARD CONDITIONS:

- 1. The applicant shall comply with all those conditions which are indicated on "Exhibit A" to this Resolution.
- 2. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

| <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|----------------|---|
| A | Grading and Drainage Plan* |
| B | Section H. from the Gateway Design Plan |

* Large Scale plans on file in the Community Development Department.

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

SITE SPECIFIC CONDITIONS:

4. The approval of Planned Development PD 8-011 in would allow the import up to 62,500 cubic yards of fill dirt to be placed on the 2.96 acres of the larger 6 acre site located on the northeast corner of Highway 46 East and Paso Robles Blvd.
5. Future site development will be subject to the City's development and environmental review process, including compliance with the Gateway Design Standards.
6. Paso Robles Boulevard shall be maintained during the course of trucking operations to a condition equal to or better than existing and adequate for safe passage of all vehicles.
7. Prior to placement of fill material, a soils engineer must provide a preliminary report providing recommendations for site preparation, specifications for imported soil, and specifications for the placement of the imported soil.
8. At the completion of each phase of imported material, a soils engineer shall provide a written statement that the material was placed in accordance with the recommendations of the preliminary report.
9. The City shall be notified 72 hours prior to placement of fill and the source of the fill material shall be identified.
10. Approval of a permit to import fill material does not include the entitlement to build a permanent structure nor does such approval imply that the site is suitable for development.

PASSED AND ADOPTED THIS 14th day of April; 2009, by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

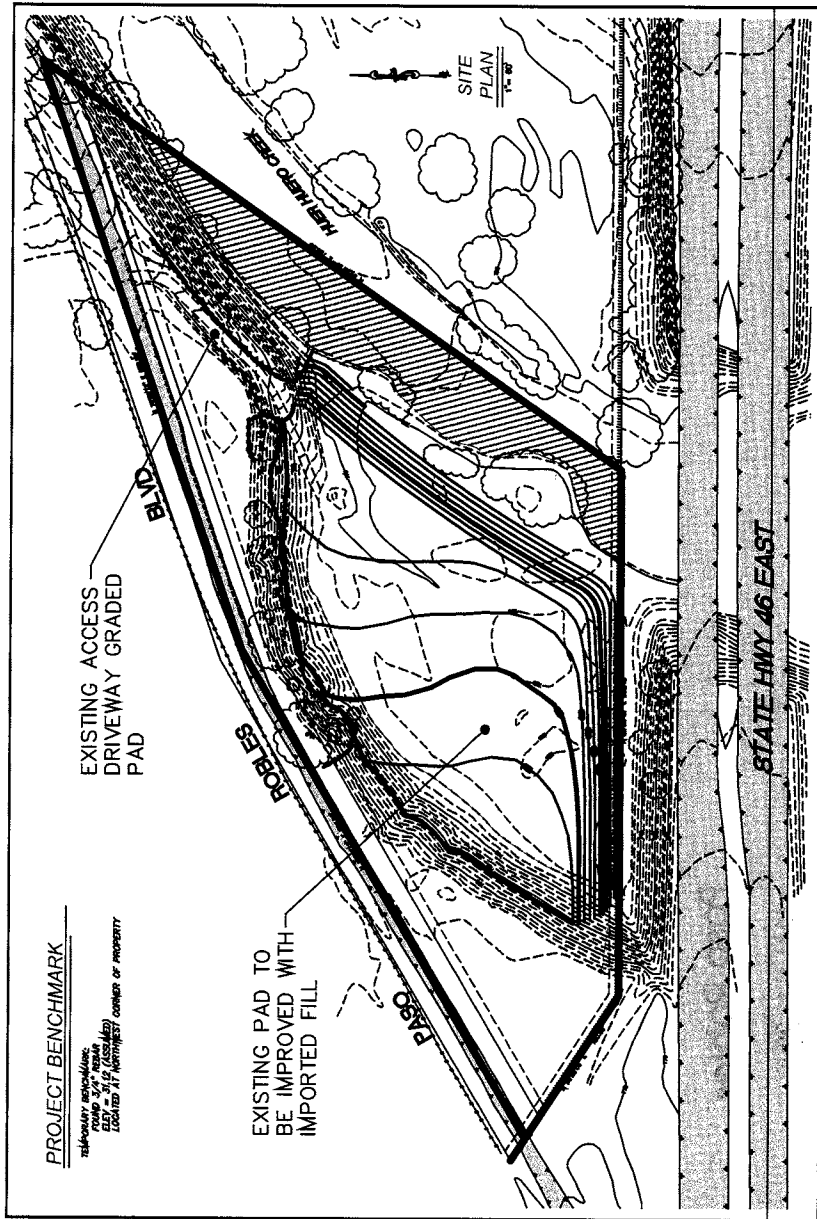
ABSTAIN:

CHARLES TREATCH, CHAIRMAN

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

GRADING AND DRAINAGE PLAN PASO ROBLES BLVD.



PROJECT BENCHMARK
 Temporary benchmark
 Found 1/4' north
 Located at Northwest corner of property

EXISTING PAD TO
 BE IMPROVED WITH
 IMPORTED FILL

EXISTING ACCESS
 DRIVEWAY GRADED
 PAD

CITY ADOPTED CODE ORDINANCE

- THESE PLANS HAVE BEEN DESIGNED AND ENGINEERED TO MEET THE CONDITIONS OF THE CITY ADOPTED ORDINANCES LISTED:
- CBC-2007 CALIFORNIA BUILDINGS CODE (2006 IBC AND CA AMENDMENTS)
 - OPC-2007 CALIFORNIA PLUMBING CODE (2000 IUPIC UAC AND CA AMENDMENTS)
 - CAC-2007 CALIFORNIA MECHANICAL CODE (2000 IUPIC UAC AND CA AMENDMENTS)
 - TITLE 24 CALIFORNIA STATE ENERGY AND ACCESSIBILITY STANDARDS 2008
 - GRADING 2007 USC APPENDIX CHAPTER 35

WDID NUMBER

THE STATE WATER RESOURCES CONTROL BOARD HAS REVIEWED AND PROCESSED THE NOTICE OF APPLICABILITY IN COMPLIANCE WITH THE TERMS OF THE GENERAL PERMIT FOR THIS PROJECT. THE WASTE DISCHARGE DIFICATION (WDD) NUMBER ASSIGNED TO THIS PROJECT IS 3-00000000.

EROSION CONTROL MONITOR

THE IMPLEMENTATION AND MONITORING OF THE EROSION AND SEDIMENT CONTROL PLAN IS THE RESPONSIBILITY OF THE CONTRACTOR AND THE PROPERTY OWNER.

FRANK CLAYTON
 P.O. BOX 2248
 PASO ROBLES, CA 93447

Exhibit A
 Grading & Drainage Plan
 PD 08-011
 (Clayton Pre-Grading)

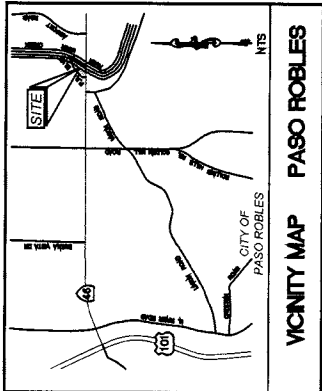
ENGINEERING • SURVEYING
 ENGINEERING • PLANNING • SURVEYING
 1005 RAILROAD ST. • PASO ROBLES, CA 93446 • 806/239-5427
 ENGINEERING LAWYER RON W. GRIDER R.C.E. # 21346

PROJECT INFORMATION AND SITE MAP

SCALE: NTS
 DATE: 12/03/08
 JOB NO: 08-437

GRADING AND DRAINAGE PLAN
 PROJECT INFORMATION AND
 SITE PLAN

| | | | |
|------------------|----------------|---------------------|----------------|
| DESIGNED BY: JAC | DATE: 12/03/08 | SHEET C.1 | OF 6 |
| CHECKED BY: JAC | DATE: 12/03/08 | | |
| DRAWN BY: JAC | DATE: 12/03/08 | JOB NO: 08-437 | |
| DATE: 12/03/08 | DATE: 12/03/08 | JOB NO: 08-437 | |



PROJECT INFORMATION

OWNER: MR. FRANK CLAYTON
 PASO ROBLES, CA 93447
 (805) 239-1728

PROJECT: PASO ROBLES BLVD AND HWY 46
 PARCEL 1 OF PARCEL MAP BK 06, PG 24
 IN THE CITY OF PASO ROBLES,
 COUNTY OF SAN LUIS OBISPO
 IN THE STATE OF CALIFORNIA

APN NO: 026-433-001

SHEET INDEX

| | |
|-----|----------------------------------|
| C.1 | PROJECT INFORMATION AND SITE MAP |
| C.2 | GENERAL NOTES AND INFORMATION |
| C.3 | GRADING AND DRAINAGE PLAN |
| C.4 | CROSS SECTION PLAN |
| C.5 | EROSION CONTROL PLAN |
| C.6 | EROSION CONTROL SHEET DETAILS |

DEVELOPER'S STATEMENT

THE PURPOSE OF THIS GRADING PLAN IS TO SHOW THE ADJUSTMENTS TO THE EXISTING GRADE OF THE PROJECT TO THE PROPOSED GRADE. THE EXISTING GRADE IS SHOWN WITH DOTTED LINES AND THE PROPOSED GRADE IS SHOWN WITH SOLID LINES. THE PROPOSED GRADE IS BASED ON THE INFORMATION PROVIDED TO THE ENGINEER BY THE OWNER AND THE ENGINEER HAS ASSUMED THAT THE INFORMATION IS ACCURATE. THE ENGINEER'S RESPONSIBILITY IS TO DESIGN THE GRADING TO MEET THE REQUIREMENTS OF PUBLIC WORKS.

ENGINEER'S STATEMENT

THESE PLANS HAVE BEEN PREPARED SOLELY FOR USE OF THE PROJECT AND SHOULD NOT BE USED FOR ANY OTHER PROJECT OR ANY OTHER SITE. THE ENGINEER'S RESPONSIBILITY IS TO DESIGN THE GRADING TO MEET THE REQUIREMENTS OF PUBLIC WORKS.

ENGINEERING • PLANNING • SURVEYING
 1005 RAILROAD ST. PASO ROBLES, CA 93446
 (805) 239-5427



UTILITY
 11-1-01

H. Highway 46 East (1/2)

H. Highway 46 East

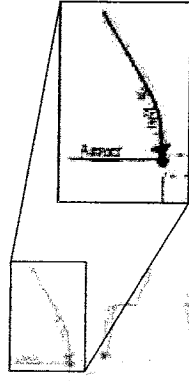
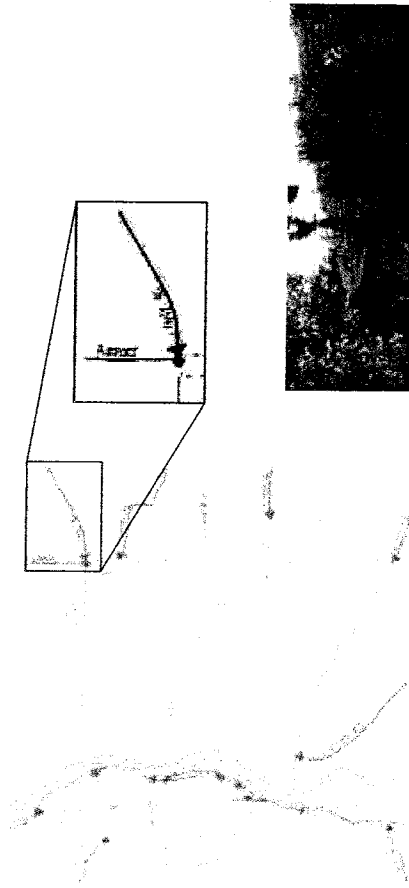
Background

This is the easternmost gateway into Paso Robles. This roadway is under Caltrans' jurisdiction, with a right-of-way varying between 150 and 170 feet. The highway (or country road) is lined with vineyards and a beautiful natural landscape, and in certain stretches native vegetation is also present. The transition from countryside to townscape is subtle, in terms of both time and distance: views are very long, with elevated vistas, and physical change is very slow.

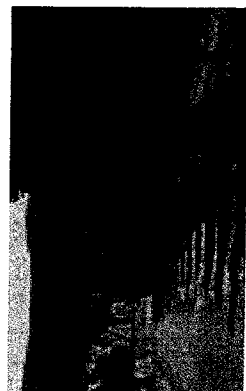
Design Recommendations

Future development could quickly change the character of this major gateway from the east. The success of this Gateway is dependent on the clarity of the passage from a rural setting to an urban setting. The nature of suburban development is that it blurs this edge. Mainly, there is a need to keep news suburban development from encroaching into the "Rural Corridor," the area prominently visible from the highway. Landscaping improvements along the corridor, as it transitions from country to town, should have a unifying effect, and also screen/soften adjacent uses.

1. The intersection of Highway 46 and 101 is a potential location for a sculptural element to highlight the Purple Belt nature of the area, similar to what has been done in the wine country north of San Francisco.
2. Work with Caltrans to develop policies and criteria for the establishment of a Rural Corridor viewshed easement which adheres to the design standards set out for T2 Country Thoroughfare (p. 33).
3. Prepare standards for site planning along Highway 46, encouraging development of rurally detailed



Example of landscaping screening roadside development.



Example of landscaping softening roadside edge.



Maintain rural character of viewshed.



Plant vegetation and trees native to Paso Robles region.



Limit prominent roadside signage to well-designed signs that reflect the rural character of Paso Robles.



GATEWAY DESIGN PLAN

City of Paso Robles

Exhibit B Section H of the Gateway Design Stds. PD 08-011 (Clatyon Pre-Grading)

Town and Country Gateways

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

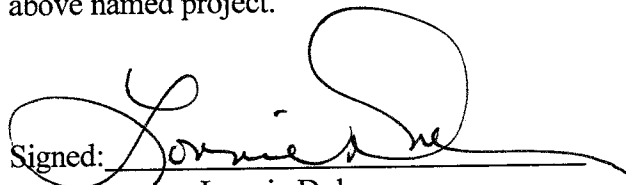
Newspaper: Tribune

Date of Publication: March 31, 2009

Hearing Date: April 14, 2009
(Planning Commission)

Project: Planned Development 08-011 Amend.
(Clayton-PR Blvd & Hwy. 46 east)

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

Signed: 
Lonnie Dolan

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider Planned Development (PD) 08-011 Amendment, an application filed by Frank Clayton to amend a condition of approval related to the maintenance and timing of road improvements to Paso Robles Blvd. The project site is located on the northeast corner of Paso Robles Blvd. and Highway 46 East. (APN: 025-433-001)

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, April 14, 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 Darren Nash at (805) 237-3970.

The proposed PD Amendment 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 PD Amendment 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.

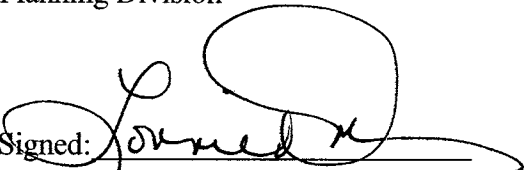
Darren R. Nash, Associate Planner
March 31, 2009 8807451

**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 Amendment to Planned Development 08-011 (Clayton pre-grading) on this 27th day of March 2009.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

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