



City of Paso Robles Planning Commission Agenda Report

From: Darren Nash, Associate Planner

Subject: **Waiver 17-001 – Paso Robles Athletic Club**

2975 Union Road / APN 025-371-025

Applicant – Neil Tardiff

A request for postponement of the installation of curb, gutter and sidewalk for the Union Road frontage associated with the development of the Paso Robles Athletic Club.

Date: October 24, 2017

Facts

1. The Paso Robles Athletic Club is located at 2975 Union Road (see attached Vicinity Map, Attachment 1).
2. In March 2007, the Planning Commission approved PD 06-012 (Res. 07-0034) approving the development of the athletic club (previously known as the Fox Hollow Tennis Club and Paso Robles Swim and Tennis Club). See Development Plan, Attachment 2.
3. Concurrent with the approval, the Planning Commission along with the City Engineer allowed the deferral of the installation of the frontage improvements to be completed within 1-year from of the issuance of the certificate of occupancy of the first building.
4. Between the years of 2009 to 2013, ownership changed for the athletic club and the improvements were not completed.
5. In 2013 the Planning Commission approved a 21,000 square foot addition (Phase II) to the existing facility. Conditions of approval required that the Union Road improvements be completed for the Phase I and II frontage prior to the City's issuance of a Certificate of Occupancy for the Phase II project. See Development Plan, Attachment 2.
6. The Phase II improvements are under construction and nearing completion (B16-0324). The City has received a request by Neil Tardiff, representative of the current ownership group, requesting that the Planning Commission allow a one or two-year deferral of the Union Road Improvements. See letters, Attachments 3a & 3b.
7. Municipal Code Section 11.12.030.C. allows postponement of frontage improvements by the Planning Commission. It should be noted that postponements are allowed for four years, with a four year extension. At the end of eight years, the remaining frontage improvements will have to be installed. In addition, the applicant will need to provide a financial security to cover the full cost of installing the remaining improvements.
8. The City of Paso Robles is in the process of amending the Circulation Element and Circulation Facilities Needs List which will likely change the street improvement requirements for Union Rd and therefore a one-year postponement of frontage improvements is justified.

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Analysis and Conclusions

It will be up to the consideration of the Planning Commission whether to allow for additional postponements to the installation of the Union Road frontage improvements. As mentioned in Neal Tardiff's letter, he anticipates that revenues will be increased as a result of the new expansion and request a minimum of one year to allow for the funds to be collected to complete the Union Road frontage improvements.

Options

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

1. Approve the draft Resolution A (Attachment 4), approving the deferral of the Union Road frontage improvements for 1-year from the date of the issuance of a Certificate or Occupancy for the Phase II building currently under construction (B16-0324).
2. Deny the deferral request, thereby requiring that the improvements to be completed to the satisfaction of the City, prior to occupancy of the Phase II buildings (B16-0324).
3. Refer back to staff for additional analysis;

Fiscal Impact

None identified at this time.

Recommendation

Option 1. Approve the draft Resolution A, approving the deferral of the Union Road frontage improvements for 1-year from the date of the issuance of a Certificate or Occupancy for the Phase II building currently under construction.

Attachments

- 1a. Paso Robles Municipal Code Section 11.12.030
1. Vicinity Map
2. Site Plan
3. Neil Tardiff Letters
4. Draft Resolution A
5. Mail Affidavit
6. Newspaper Affidavit

Attachment 1

Paso Robles Municipal Code Section

11.12.030 - Required—Curb, gutter, sidewalk, driveway aprons, street and alley paving.

As a prerequisite to the issuance of a building permit for the construction repair, addition or alteration of any structure within the city of El Paso de Robles, installation of sidewalk, curb, gutter, driveway aprons, street and alley paving improvements shall be provided for as follows:

- A. Amount of Improvement. Concrete sidewalk, curb, gutter, driveway aprons, street and all alley paving shall be constructed prior to issuance of a certificate of occupancy for the structure. The cost of the amount of required improvements thereof shall not exceed twenty-five percent of the construction cost of the structure improvements being made, the main street frontage shall take precedent over the side street frontage, and curb and gutter shall take precedent over sidewalks, and also that driveway aprons shall be constructed at every driveway.
- B. Minimum Amount. When the value of the improvements to be made on the property is under twenty-five thousand dollars as defined by ICBO Uniform Building Standards, then the curb, gutter, sidewalks, driveway aprons, street and alley paving are not required. The minimum amount of the improvements value shall be increased yearly in accordance with the Engineering News Record's construction cost index.
- C. Postponement of Improvements. Bonds Required. Whenever it is deemed necessary by the city that it is in the best interest of the city and its inhabitants to defer the construction of the required curbs, gutters, sidewalks and driveway approaches to a later date because of the unavailability of grades from the office of the city engineer, incorporation of the area within an improvement district for the improvements, future planning, or for any other reasons approved by the planning commission, the owners of the property developed shall deposit with the city, cash or bond to be written by a corporate surety company in the sum equal to the city engineer's estimated cost of the improvement required by the provisions of this chapter. In the event construction of the curb, gutter, sidewalk and driveway approaches is not commenced within four years from the date of the deposit of the cash or the execution of the bond, the city may, upon application by the property owner return the cash or surety bond to the depositor or the city, at its option, may extend the period of the deposit for up to eight years.
 - 1. In lieu of depositing cash or a bond as set forth in the preceding paragraph, a property owner may request that the city enter into an agreement, in a form approved by the city attorney, which shall include the following:
 - a. The property owner will agree to the formation of an assessment district to pay for the cost of such improvements;
 - b. An estimate by the city engineer of the then-current cost of the improvements to be covered by the agreement;

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- c. The agreement shall constitute an affirmative ballot to the formation of such an assessment district and approval of the amount of the cost of the improvements, as adjusted by a reasonable standard approved by the city engineer and city attorney;
 - d. The property owner agrees to waive any time period, if applicable, for the conduct of any public hearing for formation of such assessment district;
 - e. The agreement must be executed as a condition for the city to issue a certificate of occupancy for the property, and, that such agreement shall be recorded.
2. The option to enter into an agreement as set forth above shall apply only to such improvements required to be provided under this section as a condition to approval of a parcel map application and the approval of a request to enter into such an agreement shall be within the city's discretion, and only shall be granted on showing of exceptional circumstances warranting such deferral.

D. Waiver of Requirements. In the event the construction of the sidewalk is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors, the planning commission, after hearing the recommendation of the city engineer, may waive, or modify the provisions of the chapters that apply to sidewalks, curbs, gutters, driveway aprons, and street paving upon application of the owner of the property or other persons to whom this chapter may apply.

In granting a waiver, the planning commission shall require payment of an in-lieu fee for construction of sidewalks, curbs, gutters, driveway aprons, and street paving. The granting of waiver by the planning commission for a specific improvement involving issuance of a building permit for the construction, repair, addition, or alteration of any structure within the city of El Paso de Robles does not otherwise exempt subsequent projects and new improvements for which a building permit is sought from the requirement for installation of sidewalk, curb, gutter, driveway apron, and street paving pursuant to Section 11.12.030 (Required—Curb, gutter, sidewalk, driveway aprons). The cumulative value of the in-lieu fee payment and that of any improvements installed on the property shall not exceed the cost of the amount of the required improvements to be made per Title 11 (Streets and Sidewalks) of the municipal code.

Payment of the in-lieu fee is to be made to the city prior to the issuance of building permit and/or grading permit as appropriate. The in-lieu fee is to be deposited, invested, accounted for and expended pursuant to California Government Code Section 66006.

The revenue raised by payment of the in-lieu fees shall be placed in a separated and special account and such revenues, along with any interest earning on the account, shall be expended solely to fund sidewalk maintenance, rehabilitation, and construction as set forth in the city's budget and the city's capital improvement program.

The in-lieu fee is to be calculated by the city engineer based the city's adopted per unit prices for standard items of construction. The in-lieu fee is necessary in order:

1. To fund needed sidewalk maintenance, rehabilitation, and construction improvements (including curbs, gutters, driveway aprons, and street paving) to the city's circulation system.

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2. To reduce the cumulative impacts on the city's circulation system caused by new development.
3. To ensure that new development mitigates its share of the circulation impacts it creates.

The in-lieu fee is appointed to new development based on the city engineer's calculation of the cost estimate of the construction of the required sidewalk, curb, gutter, driveway apron, and street paving required for the new development.

E. Time Improvement Arrangements are Required. The building official of the city of El Paso de Robles shall deny the issuance of a building permit unless the building plans and specifications therefor provide for the curbs, gutters, sidewalks and driveway aprons in compliance with the requirements of the chapter and shall deny final certificate of occupancy and acceptance of any building, dwelling or to other improvements unless and until the curb, gutter, sidewalk, and driveway aprons exist or are constructed in accordance with the provisions of this chapter or unless and until the cash deposit or surety bond provisions of this chapter have been complied with.

F. Appeal to Planning Commission. An appeal from any decision or ruling by any city employee charged with the enforcement of this chapter, may be made in writing to the planning commission within fifteen calendar days of the date of the written decision of such employee. The planning commission shall notify the applicant of the time and place for the hearing of his appeal.

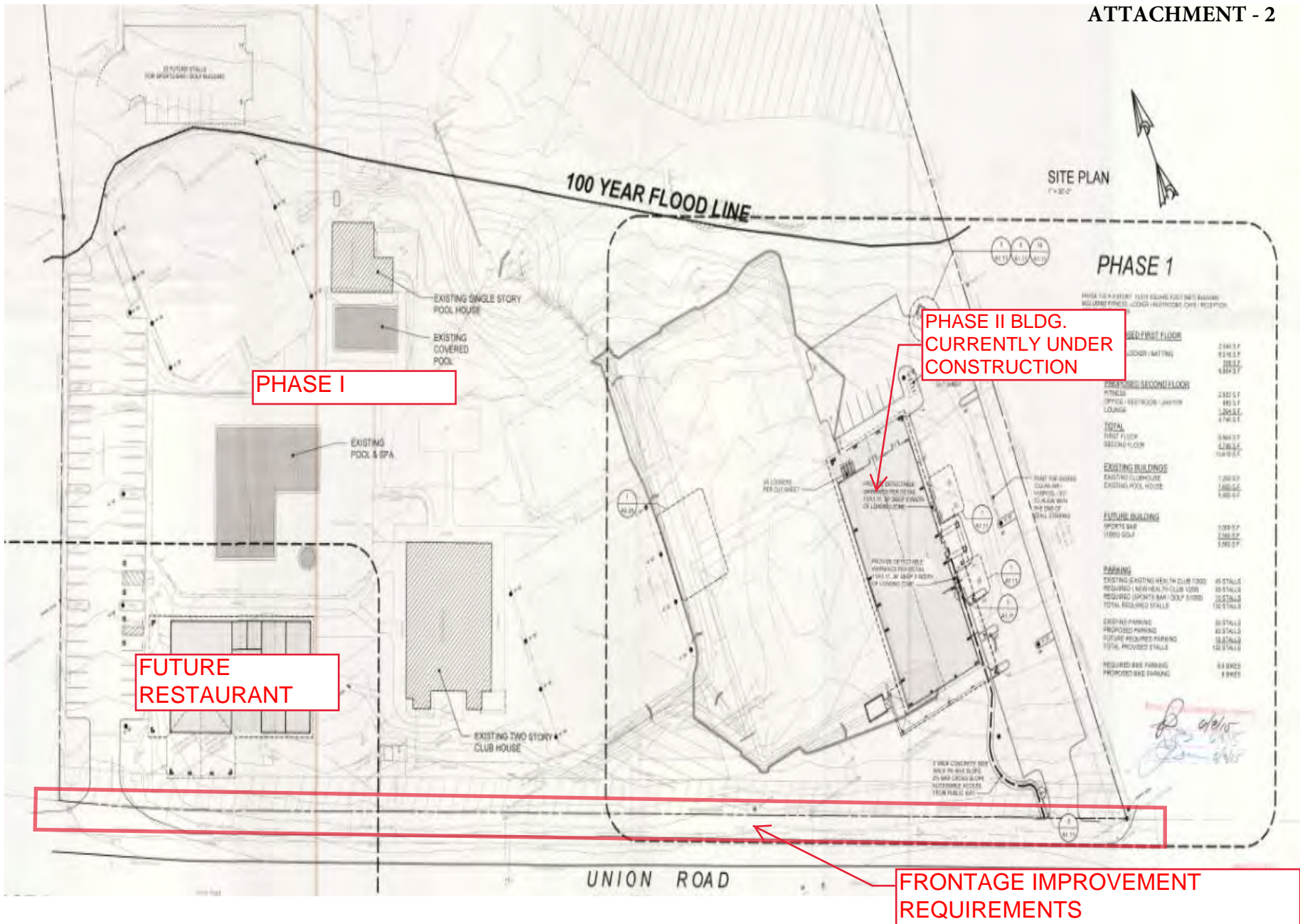
G. Appeal to Council. The decision of the planning commission shall be final unless appeal is made to the city council within fifteen calendar days.

H. Exceptions for Existing Large Residential Lots. The above requirements to provide curbs, gutters, sidewalks and driveway apron improvements as prerequisite to the issuance of building permits shall not apply to the construction, repair, addition or alteration of a single-family dwelling on an existing lot that is designated by the general plan for residential land use and that is 2.5 acres or larger in area, provided that the following conditions are met:

1. Fire apparatus access roads shall be provided in conformance with the Uniform Fire Code, as adopted by the city in Title 17 of this code and provided that, prior to occupancy of such dwelling, the full twenty-four-foot width of such fire apparatus access roads shall be paved to the nearest road capable of supporting a fire apparatus vehicle, as determined by the fire chief and city engineer;
 2. Prior to occupancy of such dwelling, driveways shall be provided in a manner consistent with the requirements set forth in the zoning code (Title 21 of this code).
- I. Prior to occupancy of such dwelling, the owner of the subject property shall make a continuing offer to dedicate one-half of the planned width of any existing or planned public streets on which the property will have frontage; if a public street is planned to pass through a property, the owner may be required to make a continuing offer to dedicate the full planned width of said street.

(Ord. 919 N.S., 2006; Ord. 854 N.S. § 1, 2003; Ord. 753 N.S. § 1, 1998; Ord. 724 N.S. § 2 (part), 1997; Ord. 642 N.S. § 1, 1992; Ord. 333 N.S. § 3, 1972)





TARDIFF LAW OFFICES

A Law Corporation

Neil S. Tardiff*
Dustin M. Tardiff

*Certified Appellate Specialist by the State Bar of California
Board of Legal Specialization

September 15, 2017

Community Development Department
1000 Spring St.
Paso Robles, CA 93446

RECEIVED

SEP 18 2017

City of Paso Robles
Community Development Dept.

RE: Paso Robles Athletic Club
2975 Union Rd. Paso Robles, CA
Extension of Time to Complete Union Rd. Improvements

Dear Mr. Nash,

Enclosed herein is a fully executed Development Application Form, which you have asked me to submit in order to put this matter before the Planning Commission to extend the time to complete the Union Rd. improvements.

As we discussed at length, we would like to open our building, in order to generate enough income to complete the improvements. We are requesting six months to one year. We would obviously prefer the one year if that is possible.

At this time, our best estimate for the required city improvements is approximately \$300,000. This does not include any potential reduction if PG&E does not require us to put the lines underground.

If you have any further questions or need any further information, please do not hesitate to contact me on my cell phone at (805) 540-8317.

Sincerely Yours,

Neil S. Tardiff (ZD)

Neil S. Tardiff (ZD)

**CALIFORNIA ATHLETIC CLUBS
MANAGEMENT, INC.**

October 16, 2017

Via U.S. Mail & E-mail

City of Paso Robles
100 Spring Street
Paso Robles, CA 93446
Attn: Darren Nash
Associate Planner

Received
10/16/17
City of Paso Robles
Community Development

RE: **Paso Robles Athletic Club**

Dear Mr. Nash:

Pursuant to your request, I am enclosing our engineering cost estimate for the road construction in support of our request for a one or two-year extension to complete the Union Road permit condition so we can open our facility upon completion and generate sufficient income to complete the road construction.

First, attached are the cost estimates for the road construction from our engineer. The total of \$206,000 does not include supervision and administration costs.

Second, as I advised you, the original bid for the construction of the new building was \$2,800,000.00. The building has now cost us to date approximately \$3,800,000.00. We have presently exhausted our loan resources for this project.

Third, upon opening the building, we expect our income to increase substantially in the way of new memberships, income generated by the batting cages and café income in the next 12 to 24 months in order to generate sufficient cash flow to cover our loans and pay for the road upgrade. We obviously hope we can do it sooner.

Fourth, from looking at Union Road, it seems upgrades need to be made well beyond that required by our permit. It would seem to us that it might be much more economical to try to coordinate with the City all the needed work on Union Road into one project as opposed to piecemeal.

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Paso Robles Sports Club

Page 2 of 2

As you may recall, we purchased the Club from the Bank after they were forced to foreclose against our predecessor. Since then, we have invested millions of dollars to make substantial improvements to keep the Club open, keep it looking good to the public, bring in new members and upgrade to better income producing facilities.

I am hoping staff will support our request for an extension.

Sincerely yours,

California Athletic Clubs management, Inc.



Neil S. Tardiff

Vice-President

SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS County Approved Unit Costs for Project Security



Project: Paso Robles Athletic Club

Prepared by: Eric J. Gobler

Firm Name: Eric J. Gobler Civil Engineering

Date: October 16, 2017

PRICE INDEX BASELINE, 2011 CALTRANS INDEX = 84.0
CURRENT PRICE INDEX = 145.3 Caltrans

-ENGINEER'S SEAL-



-RESULTS-

	Subtotal	\$206,328.40
	Cost Index Factor	
	Adjusted Subtotal	\$0.00
<u>FAQ</u>	Inflation (10%)	\$0.00
	Administration (20%-40%)	\$0.00
	Adjusted Subtotal	\$0.00
	Contingency (10%)	\$0.00
TOTAL SECURITY TO BE POSTED:		\$0
(rounded to the nearest \$100)		

Eric J. Gobler
 Engineer's signature

10/16/17
 date

** THIS IS THE TOTAL ESTIMATED COST WITHOUT CONSIDERING A COST INDEX FACTOR OR ANY INFLATION, ADMIN, OR CONTINGENCY ADDITIONS.*

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SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS County Approved Unit Costs for Project Security



Project: Paso Robles Athletic Club

Prepared by: Eric J. Gobler

Firm Name: Eric J. Gobler Civil Engineering

Date: October 16, 2017

PRICE INDEX BASELINE, 2011 CALTRANS INDEX = 84.0
CURRENT PRICE INDEX = 145.3 Caltrans

-ENGINEER'S SEAL-



-RESULTS-

	Subtotal	\$206,328.40
	Cost Index Factor	1.73
	Adjusted Subtotal	\$356,899.01
<u>FAQ</u>	Inflation (10%)	\$35,689.90
	Administration (20%-40%)	\$71,379.80
	Adjusted Subtotal	\$463,968.71
	Contingency (10%)	\$46,396.87
	TOTAL SECURITY TO BE POSTED:	\$510,400
	(rounded to the nearest \$100)	

[Handwritten Signature]

10/16/17

Engineer's signature

date

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Neil Tardiff, Partner
California Athletic Club, LP
1933 Cliff Drive, Suite 20
Santa Barbara, CA 93109

October 16, 2017

Dear Mr. Tardiff:

**SUBJECT: Public Improvements Cost Estimate; California Athletic Club
2975 Union Road, Paso Robles; APN 025-371-025**

As requested, please find an estimated cost estimate for the approved public improvements. I spoke with David Athey, City Engineer, who said the City typically accepts bonding cost estimates based on the San Luis Obispo County Public Works "Approved Unit Cost" methodology. You will note that several numbered pages are missing. Those pages include costs for water, sewer and other utility improvements that are not a part of this project.

You will see that the estimated cost for the approved public improvements is about \$206,000. Typically, construction costs are slightly lower depending on material and labor costs at the time of construction.

I have included two separate cover pages for the estimate. The first one shows the basic cost estimate without considering the Cost Index Factor or additional fees for inflation, administration and contingencies. The second cover page includes bonding estimates for typical County projects including adjustments considering these factors. You can see that application of such factors results in a bonding amount that is more than double the estimated construction cost. Both cover sheets are included, since it is not clear if the City expects the additional costs to be included.

Please let me know if there are any questions.

Respectfully submitted,

Eric J. Gobler, P.E.
Civil Engineer

D:\transmittal\cost estimate (Calif Athletic Club Public Improvements, Oct 2017)

Eric J. Gobler Civil Engineer ♦ 9110 Atascadero Ave ♦ Atascadero, CA 93422

Tel: 805-466-8632 ♦ Cell: 805-459-3268 ♦ Fax : 805-466-6465 ♦ egcivilpe@gmail.com



INVOICE

NO: 17042

DATE: October 16, 2017

ERIC J. GOBLER, PE
 9110 ATASCADERO AVENUE
 ATASCADERO, CA 93422
 805-459-3268

BILL TO: PROJECT: Paso Robles Sports Club, Job No. 13-077
 Public Improvement Plan

Neil Tardiff
 California Athletic Club, LP
 1933 Cliff Drive, Suite 20
 Santa Barbara, CA 93109

DATE	TASK DESCRIPTION	HOURS	RATE (\$/HR)	AMOUNT DUE
10/16/17 6	Engineering Cost Estimate for Public Improvements requested by City Engineering	4	\$125/hr	\$ 500.00
	Future Consulting and any changes requested by owner, Contractor, Architect or City Plan Check Engineering \$125/hr CAD Drafting \$ 60/hr			
11/7/16	Subtotal			\$ 500.00
TOTAL DUE				\$ 500.00

TERMS: Payment is due and payable upon receipt of this invoice

Please make checks payable to **Eric J. Gobler** and mail to the address noted above

Any unpaid balance is subject to a FINANCE CHARGE every thirty (30) days from the date of this invoice. The FINANCE CHARGE is computed at a periodic rate of 2% per month based on the unpaid balance. The client will be held responsible for any legal fees incurred in the event any unpaid balance is subject to collection proceedings.

Attachment 4 Draft Resolution A

**RESOLUTION NO: PC 17-XXX
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE WAIVER 17-001
ONE-YEAR POSTPONEMENT OF UNION ROAD FRONTAGE IMPROVEMENTS**

(2975 UNION ROAD – PASO ROBLES ATHLETIC CLUB)
APN: 025-371-025

WHEREAS, the City has received a request by Neil Tardiff, representative of the current ownership group for the Paso Robles Athletic Club, requesting that the Planning Commission allow a one or two-year deferral of the Union Road Improvements; and

WHEREAS, the Paso Robles Athletic Club is located at 2975 Union Road; and

WHEREAS, a condition upon the certificate of occupancy of Phase II which is nearing completion is to complete the frontage improvements along Union Road; and

WHEREAS, Municipal Code Section 11.12.030 allows postponement of frontage improvements by the Planning Commission; and

WHEREAS, the City of Paso Robles is in the process of amending the Circulation Element and Circulation Facilities Needs List which will likely change the street improvement requirements for Union Rd and therefore a one-year postponement of frontage improvements is justified; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on October 24, 2017, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding the application; and

NOW, THEREFORE, BE IT RESOLVED, that based upon the facts and analysis presented in the staff report, and the provisions for deferrals set out in Section 11.12.030 of the Municipal Code, the Planning Commission of the City of El Paso de Robles does hereby approve Waiver 17-001, at 2975 Union Road with the following provisions:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2: Approve a 1-year postponement of the requirement for installation of curb, gutter and sidewalk adjacent to 2975 Union Road as shown on Exhibit A, in order to allow the improvements to coincide with any changes made to the Circulation Element, subject to the applicant's deposit of a surety bond as determined by the City Engineer.

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PASSED AND ADOPTED THIS 24th Day of October 2017 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

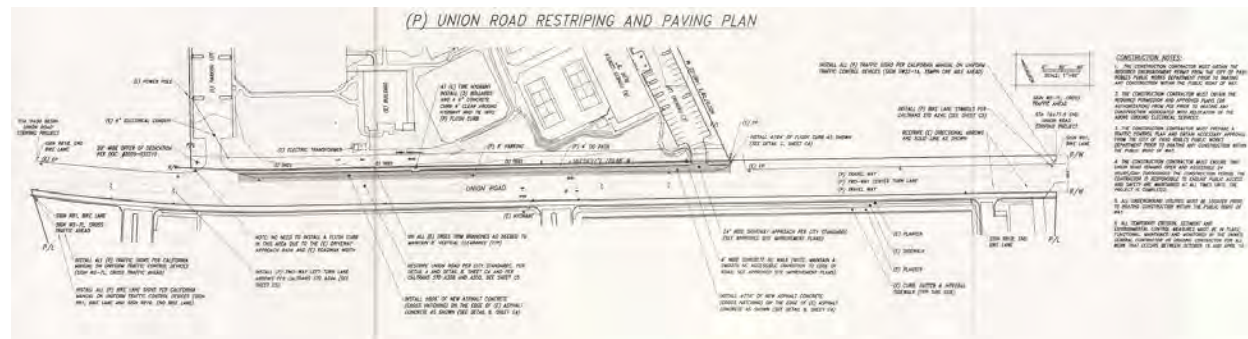
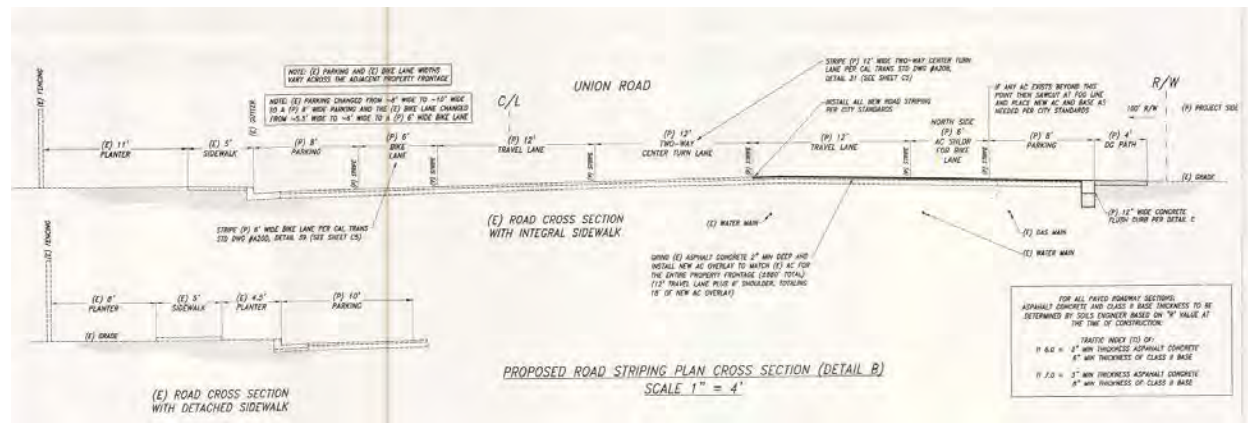
ABSTAIN:

Chairman John Donaldson

ATTEST:

Warren Frace, Planning Commission Secretary

Exhibit A – Site Plan of Frontage Improvements



From Improvement Plans approved by City Engineer on 12/7/16



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Waiver 17-001 associated with PD 06-012, on this 13th day of October, 2017.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Monica C Hollenbeck
Monica Hollenbeck

THE *Newspaper of the Central Coast*
TRIBUNE

RECEIVED
OCT 16 2017
City of Paso Robles
Community Development Dept

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo

AD #3332263
CITY OF PASO ROBLES

STATE OF CALIFORNIA
ss.
County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; OCTOBER 13, 2017 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)

DATE: OCTOBER 13, 2017
AD COST: \$210.54

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a Public Hearing to consider the following project:

APPLICATION: Waiver 17-001: a request to defer the installation of public improvements for the property frontage along Union Road for 1-year. The request is associated with development plan (PD 06-012).

APPLICANT: Neil Tardiff, Paso Robles Athletic Club

LOCATION: 2975 Union Road; Assessor's Parcel Number 025-371-025.

ENVIRONMENTAL DETERMINATION: This application is Categorical Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

HEARING: The Planning Commission will hold a Public Hearing on Tuesday, October 24, 2017, at 6:30 p.m. at the Library Conference Center, 1000 Spring Street, Paso Robles, California.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed application may be mailed to the Community Development Department, or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearings.

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

Copies of the staff report pertaining to this project will be available for review at the Community Development Department on the Thursday preceding each hearing (copies are available for purchase for the cost of reproduction). If you have any questions, please contact the Community Development Department at (805) 237-3970.

Darren Nash
Associate Planner
October 13, 2017

3332263