



# CITY OF EL PASO DE ROBLES

## *"The Pass of the Oaks"*

### PLANNING COMMISSION MINUTES

August 22, 2017

6:30 P.M.

#### Planning Commissioners Roll Call:

**Present:** Davis, Agredano, Donaldson, Jorgensen and Brennan.

**Absent:** Barth and Rollins

**6:30 P.M.:** Planning Commission Meeting called to order

#### General Public Comments Regarding Matters Not On The Agenda:

Dale Gustin

**Staff Briefing:** None

**Agenda Items Proposed to be Tabled or Re-Scheduled:** None

#### Public Hearings

##### **1. Continued Public Hearing - Conditional Use Permit (CUP) 17-006**

Location - adjacent to 3200 Spring Street / APN 008-042-016

Applicant – Verizon Wireless

Representative – Sequoia Deployment Services

A request to install a new Wireless Telecommunication Facility (WCF) on an existing utility pole located within the right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street.

#### **Open Public Comment**

**Speakers:** Ben Hackstedde – Applicant

Closed Public Comment.

***Action:***

- A. A motion was made by Commissioner Agredano, seconded by Commissioner Davis and passed 5-0-2 (Absent: Chairman Barth and Commissioner Rollins) to approve Resolution A with changes (See Attachment 1).

**2. Planned Development Amendment (PD 17-007)**

Tidwell Contractor Storage Yard

Dallons Drive west of Golden Hill Road / APN: 025-423-003

Applicant – Leo Tidwell III

A request to establish a 9,960 square foot office building with an accessory outdoor contractor's storage yard on an approximately 2.78 acre site.

**Open Public Comment**

**Speakers:** Bob Fisher – Applicant's Agent  
David Kujudia  
Dale Gustin  
Leo Tidwell

Closed Public Comment.

***Action:***

- A. A motion was made by Commissioner Brennan, seconded by Commissioner Agredano and passed 5-0-2 (Absent: Chairman Barth and Commissioner Rollins) to approve Resolution A.
- B. A motion was made by Commissioner Brennan, seconded by Commissioner Agredano and passed 5-0-2 (Absent: Chairman Barth and Commissioner Rollins) to approve Resolution B with changes (See Attachment 2).

**Other Scheduled Matters:** None

**Consent Calendar**

**3. Development Review Committee Minutes (for approval)**

None

**4. Planning Commission Minutes (for approval)**

May 23, 2017

August 8, 2017

***Action:***

- A. A motion was made by Commissioner Jorgensen, seconded by Commissioner Davis and passed 5-0-2 (Absent: Chairman Barth and Commissioner Rollins) to approve Items # 3 & # 4 as presented.

**5. Other Committee Reports:**

- a. Housing Constraints Advisory Committee: Director Report.
- b. Short-Term Rentals City manager's Task Force: Director Report.

**Planning Commissioners' Comments**

**Staff Comments:**

**Director's Comments:**

**Regular Meeting Adjourned at: 7:47 PM**

# Attachment 1

## Exhibit A

### Project Conditions

#### (CUP 17-006 – Verizon Wireless)

1. This Conditional Use Permit (CUP) authorizes the installation of a new wireless telecommunication facility on an existing utility pole located within the right-of-way, with corresponding ground-mounted equipment, located at the northeast corner of 32nd Street and Spring Street, in a manner described in attached Exhibits B and C attached to this Resolution.
2. The use of permanent structures including parking bollards around the equipment will not be permitted.
3. This project approval shall expire on August 22, 2019, unless the use has not been executed, or unless a time extension request is filed with the Community Development Department prior to expiration.
4. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
5. Any condition imposed by the Planning Commission in granting this Conditional Use Permit 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 granting of the original permit. 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 under the Conditional Use Permit.
6. If the permittee abandons use of structures, cable, equipment or other facilities placed in the public right-of-way pursuant to the permit, then at the City's option, City may require the permittee to remove all such structures, cable, equipment or other facilities. If the permittee fails to remove all equipment and restore the site to full pre-installation condition, the City may elect to remove the equipment and be reimbursed for all costs by the permittee. The City may require a bond at the time of permit issuance in anticipation of this possible eventually. As an alternative if the permittee does not remove the equipment, the City may elect to accept ownership, in which case, title to such facilities shall vest in the City. Abandonment shall be presumed if the permittee stops use of its property, equipment, structures, facilities or other property placed in the right-of-way or on City property for a period of 180 days.
7. The permittee shall provide the City a telephone contact number and email address available seven (7) days per week, to enable the City to report any concerns regarding the facilities, including, but not limited to, the removal of any graffiti/~~vandalism~~. In the event that the City reports such concerns to the permittee, the permittee shall within seven (7) [calendar](#) days, unless weather or emergencies prohibit timely action, respond to such call and perform the required repair or correct any adverse impact to the City's or third party's use or operations caused by the permittee's facilities in the public right-of-way at no cost to the City. [Vandalism and damage will be repaired in a time agreed upon by the City and Applicant.](#)

# Attachment 1

8. The permittee's installation and operation shall not negatively impact any equipment installed by the City or a City-franchisee utility. It is the duty of the permittee to address and resolve any conflicts, and to bear the burden of such resolution cost or impact.

## **ENGINEERING SITE SPECIFIC CONDITIONS**

9. An encroachment permit shall be issued prior to installation of the wireless communication facility.
10. This facility and all equipment shall be removed at the applicant's cost if and when the City requests removal related to any street public right-of-way improvement project.

# Attachment 2

## Exhibit A

### Site Specific Conditions of Approval – PD 17-007

#### Planning Division Conditions:

1. The applicant/developer shall comply with the checked standard Conditions of Approval, attached hereto as “Exhibit B” and incorporated herein by reference.

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

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

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site Specific Conditions of Approval
B	Standard Conditions of Approval
C	Site Plan
D	Landscaping Plan
E	Floor Plans
F	Architectural Elevations
G	Preliminary Construction Plans

3. Any condition imposed by the Planning Commission in approving this Development Plan 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 granting of the original permit. 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 under the Development Plan.
4. Approval of this project is valid for a period of two (2) years from date of approval. Unless construction permits have been issued and site work has begun, the approval of Planned Development 17-007 shall expire on August 22, 2019. The Planning Commission may extend this expiration date if a Time Extension application has been filed with the City along with the fees before the expiration date.
5. All outdoor storage shall be located no closer to the front property line than the rear elevation of the office building.
6. In the event that buried or otherwise unknown cultural resources are discovered during construction work in the area of the find, work shall be suspended and the City of Paso Robles should be contacted immediately, and appropriate mitigations measures shall be developed by qualified archeologist or historian if necessary, at the developers expense.

7. [An 8-foot tall brown slatted chain-link fence shall be installed along the rear and side parcel lines, subject to a 100-foot street setback. Fencing within 100-feet of Dallons Road shall be a 6-foot tall tubular black metal fence.](#)

**Engineering Division Conditions:**

1. An Encroachment Permit is required for the proposed work in the public right-of-way.
2. The applicant shall provide a R7-9a No Parking Bike Lane sign, installed per City Standard C-15, somewhere after the drive approach nearer to Golden Hill Road. Use Punch Post and install in the landscape area.
3. The drive approach accessing the construction yard needs to be thickened to from 6 to 8 inches. Prior to issuance of a grading permit, City Standard Drawing C-9 shall be modified indicating the thickened drive approach.
4. Any new utilities will need to be installed underground.
5. Prior to grading permit issuance, the applicant shall enroll in the Stormwater control measure maintenance program.

**Mitigation Measures – Conditions of Approval:**

- BR-1. Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles, Community Development Department (see contact information below) that states that one or a combination of the following three San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 8.34 acres (2.78 acres disturbed area multiplied by 3 as a result of an applied 3:1 mitigation ratio) of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Wildlife and the City. This mitigation alternative (a.) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.
  - b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (b) above can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the CDFW and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The fee, payable to “The Nature Conservancy,” would total: \$20,850 (8.34 multiplied by \$2,500).

This fee is calculated based on the current cost-per-unit of \$2500 per acre of mitigation, which is scheduled to be adjusted to address the increasing cost of property in San Luis Obispo County; your actual cost may increase depending on the timing of payment. This fee must be paid after the CDFW provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

- c. Purchase credits in a CDFW-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity. Mitigation alternative (c) above can be completed by purchasing credits from the Palo Prieto Conservation Bank (see contact information below). The Palo Prieto Conservation Bank was established to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). The cost for purchasing credits is payable to the owners of The Palo Prieto Conservation Bank, and would total: \$20,850 (8.34 multiplied by \$2,500).

This fee is calculated based on the current cost-per-credit of \$2,500 per acre of mitigation. The fee is established by the conservation bank owner and may change at any time. Your actual cost may increase depending on the timing of payment. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

BR-2. In accordance with the County Guide to SJKF Mitigation Procedures Under CEQA, the project owner shall adopt the Standard Kit Fox CEQA Mitigation Measures and shall be included on development plans. The following summarizes those that are applicable to this project:

- A maximum 25 mph speed limit shall be required at the project site during construction activities.
- All construction activities shall cease at dusk and not start before dawn.
- A qualified biologist shall be on-site immediately prior to initiation of project activities to inspect for any large burrows (e.g., known and potential dens) and to ensure no wildlife are injured during project activities. If dens are encountered, they should be avoided as discussed below.
- Exclusion zone boundaries shall be established around all known and potential kit fox dens.
- All excavations deeper than 2 feet shall be completely covered at the end of each working day.
- All pipes, culverts, or similar structures shall be inspected for SJKF and other wildlife before burying, capping, or moving.
- All exposed openings of pipes, culverts, or similar structures shall be capped or temporarily sealed prior to the end of each working day.
- All food-related trash shall be removed from the site at the end of each work day.
- Project-related equipment shall be prohibited outside of designated work areas and access routes.

- No firearms shall be allowed in the project area.
- Disturbance to burrows shall be avoided to the greatest extent feasible.
- No rodenticides or herbicides should be applied in the project area.
- Permanent fences shall allow for SJKF passage through or underneath (i.e., an approximate 4-inch passage gap shall remain at ground level).

- BR-3. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- BR-4. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFW by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFW for care, analysis, or disposition.
- BR-5. Impacts to oak trees shall be assessed by a licensed Arborist on the City's Certified Arborist List. Prior to issuance of a grading and/or construction permit, the Arborist Report shall be updated reflecting tree protection measures for Trees #2, 3, and 4 in accordance with the City of Paso Robles Oak Tree Preservation Ordinance. Tree protection measures during construction as well as post-construction shall be included in the report. All oak tree protection measures outlined in the updated Arborist Report shall be complied with to the satisfaction of the Project Arborist. An acknowledgement from the Arborist will be required prior to the issuance of a permit.
- BR-6. Prior to issuance of a grading and/or construction permit, the project owner shall obtain an Oak Tree Removal Permit from the Community Development Department for the removal of Tree #1.