

RESOLUTION NO.: 00-007  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO MODIFY THE GRADING APPROACH FOR TRACT 2223-2

(APPLICANT: BELLA VISTA ESTATES)

WHEREAS, on August 26, 1996, the Planning Commission granted Tentative Map approval for Tract 2223, a 103 lot single family residential subdivision to be constructed in two development phases, and

WHEREAS, the application subsequently filed for modifications to the development and design conditions placed on Tentative Tract Map 2223, and the City Council on August 7, 1997 approved those modifications after the Planning Commission's action had been appealed by the applicant, and

WHEREAS, the approximate 40-acre subject tract is located west of Prospect Avenue, south of Highway 46 East and at the west end of Mesa Road, and

WHEREAS, Phase 1 of the project has already been constructed and homes built, and

WHEREAS, the approved Grading and Drainage / Tract Exhibits for Phase 2 of the project show some of the lots at the western end of the project having a "limited grading" design (pad lot grading was not shown or approved), and

WHEREAS, the applicant, Bella Vista Estates, Inc. has filed a request to modify the grading design for fourteen (14) of the 53 residential lots in Phase 2 to create padded lots where the grading plan had previously shown the lots to be left in natural slopes, and

WHEREAS, the City's Hillside Grading standards would allow cut and fill slopes to the extent currently being proposed by the applicant, and

WHEREAS, the applicant has supplemented their proposed grading plans with an "Oak Tree Protection and Preservation Report" prepared by Jack Brazeal, dated January 8, 2000, and

WHEREAS, the preparation of said Oak Tree Report resulted in further modifications in the grading plan that have reduced the number of oak trees anticipated for removal from fifteen (15) to eight (8), and

WHEREAS, the incremental change in grading that is proposed within the project area is Categorically Exempt from additional environmental review per Section 15304 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA), and

WHEREAS, public hearings were conducted by the Planning Commission on January 11, 2000 and January 25, 2000 to consider facts as presented in the staff report prepared for the request to modify the

grading approach for the project, and to accept public testimony regarding this application, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby approve a modification to the grading approach for Tract 2223-2 subject to the following conditions:

1. All standard and site specific conditions established in City Council Resolutions 97-107 (Tentative Tract) and 97-108 (Planned Development Amendment) shall be implemented in full, unless modified and/or supplemented specifically by the conditions of this resolution.
2. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

EXHIBIT	DESCRIPTION
A1 & A2*	Revised Grading and Drainage
B*	Oak Tree Protection and Preservation Report (dated January 8, 2000) (accept as modified by site specific conditions)
C1 – C3	Landscape Plan View and Eastbound/Westbound Perspective Views

\* Indicates full size plans and/or full document is on file in the Community Development Department.

3. The Oak Tree preservation measures identified in Exhibit B (Oak Tree Protection and Preservation Report) shall be fully implemented for all oak trees not otherwise authorized for removal by the City Council. The Grading Plans shall include an Oak Tree Protection Plan (cross referenced to the Grading Plan) that contains specific notations of required Exhibit B mitigation measures
4. All “Cultural Care Practices,” including placement of tree protection fencing shall be clearly identified on the Grading Plans and carried out in the field as described in the Exhibit B report.
5. Project grading shall be monitored by an on-site arborist to insure compliance to the approved tree protection measures listed in the Exhibit B report.
6. The applicant shall file an Oak Tree Removal request for separate review and consideration by the City Council in accordance with the Oak Tree Preservation Chapter of the Municipal Code. The following oak trees are anticipated to be removed in conjunction with Phase 2 development (as identified Exhibit B inventory): #1, 14, 17, 18, 19, 20 & 43. No grading permit shall be issued until such time that City Council has acted on the Oak Tree Removal request.
7. The graded slope on Lot 105 shall be shifted to the east to “daylight” on Lot 104 per the Oak Tree Protection and Preservation Report. This grading revision shall be reflected on the final grading plan

submitted to the Engineering Division prior to obtaining a grading permit.

8. The grading and development of a residence on Lot 104 shall be customized to fully preserve the 21-inch blue oak per the Oak Tree Protection and Preservation Report. Constructive notice shall be recorded concurrent with the Final Map recordation with the intent of notifying any future buyer for Lot 104 of the specific Oak Tree preservation measures applicable to the lot.
9. Grading along the Tract's western boundary (adjacent to Cielo Court) shall be "contour" graded to the greatest extent feasible given the distance to the western property boundary. The intended meaning in "contour" grading is to reduce the 2:1 slope to a 3:1 slopes or less, then to blend the toe of slope to the natural contour. This grading revision shall also be reflected in the final Landscaping Plans to be reviewed by the Development Review Committee.
10. Prior to map recordation, a detailed final Landscaping Plan for treatment along the western boundary and Phase 2 northern project boundary shall be submitted for review and approval by the Development Review Committee (DRC), and shall demonstrate to the satisfaction of the DRC that the Landscape Plans will accomplish the following:
  - a) Accommodation of Replacement oak trees in a size and number as may be directed by the City Council for any approved oak tree removal (minimum of 2:1 replacement ratio);
  - b) Adequate plant species diversity and placement to create multiple layered visual screen along the tract edges;
  - c) Adequate slope revegetation and stabilization to blend the grading to the natural topography;
  - d) Adequate screen materials placed west of the retaining wall at the south end of Cielo Court;
  - e) Appropriate undercanopy of shrubs and groundcover to complement tree palette;
  - f) Appropriate soil amendments and irrigation to assure long term performance of plant materials;
  - g) Compliance with any noise mitigations as may be identified for the project;
  - h) Landscaping plans shall reflect the applicant's voluntary offer (at the January 25, 2000 Planning Commission meeting) to upgrade the landscaping along the northern perimeter of Phase 1 of Tract 2223 (adjacent to Highway 46 East), to match Phase 2 landscaping as may be approved by the Development Review Committee.
11. Prior to issuance of building permits, the Landscape Architect of record shall inspect and certify that the planting has been completed per the approved plans and specifications.
12. Prior to map recordation, the applicant shall provide an independent noise analysis study and comply with mitigation measures as may be identified by that report (including potential measures such as increased wall heights, the return of the sound wall along the western edge of Lot 104, and the addition of a sound wall along the western perimeter).

PASSED AND ADOPTED THIS 25<sup>th</sup> day of January, 2000 by the following Roll Call Vote:

AYES:           JOHNSON, FINIGAN, McCARTHY, NEMETH, TASCONA, WARNKE

NOES:           NONE

ABSENT:        NONE

ABSTAIN:       STEINBECK

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CHAIRMAN, GARY NEMETH

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY