

RESOLUTION NO.: 00-047

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT TENTATIVE MAP APPROVAL FOR TRACT 2369
(MONTEBELLO / FRANK ARCIERO)

APN: 025-391-031, 032, 049, 050 & 25-392-006

WHEREAS, Tentative Tract 2369 (Montebello) has been filed by Frank Arciero to subdivide an approximate 185 acre site into 250 single family residential lots, and

WHEREAS, the proposed subdivision would be located south of Highway 46 East, east of North River Road and north of Union Road with connecting streets at the south end of the project site including Kleck Road, Skyview Drive and Magnolia Street, and

WHEREAS, this project site is located in Sub Area C of the Union/46 Specific Plan Area, and

WHEREAS, Planned Development 00-003 has been filed in conjunction with this tentative map request to meet Section 21.23B.030 of the Zoning Code, which requires Planning Commission approval of a development plan for base zones which are in the planned development (overlay) district, and

WHEREAS, the Planned Development application is being proposed concurrently to create resulting lots sizes that are as small as 7,000 square feet and are “clustered” away from the Highway 46 East corridor and the adjacent oak woodland area to preserve approximately 51 acres in permanent open space, while maintaining the average lot size of 12,000 square feet and respecting the maximum residential density as prescribed by the Union/46 Specific Plan, and

WHEREAS, an environmental Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and although mitigation measures were identified within the study (on file in the Community Development Department), the conclusion was such to enable a finding of consistency of the project with the approved Union/46 Specific Plan for which an Environmental Impact Report was already prepared and certified by the City Council, and

WHEREAS, Section 15182 of the State’s Guidelines to Implement the California Environmental Quality Act (CEQA) exempts projects from additional environmental review when it can be determined that the subject project(s) is consistent with the adopted Specific Plan of which it is a part.

WHEREAS, modifications and flexibility in zoning standards in accordance with Section

21.23B.030 of the Zoning Code (PD overlay) is requested by the applicant for the following:

- a. Minimum lot size modified from 10,000 to 7,000 square feet (while still maintaining an average of 12,000 square feet established by the Specific Plan);
- b. Modify the widths of cul de sac lots to less than 70 feet at the 20 foot set back line because of the radius design of the bulb;
- c. For the majority of the lots to be pad graded with uniform lot dimensions (rather than strict adherence to lot size and dimension criteria that would be established by the hillside ordinance based on underlying natural topography);

WHEREAS, a public hearing was conducted by the Planning Commission on August 8, 2000 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed subdivision and associated planned development, and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following findings as required by Government Code Section 66474:

1. As conditioned, the proposed tentative subdivision map is consistent with the adopted General Plan for the City of El Paso de Robles.
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 development proposed;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
6. The design of the subdivision and types of improvements proposed are not likely to cause serious public health problems;
7. The design of the subdivision 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 to Tract 2369 subject to the following conditions of this resolution:

STANDARD CONDITIONS:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution. When future applications are submitted to the City for development of the newly created lots, additional site specific conditions will apply. Note: All checked standard conditions shall apply unless superseded by a site specific condition.

COMMUNITY DEVELOPMENT SITE SPECIFIC CONDITIONS:

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 so as to substantially conform with the following listed exhibits and conditions established by this resolution:

| <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|----------------|--|
| B | Tentative Tract Map / Site Plan |
| C | Preliminary Grading and Drainage Plans |
| D | Preliminary Utility Plan |
| E | Preliminary Site Sections |
| F | Tree Location Plan |
| G | Oak Tree Removal Proposal Summary |
| H | Circulation System |
| I | Conceptual Landscape Plan / Parkway Planting |

3. This Tentative Tract Map 2369 and Planned Development 00-003 authorizes the subdivision of approximately 185 acres into 250 single-family residential lots. The 250 lot density is dependent on the dedication of the 51.36 acre Open Space parcel and the 9.30 acres of Open Space Easements as shown on Exhibit B.
4. The maximum number of lots permitted within this subdivision/development plan shall be 250. No lots shall be eligible for further subdivision (with the exception of minor lot line adjustments) and no lots shall be permitted to be developed beyond one unit per recorded lot. Note: In the event the School District does not exercise the purchase of the designated school site, the developer may submit a revised tentative map commensurate with the Specific Plan and the residential density for that area.
5. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map, preliminary grading plan, phasing plan, utilities, cross sections, and landscaping improvements (Exhibits B - I, reductions attached; full size copies are on file in the Community Development Department) and as amended by site specific and standard conditions contained in this resolution.

6. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 00-003 and its exhibits.
7. The tract is proposed to be built in five development phases. If the developer finds it necessary to change the phasing of the project, Planning and Engineering staff could review and approve the change in phasing. Staff determination on the appropriateness of the phasing revisions shall be based on the ability for that particular phase to “stand alone” and /or contribute as necessary to orderly development of this project and the surrounding area.
8. Prior to recordation of Phase I of the Final Map, the following detailed plans shall be submitted for review and approval by the Development Review Committee (DRC):
 - Master Street Tree and Parkway landscaping plan (all phases)
 - Entrance Signage and related Landscape/Hardscape Details
 - Water Booster Station Architectural Plans

Once approved by the DRC, these improvements shall be installed or bonded for prior to map recordation on a phase by phase basis as described in the Phasing exhibit.

9. A non-access easement shall be recorded on the final map for each phases for double fronting lots, favoring access from a cul-de-sac or street where the majority of homes take access.
10. The developer may submit grading plans to the Development Review Committee (DRC) that have been revised in accordance with the current hillside and R-1 grading standards that now permit the use of gravity walls and alternative driveway slopes. The intent of these revisions would be to improve overall grading within the project (minimizing exposed slopes). The determination of substantial compliance with the original map will be determined by the DRC, but shall be appealable to the full Planning Commission.
11. The applicant shall implement all mitigation measures contained in the associated Environmental Finding Resolution for this project, which include Project Mitigation Measures

identified in the original Certified Environmental Impact Report for the Specific Plan. Additional project level mitigation measures are contained in this tract resolution and are designed to further off set potential impacts to a less than significant.

Environmental Mitigation Measures

Air Quality

12. The applicant shall incorporate the following design and operational measures to minimize short term air emissions:

- Reduce the amount of disturbed areas where possible;
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceeds 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- All dirt stock-pile should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grasses seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the local agency (who may consult with APCD);
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer);
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- Sweep streets at the end of each day if visible soil material is carried onto adjacent road. Water sweepers with reclaimed water should be used where feasible.

13. The applicant shall design and provide for the following long term air emission mitigations as part of the project design as follows:

- When feasible, orient buildings to maximize natural heating and cooling;
- Provide for street tree planting as shown;
- Provide for pedestrian and bicycle access within project;
- Utilize outdoor electrical outlets to encourage the use of electric appliances and tools when feasible;
- When feasible, use of built-in energy efficient appliances, double-paned windows, and energy efficient interior lighting.

Biology & Wildlife

14. Native oak trees shall be included in the final landscape palette for the project.

15. The 51.36 acres of Open Space designated on the Tentative Tract Map shall be dedicated in fee to the City of Paso Robles as permanent open space with phase I map recordation, consistent with the City's General Plan policies for preservation and conservation of natural resource areas.
16. Prior to issuance of a grading permit, the applicant shall obtain all the required permits from Fish and Game, and other agencies as applicable, to allow any work that would be adjacent to the oak woodland or drainage swales that may be determined to be within CDFG jurisdiction.

Oak Tree Protection

17. With the exception of those oak trees listed for potential removal in Exhibit G and site specific condition numbers 25 & 26 of this resolution, all oak trees located within and/or adjacent to the project site shall be preserved.
18. The number and configuration of lots within the subdivision is contingent upon the City Council's independent review and authorization for removal of oak trees. In the event that those 19 trees requested for removal in Exhibit G are not approved by Council for removal, the applicant shall submit a modified/redesigned proposal to the Planning Commission for consideration that is consistent with the Council's oak tree preservation directions.
19. All mitigation measures identified in the "Tree Protection and Tree Preservation Plan" for this project, prepared by Jack Brazeal and dated April 20, 2000 shall be fully implemented. The individual Mitigation listed by tree number shall be adhered as well as the following general measures also identified in that report:
 - a. Install all tree protection, to be approved by the site arborist, prior to any construction activities on this tie, including: No grubbing, grading or trenching. No storage of materials, buildings or parking and/or storage of any type of vehicle, equipment and/or supplies.
 - b. Tree protection fencing is to be installed as shown on the arborist report site plans.
 - c. The tree protection fence is to be installed erect and tight, and maintained at all times. Sloppy and/or sagging fencing is not acceptable.
 - d. No chemicals or fuels are to be stored within 50 feet of any oak tree's dripline.
 - e. No chemicals or fuels are to be stored where they could spill and leech into the root zone of any tree (root zone areas equals 3 times the dripline).
 - f. No fill, cuts (including key ways for fill slopes), grubbing, grading or any type disturbance is to occur in the protected areas.
 - g. The tree protection fencing is to remain on site as recommended until it is approved to be removed by the site arborist.
 - h. A "Stop Work" will be issues for violation of the tree protection zones.

20. Prior to start of grading an on-site arborist shall inspect and certify that all required tree protection fencing has been appropriately installed.
21. Prior to the recordation of each map phase, the Engineer of Record shall provide a written certification that each lot recorded in the project phase has an adequate building pad area such that no additional oak trees would need to be requested for removal (with the exception of those specifically referenced in the tract resolution for Council consideration to be removed).
22. Constructive Notice shall be provided to all property owners within the subdivision of the City's Oak Tree Preservation Ordinance and associated guidelines for oak tree protection.
23. Extraordinary grading and home design/development measures shall be expected/necessary for parcels: 120, 123 - 128, 144 - 154, 160, and 220 - 250 in accordance with Exhibits F-1 through F-7 of PD 00-003 Resolution of approval and the development/design criteria contained is same. Constructive notice shall be provided to the future owners of these parcels of the design parameters adopted for residential lot development of these lots.

Cultural/Archaeological

24. In the event that during site construction there are archaeological or historical resources unearthed, work shall stop and the developer and/or his contractor shall contact the Community Development Department so that appropriate mitigation measures can be identified and implemented per CEQA requirements.

ENGINEERING SITE SPECIFIC CONDITIONS

25. The final alignment of the storm drain pipeline between Lot Nos. 144 & 145 and between Lot Nos. 237 & 238 shall be reviewed by a certified arborist to save as many oak trees as possible. Final approval shall be determined by the City Council.
26. Prior to final design of 'A' Street, between River Road and the tract boundary, the applicant shall obtain approval from the City Council for the street section to be constructed and the amount of oak trees to be removed.
27. The applicant shall obtain approval from the City Council to allow the removal of 19 oak trees as outlined in the arborist's report to construct this project. (This cited number of 19 trees does not include additional oak tree removal addressed under conditions # 25 & 26).
28. The applicant shall relocate all property lines to the tops of slope for the entire subdivision. In areas where this is not feasible, the applicant shall submit these deviations to the Development Review Committee (DRC) for final approval.

29. Prior to the issuance of a grading permit, the applicant shall obtain written permission from the property owner to the east to grade on their property.
30. The drainage concept for Lot 79 and 9 shall be revised such that it does not drain onto adjacent property.
31. Concurrent with the recordation of the final map for each phase, the applicant shall record private drainage easements among lots to allow cross-lot drainage design. The form of agreement shall be in a manner reviewed and approved by the City Engineer and/or the City Attorney.
32. Prior to the issuance of the first grading permit, the applicant shall submit drainage calculations to confirm/verify that a detention basin is not needed to protect downstream property owners from the impact of increased storm-water run-off as a result of this tentative tract residential development.
33. In accordance to City Standards, all low points shall include a secondary emergency overflow to protect surrounding properties. Design of a secondary system shall be reviewed and approved by the City Engineer.
34. Prior to the issuance of construction permits to install the storm drain system in 'A' Street, the applicant shall obtain a permit from the U.S. Department of Fish and Game to allow the installation of an outfall at Salinas River.
35. Prior to issuance of grading permits for each phase, the applicant shall include transition grading and drainage scheme into future phases to the satisfaction of the City Engineer.
36. Prior to the issuance of a grading permit for phase one, the applicant shall submit water demand calculations to meet domestic and fireflow, for the entire tract. The calculations shall identify the backbone pipe diameters, and the size of the booster station.
37. Prior to the issuance of a Certificate of Occupancy, for phase one, the applicant shall construct and the City Council accept the completion of a booster station. The booster pump shall be designed in accordance to the City's Standards and Specifications and shall be reviewed and approved by the City Engineer prior to construction. The architectural details and design of the building shall be consistent with the conceptual plan Exhibit "I" and shall be subject to approval by the Development Review Committee.
38. A check valve in lieu of a Pressure Reducing Valve (PRV) shall be installed connecting the High Pressure Water (HPW) system to the rest of the subdivision.

39. All phases shall have a secondary source of water prior to the issuance of a Certificate of Occupancy. Phase 3 shall include water pipeline installation through phase 4 and connect to Skyview. This second connection shall be completed and accepted by the City Council prior to issuance of Certificate of Occupancy for phase 3.
40. The final alignment of the off-site sewer to the east shall be approved by the City Council in conjunction with the approval to remove oak trees as needed.
41. The sewer main in Lot numbers 43, 44 & 45 shall be public.
42. Open Space lots including lettered lots shall be dedicated to the City and annexed into the Landscape and Lighting District for maintenance.
43. The applicant shall pay his pro-rata share of the Airport, Golden Hill and South River Road Sewer Reimbursement Costs at the time a building permit is obtained. This is in addition to the Standard Sewer connection fees.
44. In accordance to the Union 46 Specific Plan, the applicant shall dedicate River Road to an arterial roadway. The dedication shall be made with the recordation of the final map for phase five (5).
45. In accordance to the Union 46 Specific Plan, the applicant shall submit a design to address traffic safety at North River Road where 'A' Street intersects this roadway. A design that can be feasibly constructed shall be installed and accepted by the City Council prior to the issuance of a Certificate of Occupancy for Phase four (4).
46. With the recordation of phase one, phase two and phase three final maps, the applicant shall post proportional securities (i.e. performance bonds) to insure the construction and completion of the collector road, 'A' Street from River Road to the westerly tract boundary. The amount shall include improvements as outlined in Condition #45 above.
47. All existing overhead utilities shall be placed underground prior to the issuance of Certificates of Occupancy. The applicant may contact adjacent property owners who have similar requirements to co-ordinate this undergrounding work. The exception to this undergrounding requirement is the 70 Kv line along the western project boundary, per the Specific Plan.
48. Completion of parkway landscaping may be deferred 60 days after the issuance of Certificates of Occupancy provided adequate securities have been posted to insure completion as approved by the City Engineer.
49. The School and Park Sites shall be created as defined parcels with the recordation of phase I and their acquisition shall occur as stated elsewhere in this resolution. For ease of future acquisition negotiations, these parcels shall be created as three (3) independent parcels with

increments of: seven (7), three (3) and seven (7) acres. The general configuration of these parcels shall be subject to review and approval by both the City and School District prior to recordation.

50. Maintenance of the future park site and public open space lot shall be via the Landscape and Lighting District, and included in the assessments for these 250 lots (along with public open space lots B and C).
51. Developer shall make available to City for acquisition as a park site a ten (10) acre site, seven (7) acres of which is identified in the Specific Plan as a park site and the remaining three (3) acres of which are identified either as a potential school or park site. City shall acquire, no later than the time at which the final map for phase three of the project is recorded (unless the parties have otherwise mutually agreed upon a different time), the ten (10) acre site; provided, however, that if the Paso Robles Unified School District ("School District") previously has acquired, or has exercised its option to acquire, the property designated in the Specific Plan for a school site, City shall only acquire the seven (7) acre park site. The purchase price to be paid by City for the park site shall be based upon an appraisal to be conducted by an M.A.I. appraiser mutually agreed upon by the parties, and shall be based upon the valuation of the entire park site for public park purposes, or as otherwise prescribed by law.
52. Developer shall make available to the Paso Robles Unified School District (the "School District") for acquisition as a school site a ten (10) acre site identified in the Specific Plan as a potential school site. Within sixty (60) days after the date of final approval of the tentative map for the project, Developer shall enter into an agreement with the School District giving School District the option to purchase the school site no later than the earlier to occur of (i) five (5) years from the date of approval of the tentative map for the project; or (ii) three (3) years from the date of recordation of the final map for phase three of the project. The option agreement shall provide that the purchase price to be paid by School District for the school site shall be based upon an appraisal to be conducted by an M.A.I. appraiser mutually agreed upon by the parties, and shall be based upon the valuation of the entire school site for public school purposes. Developer shall provide access to the school site along roadways within the subdivision. In the event School District does not exercise its option to acquire the school site, such property may be developed for single-family residential uses, in accordance with the Specific Plan and City regulations, or as otherwise prescribed by law.

PASSED AND ADOPTED THIS 8th Day of August, 2000 by the following Roll Call Vote:

AYES: JOHNSON, TASCONA, WARNKE, NEMETH

NOES: NONE

ABSENT: MCCARTHY

ABSTAIN: STEINBECK, FINIGAN

CHAIRMAN GARY NEMETH

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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