

RESOLUTION NO.: 02-038
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT APPROVAL FOR PLANNED DEVELOPMENT 02-001
(PEOPLES' SELF-HELP HOUSING CORP./CREEKSIDE GARDENS)

WHEREAS, Planned Development 02-001 has been filed by Peoples' Self-Help Housing Corp. (PSHHC), and is a proposal to develop 29 apartment units for low income seniors on a 7 acre site located on the northwest corner of Nicklaus Drive and Oak Hill Road; and

WHEREAS, the site is designated by the General Plan for Residential Multiple Family, Low Density land use and is zoned R-2, PD; and

WHEREAS, the project site is located in a Planned Development Overlay Zoning District and Municipal Code Section 21.16A.050 requires adoption of a development plan in conjunction with the development of any property within a Planned Development Overlay District; and

WHEREAS, PSHHC has indicated that all 29 of the proposed dwelling units are to be reserved for exclusive occupancy by persons who are both "seniors" as defined by California Civil Code Section 51.3 and "lower income" persons and/or households as defined by California Health and Safety Code Section 50079.5 (those earning 80% or less of the County's Median Income); and

WHEREAS, Section 65915 of the California Government Code provides the following:

- a. That the City shall offer at least a 25% density bonus and one "developer incentive" to developers who propose that 20% or more of the dwelling units in a housing project be reserved for lower income households;
- b. Defines "developer incentive" as a reduction in site development standards, a modification of zoning code requirements, or other regulatory incentives proposed by the developer or the city which result in identifiable cost reductions;
- c. Requires that a deed restriction limiting occupancy of the project site for a period of not less than 30 years be recorded against the property; and

WHEREAS, the proposed 29 units is within the allowable density for the site as established for the Residential Multiple Family, Low Density Land Use Category of the General Plan and by the R-2 Zone; and

WHEREAS, the Redevelopment Agency of the City of Paso Robles has approved a loan of Low and Moderate Income Housing (LMIH) funds to support this project, for which Section 33334.3(f) of the California Health and Safety Code requires recordation of a deed restriction restricting occupancy to lower income persons for a minimum of 55 years; and

WHEREAS, pursuant to Section 65915 of the California Government Code and the standards established for Planned Development applications, the applicant is requesting a waiver of the requirement set forth in Section 21.16I.185.C to provide 250 cubic feet of storage space per unit as a developer incentive; and

WHEREAS, the project was presented to the Development Review Committee in an open public meeting on June 24, 2002, and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Expanded Initial Study was prepared for this project, which found several potential significant impacts that could be mitigated if the project was revised to incorporate certain mitigation measures; and

WHEREAS, the applicants have agreed to revise the project to incorporate the mitigation measures listed in the Expanded Initial Study; and

WHEREAS, an Expanded Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a mitigated Negative Declaration was approved by the Planning Commission on July 9, 2002, and

WHEREAS, a public hearing was conducted by the Planning Commission on July 9, 2002, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed planned development; and

WHEREAS, at its meetings of July 9, 2002, the Planning Commission took the following actions regarding this planned development amendment:

- a. Considered the facts and analysis, as presented in the staff report prepared for the proposed planned development amendment;
- b. Conducted a public hearing to obtain public testimony on the proposed planned development;

NOW, THEREFORE, BE IT FOUND AND DETERMINED, by the Planning Commission, that based on the foregoing recitals, facts and analysis presented in the staff reports, public testimony received and subject to the conditions of approval listed below, that:

1. The granting of this permit, including the project's design and intensity is consistent with, and will not adversely affect, the policies, spirit and intent on the general plan, applicable specific plans, the zoning code, policies and plans of the City (Sections 21.16A.070[a] and 21.23B.050.A);
2. The proposed project maintains and enhances the significant natural resources on the site, is compatible with existing scenic and environmental resources (Sections 21.16A.070[b] and 21.23B.050[E]);
3. The proposed project is designed to be sensitive to and blend in with the character of the site and surrounding area (Section 21.16A.070[c]);
4. The proposed project's design and density of developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area (Sections 21.16A.070[d] and 21.23B.050.B and D);

5. The development would be consistent with the purpose and intent of this chapter and would not be contrary to the public health, safety and welfare (Sections 21.16A.070[e] and 21.23B.050.B);
6. 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 (Section 21.23B.050.C);

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles to approve Planned Development 02-001, subject to the following conditions set forth below.

STANDARD CONDITIONS:

1. The applicant shall comply with all those standard conditions which are indicated on “Exhibit A” to this resolution. NOTE: All checked standard conditions shall apply unless superseded by a site specific condition.
2. Pursuant to submittal requirements and Standard Condition B-1 of the standard conditions attached as Exhibit “A”, prior to issuance of a Certificate of Occupancy, the applicant shall provide, on a 3.5 inch disk or IBM-compatible CD, a copy of all signed and stamped approved plans, exhibits, resolutions, submittal materials, and other documentation pertaining to approval of this application for electronic archiving. The applicant may elect to have the City send out the documents for scanning at the applicant’s expense.

SITE SPECIFIC CONDITIONS: COMMUNITY DEVELOPMENT DEPARTMENT:

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

3. This Planned Development authorizes the construction of 29 multi-family dwelling units for exclusive occupancy by “lower income” senior households as defined by California Health and Safety Code Section 50079.5 and Civil Code Section 51.3. This Planned Development also authorizes a modification of the zoning standards for multi-family developments consisting of a waiver of the requirement set forth in Section 21.16I.185.C to provide 250 cubic feet of storage space per unit.
4. The project shall be constructed so as to substantially conform with the following exhibits established by this resolution. (NOTE: Reductions of Exhibits B-G are attached to this resolution; full-sized copies of Exhibits B-G and Exhibit H are on file in the Community Development Department.)

EXHIBIT	DESCRIPTION
T	
B	Title Sheet with Summaries (Sheet PD T1)
C	Master Site Plan (Sheet PD C1)

EXHIBIT	DESCRIPTION
D	Preliminary Grading and Drainage Plan (Sheet PD C2)
E	Site Sections (Sheet PD C3)
F	Building Elevations, Floor Plans, and Details (Sheets PD A1 & A2)
G	Preliminary Landscaping Plan (Sheet L1)
H	Color and Materials Board

5. The project shall be developed in a single phase, including all amenities and improvements reflected on the submitted exhibits. Any proposal to develop the project in multiple phases shall be subject to Planning Commission consideration and approval as part of a subsequent amendment to this Planned Development. Prior to granting approval of any phasing plan, the City may impose additional conditions upon this Planned Development relative to phasing which are necessary to protect the public health, safety and welfare and orderly development of the City.
6. Street Trees shall be planted on Oak Hill Road and Nicklaus Drive frontages of the site at the rate of one tree per every 40 linear foot of frontage. Minimum specimen size for each street tree shall be 1½ inch caliper. The species planted shall be chosen from the City’s Master Street Tree List adopted via Resolution 02-96, and shall be approved by the Streets Division of the Department of Public Works. All parkway irrigation shall meet City standards. All landscaping and irrigation shall be installed prior to issuance of a Certificate of Occupancy.
7. Future identification signs may be located at project entrances in accordance with the City’s zoning codes subject to review and approval by the Development Review Committee. Signs shall be visually compatible with walls, landscaping and other features of the subdivision’s character. Lighting shall be kept to a minimum and fully shielded.
8. This project is subject to the State of California Department of Fish and Game Environmental Filing Fees for a Negative Declaration which requires the applicant submit a \$1,250.00 filing fee payable to “County of San Luis Obispo”. The fee should be submitted to the Community Development Department within 24 hours of project approval, which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.
9. Prior to issuance of a building permit, the property owner shall record an instrument, to be approved by the City Attorney, naming the City of El Paso de Robles as the sole agent for pumping and delivering the overlyer’s groundwater water rights.
10. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a renter’s lease agreement to the City for review and approval. Said lease agreement shall inform all prospective renters that, as provided for in Municipal Code Sections

9.06.030 and 21.22.160, parking spaces may not be used for storage of trailers, boats, or inoperative vehicles.

11. The applicant shall submit a “Soils and Geology” report with an application for a building permit. (Note: This condition supplements Standard Condition #E-5.)
12. During construction, the applicant shall implement appropriate erosion control measures and, where practical, limit ground disturbance activities to dry weather, where feasible, to avoid increased surface water runoff and erosion on site, and to avoid sedimentation of the ephemeral drainage. The applicant shall install appropriate erosion control devices (i.e., hay bales, silt fences) around the perimeter of the construction zone and areas experiencing disturbance of the ground surface. Erosion control devices shall be checked on a daily basis to ensure proper function. (Note: This condition supplements Standard Condition #E-4.)
13. A City approved grading/drainage/erosion control plan shall be incorporated into the project during the permit process. This approved plan will include all applicable City standards for grading, drainage, erosion control, oak tree protection, and protection of the site’s blue-line swale. (Note: This condition supplements Standard Condition #E-4.)
14. Prior to issuance of a building permit, the applicant shall deposit with the City an amount equal to 0.69% of the cost of a signal at the intersection of Niblick Road and Nicklaus Drive. The cost of the signal shall be determined by the Public Works Director, or his/her designee.
15. During construction, the applicant shall prohibit stockpiling of any soil in areas located in the vicinity of the drainage and associated wetlands, or in areas that have potential to experience significant runoff during the rainy season. (Note: This condition supplements Standard Condition #F-3.)
16. Following completion of construction-related activities, the applicant shall immediately revegetate all disturbed and barren areas with appropriate vegetation to reduce the risk of erosion from the site and sedimentation into the drainage and downstream aquatic habitats. Areas experiencing only temporary disturbance shall be replanted with only native species that are characteristic of grassland and woodland habitats of the project area.
17. Prior to issuance of a grading or building permit, the applicant shall prepare a storm water pollution prevention plan (SWPPP) that addresses surface water management during construction, and specifies measures for erosion control following development activities.
18. To avoid take of active raptor nests, any necessary tree removals should be conducted between mid-September and mid-February, outside of the typical breeding season. If tree removals are determined to be necessary during the typical breeding season, a raptor nest survey should be conducted by a qualified biologist prior to proposed development activities. The results of the raptor nest survey should then be submitted to City, via a letter report. If the biologist determines that a tree planned for removal is being used for nesting at that time, disturbance should

be avoided until after the young have fledged from the nest and achieved independence. If no nesting is found to occur, necessary tree removal could then proceed.

19. To the extent feasible, avoid all ground disturbance activities within woodland and grassland habitats during the typical nesting period for various songbirds such as Western meadowlark. Breeding and nesting of this species, as well as other songbirds, typically occurs from February through August. If construction activities cannot be avoided during the typical breeding season, retain a qualified biologist to conduct a pre-construction survey (no greater than 30 days prior to construction) to determine presence/absence of nesting birds within annual grassland of the project area. If no breeding or nesting activities are detected near the proposed work areas, construction activities may proceed. If, however, active nests are found within proposed work areas, construction should be avoided until after the young have fledged from the nest and achieved independence, or upon approval from CDFG. If construction requires adversely affecting nesting birds, including most raptors, the CDFG may issue incidental take permits under Section 2081 of the Fish and Game Code authorizing such impacts.
20. Prior to issuance of a Building or Grading Permit, and during construction, measures specified in the USFWS' Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (USFWS, 1999) should be implemented during construction to avoid direct impacts to the species. Standard requirements for avoidance of impacts to kit fox are listed below.
 - a. Project-related vehicles should observe a 20 miles per hour speed limit throughout the project site to reduce the potential for impacting kit fox.
 - b. All construction should be restricted to within daylight hours to avoid affecting kit fox nocturnal activities.
 - c. All holes or trenches should be thoroughly inspected for trapped animals prior to filling. In the event that a trapped or injured kit fox is discovered during construction, the USFWS field office in Ventura and local CDFG representative should be immediately notified.
 - d. Because kit foxes are attracted to den-like structures such as pipes, all construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that area stored within work areas for overnight periods should be thoroughly inspected for kit foxes before the pipe or culvert is buried, capped, or moved. If a kit fox is found inside of a pipe, the pipe should not be moved until representatives of USFWS and CDFG are notified.
 - e. All food-related trash items should be disposed of in closed containers and removed from associated construction zones located at the project site, at least once per week.
 - f. No firearms or pets should be allowed on site during construction activities.

21. Prior to issuance of a Building or Grading Permit, the applicant shall retain a qualified wildlife biologist to conduct a pre-construction survey for kit fox within proposed areas of disturbance and in areas located directly adjacent to the project area. The survey should be conducted according to USFWS protocol, and occur between 30 and 14 days prior to ground disturbance (USFWS, 1999). Results of the survey shall immediately be submitted to the City. In the event that any potential kit fox dens (burrows that meet minimum size criteria for kit fox) are found within the immediate vicinity of the project area, the CDFG should be immediately contacted to discuss subsequent den monitoring efforts (if necessary), establishment of exclusion zones, and pertinent protective/avoidance measures.
22. Prior to issuance of a Building or Grading Permit the applicant shall retain a qualified wildlife biologist to conduct a worker education briefing for all employees involved with proposed residential construction, immediately prior to commencement of construction. The educational briefing should include identification of required protective measures (described in Condition 20), reporting responsibilities, and penalties for failure of compliance.
23. Prior to issuance of a Building or Grading Permit, the applicant shall establish a plan for mitigating the permanent loss of suitable kit fox habitat associated with project implementation. The applicant shall determine through consultation with CDFG whether a dedicated conservation easement located on site or in lieu fees would be most appropriate for mitigating the loss of habitat. The conservation area or amount of in lieu fees will be based on the mitigation ratio required by CDFG. CDFG will establish the mitigation ratio based on the score obtained during the recently completed San Joaquin Kit Fox Evaluation.
24. The final grading plan shall clearly show the following information from Arbor Tree Surgery's Report dated May 2, 2002: driplines; locations of fencing (where it may differ from driplines to accommodate limited amounts of construction beneath the driplines); and mitigation measures.
25. The applicant shall retain a City-approved biological monitor, qualified botanist, or certified arborist to be responsible for the following tasks:
 - a. Prior to issuance of a grading or building permit, clearly mark the dripline area of each native tree that may potentially be adversely affected by the proposed project. The dripline area of each tree shall be marked with highly visible construction fencing.
 - b. Prior to and during construction, supervise all ground disturbance and site preparation activities occurring directly adjacent to oak woodland habitat. The biological monitor shall conduct a brief training session prior to commencement of construction to advise construction personnel on the various measures identified for minimizing inadvertent construction-related impacts. The biological monitor shall visit the project area at a frequency to be determined appropriate by the City Engineer. During the site visits, the biological monitor shall ensure that identified construction zones and access routes remain clearly marked and restricted areas are avoided. In addition,

the monitor shall ensure that oak tree disturbance is limited to those oaks identified as requiring removal or damage. Regular monitoring reports documenting construction activities and associated effects on sensitive biological resources shall be prepared for submittal to the City as proof of satisfaction of conditions of approval.

- c. Supervision of the removal of the four (4) dead oaks identified in Arbor Tree Surgery's Report dated May 2, 2002.
26. The final landscaping plans shall avoid the use of artificial irrigation in areas located directly adjacent to or within the associated driplines of remaining oak trees. (NOTE: The preliminary landscaping plan meets this measure.)
27. Prior to issuance of a certificate of occupancy, the applicant shall revegetate disturbed areas located near remaining oaks with appropriate vegetation to minimize the need for artificial irrigation.
28. The four oaks identified by Arbor Tree Surgery's Report dated May 2, 2002 as being dead shall be removed and replaced with no less than eight (8) oaks with specimen sizes not less than 24 inch box and 1½ inch caliper. Said 8 replacement oaks shall be planted in a location to be determined by the Director of Public Works, or his/her designee. (NOTE: PD 02-001 is subject to the 1988 Oak Tree Ordinance [553 N.S.], and this condition is consistent with Section 10.01.040 as adopted by that ordinance.)
29. The applicant shall either:
 - a. Retain ownership of the wooded portion of the property and with it, responsibility for weed abatement and management of combustible materials; or
 - b. Prior to issuance of a Certificate of Occupancy, petition the City Council to accept dedication of the wooded area of the property in fee for use as open space subject to annexation of the dedicated area into Landscaping and Lighting District #1 for purposes of weed abatement and management of combustible materials.
30. An archaeologist or his/her designee shall be present to monitor all grading work, and shall prepare a summary report. In the event that, during construction, archaeological or historical resources are unearthed, work shall stop and the applicant and/or its contractor shall contact the Community Development Department so that appropriate mitigation measures can be identified and implemented per CEQA requirements.
31. Prior to issuance of a Certificate of Occupancy, a Bus Shelter, of the dark green metal type installed at various locations in the City, shall be installed in a location in front of the project site to be determined by the Directors of Public Works and Administrative Services. If the shelter is to be located on private property, an easement shall be recorded granting access to the shelter to the public.

SITE SPECIFIC CONDITIONS: PUBLIC WORKS DEPARTMENT

32. Prior to the issuance of a grading permit, the applicant shall submit a haul route to export any excess dirt from the project site.
33. The applicant shall dedicate to the City an easement for a Class I bike path along the general path of the existing sewer easement on site. The bike path easement shall be a minimum of 3.6 meters (12 feet) in width.

PASSED AND ADOPTED THIS 9th day of July, 2002 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN ED STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

ED\PSH\CREEKSIDE GARDENS\PD APPLICATION\PD RESO