

RESOLUTION NO.: 03-099

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES,  
APPROVING TENTATIVE PARCEL MAP PR 02-0321 FOR A PROPOSED RETAIL CENTER AND  
SELF-STORAGE FACILITY (THEATRE DRIVE – JAMES H. PANKEY)

APN: 009-851-001

WHEREAS, Tentative Parcel Map PR 02-0321 has been filed by John Knight, Principal Planner with RRM Design Group for Prime Commercial Real Estate and the Rosetti Company on behalf of the property-owner, Mr. James H. Pankey; and

WHEREAS, Tentative Parcel Map PR 02-0321 is a proposal to subdivide the site into four (4) individual parcels; and

WHEREAS, two (2) additional applications have been filed in conjunction with Tentative Parcel Map PR 02-0321: (a) Conditional Use Permit 02-026, seeking authorization to operate the retail center and mini-storage facility in the C2 PD (Highway Commercial, Planned Development) Zoning District; and (b) Planned Development 02-015 proposing to construct and operate an approximately 101,650 square foot retail center and mini-storage facility; and

WHEREAS, the approximately 8.3-acre project site is located on the west side of Theatre Drive, immediately south of the Target Center; and

WHEREAS, the General Plan Land Use Designation of this site is Regional Commercial (RC) and it is in the Highway Commercial, Planned Development Overlay Zoning District (C2, PD); and

WHEREAS, the Planned Development would establish the site plan, development standards, architectural theme, landscaping, and required infrastructure for the site; and

WHEREAS, the Conditional Use Permit would allow for operation of the multi-tenant retail center if found not to have a significant adverse effect on the economic vitality of Downtown Paso Robles; and

WHEREAS, the Tentative Parcel Map would subdivide the site into four (4) individual lots.

WHEREAS, an Initial Study was prepared for this project (and is on file in the Community Development Department) which proposes adoption of a Mitigated Negative Declaration and a Mitigation Monitoring Program; and

WHEREAS, Public Notice of the proposed Mitigated Negative Declaration and Mitigation Monitoring Program was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, at its December 9, 2003 meeting, the Planning Commission held a duly noticed public hearing on the proposed Theatre Drive retail center and mini-storage facility, to accept public testimony on the Planned Development, Conditional Use Permit, Tentative Parcel Map, and environmental review therefor; and

WHEREAS, Section 21.16I.040 of the Zoning Ordinance requires Development Review Committee (DRC) of a conceptual site plan before Planning Commission consideration of grating approval to the tentative parcel map; and

WHEREAS, at its December 1, 2003 meeting, the DRC reviewed the tentative parcel map and conceptual site plan concurrently being processed as part of Planned Development 02-015, and recommended approval to the Planning Commission; and

WHEREAS, based upon the facts and analysis presented in the staff report, the public testimony received and subject to the standard and site specific conditions of approval listed in this Resolution, the Planning Commission made the following findings in support of tentative parcel map approval as per Government Code Sections 66474 and 65457:

1. The proposed tentative parcel map is consistent with the City's General Plan.
2. The design of lots, streets, open space, drainage, sewers, water and other improvements is consistent with the General Plan, the Zoning Ordinance, and the Municipal Code.
3. The proposal will contribute to the implementation of General Plan Policy COM-2 (Design of Commercial Development) by providing for implementation of a master planned development for the project site and the individual parcels as part of a cohesive development with use of the same architectural treatment throughout the 8.3-acre site, as well as shared access and parking.
4. The site is physically suitable for the type of development proposed.
5. The site is physically suitable for the proposed density of development.
6. The design of the land division is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
7. The design of the land division and types of improvements proposed are not likely to cause serious public health problems.
8. The design of the land division 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 approve Tentative Parcel Map PR 03-0321, subject to the following conditions of approval:

STANDARD CONDITIONS OF APPROVAL:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution.

SITE SPECIFIC CONDITIONS OF APPROVAL:

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

COMMUNITY DEVELOPMENT

2. The project shall be constructed so as to substantially conform to the following listed exhibit and conditions established by this Resolution and the associated Resolutions for the Mitigated Negative Declaration and Mitigation Monitoring Program, Planned Development 02-015, and Conditional Use Permit 02-026.

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
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A Standard Development Conditions  
B Tentative Parcel Map PR 02-0321

3. The project shall comply with all conditions of approval in the resolutions granting approval to Planned Development 02-015 and CUP 02-026 and its exhibits.
4. Prior to or in conjunction with the recordation of the parcel map, the applicant shall record a reciprocal parking and access agreement between all Parcels.
5. Prior to or in conjunction with the recordation of the parcel map, the applicant shall record Conditions, Covenants and Restrictions (CC&Rs) for this land division in a form to be approved by the City Planner, City Engineer and City Attorney. These CC&Rs shall provide for the means of maintenance of the shared use areas (e.g. parking lot, landscaping, sound wall, sewer and water lines etc.).
6. Prior to the recordation of the parcel map, all final property corners and street monuments shall be installed.

ENGINEERING SITE SPECIFIC CONDITIONS

7. City Standard street improvements shall be constructed on Theatre Drive along the frontage of the project in accordance with the plan line for Theatre Drive adopted by the City Council. Drainage structures must be designed and constructed as necessary.
8. The existing overhead utilities along the east side of Theatre Drive across from the frontage of the project shall be relocated underground.
9. A private sewer line, constructed in accordance with City Standards, shall be extended from Theatre Drive to serve the project.
10. Storm water detention facilities shall be placed on-site in accordance with City Standards to mitigate the impact of increased volumes of storm water due to development of the site.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of December 2003 by the following Roll Call Vote:

AYES: Flynn, Warnke, Ferravanti, Johnson, Steinbeck, Kemper  
NOES: None  
ABSENT: Calloway  
ABSTAIN: None

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CHAIRMAN RON JOHNSON

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

**EXHIBIT A OF RESOLUTION 03-099**

**CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS  
FOR PLANNED DEVELOPMENTS / CONDITIONAL USE PERMITS**

PROJECT #: Tentative Parcel Map 02-0321

APPROVING BODY: PLANNING COMMISSION

DATE OF APPROVAL: DECEMBER 9, 2003

APPLICANT: RRM DESIGN GROUP FOR COMMERCIAL REAL ESTATE  
AND ROSETTI COMPANY

PROPERTY-OWNER: JAMES H. PANKEY

LOCATION: SOUTH THEATRE DRIVE, PASO ROBLES

The following conditions that have been checked are standard conditions of approval for the above referenced project. The checked conditions shall be complied with in their entirety before the project can be finalized, unless otherwise specifically indicated. In addition, there may be site specific conditions of approval that apply to this project in the resolution.

**COMMUNITY DEVELOPMENT DEPARTMENT - The applicant shall contact the Community Development Department, (805) 237-3970, for compliance with the following conditions:**

**A. GENERAL CONDITIONS:**

- 1. This project approval shall expire on December 9, 2005, unless a time extension request is filed with the Community Development Department prior to expiration.
- 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 4. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for

this approval.

- 5. This project is subject to the California Environmental Quality Act (CEQA) which requires the applicant submit a \$25.00 filing fee for the Notice of Determination 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.
- 6. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- 7. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- 8. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 9. All trash enclosures shall be constructed of decorative masonry block compatible with the main buildings. Gates shall be view obscuring and constructed of durable materials such as painted metal or chain link with plastic slatting.
- 10. All existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.
- 11. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- 12. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and shall be subject to approval by the Community Development Director or his designee.
- 13. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 14. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the

15. Development Review Committee, but specifically excluding precision block.  
The following areas shall be placed in the Landscape and Lighting District:

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The developer shall install all improvements and landscape areas. City acceptance on behalf of the Landscape and Lighting District shall be subject to the approval of the Public Works Street Department (237-3864).

16. All parking lot landscape planters shall have a minimum outside dimension of six feet and shall be separated from parking and driving areas by a six inch high solid concrete curb.

17. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

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18. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.

**B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

1. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department prior to the issuance of building permits.

2. Prior to the issuance of building permits, the
- Development Review Committee shall approve the following:
    - a. A detailed site plan, indicating the location of all structures, parking layout, outdoor storage areas, walls and fences, parking lot lighting, trash receptacles, and trash enclosures;
    - b. A detailed landscape and irrigation plan;
    - c. Detailed building elevations of all structures indicating the colors, materials, finishes, colors, and architectural treatments;
    - d. Other: See other requirements as noted in the Resolution for PD 02-015.

3. The applicant shall meet with the City's Crime Prevention Officer prior to the issuance of building permits for recommendations on security measures to be incorporated into the design of the structures to be constructed. The applicant is encouraged to contact the Police Department at (805) 237-6464 prior to plan check

submittal.

**C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO OCCUPANCY:**

- 1. Occupancy of the facility shall not commence until such time as all Uniform Building Code and Uniform Fire Code regulations have been complied with. Prior to occupancy, plans shall be submitted to the Paso Robles Fire Department and the Building Division to show compliance. The building shall be inspected by the appropriate department prior to occupancy.
- 2. All public or private manufactured slopes located adjacent to public right-of-ways on property in excess of six (6) feet in vertical height and of 2.5:1 or greater slope shall be irrigated and landscaped for erosion control and to soften their appearance as follows: one 15-gallon tree per each 250 square feet of slope area, one 1-gallon or larger size shrub per each 100 square feet of slope area, and appropriate ground cover. Trees and shrubs shall be staggered in clusters to soften and vary the slope plane. Slope planting shall include a permanent irrigation system be installed by the developer prior to occupancy. In lieu of the above planting ratio, the applicant may submit a slope planting plan by a licensed landscape architect or contractor providing adequate landscaping, erosion control and slope retention measures; the slope planting plan is subject to approval by the Development Review Committee. Hydroseeding may be considered on lots of 20,000 square feet or greater.

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**PUBLIC WORKS DEPARTMENT - The applicant shall contact the Engineering Division, (805) 237-3860, for compliance with the following conditions:**

APPLICANT: RRM Design Group PREPARED BY: JF  
 REPRESENTATIVE: John Knight CHECKED : \_\_\_\_\_  
 PROJECT: PR 02-0321 TO PLANNING: 11/26/03

All conditions marked are applicable to the above referenced project for the phase indicated.

**D. PRIOR TO ANY PLAN CHECK:**

- 1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

**E. PRIOR TO ISSUANCE OF A GRADING PERMIT:**

- 1. Prior to approval of a grading plan, the developer shall apply through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.

- 2. The proposed structures and grading shall not encroach into the 100-year floodway as specified in Municipal Code Chapter 21.14 "Flood Damage Prevention Regulations".
- 3. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
- 4. A complete grading and drainage plan prepared by a registered civil engineer shall be included with the improvement plans. Drainage calculations shall be submitted, with provisions made for on-site detention/ retention if adequate disposal facilities are not available, as determined by the City Engineer.
- 5. A Preliminary Soils and/or Geology Report shall be prepared by a registered engineer for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site.

**F. PRIOR TO ANY SITE WORK:**

- 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.
- 2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility, together with the improvement plans. The composite utility plan shall also be signed by the Water, Fire, Wastewater, and Street Division heads.
- 3. Any grading anticipated during the rainy season (October 15 to April 15) will require the approval of a Construction Zone Drainage and Erosion Control Plan to prevent damage to adjacent property. Appropriateness of areas shall be subject to City Engineer approval.
- 4. Any construction within an existing street shall require a Traffic Control Plan. The plan shall include any necessary detours, flagging, signing, or road closures requested. Said plan shall be prepared and signed by a registered civil or traffic engineer.
- 5. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require a signature of approval by the Department of Public Works, Street Superintendent and the Community Development





- 7. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate Map (FIRM) - in zones A1-A30, AE, AO, AH, A, V1-V30, VE and V - the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State of California.
- 8. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate Map (FIRM) in zones A1-A30, AE, AO, AH, A, V1-V30, VE and V, the developer shall provide a Flood Proofing Certificate in accordance with the National Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State California.

**H. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services and any outstanding annexation fees.
- 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council.
- 3. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- 4. All top soil removed shall be stockpiled and evenly distributed over the slopes and lots upon completion of rough grading to support hydroseeding and landscaping. All slope areas shall be protected against erosion by hydroseeding or landscaping.
- 5. The applicant shall install all street names, traffic signs and traffic striping as directed by the City Engineer.
- 6. If the adjoining existing City street is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall remove the entire roadway and replace it with a minimum full half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 7. If the development includes a phased street construction along the project boundary for future completion by the adjacent property owner, the applicant shall provide a minimum half-width street plus a 12' wide travel lane and 4' wide graded shoulder adequate for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 8. When the project fronts on an existing street, the applicant shall pave-out from the proposed curb to the edge of pavement if the existing pavement section is adequate, and shall feather the new paving out to the centerline for a smooth transition. If the existing pavement is inadequate, the roadway shall be replaced to centerline and the remaining pavement shall be overlaid. (A finding of "rough proportionality" has

been made in the resolution for this condition).

- 9. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City Engineer. Boring and jacking rather than trenching may be required on newly constructed or heavily traveled City streets.
- 10. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV and telephone) underground (as shown on the composite utility plan). Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project.  
All underground construction shall be completed and approved by the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- 11. Prior to paving any street the water and sewer systems shall successfully pass a pressure test. The sewer system shall also be tested by a means of a mandrel and video inspection with a copy of the video tape provided to the City. No paving shall occur until the City has reviewed and viewed the sewer video tape and has determined that the sewerline is acceptable. Any repair costs to the pipeline including trench paving restoration shall be at the developer's expense.
- 12. A blackline clear Mylar (0.4 MIL) copy and a blueline print of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. A reduced copy (i.e. 1" = 100') of the composite utility plan shall be provided to update the City's Atlas Map.
- 13. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.

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**PASO ROBLES FIRE DEPARTMENT - The applicant shall contact the Fire Department, (805) 237-3973, for compliance with the following conditions:**

**I. GENERAL CONDITIONS**

- 1. Fire hydrants shall be installed at intervals as required by the Fire Chief and City Engineer. The maximum spacing for single family residential shall be 500 feet. The maximum spacing for multi-family and commercial/ residential shall be 300 feet. On-site hydrants shall be placed as required by the Fire Chief.
- 2. Building permits shall not be issued until the water system, including hydrants, has been tested and accepted and a based access road installed sufficient to support the City's fire apparatus (HS-20 truck loading). The access road shall be kept clear to a minimum of 24 feet at all times and shall be extended to each lot and shall be maintained to provide all weather driving conditions.

- 3. No buildings shall be occupied until all improvements are completed and accepted by the City for maintenance.
- 4. If the development includes phased street construction, temporary turn-arounds shall be provided for streets that exceed 150 feet in length. The temporary turn around shall meet City requirements as set forth in the Public Works Department Standards and Specifications.
- 5. All open space areas to be dedicated to the City shall be inspected by the Fire Department prior to acceptance. A report shall be submitted recommending action needed for debris, brush and weed removal and tree trimming. The developer shall clean out all debris, dead limbs and trash from areas to be recorded as open space prior to acceptance into a Benefit Maintenance District.
- 6. Any open space included in a private development shall be subject to the approval of a vegetation management plan approved by the Fire Chief.
- 7. Each tract or phase shall provide two sources of water and two points of access unless otherwise determined by the Fire Chief and Public Works Director.
- 8. Provisions shall be made to update the Fire Department Run Book.