

RESOLUTION NO.: 04-025
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT TENTATIVE MAP APPROVAL FOR TRACT 2571
(MONTE VISTA / WITTSTROM)

APN: 025-040-001, 003 & 004

WHEREAS, Tentative Tract 2571 (Monte Vista) has been filed by Chad Wittstrom to subdivide an approximate 19.6 acre site into 34 single family residential lots; and

WHEREAS, the proposed subdivision would be located east of the Montebello subdivision, north of Union Road and west of Arciero Way; and

WHEREAS, the project site is located within Sub Area C of the Union/46 Specific Plan area; and

WHEREAS, Planned Development 03-013 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 to create resulting lots sizes that are as small as 7,552 square feet and are “clustered” away from the adjacent oak woodland area to preserve approximately 5 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 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, modifications and flexibility in zoning standards 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;

WHEREAS, a public hearing was conducted by the Planning Commission on March 9, 2004, 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, Zoning Ordinance and the Union 46 Specific plan;
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; and,
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 2571 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>
A	Standard Conditions
B	Tentative Tract Map
C	Utility Plan
D	Preliminary Grading and Drainage
E	Arciero Way Preliminary Plan and Details
F	Oak Tree Inventory and Location Map
G	Union/Montebello Oaks Road Sections
H	Landscape and Lighting District Areas
I	Open Space Restrictions – Future constructive notice requirements

3. This Planned Development 03-013 coincides with Tentative Tract Map 2571 and authorizes the subdivision of approximately 19.6-acres into a maximum of 34 single family residential lots ranging from approximately 7,552 square feet to 1.1-acre in size (maintaining an average of 12,000 square feet). The project includes the installation of parkway landscaping and street trees, decorative wall/landscape entrance features, sewer line construction, and future homes.
4. The maximum number of residential lots permitted within this subdivision/development plan shall be 34. No lots shall be eligible for further subdivision (with the exception of minor lot line adjustments).
5. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map and preliminary grading plan (Exhibits B - D, 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 03-013 and its exhibits.
7. Grading of the tract shall be consistent with Hillside Grading Regulations.
8. Prior to the issuance of a grading permit, final retaining wall details including height, location and colors and materials shall be submitted to the DRC for review.

9. In conjunction with the development of the final map, the slope and “no-mans land” areas as shown on Exhibit H, shall be included within the Landscape and Lighting District. The exact location of the easement boundaries will be determined with the review of the final map as determined by the City Engineer.
10. In conjunction with the development of the final map, the property lines of lots adjacent to the sewer access road / pedestrian path should be adjusted to be out of the path area as determined by the City Engineer. Furthermore, a non-access easement shall be recorded on the final map on all lots that are adjacent to the access road / pedestrian path.
11. The applicant shall implement all mitigation measures contained in the associated Environmental Finding Resolution for this project, which includes 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 less than significant.

Environmental Mitigation Measures

Air Quality

12. The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.4 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:
 - a. 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 exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - b. All dirt stockpile areas should be sprayed daily as needed.
 - c. 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.
 - d. Exposed ground areas that are to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.

- e. 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 APCD.
 - f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
 - g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
 - h. 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) in accordance with CVC Section 23114.
 - i. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
 - j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
 - k. Reduce the amount of the disturbed area where possible.
3. 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 neutral 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 electrical appliances and tools when feasible;
 - When feasible, use built-in energy efficient appliances, double paned windows, and energy efficient interior lighting.

Oak Tree Protection

3. All mitigation measures identified in the Arborist Report performed by Steve Alvarez and Chip Tamagni of Arbor Tree Surgery (A&T Arborists and Vegetation Management) dated August 24, 2003 and the follow up letter dated October 10, 2003 related to Tree No. 25 shall be fully implemented. The individual mitigation and monitoring listed by tree number shall be adhered to as well as the standard mitigation measures / methods described in the report.

4. The mitigation measures/methods must be fully understood and followed by anyone working within the Critical Root Zone of any oak tree.
5. Prior to the issuance of a grading permit, the applicant shall hire the Arborist to be part of the Pre-Construction Meeting. The arborist shall review the grading plans and acknowledge in writing to the City Engineer/City Planner that the proper mitigations and measures have been designed into the plans. The standard protection measures shall be listed on the grading plans.
6. Prior to or in conjunction with the Final Subdivision Map, for the lots that have oak trees, a constructive notice shall be recorded in a form acceptable to the City indicating to future property owners that all the oak trees shall be preserved, and that all construction shall stay out of the oak tree critical root zone. The notice shall also include language indicating that homes shall be designed to be constructed within the building envelopes identified on the Tentative Tract Map (attached as Exhibit B). and that all development for residential lots will need to conform to the City's Oak Tree Ordinance.
7. Prior to the issuance of the Final Subdivision Map, for all lots within the subdivision, a constructive notice shall be recorded that identifies future builders/property owners that Planned Development PD 03-013 has been adopted for the subdivision which establishes home construction types and architecture, stepped home construction to minimize grading (no pad or mass grading is allowed for this subdivision except for lots that have a natural slope of less than 10-percent as approved by the Development Review Committee).
8. No oak trees shall be removed without the approval by the City Council. With the final plans for the sewer line, extraordinary efforts shall be made to work around the oak trees. Techniques such as hand digging and boring may be required when working within the critical root zone of oak trees. The arborist shall be involved with the location and design of the sewer line placement. If during the final design of the sewer line placement it is determined that it is necessary to remove oak trees, an application shall be submitted to the City Council for tree removal. The arborist has indicated in the Arborist Report that Trees 35 and 51 may need to be removed with the installation of the sewer line.
9. According the tentative tract map and all other plans submitted by the applicant, the 36-inch White Oak tree (Tree 1 in the Arborist Report) is located within the Union Road public right of way. The tree is identified as not being in good health and recommended to be removed by the Arborist. The project engineer has also indicated that the tree is in the line of site for the intersection of Montebello Oaks and Union Road. Prior to the issuance of a grading permit, the applicant shall submit an application for removal of Oak Tree No. 1 to the City Council.

Biological & Wildlife

10. The 5.38 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 the map recordation, consistent with the City's General Plan policies for preservation and conservation of natural resource areas.
11. Prior to the 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 the California Department of Fish and Game jurisdiction.

Cultural/Archeological

12. In the event that buried or otherwise hidden resources are discovered during construction work in the area of the find, work should be temporarily 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.

ENGINEERING SITE SPECIFIC CONDITIONS

13. Montebello Oaks Drive shall be extended to intersect Union Road in accordance with plans approved by the City Engineer.
14. Arciero Way shall be extended to Montebello Oaks Drive in accordance with plans approved by the City Engineer.
15. A 12-inch water main shall be extended in Montebello Oaks Drive from the west boundary of the subdivision to tie in to the existing 12-inch water main in Union Road.
16. A 10-inch sewer line shall be constructed from Arciero Way northwest to the Bella Vista lift station. A sewer access road shall be constructed along the route for maintenance purposes.
17. The Bella Vista lift station must be upgraded to accommodate Tract 2571.
18. The subdivider shall record covenants on all lots in Tract 2571 notifying buyers of lots of the limitations of the design of homes resulting from the Hillside Grading Ordinance and the Oak Tree Preservation Ordinance.
19. The sewer access road required above shall meet the design criteria for a Class I Bikeway. Lighting, signs and striping will be installed with the bikeway.

20. Overhead utilities located along the south boundary of the subdivision near Union Road shall be relocated underground.

21. All drainage from improvements in Tract 2571 shall be detained. No parkway landscape irrigation runoff will be discharged into the natural drainage course.

AIR POLLUTION CONTROL DISTRICT CONDITIONS

22. The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in section 6.4 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:

- a. 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 exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- b. All dirt stockpile areas should be sprayed daily as needed.
- c. 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.
- d. Exposed ground areas that are to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- e. 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 APCD.
- f. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- h. 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) in accordance with CVC Section 23114.

- i. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- j. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- k. Reduce the amount of the disturbed area where possible.

EMERGENCY SERVICES SITE SPECIFIC CONDITIONS

- 3. An emergency fire pump will be required to be installed and maintained for the project. Location and design shall be submitted for approval to Emergency Services Department with the submittal of the tract improvement plans.
- 4. The open space lot (Lot 35) is considered a “fire suppression zone” and a Vegetation Management Plan will need to be submitted for review by the Emergency Services Department prior to the issuance of a grading permit.

PASSED AND ADOPTED THIS 9th day of March, 2004 by the following Roll Call Vote:

AYES: Ferravanti, Johnson, Kemper, Flynn, Mattke, Hamon

NOES: None

ABSENT: Steinbeck

ABSTAIN: None

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY