

RESOLUTION NO. 04-062

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 04-008 FOR
THE MASTAGNI II BUILDING LOCATED
AT 739 12TH STREET, APN: 009-042-018
(MASTAGNI FAMILY TRUST - APPLICANT AND PROPERTY OWNERS)**

WHEREAS, Planned Development 04-008 has been filed by the Mastagni Family Trust; and

WHEREAS, Planned Development 04-008 is a proposal to establish a three-story commercial building with an architectural projection up to 2 feet for the cornice above the roofline, and the building is proposed to be approximately 7,889 s.f. on a 2,850 s.f. parcel; and

WHEREAS, the Mastagni II building has been designed to recreate the previous historical building that was located on the project site; and

WHEREAS, the project complies with the guidelines and standards of the Zoning Ordinance and the Downtown Design Guidelines; and

WHEREAS, the General Plan land use designation of the site is CC (Community Commercial) and it is located in the C1 PD (General Commercial - Planned Development) zoning district; and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 25, 2004 on this commercial project, to accept public testimony on the Planned Development application, PD 04-008; and

WHEREAS, this project is exempt from environmental review pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA); and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission makes the following findings:

1. This commercial project will not be detrimental to the City's efforts to revitalize Downtown Paso Robles since the project will provide retail opportunities and professional office space in the Downtown which is consistent with the City's Economic Strategy, General Plan, and Zoning.
2. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations) as follows:
 - A. The granting of the Planned Development (PD) will not adversely affect the policies, spirit and intent of the City's Economic Strategy, the General Plan, the Zoning Ordinance, and the Downtown Design Guidelines. Rather, the PD for the commercial project implements the City's goals as expressed in its Economic Strategy and its General Plan to "continue to revitalize Downtown Paso Robles as a commercial/entertainment center that accommodates a Government Center (e.g. Public Safety Center, County Courts, etc.), caters to the tourists, and provides professional office space."
 - B. The architecture of the project is intended to recreate the historic design of the previous building. The building design and site layout are in compliance with the Downtown Design Guidelines.

- C. The project is designed to be sensitive to and complement the historical character of the site and surrounding area.
- D. The design of the project is consistent with the surrounding development and will enhance the downtown.
- E. The project is consistent with the purpose and intent of the Economic Strategy, the General Plan, the Zoning Ordinance, and the Downtown Design Guidelines; and, it is not contrary to the public health, safety and welfare.
- F. The architectural design of the project is of an appropriate scale for the Downtown. The project's height, location and proportion of openings, cornice treatment, clock tower element, materials, and colors are consistent with the Downtown Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 04-008, subject to the following conditions:

STANDARD CONDITIONS:

1. The Mastagni II building project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit "A" and incorporated herein by reference.

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 in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBIT	DESCRIPTION
A	Standard Conditions of Approval
B	Site Plan
C	1 st Floor Plan
D	2 nd Floor Plan
E	3 rd Floor Plan
F	Exterior Elevations
G	Site/Building Section
H	Colors & Materials Board*

*on file in the Community Development Department

3. This PD 04-008, together with the Downtown Design Guidelines, establishes the conceptual framework for development of the Mastagni II building.
4. This PD 04-008 allows for development and operation of the retail and professional office uses on the project site.
5. All accessory elements including but not limited to mechanical screening, decorative paving, building mounted lighting, etc. shall be consistent with the Downtown Design Guidelines and the historical architectural design.
6. This PD 04-008 is valid for a period of two (2) years from approval. Unless permits have been issued and site work has begun, the approval of PD 04-008 shall expire on May 25, 2006. The Planning

Commission may extend this expiration date for an additional three (3) years if a time extension application has been filed with the City along with the fees before the expiration date.

7. Prior to issuance of certificates of use and occupancy, the property-owner or authorized agent is required to pay the City's Development Impact Fees.
8. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
9. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
10. All improvements, including frontage improvements and street tree planting along 12th Street and Park Street shall be constructed and installed to City standards.
11. All existing and new overhead utilities shall be placed underground.
12. Temporary construction noise levels in excess of 60 dBLdn shall be restricted to the daylight hours of 7am to 6pm. Noise levels shall be measured or monitored from site boundaries or the nearest adjoining residential use to determine compliance.
13. Grading activities, facility construction, and site improvements shall be performed in compliance with the requirements of the Air Pollution Control District so as to minimize creation of fugitive dust and other emission resulting from use of construction equipment.
14. Use and operation of the project and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

ENGINEERING SITE SPECIFIC CONDITIONS

15. Prior to issuance of certificates of use and occupancy, the applicant shall reconstruct any broken or deficient curb, gutter and sidewalk on 12th Street and Park Street adjacent to the frontage of the project, as require by and to the satisfaction of the City Engineer.

PASSED AND ADOPTED THIS 25th day of May, 2004 by the following Roll Call Vote:

AYES: Commissioners - Kemper, Johnson, Ferravanti, Hamon, Steinbeck and Chairman Flynn
NOES: Commissioners -None
ABSENT: Commissioner Mattke
ABSTAIN: Commissioners - None

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY