

RESOLUTION NO.: 04-108

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 03-020 FOR
PHASE 1 COMMERCIAL PROJECT – 4TH AND SPRING STREET MASTER PLAN
APNs: 009-261-002 AND 009-261-003**

(PACIFIC MANAGEMENT & DEVELOPMENT - APPLICANTS)

WHEREAS, Planned Development 03-020 has been filed by Pacific Management & Development; and

WHEREAS, Planned Development 03-020 is a proposal to establish a 20,500 s.f. commercial / office building; and

WHEREAS, the project complies with the guidelines and standards of the Zoning Ordinance and the and is designed to be compatible with the surrounding development pattern and architectural character; and

WHEREAS, the General Plan land use designation of the site is CC (Community Commercial) and it is located in the C-2 PD (General Commercial) zoning district; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 14, 2004 on this commercial project, to accept public testimony on the Planned Development application, PD 03-020 and associated environmental review; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed commercial project will not result in significant environmental impacts and it is appropriate for the Planning Commission to adopt a Negative Declaration, which is included in a separate resolution; 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. The project is consistent with the adopted codes, policies, standards and plans of the City; and
2. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
3. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the gateways to the City, scenic corridors; and the public right-of-way; and

4. the proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements, provides an appropriate visual appearance, and contributes to the mitigation of any environmental and social impacts; and
5. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The proposed development plan contributes to the orderly development of the City as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 03-020, subject to the following conditions:

STANDARD CONDITIONS:

1. The Phase 1 – 4th and Spring Street Master Plan 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	Exterior Elevations

3. This PD 03-020 allows for development and operation of the retail and office uses as permitted in the Zoning Ordinance on the project site.
4. The project shall be designed and constructed to be in substantial conformance with the site plan and elevations approved with this resolution.
5. This PD 03-020 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 03-020 shall expire on September 14, 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.
6. 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.
7. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
8. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.

9. All improvements, including frontage improvements shall be constructed and installed to City standards, as approved by the City Engineer.
10. All existing and new overhead utilities shall be placed underground, except as otherwise exempted by City codes.
11. Temporary construction noise levels in excess of 60 decibels 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.
12. The project should be in compliance the following recommendations of the San Luis Obispo County Air Pollution Control District so as to minimize creation of fugitive dust and other emission resulting from use of construction equipment to the extent possible as follows:

CONSTRUCTION PHASE MITIGATION:

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. Due to this project's proximity to neighboring commercial uses the APCD conditions this project should to comply with all applicable air quality regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook. **APCD staff recommend the following measures be incorporated into the project to control dust.**

- a. Reduce the amount of the disturbed area where possible.
- b. 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 (nonpotable) water should be used whenever possible.
- c. All dirt stock pile areas should be sprayed daily as needed.
- d. 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.
- e. 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 grass seed and watered until vegetation is established.
- f. 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.
- g. 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.
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- i. 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.
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- k. 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.

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed.** If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

Demolition Activities

The project referral did not indicate whether existing structures on the proposed site will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Permits

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Portable equipment used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. Operational sources, such as back up generators, may also require APCD permits. **To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

OPERATIONAL PHASE MITIGATION:

The APCD staff considered the operational impact of this commercial development by running the URBEMIS 2002 computer model, a tool for estimating vehicle travel, fuel use and the resulting emissions related to this project's land uses. This indicated that operational phase impacts will likely be

more than the APCD's CEQA Tier I significance threshold value of 10 lbs/day for nitrogen oxides (NOx), Reactive Organic Gases (ROG) and Particulate Matter (PM10). There are many design features which help reduce air quality impacts. Some of these may already be included in the proposed project. As a result of the estimated threshold exceedance, this project should implement all applicable standard mitigation measures and at least 3 additional mitigation measures, listed below.

Standard Mitigation Measures (Include all standard mitigation measures below)

- Provide on-site bicycle parking. One bicycle parking space for every 10 car parking spaces is considered appropriate.
- Provide on-site eating, refrigeration and food vending facilities to reduce employee lunchtime trips.
- Provide employee lockers to encourage employees to bike and/or walk to work.
- Increase the building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be accomplished in a number of ways (increasing attic, wall, or floor insulation, installing double pane windows, using efficient interior lighting, etc.).

Additional Mitigation Measures (Include at least 3 of the following)

Site Design Mitigation for this Commercial Project

- Increase street shade tree planting.
- Increase shade tree planting in parking lots to reduce evaporative emissions from parked vehicles.
- Provide on-site child care facilities for use by employees.
- Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment with designated walkways.
- Provide pedestrian signage to improve pedestrian safety.

Implement a Transportation Choices Program.

Provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, bike, etc. by implementing the Transportation Choices Program. The applicant should contact SLO Regional Rideshare at 541-2277 to receive free consulting services on how to start and maintain a program.

- If the project is located on an established transit route, improve public transit accessibility by providing a transit turnout with direct pedestrian access to the project or improve existing transit stop amenities.
- Provide Transportation Choices Program information centers on alternative transportation modes at the site (i.e. a transportation kiosk). Contact SLO Regional Rideshare for appropriate materials at 541-2277.

Energy Efficiency Measures

- Use roof material with a solar reflectance value meeting the EPA/DOE Energy Star® rating to reduce summer cooling needs.
- Use low energy parking lot and street lights (e.g. sodium).
- Install door sweeps or weather stripping if more energy efficient doors and windows are not available.
- Install high efficiency or gas space heating.
- Shade tree planting along southern exposures of buildings to reduce summer cooling needs.
- Use energy efficient interior lighting.

City Engineering

13. 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).
14. Prior to occupancy, curb, gutter and sidewalk shall be reconstructed along the frontage of the project on Spring Street. A right turn lane to 4th Street, shall be provided by reconstructing the curb and gutter on Spring Street from 4th Street 100 feet south, in accordance with the Spring Street Master Plan. Curb returns at 4th Street shall have a 30-foot radius. A two-foot offer of dedication of public right-of-way is required on Spring Street.
15. Prior to occupancy, curb, gutter and sidewalk shall be constructed along the project frontage on 4th Street. 4th Street improvements shall be designed to accommodate eastbound and westbound thru traffic lanes, a westbound Class II bikeway, and a center turn lane. The total design width of 4th Street shall be 48 feet. An asphalt curb shall be placed on the south side of 4th Street. The vertical profile of 4th Street shall be in accordance with the ultimate plan as approved by the City Engineer for the underpass to Riverside Avenue.
16. In accordance with the Plan Line for 4th Street, a minimum four (4) foot offer of dedication for public right-of-way shall be made along the frontage of the property or as needed to accommodate the sidewalk and parkway design.
17. Prior to issuance of a building permit, a traffic study must be provided in order to determine the fair share participation in the cost of installation of a traffic signal at the intersection of 4th and Spring Streets. The traffic study will also address the design and length of turn pockets at 4th Street and the project entrance.
18. Sidewalks on 4th Street shall be a minimum of 10 feet wide and shall include paver block treatments. Trees shall be located outside of the sidewalk at locations to be approved by DRC. Street furniture including benches, trash enclosures and news racks, shall be placed in accordance with downtown standards.
19. Street lights shall be provided along 4th and Spring Streets in accordance with City Ornamental Light Fixture Standards and the Spring Street Master Plan.
20. A transit stop shall be provided on 4th Street in accordance with plans approved by the City Engineer. Architectural design shall be consistent with the project design theme.
21. All existing overhead utilities on, or adjacent to the project along 4th Street must be relocated underground.
22. Prior to occupancy, the existing storm drain across Spring Street must be reconstructed in accordance with drainage calculations provided by a Civil Engineer. The applicant may request the City Council for reimbursement of the cost of construction of the storm drain. Storm drainage improvements shall be provided along project frontage in a manner to be approved by the City Engineer.
23. If the project cannot be served by the existing sewer line in Spring Street, a new sewer line must be extended in Pine Street from 8th Street to serve the project. A reimbursement agreement may be

established for the sewer line in Pine Street so that other projects on both sides of 4th Street will reimburse the applicant for the extension of this sewer.

24. Prior to occupancy, the applicant shall provide fire hydrants in accordance with City Standards and plans approved by the City Engineer and Emergency Services.
25. Prior to grading permit, the applicant shall provide plans for the treatment of storm water leaving the site.
26. Prior to issuance of building permits, the applicant shall record a reciprocal access and parking agreement between the property owners affected by Phase I of the 4th and Spring Street Master Plan, including Pacific Management & Development and the City of El Paso de Robles.

PASSED AND ADOPTED THIS 14th day of September, 2004 by the following Roll Call Vote:

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

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY