

RESOLUTION NO.: 05-0020  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE PLANNED DEVELOPMENT 01-030  
(Nunno LLC)

APN: 025-431-006

WHEREAS, Planned Development PD 01-030 has been filed by Michael Nunno on behalf of Nunno LLC, for the development of two (2) 50,000 square foot light industrial/warehouse buildings, located on the south side of Dry Creek Road, at 3500 Dry Creek Road; and

WHEREAS, the site is zoned AP,PD, according to Section 21.16A of the Zoning Code, in the PD overlay zone a development plan is required to be reviewed and approved by the Planning Commission, and

WHEREAS, according to the 1977 Airport Land Use Plan, light industrial and warehousing are permitted uses in Zone 4; and

WHEREAS, it would appear that the proposed uses would be in compliance with the Draft Airport Land Use Plan, where this site would be in Zone 3; and

WHEREAS, this item is a open public hearing continued from the Planning Commission hearings on January 24, 2005 and February 8, 2005; and

WHEREAS, the February 8, 2005 continuance was requested by the applicant in order to allow more time to review the conditions of approval for the project; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 22, 2005, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed development plan, and

WHEREAS, a resolution was adopted by the Planning Commission approved a Mitigated Negative Declaration status for this project, and a Mitigated Negative Declaration was prepared for the proposed Planned Development application in accordance with the California Environmental Quality Act, and

WHEREAS, based upon the facts and analysis presented in the staff reports, public testimony received and subject to the conditions of approval listed below, the Planning Commission makes the following findings:

1. 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 this permit 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;
  - b. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area;
  - c. 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;
  - d. 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;
  - e. The development is consistent with the purpose and intent of the 1977 Airport Land Use Plan, and is also consistent with the Draft Airport Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles, does hereby approve Planned Development 01-030 subject to the following conditions:

**STANDARD CONDITIONS:**

1. The applicant shall comply with all those conditions which are indicated on "Exhibit A" to this Resolution.
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>
B	Plot Plan / Monument Sign Detail
C	Site / Grading Plan –Bldg A
D	Site / Grading Plan –Bldg B
E	Architectural Elevations
F	Landscape Plan- Bldg. A
G	Landscape Plan- Bldg. B
H*	Color/Material Board
I	General Performance Standards

\* Indicates that exhibit is on file in the Community Development Department.

3. 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.

**COMMUNITY DEVELOPMENT SITE SPECIFIC CONDITIONS:**

4. The approval of Planned Development PD 01-030 would allow the construction of two (2) 50,000 square foot light industrial/warehouse buildings with ancillary parking and landscaping. The project would be developed in two phases, where building A would be constructed with Phase I and Building B would be constructed with Phase II.
5. The non-illuminated monument sign shall comply with the details shown on Exhibit A. Any additional signage would need to go through the sign review process and be reviewed by the Development Review Committee.
6. All exterior light fixtures shall be designed to be fully shielded and subject to planning staff review prior to issuance of construction permits.
7. There shall be no outdoor storage permitted with this development plan.
8. All mechanical equipment such as HVAC equipment shall be located on the ground and not on the roofs of the buildings. Any roof mounted equipment shall be fully screened by architectural screens to match the building.
9. All on-site operations of this facility shall comply with Section 21.21.040 of the Zoning Code (General Performance Standards for all uses) in relation to noise, dust, odor, hazards, vibration, glare, et cetera (copy attached as Exhibit I).
10. Prior to the issuance of building permits for construction, the developer shall submit detailed plans for review and approval by the Development Review Committee (DRC) as described in the standard conditions (Exhibit A).

## **ENGINEERING SITE SPECIFIC CONDITIONS**

11. Prior to issuance of a building permit, the applicant will be required to enter into an agreement not to protest the formation of an assessment district to participate in the future realignment of Airport Road and improvement of its intersection with State Highway 46, and enter into an agreement in a form to be approved by the City Attorney to participate in the cost of a Project Study Report and related environmental documentation and studies. The level of participation shall be based on the site specific traffic generated.
12. Prior to issuance of a building permit, the applicant shall enter into an agreement not to protest the formation of an assessment district to participate in the future extension of sanitary sewer to the area.
13. Prior to occupancy of any building, the applicant shall extend the 16-inch water main in Dry Creek Road from the west boundary of the Santa Cruz Biotech property to the west boundary of the subject project.

## **EMERGENCY SERVICES SITE SPECIFIC CONDITIONS**

14. Approved Automatic Fires Sprinkler System will be required to be installed in the buildings.
15. Provide KNOX box locked key box at approved location.

## **AIR POLLUTION CONTROL DISTRICT CONDITIONS**

16. The SLO County Air Pollution Control District (APCD) reviewed the Nunno project and requested that the following measures be added as conditions of approval for the project:

**AQ-1 Naturally Occurring Asbestos:** If during construction or grading naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying and Surface Mining Operations. These requirements may include but are not limited to:

- a. an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins;
- b. an Asbestos Health and Safety Program will also be required for some projects.

AQ-2 **Fugitive Dust Emissions:** The project will exceed the APCD mitigation threshold for grading of 4.0 acres of continuously worked area and is located near an active industrial area. In order to minimize offsite dust transport and potential nuisance impacts, it will be essential that this project closely manage fugitive dust as defined in the letter that accompanied the July 10, 2003 letter from APCD. The Attachment I, Dust Mitigation Measures is attached to this initial study.

AQ-3 **Operation Phase Mitigation:** By implementing the following recommended on-site mitigation measures, the air quality impacts from this industrial park will be reduced to a level of insignificant:

**Site Design Measures:**

- a. Provide bike parking at a ratio of one bike parking space for every 10 employee automobile spaces.
- b. Provide preferential carpool parking for employees.
- c. Provide preferential carpool and vanpool parking.

**Energy Efficiency Measures:**

- d. Increase building energy efficiency by 10-percent above Title 24 requirements. This can be accomplished in number of ways (increasing attic, wall or floor insulation, etc.)

**BIOLOGICAL CONDITIONS (KIT FOX MITIGATION)**

17. San Joaquin Kit Fox/Habitat Preservation:

Prior to the issuance of permits for grading/construction, the applicant shall provide for habitat preservation, in a form acceptable to the CA Fish & Game Department, in an amount equal to two acres of habitat, or fraction thereof, for each acre of development, or fraction thereof. The applicant shall have the ability to enter into an agreement with CA Fish & Game Department for payment of an in-lieu fee of \$2500 per acre to The Nature Conservancy for a total replacement habitat of 13.36 acres based on the score from the Kit Fox Evaluation Form and Procedure and the CA Fish & Game replacement of 2-acres for each of the 6.68-acres lost.

18. San Joaquin Kit Fox Protective Measures Before and During Construction:

- a. Within 30 days prior to initiation of construction, the applicant shall hire a qualified biologist acceptable to the U.S. Fish and Wildlife Service, CA Fish & Game Department, and the Community Development Director or his designee, to conduct a pre-construction survey for active kit fox dens
- b. Before any grading or construction activities commence, all personnel associated with the project shall attend a worker education program regarding the sensitive biological resources potentially occurring in the project area (i.e., San Joaquin kit fox). This program is to include information on the kit fox, its life histories and careful review of the mitigation measures to be implemented in order to avoid or reduce impacts. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. The Community Development Department shall be notified of the time that the applicant intends to hold this meeting.
- c. To prevent entrapment of the kit fox during the construction phase of the project, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- d. During the construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the kit fox has escaped.
- e. All food-related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in closed containers only and regularly removed from the site. Food items may attract kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

- f. Use of pesticides shall be in compliance with all local, state and federal regulations. (This is necessary to prevent primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which kit foxes depend.)
- g. Any contractor or employee that inadvertently kills or injures a kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to a supervisor overseeing the project. In the event that such observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the CA Fish & Game Department by telephone. Formal notification shall also be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the CA Fish & Game Department for care, analysis, or disposition.
- h. So as not to attract red fox, coyotes, or domestic dogs to the area, all waste products shall be disposed of in a manner that would not attract these animals.
- i. If any potential or known San Joaquin kit fox dens are subsequently observed during the required pre-construction survey, the following mitigation measures shall apply:
- (i) Fenced exclusion zones shall be established by a qualified biologist around all kit fox dens that can be avoided but may be inadvertently impacted by project activities; exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
- Potential kit fox den: 50 feet
  - Known kit fox den: 100 feet
  - Kit fox pupping den: 150 feet
- (ii) Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, materials storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the U.S. Fish and Wildlife Service and CA Fish & Game Department shall be contacted for guidance prior to ground disturbing activities on or near the subject den or burrow.

- (iii) If any known or potential San Joaquin kit fox dens are discovered within the designated project area which shall be unavoidably destroyed by the proposed project, excavation of kit fox dens shall not proceed without authorization from the U.S. Fish and Wildlife Service and CA Fish & Game Department. A copy of any such authorization received shall be provided to the City for its records.

**AIRPORT CONDITIONS:**

- 19. a. Non-reflective materials shall be used in buildings and signs where reflection would cause a flying hazard.
- b. Avigation easements shall be required over the entire project site prior to issuance of grading and/or building permits.
- c. No electromagnetic transmissions determined to interfere with aircraft operations shall be allowed.
- d. 45db maximum interior office levels

PASSED AND ADOPTED THIS 22<sup>nd</sup> day of February 2005, by the following Roll Call Vote:

AYES: Flynn, Steinbeck, Hamon, Mattke

NOES: Johnson, Menath, Holstine

ABSENT: None

ABSTAIN: None

\_\_\_\_\_  
CHAIRMAN ED STEINBECK

ATTEST:

\_\_\_\_\_  
ROBERT A. LATA, PLANNING COMMISSION SECRETARY

h:\darren\pd\01-030NunnoLLC\pd.res