

RESOLUTION NO: 06-031

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT A REFILE FOR
TENTATIVE TRACT 2435
(RIDINO)
APN: 008-327-004 & -005

WHEREAS, a refile request for Tentative Tract 2435 has been filed by Bill Ridino; and

WHEREAS, the project is currently under construction and consists of a nine-lot commercial condominium project consisting of eight (8) commercial condominium units with one common area parking lot on an approximately 11,000 square foot site; and

WHEREAS, since the project is currently under construction, PD 01-014 has been activated, therefore there is no need for a refile for the Development Plan; and

WHEREAS, the project was originally approved by the Planning Commission on January 14, 2003, and scheduled to expire on January 14, 2005; and

WHEREAS, the Planning Commission on March 8, 2005 approved a 1-year time extension of the project extending the entitlements to January 14, 2006; and

WHEREAS, a request for a second one year time extension was not submitted prior to the January 14, 2006 deadline, therefore Tentative Tract 2435 expired; and

WHEREAS, on March 8, 2006, the applicants submitted a request for a refile of the project; and

WHEREAS, there have been no changes to the General Plan and Zoning since the original tentative map was approved that would create any inconsistencies, and therefore the tentative map is still in conformance with the General Plan and Zoning; and

WHEREAS, a public hearing was conducted by the Planning Commission on May 9, 2006 to consider facts as presented in the staff report prepared for this refile request, and to accept public testimony regarding the extension, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby grant a refile of Tract 2435, subject to the following conditions:

STANDARD CONDITIONS:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution. Note: All checked standard conditions shall apply unless superseded by a site specific condition.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 all the exhibits and conditions contained in the resolution approving Planned Development 01-014.
3. The project shall substantially conform with the following listed exhibits and conditions established by this resolution of approval for Tract 2435:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
-----------------------	---------------------------

- | | |
|--|--|
| B. Tentative Tract Map | |
| C. Subdivision Section "A" | |
| D. Subdivision Section "B" | |
| E. Sidewalk detail for Railroad Street | |

4. This Tentative Tract Map authorizes the subdivision of approximately 0.25 acres into nine lots, including eight condominium lots and one common area lot.
5. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map (Exhibits B-D reductions attached; full size copies are on file in the Community Development Department).

ENGINEERING SITE SPECIFIC CONDITIONS

6. Railroad Street shall be improved in accordance with City Local Street Standard A-5.
7. Public improvements shall be provided on 14th Street adjacent to the property. Since the City has not determined the design of the improvements, they may be bonded and deferred through an agreement as approved by the City Engineer, unless this requirement is waived by the Planning Commission or City Council.
8. All existing overhead utilities on or adjacent to the subdivision on 14th and Railroad Streets shall be relocated underground. The relocation of overhead utilities on 14th Street may be included in the deferment agreement associated with improvements on 14th Street.

9. The private sewer line extension shall be designed so that each unit has its own separate sewer lateral outside the building perimeter.
10. Each condominium unit shall have its own separate water meter.
11. The subdivider shall extend an 8-inch water main in Railroad Street along the frontage of the project and shall install a fire hydrant.
12. Tentative Tract 2435 shall expire on May 9, 2008, unless a time extension request is filed prior to that date.

PASSED AND ADOPTED THIS 9th day of May 2006 by the following roll call vote:

AYES: Withers, Flynn, Steinbeck, Holstine, Menath

NOES: None

ABSENT: None

ABSTAIN: Hamon

CHAIRMAN JOHN HAMON

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

H:\darren\Time Extentions\tract2435Ridino.reso

EXHIBIT A OF RESOLUTION NO.: 06-031

**CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS
FOR SINGLE FAMILY RESIDENTIAL TRACT AND PARCEL MAPS**

PROJECT #: TRACT 2435

APPROVING BODY: PLANNING COMMISSION

DATE OF APPROVAL: MAY 9, 2006

APPLICANT: WILLIAM RIDINO

LOCATION: NORTHEAST CORNER OF 14TH AND RAILROAD STREETS

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 Planning Division, (805) 237-3970, for compliance with the following conditions:

A. GENERAL CONDITIONS

- ☒ 1. This project approval shall expire on May 9, 2008, 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 development shall comply with the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- ☒ 3. Prior to recordation of the map, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- ☒ 4. 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.

- ☒ 5. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.
- ☒ 6. 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.
- ☒ 7. 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 subject to approval by the Community Development Department.
- ☒ 8. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- ☐ 9. 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 Development Review Committee, but specifically excluding precision block.
- ☐ 10. The following areas shall be placed in a Landscape and Lighting District:
1. _____
2. _____

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 Department-Street Division (237-3864).
- ☒ 11. The following areas shall be permanently maintained by the property owner, Homeowners Association, or other means acceptable to the City:
1. Common Area parking lot (Proposed Lot 9)
2. _____
3. _____

4.

- ☐ 12. The applicant shall install durable, decorative fence/wall treatments and landscaping along all arterial streets in a manner subject to the approval of the Development Review Committee. Appropriate fence/wall treatments include but are not limited to splitface block, slumpstone, stuccoed block, brick, tubular steel with pilasters, or other similar materials as determined by the Development Review Committee, but specifically excluding precision block and wood fences. Substantial setbacks with landscaping may be considered as an alternative, subject to approval by the Development Review Committee.
- ☐ 13. The applicant shall provide a one-foot non-access easement along the rear/side of all lots that back up/side against a collector or arterial street.

B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS OR RECORDATION OF THE FINAL MAP, WHICHEVER OCCURS FIRST:

- ☒ 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.
- ☒ 2. Prior to the issuance of building permits, the
- ☒ Development Review Committee shall approve the following:
 - ☐ Planning Division Staff shall approve the following:
 - ☒ a. A detailed landscape plan including walls;
 - ☐ b. Other: 1. _____
 - 2. _____
- ☒ 3. The Covenants, Conditions, and Restrictions (CC&Rs) and/or Articles Affecting Real Property Interests are subject to the review and approval of the Community Development Department, the Public Works Department and/or the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the affected City Departments.

- ☐ 4. The applicant shall agree, in a manner acceptable to the City Attorney, to pay impact mitigation fees as may be established through a resolution or ordinance adopted by the City Council, in effect at the time building permits are issued.
- ☐ 5. In order for this tract/parcel map to be in conformance with the General Plan, the lots/parcels of the tract/parcel map shall be annexed into a Community Facilities District (CFD) that serves to mitigate impacts to public schools. Said CFD shall either be a joint City-School District CFD or a CFD created by the School District that the City Council has approved. If at the time that the final map is submitted for approval, proceedings to annex the tract/parcel map into a CFD have not been completed, the applicant shall record on all lots/parcels, a waiver of future protest to the formation of a CFD joint City-School District CFD or a CFD created by the School Districts that the City Council has approved.
- ☐ 6. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- ☐ 7. The developer shall provide constructive notice to all buyers that all homes are required to utilize semi-automated trash containers as provided by the City's franchisee for solid waste collection.
- ☐ 8. The developer shall provide constructive notice to future buyers that all residential units shall be required to be equipped with trash compactors.
- ☐ 9. 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.

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

APPLICANT: William Ridino PREPARED BY: John Falkenstien
REPRESENTATIVE: Tim Roberts CHECKED BY: _____
PROJECT: Tract 2435 TO PLANNING: 11-22-02

C. PRIOR TO ANY PLAN CHECK:

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

D. PRIOR TO RECORDING OF THE FINAL OR PARCEL MAP:

- ☒ 1. The owner shall pay all Final Map fees, and current and outstanding fees for Engineering Plan Check and Construction and Inspection services and any annexation fees due.

- ☐ 2. If, at the time of approval of the final/record parcel map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act, prior to recordation. The owner shall also be required to post securities to guarantee the installation and completion of said improvements as specified in the Subdivision Map Act and submit a Certificate of Insurance as required by the City. The owner shall also be required to post securities for grading in accordance with Section 7008 of the Uniform Building Code, latest edition. This bond shall be of sufficient amount to ensure completion of the grading and drainage facilities. (A finding of "orderly development" has been made for this condition on parcel maps).

Bonds required and the amount shall be as follows:

Performance Bond.....100% of improvement costs.

Labor and Materials Bond.....50% of performance bond.

- ☒ 3. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:

- ☒ a. Street lights;
☐ b. Parkway and open space landscaping;
☐ c. Wall maintenance in conjunction with landscaping;
☐ d. Graffiti abatement;
☐ e. Maintenance of open space areas.

- ☐ 4. The owner shall offer to dedicate to the City a 6 foot public utilities and 6 foot tree easement adjacent to all road right-of-ways. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
- ☐ a. Public Utilities Easement;
 - ☐ b. Water Line Easement;
 - ☐ c. Sewer Facilities Easement;
 - ☐ d. Landscape Easement;
 - ☐ e. Storm Drain Easement.

- ☒ 5. The subdivider shall offer to dedicate and improve the following street(s) to the standard indicated:

<u>Railroad Street</u>	<u>Local</u>	<u>A-5</u>
Street Name	City Standard	Standard Drawing No.
<u>14th Street</u>	<u>Westside</u>	<u>A-12</u>
Street Name	City Standard	Standard Drawing No.
<u> </u>	<u> </u>	<u> </u>
Street Name	City Standard	Standard Drawing No.

- ☒ 6. 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 Department.

- ☒ 7. All 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 Public Works Department Standards and Specifications.

- ☒ 8. Prior to any site work a Preliminary Soils Report shall be prepared for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site.

- ☒ 9. 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 managers.

- ☒ 10. 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.

- ☐ 11. The owner shall provide an additional map sheet to record concurrently with the final map or parcel map showing the lot configuration, and the area subject to inundation by the 100 year storm with base flood elevations shown in feet, in relation to the National Geodetic Vertical Datum of 1929.
- ☒ 12. The owner shall install all utilities (sewer, water, gas, electricity, cable TV, and telephone) underground to each lot in the subdivision. 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, unless it is determined that no need for future extension exists. All underground construction shall be completed and approved by the City and the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- ☒ 13. 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.
- ☒ 14. Prior to paving any street, the water and sewer systems shall successfully pass a City 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.
- ☒ 15. The owner shall install all street name, traffic signs and traffic striping as directed by the City Engineer.
- ☐ 16. 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 base shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition.)
- ☐ 17. 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' travel lane and 4' wide base shoulder adequate

for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition.)

- ☒ 18. The project fronts on an existing street. The applicant shall pave-out from the proposed gutter 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, structural sections or geometrics are inadequate per current City Standards, 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.)

E. PRIOR TO ANY SITE WORK:

- ☒ 1. The applicant shall obtain a Grading Permit from the City Building Division.
- ☐ 2. Prior to issuance of a Grading Permit 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.
- ☒ 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 its removal.
- ☒ 4. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed.
- ☒ 5. 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.
- ☐ 6. 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.

F. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- ☒ 1. A final soils report shall be submitted to the City prior to the final inspection and shall certify that all grading was inspected and approved, and that all work has been done in accordance with the plans, preliminary report, and Chapter 70 of the Uniform Building Code.
- ☒ 2. The applicants civil and soils engineer shall submit a certification that the rough grading work has been completed in substantial conformance to the approved plans and permit.
- ☐ 3. Building permits shall not be issued until the water system has been completed and approved, and a based access road installed sufficient to support the City's fire trucks, in a manner approved by the Fire Chief.
- ☐ 4. Prior to issuance of a Building Permit for building within Flood Insurance Rate Map (FIRM) 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.
- ☐ 5. Prior to issuance of a Building Permit for building within Flood Insurance Rate Map (FIRM) 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 Flood Insurance program. This form must be completed by a land surveyor, engineer or architect licensed in the State of California.

G. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- ☒ 1. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- ☒ 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
- ☒ 3. All disturbed areas not slated for development shall be protected against erosion in a manner acceptable to the City Engineer which may include hydroseeding or landscaping.
- ☒ 4. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection Services and any outstanding annexation fees.
- ☐ 5. 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.

- ☒ 6. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood, gypsum board, etc.) and removed from the project to a recycling facility in accordance with the City's Source Reduction and Recycling Element.
- ☐ 7. If any of the public improvements or conditions of approval are not completed or met, then the subdivider may, at the discretion of the City Engineer, enter into a Performance Agreement with the City to complete said improvements at a later date and post securities to cover the cost of the improvements. The form of the agreement and amount of the securities are subject to the approval of the City Engineer.
- ☒ 8. A blackline clear Mylar (0.4 MIL) copy and two (2) blueline prints 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.
- ☐ 9. A benchmark shall be placed for vertical control on the U.S.G.S. Datum as required by the City Engineer.

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

H. 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.