

RESOLUTION NO.: 06-0085

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT TENTATIVE MAP APPROVAL FOR TENTATIVE TRACT 2772
(AIRPORT RD. BUSINESS PARK - MONDO)

APN: 025-431-031

WHEREAS, Tract 2772 has been filed by McCarthy Engineering on behalf of Airport Road Business Park, LLC – Doug Mondo, to subdivide a 39-acre property into 36 lots ranging in size from .25-acre to 7-acre parcels, for business park development; and

WHEREAS, Tract 2772 is located on the southwest corner of Airport Road and Dry Creek Road; and

WHEREAS, in conjunction with the Tract 2772, Planned Development 05-016 has been submitted to establish development standards for the business park; and

WHEREAS, an Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was approved by the Planning Commission on October 10, 2006, and

WHEREAS, a public hearing was conducted by the Planning Commission on October 10, 2006 to consider facts as presented in the staff report prepared for the tentative tract map, and to accept public testimony regarding the application, and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings as required by Government Code Sections 66474 and 65457:

1. The proposed tentative tract map is consistent with the adopted General Plan and Zoning Code for the City of El Paso de Robles by providing the opportunity for clean attractive business to be located in the Business Park/Planned Industrial designated areas of the City;
2. The design of lots, streets, open space, drainage, sewers, water and other improvements is consistent with the General Plan and Zoning Ordinance;
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 land division is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;
6. The design of the land division and types of improvements proposed are not likely to cause serious public health problems;
7. The design of the land division 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 for Tentative Tract 2772 subject to the following conditions of approval:

STANDARD CONDITIONS OF APPROVAL:

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution.
2. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 05-016 and its exhibits. In the event that either the tract or development plan is not approved, the approval of one plan does not automatically grant approval of the other.

SITE SPECIFIC CONDITIONS OF APPROVAL:

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard 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.

3. 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 | Preliminary Grading & Drainage Plan |
| D | Utility Layout Plan |
| E | Airport Overlay Zones |

4. This Tentative Tract Map 2772 coincides with Planned Development 05-016 and authorizes the subdivision of a 39-acre parcel into a 36-lot Business Park, where the parcels would range in size from .25-acre to 6-acres.
5. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map and preliminary grading plan (Exhibits B & C, 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. Prior to the approval of the final map, in conjunction with the street improvement plans, the street tree plan shall be reviewed and accepted by the Public Works Department. All necessary irrigation shall be shown on the plan.
7. Prior to or in conjunction with the recordation of the final map, a constructive notice shall be recorded on each lot, to alert future owners that the development of each lot will need to go through the Planned Development (PD) process, where the project will need to go through a public hearing process to the Planning Commission.
8. 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.

Air Quality Conditions

9. 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. 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 stockpile 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 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

10. Standard Measures:

- a. Provide on-site bicycle parking. One bicycle parking place for every 10 car parking spaces is considered appropriate.
- b. Provide preferential carpool and vanpool parking spaces.
- c. Increase the building energy efficiency rating by 10-percent 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, ect.).

11. Discretionary Measures (Site design mitigation for this commercial project):

- a. Implement on-site circulation design elements in parking lots to reduce vehicle queuing and improve the pedestrian environment with designated walkways.

12. Energy Efficiency Elements: Increasing the energy efficiency for these projects will decrease the demand on electrical supply, thus reducing emissions at the power plant source. Include the following Energy Efficiency measures as feasible:

- a. use built-in-energy efficient appliances, where applicable
- b. use double-paned windows
- c. use low energy efficient parking lot and street lights (e.g. sodium).
- d. install door sweeps or weather stripping if more energy efficient doors and windows are not available.

Biological Conditions

13. The following Biological mitigation measures shall be completed as indicated by Dan Meade in his Biological Rport dated June 2005 and his Kit Fox Evaluation dated March 20, 2006, revised September 26, 2006:

BR-1 Immediately prior to ground disturbance activities, if work occurs between March 1st and August 1st, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect grassland habitats or trees shall not be conducted during the breeding season from March 1st to August 1st. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of ground disturbance. Ground nesting birds are possible in un-mowed fallow grasslands. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged. Construction activities shall observe a 300 foot buffer for raptor nests.

BR-2 Prior to issuance of grading and/or construction permits, the applicant shall submit evidence to the City of Paso Robles (see contact information below) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of **93.9** acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands to be conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the City.

This mitigation alternative (a.), requires that all aspects if this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- b. Purchase **93.9** credits in a Department-approved conservation bank, which would provide for the protection in perpetuity of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to City permit issuance and initiation of any ground disturbing activities.

- c. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an

escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of **93.9** acres of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted to the City prior to City permit issuance and initiation of any ground disturbing activities.

BR-3 Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City Planning Division. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the U.S. Fish and Wildlife Service/Department determine it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. **Within 30 days prior to initiation of site disturbance and/or construction,** fenced exclusion zones shall be established around all known and potential kit fox dens. 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:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-4 Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate as a note on the project plans, that: *“Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox”*. Speed limit signs shall be installed on the project site **within 30 days prior to initiation of site disturbance and/or construction,**

In addition, **prior to permit issuance and initiation of any ground disturbing activities,** conditions BR-3 through BR-11 of the Developer's Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-5 During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.

BR-6 Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the

training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.

BR-7 During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, 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.

BR-8 During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site 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, be moved only once to remove it from the path of activity, until the kit fox has escaped.

BR-9 During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin 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.

BR-10 Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

BR-11 During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall 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 Department for care, analysis, or disposition.

BR-12 Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

BR-13 Immediately prior to ground disturbance activities, if work occurs between March 1st and August 1st, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect grassland habitats or trees shall not be conducted during breeding season from March 1st to August 1st. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of ground disturbance. Ground nesting birds are possible in un-mowed fallow grass lands. If nesting birds are located, no construction activities shall occur within 100 feet of nest until chicks are fledged. Construction activities shall observe a 300 foot buffer for raptor nests.

Contact Information

California Department of Fish and Game
Central Coast Region
P.O. Box 47
Yountville, CA 94599
(805) 528-8670

U.S. Fish and Wildlife Service
Ventura Field Office
2493 Portola Road, Suite B
Ventura, CA 93003
(805) 644-1766

City of Paso Robles
Planning Department
Darren Nash
1000 Spring Street
Paso Robles, CA 93446
(805) 237-3970

BR-13 A pre-construction survey shall be conducted within thirty days of beginning work on the site to identify if badgers are using the site. The results of the survey shall be sent to the project manager, CDFG, and the City of Paso Robles.

If the pre-construction survey finds potential badger dens, they shall be inspected to determine whether they are occupied. The survey shall cover the entire property, and shall examine both old and new dens. If potential badger dens are too long to completely inspect from the entrance, a fiber optic scope shall be used to examine the den to the end. Inactive dens may be excavated by hand with a shovel to prevent re-use of dens during construction. If badgers are found in dens on the property between February and July, nursing young may be present. To avoid disturbance and the possibility of direct take of adults and nursing young, and to prevent badgers from becoming trapped in burrows during construction activity, no grading shall occur within 100 feet of active badger dens between February and July. Between July 1st and February 1st all potential badger dens shall be inspected to determine if badgers are present. During the winter badgers do not truly hibernate, but are inactive and asleep in their dens for several days at a time. Because they can be torpid during the winter, they are vulnerable to disturbances that may collapse their dens before they rouse and emerge. Therefore, surveys shall be conducted for badger dens throughout the year. If badger dens are found on the property during the pre-construction survey, the CDFG wildlife biologist for the area shall be contacted to review current allowable management practices.

BR-14 Prior to removal of any trees over 20 inches dbh, a survey shall be conducted by a qualified biologist to determine if any of the trees proposed for removal harbor sensitive bat species or maternal bat colonies. Maternal bat colonies may not be disturbed.

BR-15 Immediately prior to ground disturbance activities, if work occurs between March 1st and August 1st, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect grassland habitats or trees shall not be conducted during the breeding season from March 1st to August 1st. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of ground disturbance. Ground nesting birds are possible in un-mowed fallow grasslands. If surveys do not locate nesting birds, construction activities may be conducted. If nesting birds are located, no construction activities shall occur within 100 feet of nests until chicks are fledged.

BR-16 Prior to commencement of project grading, protocol level surveys shall be conducted by a qualified biologist to determine if any listed species of fairy shrimp occur in ephemeral pools on the property. If vernal pool fairy shrimp are discovered, consultation with the US Fish and Wildlife Service must occur.

BR-17 Prior to commencement of project grading, a survey shall be conducted by a qualified biologist to determine if spadefoot toads are breeding in ephemeral pools on the property. Surveys shall be conducted from January to April, as conditions permit. If Western spadefoot toad are discovered, consultation with CDFG shall occur.

BR-18 Minimize impacts to rare species habitat. If less than 10 percent of any one plant population is impacted, no effect on the viability of the population is expected.

BR-19 If 10 percent or more of any one population is impacted, replace impacted rare species habitat in kind elsewhere on the property. Prepare a mitigation and monitoring plan for rare species habitat replacement on site.

- Obispo Indian paintbrush is an annual wildflower, the seeds of which can be collected in early May and sowed in proposed open space areas.

Airport Related Conditions:

14. The specific boundaries of the Airport Zones shall be overlaid over the tract map and be recorded with the Tract Map. An exhibit along with Table 10 and associated notes from the Airport Land Use Plan shall be recorded against each parcel within the subdivision.
15. All development projects on all lots created by a subdivision will require constructive notice also known as a Disclosure Document to be recorded on each parcel notifying future property owners that each parcel will need to be developed in accordance with the Airport Land Use Plan and meet all requirements set by the ALUC.

The maximum non-residential density allowed per acre on each parcel shall conform to the recommended densities of the APLUP. A Disclosure Document will ensure that all owners, potential purchasers, occupants (whether as owners or renters) receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

16. Avigation easements shall be recorded for all properties created by any associated subdivision of the subject parcel. If no subdivision takes place any future development will be required to obtain and record the appropriate avigation easements.
17. Uses listed as noise sensitive uses by the ALUP will be prohibited.

Engineering Site Specific Conditions

18. Dry Creek Road shall be constructed in accordance with the typical cross-section shown on the Tentative Map with a center median and one lane in each direction, within the boundaries of the subdivision in accordance with plans approved by the City Engineer.

19. A temporary extension of Dry Creek Road must be completed in accordance with plans approved by the City Engineer in the remainder parcel from the west boundary of Phase I to tie to the existing alignment of Dry Creek Road in order to maintain access to properties to the west. The alternate Dry Creek Road section shown on the tentative tract map will be appropriate for this section of roadway.
20. Airport Road must be improved to provide a left turn pocket for access to Dry Creek Road in accordance with plans approved by the City Engineer.
21. With each building permit, each development within Tract 2772 will provide its share of the cost of the dual left turn project at the intersection of Highways 101 and 46 East.
22. With each building permit, each development within Tract 2772 will provide its share of the cost of improvements to Airport Road from Dry Creek Road to Highway 46 E.
23. With each building permit, each development within Tract 2772 will provide its share of the cost on intersection improvements at Airport Road and Highway 46 East.
24. Constructive notice shall be filed on the Remainder Parcel that consideration of access to properties to the south must be included in any development application.
25. A sewer main shall be extended from the Airport trunk line to the east boundary of Tract 2772 generally in accordance with the master plan of the Dry Creek Road sewer main on file in the City Public Works Department and in accordance with plans approved by the City Engineer.
26. A storm water quality and erosion control basin shall be designed and constructed to serve Tract 2772 in accordance with plans approved by the City Engineer to collect all dry season run-off from landscape irrigation in parkways and the developed lots.
27. A parkway and median planting master plan shall be provided with improvement plans for Tract 2772. All irrigation and related infrastructure shall be placed with the construction of improvements in Tract 2772. Landscape planting shall be installed with the development of each lot.

Emergency Services Conditions

28. Provide fire sprinkler systems for residential, commercial, and industrial buildings.
29. Provide secondary emergency vehicle access sufficient to support the City's fire apparatus (HS-20 Truck Loading). Secondary vehicle access to be at least twenty (20) feet wide with no less than thirteen feet, six inches vertical clearance. All secondary emergency vehicle access surfaces shall provide all weather driving capabilities and conform to the requirements of City Zoning Codes.

30. Prior to the start of construction, documentation shall be submitted to Emergency Services showing that required fire flows can be provided to meet all project demands.

PASSED AND ADOPTED THIS 10th day of October, 2006 by the following Roll Call Vote:

AYES: Johnson, Steinbeck, Holstine, Flynn, Withers, Hamon

NOES: None

ABSENT: Menath

ABSTAIN: None

CHAIRMAN, JOHN HAMON

ATTEST:

RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

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EXHIBIT A OF RESOLUTION 06-0085

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

PROJECT #: Tentative Tract 2772 & PD 05-016

APPROVING BODY: Planning Commission

DATE OF APPROVAL: October 10, 2006

APPLICANT: Airport Rd. LLC - Doug Mondo

LOCATION: Dry Creek Road-Airport Road

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 October 10, 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:

NONE
- ☐ 11. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

_____.
- ☐ 12. The applicant shall install durable, decorative fence/wall treatments and landscaping along all arterial streets consisting of 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/fencing;
 - ☐ b. Other: Exterior Lighting Cut Sheets
- ☐ 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.
- N/A 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. This condition shall not be imposed if the developer executes a development agreement with the District to mitigate school impacts.~~
- ☒ 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: Doug Mondo
REPRESENTATIVE: McCarthy
PROJECT: Tentative Tract 2772

PREPARED BY: John Falkenstien
CHECKED BY:
TO PLANNING:

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:
- ☒ 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) blue line 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:

(Adopted by Planning Commission Resolution 94-038)

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.