

RESOLUTION NO.: 07-0034

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES APPROVING  
PLANNED DEVELOPMENT 06-012  
(FOX HOLLOW SPORTS FACILITY)  
APN: 025-371-019

WHEREAS, Section 21.16A, Planned Development District, projects located in the PD Overlay district are subject to Planning Commission approval of a development plan (PD); and

WHEREAS, Planned Development 06-012 has been filed by John McCarthy on behalf of Kim Walker to construct the Fox Hollow Sports Facility which would consist of the following development:

**Phase I:** construction of a 6,500sf club house, four tennis courts, a 25yd x12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

**Phase II:** would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.

and;

WHEREAS, the project is located on the north side of Union Road, directly across from Barney Schwartz Park; and

WHEREAS, the 19.4 acre site is zoned C3-PD (Commercial / Light-Industrial, Planned Development Overlay), and has a General Plan designation of CS, (Commercial Service); and

WHEREAS, in conjunction with PD 06-012, the applicant has submitted Conditional Use Permit 07-005 as required by Table 21.16.200 in relation to the construction of the swimming pools; and

WHEREAS, at its March 13, 2007 meeting, the Planning Commission held a duly noticed public hearing on the Project, to accept public testimony on the proposal including Planned Development 06-012 and related applications; and

WHEREAS, at the March 13, 2007 meeting, the Planning Commission continued this item to the March 27, 2007 meeting, at the request of Caltrans in order to allow additional time for Caltrans to review the project and coordinate with City Staff to determine if there are any impacts to Highway 46 East Corridor; and

WHEREAS, the City Engineer had discussions with James Kilmer of Caltrans and determined that it is necessary to add a condition regarding dedication along Highway 46 East, the conditions have been modified to include the necessary language and are included in this resolution (Condition No. 13); and

WHEREAS, at its March 27, 2007 meeting, the Planning Commission held a duly noticed public hearing on the Project, to accept public testimony on the proposal including Planned Development 06-012 and related applications; and

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

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Project qualifies for adoption of a Mitigated Negative Declaration; and

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

1. The proposed Project will not be detrimental to the City's efforts to revitalize Downtown Paso Robles since the Project is consistent with the City's Economic Strategy by promoting health and wellness services.
2. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations) as follows:
  - A. The granting of the Planned Development (PD) will not adversely affect the policies, spirit and intent of the General Plan, the Zoning Ordinance, and the policies and plans of the City.
  - B. The Project maintains and enhances the significant natural resources on the site. This has been accomplished by constructing the project out of the Huer Huero Creek and the requirement to provide storm drainage facilities to filter storm water and meter-out the water at an historic rate to the creek.
  - C. The Project is designed to be sensitive to, and blend in with, the character of the site and surrounding area by providing a facility that would complement Barney Schwartz Park not only by a compatible use, but by site planning and architectural design.
  - D. Based on the project's design and density of the developed portion of the site is compatible with the established character and scale of surrounding development and would not be disharmonious or disruptive element to the neighborhood.
  - E. The project is consistent with the purpose and intent of the Zoning Code and the Project is not contrary to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 06-012, subject to the following conditions:

**STANDARD CONDITIONS:**

1. The Project shall comply with all Conditions of Approval and Exhibits contained in this Resolution and the associated Resolutions for the above-referenced Conditional Use Permit 07-005.

**PLANNING SITE SPECIFIC CONDITIONS:**

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

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

EXHIBIT	DESCRIPTION
A	Standard Conditions of Approval
B	Site Plan
C	Grading & Drainage Plan
D	Landscape Plan
E	Architectural Elevations – Club House
F	Architectural Elevations – Pool House
G	Color and Materials Board (on file in the Community Development Dept.)

3. This Development Plan for PD 06-012, together with the application for Conditional Use Permit 07-005 allows for development and operation of the project as follows:

**Phase I:** construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

**Phase II:** would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.

4. In conjunction with the submittal of the building plans, exterior light cut-sheets shall be provided for Staff review, to insure adequate shielding.
5. Prior to the issuance of a building permit of each building for both Phase I and II, the following plans/details shall be submitted to the Development Review Committee (DRC) for review and approval:
  - a. Final site plan, grading plan and detailed landscape plan (landscape plan needs to include details of septic system area;
  - b. Final building architectural elevations, colors, materials (Phase I & II Bldgs);
  - c. Exterior lighting cut sheets and light placement plan;
  - d. Final details for tennis courts, including fencing type and materials;
  - e. Final details including bike racks, benches, patio equipment, paths..etc.
  - f. Trash enclosure details and location;
  - g. Pool details including location of pool equipment and any equipment buildings.

- h. Any site fencing including placement and type of fencing;
  - I Parking lot plan for Phase II included required concrete/asphalt surfacing and required landscaping.
6. All roof mounted equipment shall be fully screened.

**ENVIRONMENTAL MITIGATION MEASURES**

7. The following Mitigation Measures are from the Biological Report prepared by Althouse and Meade dated October 2006:

**BR-1. Prior to issuance of grading and/or construction permit(s)**, the applicant shall submit evidence to the City of Paso Robles (City) that states that one or a combination of the following four San Joaquin kit fox mitigation measures has been implemented:

- i. Provide for the protection in perpetuity, through acquisition of a fee or a conservation easement 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 (CDFG) and the City of Paso Robles (City).

Mitigation alternative (i) requires that all aspects of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- ii. Deposit funds into an approved in-lieu fee program, which would provide for both the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County and a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (ii) can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in an agreement between CDFG and TNC to preserve San Joaquin kit fox habitat and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with CEQA. A fee would be charged per acre. This fee must be paid after CDFG provides written notification about your mitigation options but prior to City permit issuance and initiation of any ground disturbing activities.

- iii. Purchase the appropriate number of mitigation credits, as determined by the San Joaquin habitat evaluation form, or the San Joaquin Kit Fox Habitat Area Standard Mitigation Ratio Area map, and reviewed by CDFG. The credits would be obtained from a CDFG-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 an approved conservation bank in San Luis Obispo County. The Palo Prieto Conservation Bank is operational. Purchase of credits must be

completed prior to City permit issuance and initiation of any ground disturbing activities.

- iv. If none of the above measures (i, ii, or iii) are available, the applicant may enter into a Mitigation Agreement with CDFG, including depositing funds into an escrow account (or other means of securing funds acceptable to the CDFG) which would ensure the protection in perpetuity of the appropriate number of mitigation acres as determined by use of the San Joaquin kit fox habitat evaluation form and review by CDFG of suitable habitat within the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. CDFG can provide a draft agreement to review; a signed Mitigation Agreement shall be submitted prior to City permit issuance and initiation of any ground disturbing activities.

**BR-2. Within one week of ground disturbance or tree removal/trimming activities**, if work occurs between March 1 and August 31, nesting bird surveys shall be conducted. To avoid impacts to nesting birds, grading and construction activities that affect trees and grasslands shall not be conducted during the breeding season from March 1 to August 31. If construction activities must be conducted during this period, nesting bird surveys shall take place within one week of habitat disturbance. 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 active raptor nests.

**BR-3.** A 50-foot buffer shall be established from the edge of the riparian habitat in Huerhuero Creek. The buffer will increase the ability for wildlife to move through the creek corridor unhindered by activities associated with the sports facility.

**BR-4.** Outdoor lighting shall be designed or shielded so that it does not cast light directly onto the riparian habitat.

**BR-5. 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. The retained biologist shall perform the following monitoring activities:

- i. **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.
- ii. **The qualified biologist shall conduct weekly site visits during site-disturbance activities** (i.e. grading, disking, 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-5 through BR-14. 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-5iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.

- iii. **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 USFWS and the CDFG 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 USFWS determines 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 USFWS. 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.

- iv. **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:
    - Potential kit fox den: 50 feet
    - Known or active kit fox den: 100 feet
    - 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 by a qualified biologist shall be required during ground disturbing activities.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the City Planning Division.

**BR-6. Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate the following as a note on the project plans: *“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**.

- BR-7. 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-8. 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-9. During the site-disturbance and/or construction phase,** to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and 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-10. 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. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-11. During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be 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-12. 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-13. 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 USFWS and

CDFG by telephone. 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 CDFG for care, analysis, or disposition.

**BR-14. 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:

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

**Monitoring (San Joaquin Kit Fox Measures BR-5 to BR-14):** Compliance will be verified by the City of Paso Robles, Planning Division in consultation with the California Department of Fish and Game. As applicable, each of these measures shall be included on construction plans.

8. The following mitigation measures are recommended by the Air Pollution Control District from their letter dated January 16, 2007:

**AQ-1** 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 6.5 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

**AQ-2 Operational Permit Requirements:**

If any of the following equipment is present at the site either during construction or in the operational phase of the project, Contact Gary Willey of the District’s Engineering division at (805) 781-5912 for specific information regarding permitting requirements:

- Portable generators and equipment with engines that are 50hp or greater;
- Electric generation plants of the use of standby generator;
- Boilers; and
- IC Engines

To minimize potential delays, prior to the start of the project, please contact Gary Willey of the District’s Engineering division at (805) 781-5912 for specific information regarding permitting requirements.

**ENGINEERING SITE SPECIFIC CONDITIONS:**

9. Prior to occupancy, the applicant shall construct improvements to Union Road in accordance with plans approved by the City Engineer or the applicant will enter into an agreement deferring his responsibility for street improvements until the City adopts a plan line for Union Road.
10. Prior to occupancy, the applicant shall dedicate all public right-of-way needed for the implementation of the Union Road plan line.

11. Prior to occupancy, the applicant shall dedicate a storm drain easement and construct a storm drain from Union Road to the Huer Huero Creek in accordance with plans approved by the City Engineer.
12. Prior to occupancy, the applicant shall dedicate an easement for a public trail from Union Road to the north boundary of the property as agreed by the applicant and the City Engineer.
13. Prior to occupancy, the applicant shall dedicate the area along and within the banks of the Huer Heuro Creek to the City as open space. This dedication shall include a minimum 30-foot strip of land adjacent to Caltrans right-of-way from the west to east boundaries of the property and any additional right-of-way as may be identified in a Project Study Report for the intersection of Airport Road and Highway 46. The applicant shall retain easements over the dedicated area for access and maintenance of his remaining holdings.
14. Prior to occupancy, landscaping shall be provided in the public right-of-way in accordance with plans approved by the Planning Division and Streets Superintendent.
15. Prior to occupancy, overhead utilities on Union Road shall be relocated underground.
16. Prior to occupancy, the applicant shall abandon any existing wells on the property.
17. Prior to issuance of a building permit, the applicant shall gain approval of the City Council for installation of a septic system.
18. Prior to occupancy, the applicant shall dedicate an easement in favor of the City for the installation and operation of a public sewer lift station as determined by the City Engineer.
19. Prior to issuance of a grading permit, the applicant shall provide a design of storm water quality devices. The design shall include specifications of parking surfaces as approved by the Community Development Department.

**EMERGENCY SERVICES SITE SPECIFIC CONDITIONS:**

20. Provide fire sprinkler systems for commercial buildings.
21. 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.

**AIRPORT RELATED CONDITIONS:**

22. The project is located within Zone 4 of the Airport Land Use Plan, and while the proposed activities are permitted in Zone 4, the following condition (footnote 16) applies to the project:

*The use intensity of this activity shall not exceed the average of 40 persons per gross acre, maximum of 120 persons per single acre, at any time. Usage calculations shall include all people (e.g. employees, customers/visitors, etc.) who may be on the property at any single point in time whether indoors or outdoors.*

PASSED AND ADOPTED THIS 27<sup>th</sup> day of March, 2007 by the following Roll Call Vote:

AYES: Johnson, Withers, Holstine, Treach, Flynn, Steinbeck, Menath

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN MARGARET HOLSTINE

ATTEST:

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RON WHISENAND, PLANNING COMMISSION SECRETARY

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**EXHIBIT A OF RESOLUTION 07-0034**

**CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS  
FOR PLANNED DEVELOPMENTS / CONDITIONAL USE PERMITS**

PROJECT #: PD 06-012 & CUP 07-005

APPROVING BODY: PLANNING COMMISSION

DATE OF APPROVAL: MARCH 27, 2007

APPLICANT: FOX HOLLOW SPORTS FACILITY

LOCATION: UNION 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 Community Development Department, (805) 237-3970, for compliance with the following conditions:**

**A. GENERAL CONDITIONS:**

- 1. This project approval shall expire on March 27, 2009 (See Planned Development Approval Resolution) 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 shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 4. 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

(Adopted by Planning Commission Resolution 94-038)

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.

- 5. 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.
- 6. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- 7. 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.
- 8. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 9. All trash enclosures shall be constructed of decorative masonry block compatible with the main buildings. Gates shall be view obscuring and constructed of durable materials such as painted metal or chain link with plastic slatting.
- 10. All existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.
- 11. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- 12. 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 shall be subject to approval by the Community Development Director or his designee.

- 13. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 14. 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.
- 15. The following areas shall be placed in the Landscape and Lighting District:

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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 Street Department (237-3864).

- 16. All parking lot landscape planters shall have a minimum outside dimension of six feet and shall be separated from parking and driving areas by a six inch high solid concrete curb.
- 17. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

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- 18. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.

**B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

- 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 prior to the issuance of building permits.

- 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 site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences and trash enclosures;
    - b. A detailed landscape plan;
    - c. Detailed building elevations of all structures indicating materials, colors, and architectural treatments;
    - d. Other: See PD 06-012 Resolution for specific DRC review requirements.
- 3. 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.

**C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO OCCUPANCY:**

- 1. Occupancy of the facility shall not commence until such time as all Uniform Building Code and Uniform Fire Code regulations have been complied with. Prior to occupancy, plans shall be submitted to the Paso Robles Fire Department and the Building Division to show compliance. The building shall be inspected by the appropriate department prior to occupancy.
- 2. All public or private manufactured slopes located adjacent to public right-of-ways on property in excess of six (6) feet in vertical height and of 2.5:1 or greater slope shall be irrigated and landscaped for erosion control and to soften their appearance as follows: one 15-gallon tree per each 250 square feet of slope area, one 1-gallon or larger size shrub per each 100 square feet of slope area, and appropriate ground cover. Trees and shrubs shall be staggered in clusters to soften and vary the slope plane. Slope planting shall include a permanent irrigation system be installed by the developer prior to occupancy. In lieu of the above planting ratio, the applicant may submit a slope planting plan by a licensed landscape architect or contractor providing adequate landscaping, erosion control and slope retention measures; the slope planting plan is subject to approval by the Development Review Committee. Hydroseeding may be considered on lots of 20,000 square feet or greater.

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

APPLICANT: FOX HOLLOW PREPARED BY: JF

REPRESENTATIVE: John McCarthy CHECKED BY: \_\_\_\_\_

PROJECT: PD 06-012 TO PLANNING: \_\_\_\_\_

All conditions marked are applicable to the above referenced project for the phase indicated.

**D. PRIOR TO ANY PLAN CHECK:**

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

**E. PRIOR TO ISSUANCE OF A GRADING PERMIT:**

- 1. Prior to approval of a grading plan, 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.
- 2. The proposed structures and grading shall not encroach into the 100-year floodway as specified in Municipal Code Chapter 21.14 "Flood Damage Prevention Regulations".
- 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 removal.
- 4. 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.



- 5. A Preliminary Soils and/or Geology Report shall be prepared by a registered engineer for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site.

**F. PRIOR TO ANY SITE WORK:**

- 1. All off-site public 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 the Public Works Department Standards and Specifications.
- 2. 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 heads.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. The owner shall offer to dedicate and improve the following street(s) to the standard indicated:

<u>Union Road</u>	<u>Arterial</u>	<u>Plan Line</u>
Street Name	City Standard	Standard Drawing No.

- 7. 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.

**G. 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. When retaining walls are shown on the grading plan, said walls shall be completed before approval of the rough grade, and prior to issuance of any building permits, unless waived by the Building Official and the City Engineer.
- 4. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed.
- 5. 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 per Fire Department recommendation.
- 6. 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.
- 7. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate Map (FIRM) - in 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.
- 8. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate

Map (FIRM) in 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 Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State California.

**H. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services and any outstanding annexation fees.
- 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council.
- 3. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- 4. 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.
- 5. The applicant shall install all street names, traffic signs and traffic striping as directed by the City Engineer.
- 6. If 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 graded shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 7. If 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' wide travel lane and 4' wide graded shoulder adequate for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 8. When the project fronts on an existing street, the applicant shall pave-out from the proposed curb 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 is inadequate, 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).

(Adopted by Planning Commission Resolution 94-038)

- 9. 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.
- 10. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV and telephone) underground (as shown on the composite utility plan). 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. All underground construction shall be completed and approved by the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- 11. Prior to paving any street the water and sewer systems shall successfully pass a 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.
- 12. A blackline clear Mylar (0.4 MIL) copy and a blueline print 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.
- 13. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.

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

**I. 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.