

RESOLUTION NO.: 08-022

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO GRANT TENTATIVE MAP APPROVAL FOR TENTATIVE PARCEL MAP PR 07-0296  
(DRY CREEK PARTNERS, LLC - MONDO)  
APN: 025-435-013 & 014

WHEREAS, Tentative Parcel Map PR 07-0296 has been filed by McCarthy Engineering on behalf of Dry Creek Partners, LLC – Doug Mondo, to subdivide an approximate 30-acre site into 3 lots and 1 remainder lot; and

WHEREAS, the Parcel Map is located within the Airport Road Business Park, which is on the southwest corner of Airport Road and Dry Creek Road; and

WHEREAS, in conjunction with PR 07-0296, an amendment to Planned Development 05-016 has been submitted to establish development standards for the three parcels to insure consistency with the Airport Road 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 April 22, 2008, and

WHEREAS, a public hearing was conducted by the Planning Commission on April 22, 2008 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 parcel 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 Parcel Map PR 07-0296 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 amendment 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 Parcel Map

4. This Tentative Parcel Map PR 07-0296 coincides with amendment to Planned Development 05-016 and authorizes the subdivision of a 30-acre parcel into a 3 lot totaling approximately 2 acres, and one remainder lot approximately 28 acres in size. By amending PD 05-016, Parcel 1, 2 and 3 are included in the PD, and future development of the parcels will be required to meet the conditions including the adopted Guidelines for the Airport Road Business Park.

5. The Final Subdivision Map shall be in substantial compliance with the tentative subdivision map (Exhibits B, 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 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 comply with the PD 05-016 and associated Development Guidelines for the Airport Business Park.
7. 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**

8. 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
9. 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.).
10. 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.
11. 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

12. The following Biological mitigation measures are standard measures based on the Kit Fox Ratio Map. Based on the disturbed area of the site being 2.59 acres (Parcels 1,2&3) and the site being within the 3:1 ratio area, the replacement habitat would be 7.8 acres. The following are the standard mitigation for Kit Fox mitigation:

**BR-1 Immediately prior to ground disturbance activities**, if work occurs between March 1<sup>st</sup> and August 1<sup>st</sup>, 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 1<sup>st</sup> to August 1<sup>st</sup>. 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 **7.8** 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 of this program must be in place before City permit issuance or initiation of any ground disturbing activities.

- b. Purchase **7.8** 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 **7.8** 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 1<sup>st</sup> and August 1<sup>st</sup>, 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 1<sup>st</sup> to August 1<sup>st</sup>. 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  
City of Paso Robles  
Planning Department  
Darren Nash  
1000 Spring Street  
Paso Robles, CA 93446  
(805) 237-3970

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

**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 1<sup>st</sup> and February 1<sup>st</sup> 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 1<sup>st</sup> and August 1<sup>st</sup>, 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 1<sup>st</sup> to August 1<sup>st</sup>. 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:**

13. The specific boundaries of the Airport Zones shall be overlaid over the parcel map and be recorded with the Parcel 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.
14. 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.

15. 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.
16. Uses listed as noise sensitive uses by the ALUP will be prohibited.

### **Engineering Site Specific Conditions**

17. Hughes Parkway shall be dedicated as a public street and shall be improved in accordance with City Local Street Standard A-5 with the development of each parcel.
18. Development of each parcel shall include Low Impact Development best management practices for post-construction storm water runoff quality.

### **Emergency Services Conditions**

19. Provide fire sprinkler systems for residential, commercial, and industrial buildings.
20. 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.

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.

PASSED AND ADOPTED THIS 22<sup>nd</sup> day of April, 2008 by the following Roll Call Vote:

AYES: Peterson, Flynn, Holstine, Johnson, Treach, Steinbeck

NOES: None

ABSENT: Hodgkin

ABSTAIN: None

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CHAIRMAN, ED STEINBECK

ATTEST:

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RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

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