#### **RESOLUTION NO.:** <u>08-038</u>

# A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES APPROVING TENTATIVE TRACT MAP 2980 FOR PROPERTY LOCATED AT GOLDEN HILL ROAD AND HWY. 46 EAST APNs: 025-391-037, -038, -039, -063, AND -067 APPLICANT – REGENCY CENTERS

WHEREAS, Tentative Tract Map 2980 has been filed by Regency Centers; and

WHEREAS, Tentative Tract Map 2980 is an application to subdivide commercial property into 11 parcels; and

**WHEREAS**, the project is consistent with the General Plan land use designation of Commercial Service (CS), and the Zoning district which is Commercial/Light Industrial (C3); and

**WHEREAS**, the proposed subdivision will not affect the ability of the entire site to be developed in accordance with the approved Planning Development 06-025 and Conditional Use Permit 06-013; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on August 12, 2008 on this project to accept public testimony on Tentative Tract Map 2980; and

**WHEREAS**, pursuant to the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 *et seq.*) ("CEQA") and the CEQA Guidelines (14 Cal. Code Regs. §15000 *et seq.*), this project is exempt from CEQA under CEQA Guideline section 15061(b)(3); 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 tentative tract map is consistent with the adopted General Plan for the City of El Paso de Robles; and
- 2. The design of lots, streets, open space, drainage, sewers, water and other improvements are consistent with the General Plan and Zoning Ordinance, and the approved Planned Development 06-025 and Conditional use permit; and
- 3. The site is physically suitable for the type of development proposed; and
- 4. The site is physically suitable for the proposed density of development; and
- 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; and
- 6. The land division proposed is not likely to cause serious public health problems; and
- 7. The design of the land division will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision; and
- 8. The fulfillment of the requirements listed in the Conditions below are a necessary prerequisite to the orderly development of the site and surrounding area.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of El Paso de Robles does hereby approve Tentative Tract Map 2980, subject to the following conditions:

#### STANDARD CONDITIONS:

1. This project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit "A" and incorporated herein by reference.

#### 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
В	Tract 2847

- 3. A reciprocal access and parking easement and agreement for site access, parking, and maintenance of all project entrances, parking areas, landscaping, hardscape, common open space areas and site lighting standards and fixtures, shall be recorded prior to or in conjunction with the Final Map. Said easement and agreement shall apply to all properties, and be referenced in the site Covenants, Conditions and Restrictions (CCRs).
- 4. Prior to recordation of the final map:
  - All development of the property shall be in conformance with and subject to all conditions of approval of PD 06-025.
  - The applicant shall offer to dedicate 30-feet as public right-of-way along the Highway 46E frontage of the property.

PASSED AND ADOPTED THIS 12th day of August, 2008 by the following Roll Call Vote:

AYES: NOES: ABSENT: ABSTAIN:	Commissioners – Johnson, Hodgkin, Treatch, Flynn, Holstine, Peterson and Chair Steinbeck Commissioners - None Commissioners - None Commissioners – None
ATTEST:	CHAIRMAN ED STEINBECK
RON WHISE	NAND. PLANNING COMMISSION SECRETARY

# EXHIBIT A OF RESOLUTION: <u>08-038</u>

## CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS FOR TRACT AND PARCEL MAPS

PKO.	JECT#:		Tentative Tract Map 2980	
APPROVING BODY:		G BODY:	Planning Commission	
DAT	E OF A	PPROVAL:	8-12-08	
APPI	LICANT	Γ:	Regency Centers	
LOCATION:		:	Golden Hill Road/Hwy. 46E	
The c	hecked co	onditions shall be c	been checked are standard conditions of approval for the above referenced project. complied with in their entirety before the project can be finalized, unless otherwise, there may be site specific conditions of approval that apply to this project in the	
			T DEPARTMENT - The applicant shall contact the Planning Division, (805) following conditions:	
A.	GENER	RAL CONDITIONS		
$\boxtimes$	1.		ject approval shall expire on <u>August 12, 2010</u> , unless a time extension request is filed with munity Development Department prior to expiration.	
$\boxtimes$	2.	specifically prov	e developed and maintained in accordance with the approved plans and unless yided for through the Planned Development process, development shall comply Code, all other applicable City Ordinances, and applicable Specific Plans.	
	3.		ion of the map, all conditions of approval shall be completed to the satisfaction of r and Community Developer Director or his designee.	
	4.	applicant submit Obispo". The fe of project approv	subject to the California Environmental Quality Act (CEQA), which requires the a \$25.00 filing fee for the Notice of Determination payable to "County of San Luis e should be submitted to the Community Development Department within 24 hours val, which is then forwarded to the San Luis Obispo County Clerk. Please note that be subject to court challenge unless the required fee is paid.	
	5.	harmless the Cibrought within to City, or its agent subdivision.	ith Government Section 66474.9, the subdivider shall defend, indemnify and hold ty, or its agent, officers and employees, from any claim, action or proceeding the time period provided for in Government Code section 66499.37, against the s, officers, or employees, to attack, set aside, void, annul the City's approval of this ne City will promptly notify subdivider of any such claim or action and will 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:	
	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.	
В.		FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF DING PERMITS OR RECORDATION OF THE FINAL MAP, WHICHEVER OCCURS:	
	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 of 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: PREPARED BY: John Falkenstien Regency Centers REPRESENTATIVE: WRG CHECKED BY: PROJECT: Tentative Tract 2980 TO PLANNING: C. PRIOR TO ANY PLAN CHECK:  $\boxtimes$ The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with 1. the City. D. PRIOR TO RECORDING OF THE FINAL OR PARCEL MAP:  $\boxtimes$ 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.  $\boxtimes$ 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.  $\boxtimes$ 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; Wall maintenance in conjunction with landscaping; c. d. Graffiti abatement: l 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

(Adopted by Planning Commission Resolution 94-038)

□a. □b.

c.

d.

e.

satisfaction of the City Engineer:

Public Utilities Easement;

Sewer Facilities Easement:

Water Line Easement:

Landscape Easement;

Storm Drain Easement.

<b>∑</b> 5.		The subdivider shall offer to dedicate and improve the following street(s) to the standard indicated:			
		Golden Hill Road Dallons Drive Street Name	Arterial Collector City Standard	Standard Drawing No.	_
	6.	improvement plans and		olic right-of-way shall be incorporated to approval by the Department of Publopment Department.	
	7.	City Engineer for revie	1 1	egistered civil engineer and shall be submaprovements shall be designed and placeds.	
	8.		soils or other soils pro	t shall be prepared for the property to det blems and shall make recommendations	
	9.	public utility, together v		olan signed as approved by a representati ans. The composite utility plan shall also ion Managers.	
	10.	the improvement plans.	Drainage calculations	by a registered civil engineer shall be incompleted, with provisions made ities are not available, as determined by	for on-site
	11.	map showing the lot co	onfiguration, and the are	t to record concurrently with the final maja subject to inundation by the 100 years to the National Geodetic Vertical Datum o	storm with
	12.	underground to each lo by the City Engineer. relocated underground, extended to the bounda exists. All underground	t in the subdivision. Sti All existing overhead except for electrical li- ries of the project, unless d construction shall be	water, gas, electricity, cable TV, and reet lights shall be installed at locations a utilities adjacent to or within the projections 77 kilovolts or greater. All utilities it is determined that no need for future completed and approved by the City and rified and compacted, before paving the st	as required ct shall be es shall be e extension the public
	13.		gineer. Boring and jack	be overlaid to restore a smooth riding ing rather than trenching may be required	
	14.	The sewer system shall the video tape provided the sewer video tape ar	also be tested by a mean to the City. No paving and has determined that t	systems shall successfully pass a City press of a mandrel and video inspection with shall occur until the City has reviewed a he sewerline is acceptable. Any repair cell be at the developer's expense.	n a copy of and viewed

	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:
$\boxtimes$	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.
$\boxtimes$	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:
$\boxtimes$	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.
$\boxtimes$	8.	A blackline clear Mylar (0.4 MIL) copy and two (2) blueline prints of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection.

		A reduced copy (i.e. $1'' = 100'$ ) of the composite utility plan shall be provided to update the City's Atlas Map.
	9.	A benchmark shall be placed for vertical control on the U.S.G.S. Datum as required by the City Engineer.
****	*****	*****************
		FIRE DEPARTMENT - The applicant shall contact the Fire Department, (805) 237-3973, for the following conditions:
H GEI	NERAI.	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 multifamily 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.
$\boxtimes$	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.
$\boxtimes$	8.	Provisions shall be made to update the Fire Department Run Book.

