

RESOLUTION NO.: 08-019  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO GRANT TENTATIVE MAP APPROVAL FOR TRACT 2972  
(NUNNO, LLC)  
APN: 025-436-032

WHEREAS, Tentative Tract 2972 has been filed by North Coast Engineering, Inc. on behalf of Nunno, LLC, to subdivide two existing light industrial/storage buildings into 32 air space condominium lots; and

WHEREAS, the site is located at 3500 Dry Creek Road; and

WHEREAS, the project site is located within the Airport Planned Development (AP, PD) Zoning District and the Business Park (BP) Land Use category; and

WHEREAS, Planned Development 01-030 was approved on February 22, 2005, and the standard and site specific conditions of development from the Plan Development approval shall apply to the Tentative Tract; and

WHEREAS, an environmental Mitigated Negative Declaration was adopted for PD 01-030 (Resolution 05-0019) in accordance with the California Environmental Quality Act (CEQA) that adequately examined the project's effects and project level mitigation measures were identified within the Mitigated Negative Declaration, and it has been determined that additional environmental analysis is not required and that the mitigation measures approved with the Planned Development shall apply to the Tentative Tract per CEQA §15063(b)(C); and

WHEREAS, a public hearing was conducted by the Planning Commission on April 8, 2008 to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed subdivision; and

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

1. As conditioned, the proposed tentative tract map is consistent with the adopted General Plan for the City of El Paso de Robles by providing an area for clean and attractive business and industries in which all activities are conducted indoors (some limited outdoor storage and/or activities may be permitted via approval of a conditional use permit.);
2. As conditioned, the design of lots, streets, open space, drainage, sewers, water and other improvements are consistent with the General Plan and Zoning Ordinance;
3. The site is physically suitable for the type of subdivision proposed as shown tentative tract map;
4. The design of the subdivision is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;

5. The design of the subdivision and types of improvements proposed are not likely to cause serious public health problems; and
6. The design of the subdivision 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 to Tract 2972 subject to the following conditions of this resolution:

**STANDARD CONDITIONS:**

1. The applicant/developer shall comply with those standard conditions which are indicated as applicable in "Exhibit A" to this resolution. Note: All checked standard conditions shall apply unless superseded by a site specific condition.
2. The project shall comply with all conditions of approval contained in the resolution granting approval to Planned Development 01-030 and its exhibits (Resolution 05-0020).

**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:

EXHIBIT	DESCRIPTION
A	Standard Conditions
B	Tentative Tract Map

4. This Tentative Tract Map 2972 and authorizes the subdivision of two existing buildings into 28 air space condominium units each approximately 3500 square feet in size and four air space condominium units each approximately 1,750 square feet in size, and lot one with shared parking and other site facilities (e.g. drainage, garbage, etc).
5. The maximum number of air space condominium lots permitted within this subdivision shall be 32. No lots shall be eligible for further subdivision (with the exception of minor lot line adjustments).
6. The Final Subdivision Map shall be in substantial compliance with the tentative tract map, along with the other exhibits (Exhibits A and 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.
7. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 01-030 and its exhibits (Resolution 05-0020).

8. Prior to the recordation of the Final Map a constructive notice shall be recorded notifying future owners the intent of this project is to allow for the subdivision of buildings originally approved for industrial/manufacturing and warehousing uses. If in the future, a different type of use is proposed, the use shall comply with Table 21.16.200, Permitted Land Uses for All Zoning Districts and Chapter 21.20 Off Street Parking and Loading Regulations. Some uses may require the need for a Conditional Use Permit, and the need to provide additional parking. The use may be prohibited if the necessary parking can not be provided, or if a Conditional Use Permit is not approved by the City.
9. Prior to recordation of the Final Map, the applicant shall work with the Development Review Committee and create a sign program per requirements of Chapter 21.19 Signs of the Zoning Ordinance to establish a consistency of signs throughout the site.

PASSED AND ADOPTED THIS 8th Day of April, 2008 by the following Roll Call Vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN ED STEINBECK

ATTEST:

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RON WHISENAND, PLANNING COMMISSION SECRETARY

**EXHIBIT A OF RESOLUTION 08-019**

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

PROJECT #: Tentative Tract 2972

APPROVING BODY: Planning Commission

DATE OF APPROVAL: April 8, 2008

APPLICANT: Nunno, LLC

LOCATION: 3500 Dry Creek Road

The following conditions that have been checked are standard conditions of approval for the above referenced project. The checked conditions shall be complied with in their entirety before the project can be finalized, unless otherwise specifically indicated. In addition, there may be site specific conditions of approval that apply to this project in the resolution.

**COMMUNITY DEVELOPMENT DEPARTMENT - The applicant shall contact the Planning Division, (805) 237-3970, for compliance with the following conditions:**

**A. GENERAL CONDITIONS**

- 1. This project approval shall expire on April 8, 2010, unless a time extension request is filed with the Community Development Department prior to expiration.
- 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process, development shall comply with the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. Prior to recordation of the map, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 4. This project is subject to the California Environmental Quality Act (CEQA), which requires the applicant submit a \$1850.00 filing fee for the Notice of Determination payable to "County of San Luis Obispo". The fee should be submitted to the Community Development Department within 24 hours of project approval, which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.
- 5. In accordance with Government Section 66474.9, the subdivider shall defend, indemnify and hold harmless the City, or its agent, officers and employees, from any claim, action or proceeding brought within the time period provided for in Government Code section 66499.37, against the City, or its agents, officers, or employees, to attack, set aside, void, annul the City's approval of this subdivision. The City will promptly notify subdivider of any such claim or action and will cooperate fully in the defense thereof.

- 6. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- 7. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and subject to approval by the Community Development Department.
- 8. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 9. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the Development Review Committee, but specifically excluding precision block.
- 10. The following areas shall be placed in a Landscape and Lighting District:  
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- 11. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:  
Interior streets, open space areas and other common parkway and landscaping areas.
- 12. The applicant shall install durable, decorative fence/wall treatments and landscaping along all arterial streets consisting of brick, tubular steel with pilasters, or other similar materials as determined by the Development Review Committee, but specifically excluding precision block and wood fences. Substantial setbacks with landscaping may be considered as an alternative, subject to approval by the Development Review Committee.
- 13. The applicant shall provide a one-foot non-access easement along the rear/side of all lots that back up/side against a collector or arterial street.

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

- 1. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department.
- 2. Prior to the issuance of building permits, the
  - Development Review Committee shall approve the following:
  - Planning Division Staff shall approve the following:
    - a. A detailed landscape plan including walls/fencing;
    - b. Other: \_\_\_\_\_
- 3. The Covenants, Conditions, and Restrictions (CC&Rs) and/or Articles Affecting Real Property Interests are subject to the review and approval of the Community Development Department, the Public Works Department and/or the City Attorney. They shall be recorded concurrently with the Final Map or prior to the issuance of building permits, whichever occurs first. A recorded copy shall be provided to the affected City Departments.

- 4. The applicant shall agree, in a manner acceptable to the City Attorney, to pay impact mitigation fees as may be established through a resolution or ordinance adopted by the City Council, in effect at the time building permits are issued.
- 5. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- 6. 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.
- 7. The developer shall provide constructive notice to future buyers that all residential units shall be required to be equipped with trash compactors.
- 8. 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.

