

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION TO APPROVE PLANNED DEVELOPMENT 03-016 (LA QUINTA HOTEL PROJECT; APPLICANT: ARCIERO AND SONS)

DATE: APRIL 6, 2004

Needs: For the City Council to consider an appeal filed by North Coast Engineering on behalf of Arciero and Sons. The appeal focuses on Condition No. 14 of the Planning Commission's Resolution of approval of a 101 room hotel and 5,000 square foot restaurant at the northeast corner of Buena Vista Drive and Highway 46 East.

- Facts:
1. The above described project was approved by the Planning Commission on February 24, 2004. The Planning Commission voted 6-1 in favor of the hotel and restaurant project. The Commissioner casting the dissenting vote was concerned about the intensity of building a 101 room hotel and restaurant at that location.
 2. The subject property is zoned R-1 (Single Family Residential). On March 16, 2004 the City Council gave first reading to ordinances that would establish a Resort / Lodging Zoning Overlay on the property and amend the Borkey Area Specific Plan to permit the hotel and restaurant project on the property.
 3. Attached is a letter from North Coast Engineering describing the applicant's grounds for the appeal.
 4. Also attached is a description of the background to the Planning Commission's requirement that the 22 oak trees on the north side of the subject property be preserved in a permanent open space easement. The description includes:
 - Ten (10) examples of other projects involving requirements for open space easements or dedications;
 - Three (3) quotes from the City's Oak Tree Preservation Ordinance that cite grounds to avoid adversely impacting the 22 oak trees on the subject property;

- The four points of logic behind the Planning Commission's requirement for the open space easement to permanently protect the 22 oak trees.
- 5. Attached for reference is a copy of the Resolution from the Planning Commission with the full set of conditions of approval. The only condition appealed by the applicant in the attached letter from North Coast Engineering is # 14 regarding the open space easement to protect the oak trees.
- 6. The Planning Commission approved Negative Declaration at their February 24, 2004 meeting. The Commission's action on the Negative Declaration was not appealed. Unless the City Council takes any action that would increase the level of potential environmental impacts, no additional environmental review / documentation would be required.

Analysis

and

Conclusion:

As the attached "Background" documents, the Planning Commission's requirement for the permanent open space easement to protect the 22 oak trees on the subject property has substantial precedence, is supported by the City's oak tree preservation ordinance, and has a logical basis.

Related considerations would seem to include:

- The subject property is reflected in the General Plan and Zoning Map as R-1 (Single Family Residential).
- The applicant has requested and the City Council has given first reading to an Ordinance that would establish a Resort / Lodging Zoning Overlay that would permit a hotel and restaurant to be located on the northeast corner of Buena Vista and Highway 46 East.
- The Planning Commission concluded on a 6-1 vote that the applicant's request for a hotel and restaurant would seem a reasonable use of the property. The proposed project would also seem consistent with the nature, scale, and functions of development existing and approved for the immediate area.
- The Planning Commission also concluded that requiring the long-term preservation of the 22 oak trees along the northern edge of the property would seem reasonable in the context of the City's approval of a

Development Plan for a 101 room hotel and restaurant on an R-1 Zoned property.

- The oak tree open space easement would not interfere with the development of either the hotel or the restaurant, and having the oak trees in an open space easement does not preclude their use for seating or other activities that would not injure the health of the oak trees.
- The presentation by the applicant's representative to the Planning Commission indicated that opposition to the dedication of the open space easement was one of "principle", and that there were no plans for the area where the 22 oak trees are located.
- That representation to the Planning Commission was not consistent with a meeting on January 15, 2003 between staff and Mr. Arciero, at which time Mr. Arciero made it clear that he was proposing to put a three story, 30,000 square foot office building on the property (in addition to the hotel and restaurant).
- Although Mr. Arciero has dropped the office building from the current development plan (an office building is not permitted in the Resort-Lodging overlay Zoning), his opposition to the oak tree preservation easement raises the question of whether or not the applicant has an intent to come back with a General Plan Amendment and Zone Change application to seek to locate the office building on this site, which would require removal of some or perhaps all of the 22 oak trees.
- "Overbuilding" the subject property was a concern expressed by Planning Commission members.
- A proposal to add an office building to the site, in addition to the 101 room hotel and restaurant, would create significantly more traffic and building intensity at this location, adversely impacting approved residential uses to the north. The subject intersection will be the primary access to Cuesta College's North County Campus (projected enrollment of 8,000 or more students), and it would seem prudent not to further concentrate development on the northeast corner of that intersection.
- Locating a 3-story, 30,000 square foot office building at the corner of Buena Vista and Highway 46 East is also inconsistent with the City's adopted Economic Development Strategy that is designed to focus office development in and around the downtown core area.

- In addition, that scale of office structure would adversely impact the residential subdivision that has been approved for the property to the north and overload the Buena Vista Drive access driveway and foster the need to provide a second access point onto Experimental Station Road (an undersized street that is intended to serve only local residential uses).

Conclusions:

- Requiring an open space easement to preserve the 22 oak trees would provide long-term protection for the trees, give a permanent open space buffer between the hotel / restaurant and the residential development to the north, and would be consistent with similar requirements applied to ten or more other development projects.
- An open space easement to protect the oak trees would also preclude the applicant from coming back with a subsequent project amendment that would endanger the oaks, eliminate the open space buffer to the residences to the north, substantially increase the intensity use of the subject property, and be inconsistent with the longer term support for downtown revitalization.
- The Planning Commission's condition of approval on the 101 room hotel and restaurant would insure the long-term preservation of the 22 oak trees on the north portion of the site without adversely impacting the hotel or restaurant project.

Policy

Reference:

Planning Commission action of February 24, 2004; General Plan, Zoning, Cuesta College Master Plan

Fiscal

Impact:

Requiring the open space easement would not have a fiscal impact; making provisions for future development that could have a significant adverse impact on downtown revitalization would be inconsistent with the City's Economic Development Strategy and would have a significant long-term adverse impact on the City.

- Options:
- a. Approve Resolution No. 04-xx supporting the Planning Commission's action regarding Planned Development 03-016 (allowing the 101 room hotel and 5,000 square foot restaurant to proceed) and denying the applicant's appeal.
 - b. Direct staff to modify Resolution No. 04-xx to reflect action to uphold the Planning Commission's approval of the subject project but delete Planning Commission condition No. 14 which would provide for the permanent protection of 22 oak trees on the subject property.
 - c. Amend, modify or reject the foregoing options. (If the City Council wishes to change conditions of approval other than condition No. 14, it is recommended that the matter be continued 30 days and that staff be directed to provide an analysis of the implications of changes to other conditions of approval, including potential issues relative to the California Environmental Quality Act (CEQA).)

h:\bob\60\cc\04\Arciero appeal 19 Mar 04

DRAFT RESOLUTION NO. 04-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING PLANNED DEVELOPMENT 03-016 FOR THE LA QUINTA HOTEL PROJECT
(ARCIERO & SONS, INC.) APN: 025-391-076**

WHEREAS, Planned Development 03-016 was filed by North Coast Engineering to construct a 101 room, 61,074 square foot, three story hotel with 5,000 square foot restaurant; and

WHEREAS, the La Quinta project is located on the 1.4 acre site located on the northeast corner of Highway 46 East and Buena Vista Drive; and

WHEREAS, the General Plan land use designation of the site is Residential Single Family, 1 unit per acre (RSF-1); and

WHEREAS, the Zoning designation for the project is R1,B4, residential single family, one unit per acre; and

WHEREAS, in conjunction with PD 03-016, Arciero & Sons, Inc., applied for Rezone 03-007, to rezone the subject site to apply R/L Overlay (Resort/Lodging) which is necessary in order to allow a hotel and restaurant use on the R1 zoned property; and

WHEREAS, applying R/L Overlay to establish the ability to allow a hotel and restaurant on the subject site would be consistent with the City's adopted Economic Strategy where a goal is to develop Paso Robles into an "end destination" tourist attraction; and

WHEREAS, in conjunction with PD 03-016 and Rezone 03-007, the applicants have also applied for SPA 03-005, an amendment to the Borkey Area Specific Plan to allow for the hotel and restaurant use in the residential single family zone; and

WHEREAS, at its February 24, 2004 meeting, the Planning Commission held a duly noticed public hearing on the La Quinta Project, to accept public testimony on the proposal including Planned Development 03-016 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 La Quinta 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 made the following findings:

1. The proposed La Quinta Project will not be detrimental to the City's efforts to revitalize Downtown Paso Robles since the Project is a destination resort hotel with ancillary/related land uses consistent with the City's Economic Strategy.

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. Rather, the PD for the La Quinta Project implements the City's goals as expressed in its General Plan and its Economic Strategy to develop Paso Robles into an "end-destination" tourist attraction.
 - B. The La Quinta Project maintains and enhances the significant natural resources on the site. This has been accomplished through the use of extensive landscaping, and establishment of enhanced architecture.
 - C. The La Quinta Project is designed to be sensitive to, and blend in with, the character of the site and surrounding area. This has been accomplished through the use of extensive landscaping, and establishment of enhanced architecture.
 - D. Based on the project site being bounded by the Martin-Weyrich Tasting room to the west, the approved Provance Village Hotel Project to the north, Highway 46 East to the south and large lot, 1-acre minimum lot size single family residential to the east, the Project would not be disharmonious or disruptive to the surrounding area.
 - E. The La Quinta project is consistent with the purpose and intent of the Planned Development and Resort/Lodging Chapters of the Zoning Ordinance and the Project is not contrary to public health, safety and welfare.
 - F. The request to construct the architectural tower element of the building up to 60-feet in height would add to the aesthetic quality of the building and be a benefit to the general architectural appeal of the building.

WHEREAS, on March 9, 2004 the applicant's representative, North Coast Engineering, filed a letter specifically appealing Planning Commission Condition No. 14 of the Planned Development which states:

"14. The applicant shall record an open space easement over the oak woodland area along the south side of Experimental Station Road. There shall be no building located within this area. Area may be used for outdoor/recreation activities related to the hotel or restaurant. The easement shall be in a form to be approved by the City Attorney."; and

WHEREAS, on March 16, 2004, the City Council did give first reading to ordinances that would provide the required Resort / Lodging Zoning Overlay and Borkey Area Specific Plan Amendment; and

WHEREAS, attached and labeled "Exhibit A" is a list of other development projects that have also had requirements for open space easements, excerpts from the City's Oak Tree Preservation Ordinance, and a description of the logic behind the Planning Commission's action to require the open space easement to protect the 22 oak trees on the subject property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby deny the appeal and does uphold the Planning Commission approval Planned Development 03-016, subject to the following conditions outlined in Planning Commission Resolution No. 04-022.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 6th day of April 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk



NORTH COAST ENGINEERING, INC.

Civil Engineering • Land Surveying • Project Development

March 26, 2004

RECEIVED

MAR 29 2004

Community Development

Mayor Frank Mecham
City of El Paso de Robles
1000 Spring Street
Paso Robles, California 93446

Subject: La Quinta Hotel Project – PD 03-016
Withdrawal of Appeal of Open Space Easement Requirement

Dear Mayor Mecham:

On behalf of Arciero & Sons, we are hereby withdrawing our appeal of the Open Space Easement Requirement as required by Condition 14 of the Planned Development.

Based on comments made at a recent City Council meeting, it is clear that our request to eliminate the Open Space Easement condition is perceived as a lack of commitment to protect the existing oak trees on the site. This perception is fundamentally flawed. The site has been designed with extraordinary measures in order to fully protect the existing oak trees, and has been planned in strict accordance with the City's Oak Tree Protection Ordinance.

Frank Arciero has long been committed to the protection and preservation of oak trees in Paso Robles. A prime example is the Montebello project where by utilizing a clustering concept, over 100 oak trees were saved that would have otherwise been removed had the original Union/46 Specific Plan been implemented. Over 51 acres of oak woodland in the project was granted in fee to the City for Open Space.

The appeal was submitted relative to private property rights issues, not to circumvent the requirements for oak tree preservation already imposed by the City's oak tree ordinance and the planned development. We question the City's authority in requiring this exaction and are concerned that an inappropriate precedent will be set for consideration on other projects.

We object to the Open Space condition, but will accept it to avoid the perception that Arciero & Sons are anything but committed to the protection and preservation of oak trees.

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Mayor Frank Mecham
March 26, 2004
Page Two

Sincerely yours,

Larry Werher
Larry Werher
Vice President

RLW/jms
cc: Frank Arciero
Bob Lata ✓

Projects with Oak-Related Open Space Dedication Requirements:

Recent projects include, but are not limited to:

- Moss Lane / Boland Open Space Corridor
- Phillip French subdivision
- Arciero Montebello Tract
- Centennial Park to the River Open Space Easement
- Tract 1771 / creek & bikeway dedication area
- Co-Housing Project
- Serenade Tract
- Andrea Circle subdivision
- Wittstrom / Cagliero subdivision
- Langille subdivision

Under the Oak Tree Preservation Ordinance, Chapter 10.01 of the Municipal Code:

“These provisions also apply to any new development, redevelopment and any discretionary considerations by the city of El Paso de Robles that could result in development of intensities that could impact existing oak trees.”

“Preservation of existing oak trees and opportunities to promote the establishment of new oak trees shall be a focus of the Planning Commission and/or City Council in conjunction with consideration of any development project or development related entitlement.”

“Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extra-ordinary costs to save oak trees.”

Logic behind the recommended condition calling for an open space easement:

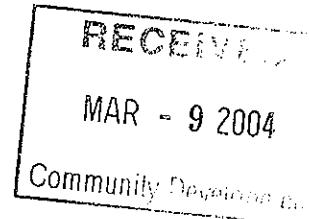
- To provide long-term protection for the approximately 22 oak trees that could be impacted by future development on the northern portion of the site;
- To provide an open space buffer for the residential development that has been approved for the property to the north;
- To avoid the future potential for an over-concentration of development of the subject property;
- The applicant is requesting a relatively intensive entitlement (a Resort-Lodging overlay to allow development of a 101 room hotel and restaurant on an R-1 - Single Family Residential designated property); preservation of an open space area with 22 oak trees would seem a reasonable requirement in proportion to the entitlement being requested by the applicant.



NORTH COAST ENGINEERING, INC.

Civil Engineering • Land Surveying • Project Development

March 9, 2004



Mayor Frank Mecham
City of Paso Robles
1000 Spring Street
Paso Robles, California 93446

Subject: Planned Development 03-016
La Quinta Hotel Project – Arciero

Dear Mayor Mecham:

On behalf of Arciero and Sons, we request the City Council consider the appeal of one of the conditions of approval required for the hotel project. Specifically the appeal is on condition No. 14 that states:

- 14. The applicant shall record an open space easement over the oak woodland area along the south side of Experimental Station Road. There shall be no building located within this area. Area may be used for outdoor/recreation activities related to the hotel or restaurant. The easement shall be in a form to be approved by the City Attorney.*

The owner requests deleting the requirement for the Open Space easement over the remainder of his property.

There is no requirement in the Municipal Code for properties, particularly those not involving a subdivision, to dedicate Open Space areas for oak woodlands. There are no requirements in the Borkey Specific Plan for such a dedication. The requested Open Space easement does not provide any more protection for the oak trees than leaving the parcel in its present condition. Any additional development on this property would be required to go through the normal City Review Planning Commission approval process, and therefore provides adequate future protection for oak trees.

A report provided by staff (see attached) cites a number of precedents for the Open Space easement requirement. These precedents do not relate to this type of project as they are residential in nature. In the cases cited, the dedication of open space was a "trade off" for clustering the residential development in the more appropriate parts of the site and making smaller lots than originally approved. In the case of the Arciero hotel project, great care was taken to design the project so that there would be no impacts on the oak trees. In light of this approach, the requirement to further restrict the property seems excessive.

The report by staff further states the logic behind the request for the open space easement. These statements and our responses are below:

- *To provide long-term protection for the approximately 22 oak trees that could be impacted by future development on the northern portion of the site.*

Any future development (if any) of the northern portion of this property will be subject to review by the City and subject to the Oak Tree Preservation Ordinance. The oaks are adequately protected as they are.

- *To provide an open space buffer for the residential development that has been approved for the property to the north.*

This buffer is a physical buffer and will exist whether or not there is an open space easement on the property.

- *To avoid the future potential for an over-concentration of development on the subject property.*

It is hard to conceive that there is a potential "over-concentration of development" keeping in mind that any future development would require a development plan and perhaps a tentative map and specific plan amendments.

- *The applicant is requesting a relatively intensive entitlement (a Resort-Lodging overlay to allow development of a 101 room hotel and restaurant on an R-1 Single Family Residential designated property); preservation of an open space area with 22 oaks would seem a reasonable requirement in proportion for the entitlement being requested by the applicant.*

The property is currently single family residential which is clearly not appropriate for this location. It is an appropriate location for commercial development. Originally we considered rezoning to a commercial designation but encountered resistance to this request because a commercial zoning would have allowed for many other uses than a hotel. We therefore

accepted the tourist/commercial overlay because the project was a hotel. The hotel will provide enormous economic benefit to the City and the community. The comment above suggests that because the owner is being allowed to construct a hotel in what is considered an appropriate location that he should have to give up some of his property rights in exchange.

We appreciate your consideration of our request. We will be attending the meeting and will be available for any comments or questions you may have.

Sincerely yours,



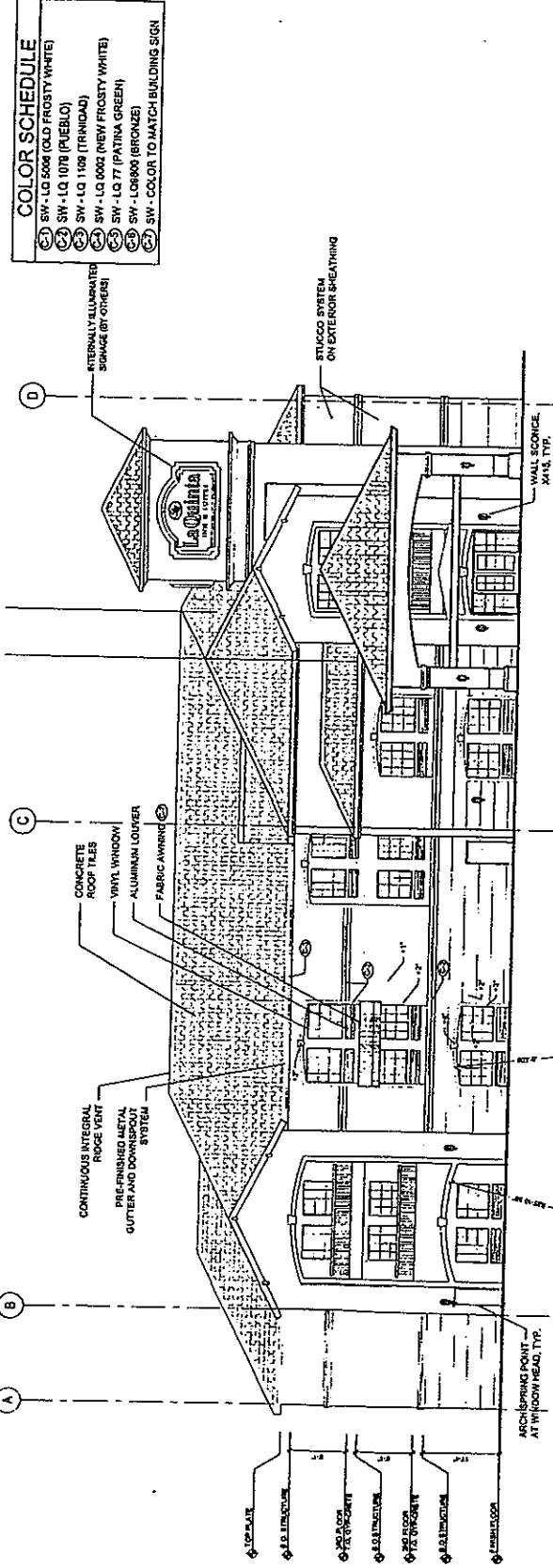
Larry Werner
Vice President

RLW/jms

Enclosures

cc: Bob Lata ✓

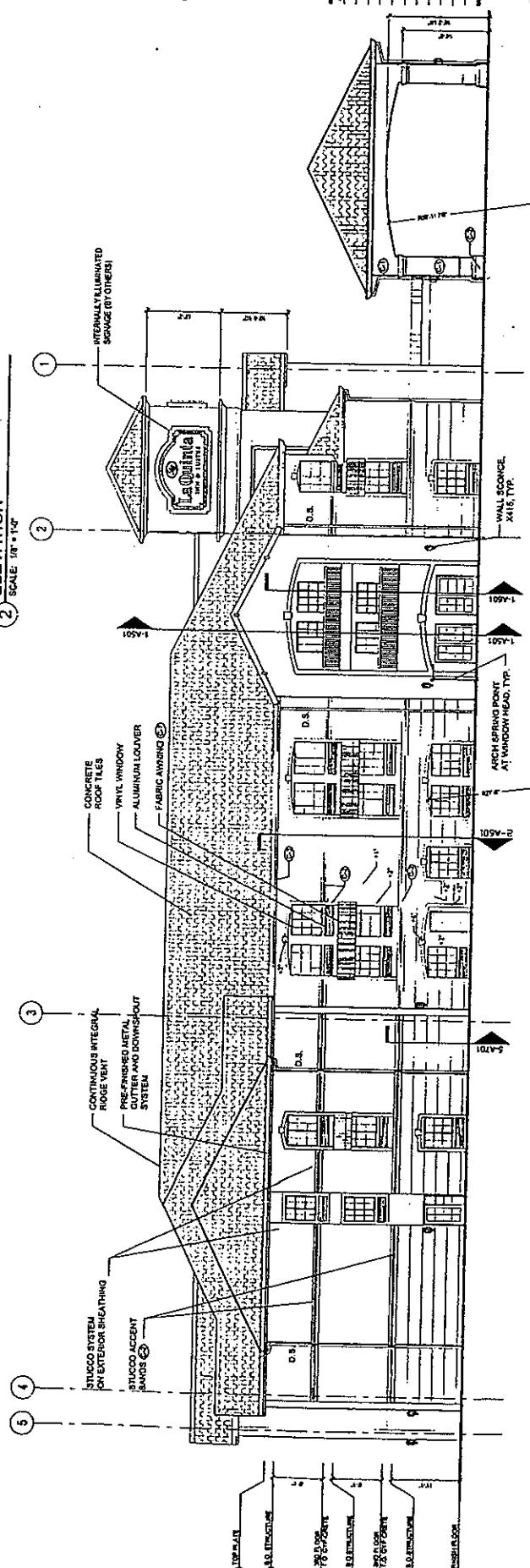
EXHIBIT E
ARCH. ELEVATIONS (NORTH & WEST)
PD 03-016, RZ 03-007 & SPA 03-005
LA QUINTA ARCHIEO & SONS INC.



ARCHEO & SONS INC.
BUILDERS DEVELOPERS

27231 BURBANK
FOOTHILL RANCH, CA 92610
PHONE: 949.481.7030
FAX: 949.481.5840

ITEM NO.	DATE	DESCRIPTION
10-CR0041	PL. Permit Holder	DAWN
10-CR0042	PL. Permit Holder	DAWN
10-CR0043	PL. Permit Holder	DAWN
10-CR0044	PL. Permit Holder	DAWN



LA QUINTA INN and Suites	
BUILT AREA (sqft)	1,40 ACTS
BUILDING AREA (sqft)	36,124 SF
GUEST ROOMS	71
PARKING SPACES	128
MANUFACTURED SPACES (INCUSED BY TOTAL)	

MULVANNY G2

CD NEWBOLD ST. BAPTIST
PENTECOSTAL F. I. CHURCH
PARISH HOUSE / PARSONAGE

Monogram

SOUTH

NORTH

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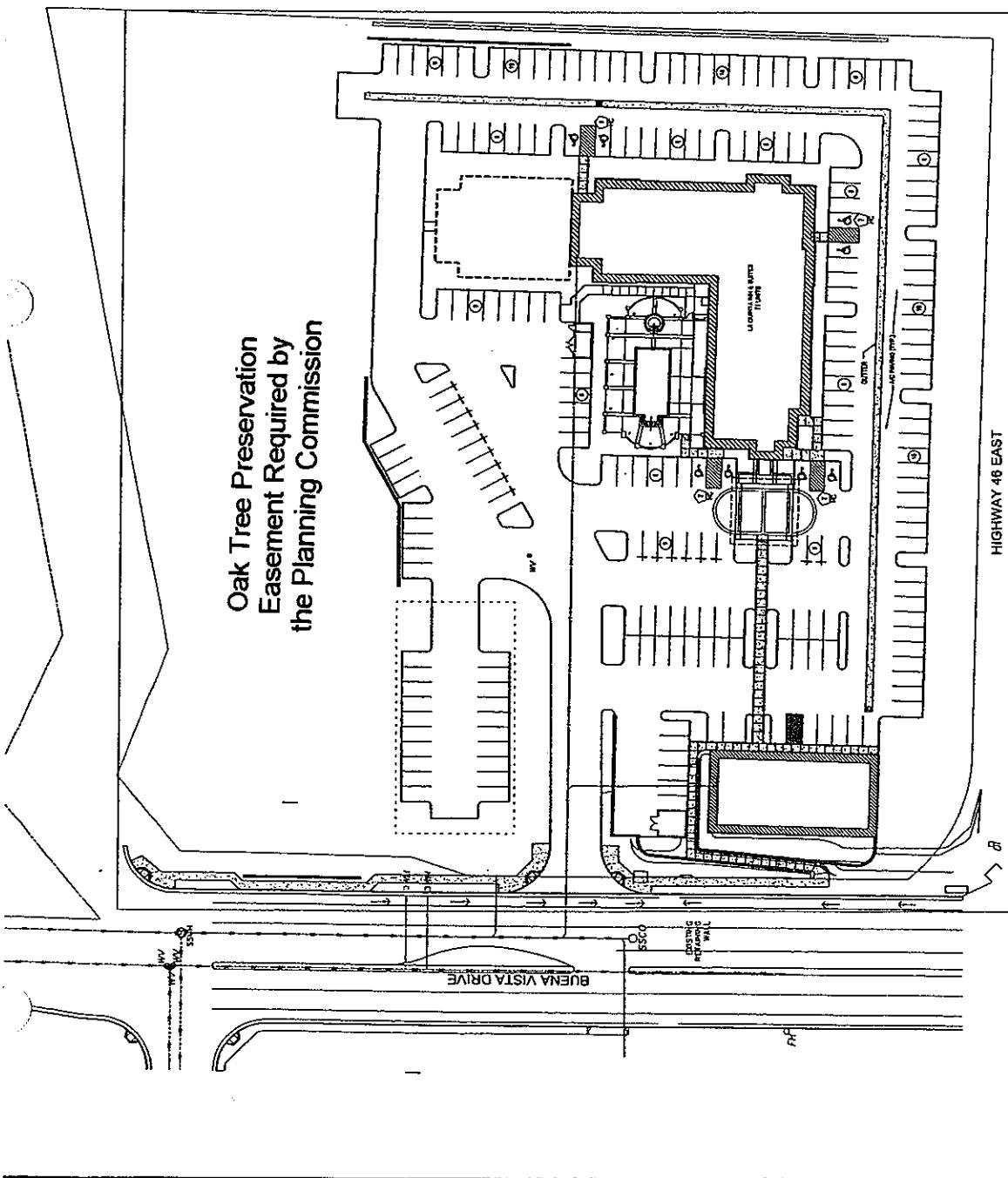


EXHIBIT B
ARCHITECTURAL SITE PLAN
PD 03-016, RZ 03-007 & SPA 03-005
LA QUINTA INN & SUITES

RESOLUTION NO.: 04-022

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING PLANNED DEVELOPMENT 03-016 FOR THE LA QUINTA HOTEL PROJECT
(ARCIERO & SONS, INC.)

APN: 025-391-076

WHEREAS, Planned Development 03-016 has been filed by North Coast Engineering to construct a 61,074 square foot, three story hotel with 5,000 square foot restaurant; and

WHEREAS, the La Quinta project is located on the 1.4 acre site located on the northeast corner of Highway 46 East and Buena Vista Drive; and

WHEREAS, the General Plan land use designation of the site is Residential Single Family, 1 unit per acre (RSF-1); and

WHEREAS, the Zoning designation for the project is R1,B4, residential single family, one unit per acre; and

WHEREAS, in conjunction with PD 03-016, Arciero & Sons, Inc. have applied for Rezone 03-007, to rezone the subject site to apply R/L Overlay (Resort/Lodging) which is necessary to in order to allow a hotel and restaurant use on the R1 zoned property; and

WHEREAS, applying R/L Overlay to establish the ability to allow a hotel and restaurant on the subject site would be consistent with the City's adopted Economic Strategy where a goal is to develop Paso Robles into an "end destination" tourist attraction; and

WHEREAS, in conjunction with PD 03-016 and Rezone 03-007, the applicants have also applied for SPA 03-005, an amendment to the Borkey Area Specific Plan to allow for the hotel and restaurant use in the residential single family zone; and

WHEREAS, at its February 24, 2004 meeting, the Planning Commission held a duly noticed public hearing on the La Quinta Project, to accept public testimony on the proposal including Planned Development 03-016 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 La Quinta 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 La Quinta Project will not be detrimental to the City's efforts to revitalize Downtown Paso Robles since the Project is a destination resort hotel with ancillary/related land uses consistent with the City's Economic Strategy.
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. Rather, the PD for the La Quinta Project implements the City's goals as expressed in its General Plan and its Economic Strategy to develop Paso Robles into an "end-destination" tourist attraction.
 - B. The La Quinta Project maintains and enhances the significant natural resources on the site. This has been accomplished through the use of extensive landscaping, and establishment of enhanced architecture.
 - C. The La Quinta Project is designed to be sensitive to, and blend in with, the character of the site and surrounding area. This has been accomplished through the use of extensive landscaping, and establishment of enhanced architecture.
 - D. Based on the project site being bounded by the Martin-Weyrich Tasting room to the west, the approved Provance Village Hotel Project to the north, Highway 46 East to the south and large lot, 1-acre minimum lot size single family residential to the east, the Project would not be disharmonious or disruptive to the surrounding area.
 - E. The La Quinta project is consistent with the purpose and intent of the Planned Development and Resort/Lodging Chapters of the Zoning Ordinance and the Project is not contrary to the public health, safety and welfare.
 - F. The request to construct the architectural tower element of the building up to 60-feet in height would add to the aesthetic quality of the building and be a benefit to the general architectural appeal of the building.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 03-016, subject to the following conditions:

STANDARD CONDITIONS:

1. The Planned Development for the La Quinta Project shall not be operative or vested until Rezone 03-007, and BASP Amendment (SPA 03-005) have been approved and put into effect.
2. The La Quinta Project shall comply with all Conditions of Approval and Exhibits contained in this Resolution and the associated Resolutions for the above-referenced Rezone 03-003 and SPA 03-005.
3. The La Quinta Project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit A and incorporated by reference herein.

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.

4. The La Quinta 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	Architectural Site Plan
C	Preliminary Grading & Drainage Plan
D	Preliminary Landscape Plan
E	Architectural Elevations (North and West)
F	Architectural Elevations (South and East)
G	Architectural Details
H	Architectural Details
I	Color and Materials Board (on file in the Community Development Dept.)

5. This Development Plan for PD 03-016, together with the application for R/L Zoning Overlay as established by Rezone 03-007 and Specific Plan Amendment SP 03-007 allows for development and operation of the 61,074 square foot, 71 room, three story hotel, with an architectural tower element that extends up to 60-feet in height, with 5,000 square foot restaurant and ancillary pool, landscaping and parking.
6. Prior to issuance of a Building Permit for the La Quinta hotel project, the following plans shall be filed with the City for Development Review Committee review and approval:
 - a. The Final Development Plan submittal is to be accompanied by submittal of the detailed plans of: 1) the site landscaping and irrigation including a detailed plan of the 30-foot landscape buffer along the southern edge of the site adjacent to Highway 46 East, 2) the signage program, 3) the precise grading and drainage plan.
 - b. The Final Plans and the accompanying detailed plans are to be in substantial conformance with Exhibits A through I, which Exhibits have been incorporated into this Resolution as per Site Specific Condition No. 4.
 - c. All accessory elements including but in no way limited to trash enclosures, mechanical screens, decorative paving, fountains, outdoor lighting, building mounted lighting, tables, chairs, benches, and wall/fences shall be consistent with the architectural theme established for the La Quinta Project as shown on the Exhibits B through I.
7. Prior to issuance of a grading permit, the following notes shall be added to the plans:
 - a. The site grading is to be in substantial conformance with the graphic representation and site sections provided.
 - b. Disturbed areas will be replanted with appropriate ground cover and/or erosion control mix immediately following grading so as to stabilize the site and prevent erosion. Other erosion control measures (such as siltation fences, mulching and hydro seeding) may be required by the City as part of the Conditions attached to the grading permit.

- c. All existing Oak trees located on the project site shall be protected and preserved as required in City's Oak Tree Preservation Ordinance No. 835 N.S, as codified in Chapter 10.01 - Oak Tree Preservation of the Municipal Code, unless specifically authorized by the City Council to be removed.
 - d. If, during site preparation, archeological resources are discovered, all work in the area shall stop and the Planning Division shall be notified. An assessment, including specific mitigation measures, shall be prepared by a qualified individual/consultant, at the applicant's expense, and submitted to the City for review and approval. The recommended mitigation measures shall be followed prior to resuming work in the area.
 - e. The foundations and structural design of the buildings shall be consistent with the Uniform Building Code in order to address potential exposure to soils/geologic conditions and seismic hazards.
8. No underground or above ground storage of hazardous materials shall be allowed on-site without first obtaining City approval. (This provision is not intended to prevent small containers of fuel or maintenance chemicals normally associated with commercial lodging and/or landscape maintenance).
 9. All existing and new overhead utilities shall be placed underground.
 10. All necessary permits from Army Corps and Department of Fish and Game regarding working in and around creek way are necessary prior to the issuance of a Grading Permit.
 11. Prior to the issuance of a building permit, the revised Borkey Area Specific Plan fees will need to be recalculated (under contract from the City and at the cost of the applicant); the cost of recalculation contract and new fees are to be paid prior to issuance of a building permit.
 12. Prior to the issuance of a building permit for the 5,000 square foot restaurant building, the applicant shall submit an application for a Major Site Plan Review for review and approval of the building by the Development Review Committee. The architecture, colors and materials shall be consistent with the La Quinta building.
 13. As required by the Borkey Area Specific Plan for projects within Sub Area E (with the approval of SPA 03-005, all conditions for projects within Sub Area E will apply to this project although it is within Sub Area D) a 30-foot landscape setback is required along the project frontage adjacent to Highway 46 East. Prior to the issuance of a Building Permit for any building, a detailed landscape plan shall be submitted to the DRC for review and approval.

OAK TREE CONDITIONS:

14. The applicant shall record an open space easement over the oak woodland area along the south side of Experimental Station Road. There shall be no building located within this area. Area may be used for outdoor/recreation activities related to the hotel or restaurant. The easement shall be in a form to be approved by the City Attorney.
15. With the development of the final grading and drainage plans, the drainage pipe shown on the tentative grading plan shall be re-designed to be out of the Critical Root Zone of the oak trees.

ENGINEERING SITE SPECIFIC CONDITIONS:

16. Prior to occupancy, the applicant shall place sidewalk along Buena Vista Drive from the main entrance to Experimental Station Road. The sidewalk will include decorative railing to match the west side of Buena Vista Drive. An in-lieu fee will be required for the portion of frontage on Buena Vista Drive where sidewalk will be waived in accordance with the Municipal Code.

17. Prior to occupancy, the applicant shall improve Experimental Station Road with curb, gutter and sidewalk or apply for a waiver for some or all of these improvements. An in-lieu fee will be required for any improvements that are waived in accordance with the Municipal Code.
18. Prior to occupancy, the applicant shall relocate existing overhead utilities along Experimental Station Road underground.

TRAFFIC MITIGATION:

T-1 Prior to occupancy, the applicant will be required to modify the existing painted median in Buena Vista Drive to provide a southbound left turn access lane to the project; and to provide measures to maintain adequate site distance at the entrance of the hotel at Buena Vista Drive.

NOISE CONDITIONS:

19. All recommendations regarding noise mitigation measures as described in the Noise Study by David Lord, PhD, dated June 9, 2003, shall be complied with to the satisfaction of the Noise consultant prior to the issuance of a Building Permit. The mitigation measures are as follows:

N-1 **Walls and Roofs:** The critical south elevation of the project shall have wall, ceiling and roof construction with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For Instance, stucco exterior 2"x6" stud walls with R-13 bat insulation and two layers of ½" gypsum board screwed to resilient strips on the interior will provide an S.T.C. rating of 30 or greater.

All soffit or eave or dormer vents or doors or windows or skylights or other roof or wall penetrations facing south towards highway 46 shall be acoustically rated and designed.

Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues and other breaks in the integrity of the wall, ceiling or roof construction on the critical elevation shall receive special attention during construction. All construction openings and joints on the walls on the east side of the site shall be insulated, sealed and caulked with a resilient, non-hardening caulking material. All such openings and joints shall be airtight in order to maintain sound insulation.

N-2 **Windows:** To meet STC 30 dba requirements, south facing windows on the critical elevation shall be of double glazed construction, with one light of laminated glass, and installed in accordance with the recommendations of the manufacturer. The windows shall be fully gasketed, with the STC rating of 30 or better, as determined in testing by an accredited acoustical laboratory. An example of such a window is the horizontal slider window by Peerless, series 6001HS, Model Number 6001125125HS, tested by Riverbank Acoustical Laboratories, which has an S.T.C. 37. Other manufacturers may have similar products with equal or better performance.

N-3 **Ventilation:** In order to achieve quiet conditions during noisy periods, it is assumed that all operable windows and doors on the south side of the buildings may be voluntary shut. Mechanical ventilation is required for habitable spaces in accordance with the UBC. It is recommended that a outdoor air intake for mechanical ventilation be located on the east, north or west side of the building.

N-4 Prior to the issuance of a building permit, the noise consultant shall review the construction plans to ensure that noise reductions measures as outlined in the Noise Report dated June 9, 2003 have been addressed.

AIR POLLUTION CONDITIONS:

- 20 The project shall comply with the conditions requested by the Air Pollution Control District

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:

- AQ-1. Reduce the amount of the disturbed area where possible.
- AQ-2. 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 (non-potable) water should be used whenever possible.
- AQ-3. All dirt stockpile areas should be sprayed daily as needed.
- AQ-4. 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.
- AQ-5. Building pads should be laid out as soon as possible after grading unless seeding of soil binders are used.

Site Designing Elements:

These measures will increase the viability of choosing an alternative form of transportation thus decreasing dependence on private vehicle trips and they will reduce evaporative emissions from parked vehicles. Include as many of the following Site Design measures as feasible:

- AQ-6 Provide bike parking at a ratio of one bike parking space for every 10 employee automobile spaces.
- AQ-7 Provide preferential carpool parking for employees.
- AQ-8 Provide shower and locker facilities to encourage to bike and/or walk to work, typically one shower and three locker for every 25 employees; and
- AQ-9 Increase building energy efficiency rating by 10% above what is required by Title 24 requirements. This can be done in a number of ways (increase attic, wall or floor insulation, etc).

Discretionary Mitigation Measures

(Please select 3 of the following measures as defined in the CEQA Air Quality Handbook)
Increase street tree planting;

- AQ-10. Use roof materials with a solar reflective meeting the EPA/DOE Energy Star rating to reduce summer cooling needs;
- AQ-11. Shade tree planting in parking lots to reduce evaporative emissions from parked vehicles
- AQ-12. If the project is located on an established transit route, improve public transit accessibility by providing transit turn out with direct pedestrian access to project;

- AQ-13. Install high efficiency or gas space heating; or
- AQ-14. Use energy efficient interior lighting.

EMERGENCY SERVICES SITE SPECIFIC CONDITIONS:

21. Prior to the start of construction information shall be submitted to the Fire Department showing the required fire flows can be provided to meet all demands.

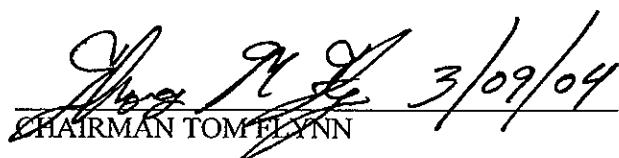
PASSED AND ADOPTED THIS 24th day of February, 2004 by the following Roll Call Vote:

AYES: Ferravanti, Mattke, Kemper, Steinbeck, Johnson, Hamon

NOES: Flynn

ABSENT: None

ABSTAIN: None



CHAIRMAN TOM FLYNN

ATTEST:



ROBERT A. LATA, PLANNING COMMISSION SECRETARY

h:darren/PD/LaQuintaPDRes

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

Newspaper: Press

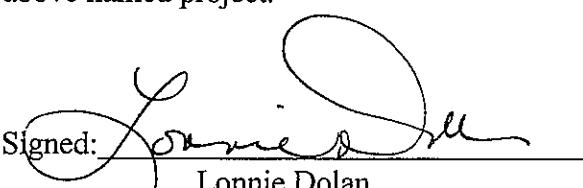
Date of Publication: March 3, 2004

Meeting Date: March 16, 2004
(City Council)

Project: Rezone 03-007 and Specific
Plan Amendment 03-004
(BASP – Arciero/LaQuinta)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed:



Lonnie Dolan

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CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold Public Hearings to consider approval for the following applications:

Rezone 03-007: A rezone application to apply Resort/Lodging Overlay over the 1.4 acre site.

Specific Plan Amendment 03-005: an application to amend the Borkey Area Specific Plan to allow for a motel and restaurant on the subject site.

The meeting will begin at the hour of 7:30 pm on March 16, 2004, in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California. All interested parties may appear and be heard at this hearing.

At this meeting the City Council will be making a finding that the Mitigated Negative Declaration adopted by the Planning Commission in relation to Planned Development PD 03-016 is adequate and there is no action necessary by the City Council.

Written comments on the proposed rezone, and specific plan amendment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of

the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970.

If you challenge the rezone and specific plan amendment in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

/s/Darren Nash, Associate Planner

Pub: 3/3/04
Paso Robles Press
Legal #9936



NORTH COAST ENGINEERING, INC.

Civil Engineering • Land Surveying • Project Development

March 26, 2004

RECEIVED

MAR 29 2004

Community Development

Mayor Frank Mecham
City of El Paso de Robles
1000 Spring Street
Paso Robles, California 93446

Subject: La Quinta Hotel Project – PD 03-016
Withdrawal of Appeal of Open Space Easement Requirement

Dear Mayor Mecham:

On behalf of Arciero & Sons, we are hereby withdrawing our appeal of the Open Space Easement Requirement as required by Condition 14 of the Planned Development.

Based on comments made at a recent City Council meeting, it is clear that our request to eliminate the Open Space Easement condition is perceived as a lack of commitment to protect the existing oak trees on the site. This perception is fundamentally flawed. The site has been designed with extraordinary measures in order to fully protect the existing oak trees, and has been planned in strict accordance with the City's Oak Tree Protection Ordinance.

Frank Arciero has long been committed to the protection and preservation of oak trees in Paso Robles. A prime example is the Montebello project where by utilizing a clustering concept, over 100 oak trees were saved that would have otherwise been removed had the original Union/46 Specific Plan been implemented. Over 51 acres of oak woodland in the project was granted in fee to the City for Open Space.

The appeal was submitted relative to private property rights issues, not to circumvent the requirements for oak tree preservation already imposed by the City's oak tree ordinance and the planned development. We question the City's authority in requiring this exaction and are concerned that an inappropriate precedent will be set for consideration on other projects.

We object to the Open Space condition, but will accept it to avoid the perception that Arciero & Sons are anything but committed to the protection and preservation of oak trees.

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Mayor Frank Mecham
March 26, 2004
Page Two

Sincerely yours,

Larry Werher
Larry Werher
Vice President

RLW/jms
cc: Frank Arciero
Bob Lata ✓