

RESOLUTION NO: 93- 11
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 91010
(HALFERTY DEVELOPMENT COMPANY - WOODLAND PLAZA II)
APN: 09-761-34

WHEREAS, Halferty Development Company has filed an application to construct an approximate 425,000 square foot commercial center and establish a master list of permissible users to occupy that center located on the southwest corner of Niblick Road and South River Road, and

WHEREAS, applications Rezone 91002, Planned Development 91010 and Parcel Map PR 91-195 were processed concurrently with this use permit request,

WHEREAS, an Environmental Impact Report (EIR) was prepared for this project and a Final EIR was certified for the project in accordance with the California Environmental Quality Act (CEQA) by the Planning Commission on August 25, 1992 via Resolution 92-049, and

WHEREAS, the Planning Commission's action to certify the Final EIR was appealed, and

WHEREAS, on October 6, 1992 the City Council considered the appeal and after a public hearing adopted Resolution 92-163 denying the appeal and certifying the adequacy of the Final EIR for the Woodland Plaza II project, and

WHEREAS, a public hearing was conducted by the Planning Commission on July 14, 1992, August 25, 1992, September 22, 1992, October 27, 1992, November 10, 1992, December 9, 1992 and December 22, 1992 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this project and use permit proposal, and

WHEREAS, on December 22, 1992, the Planning Commission adopted Resolution 92-072 establishing environmental findings and statements of overriding considerations regarding this project and its potential impacts, and

WHEREAS, on December 22, 1992, the Planning Commission adopted Resolution 92-074 approving Conditional Use Permit 91010, and

WHEREAS, On December 24, 1992 and later on January 6, 1993, separate appeals were filed of the Planning Commission's action to approve Conditional Use Permit 91010, and

WHEREAS, a public hearing was conducted by the City Council on January 19, 1993 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this project and the appeal of the use permit proposal, 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 City Council finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso De Robles does hereby approve Conditional Use Permit 91010 subject to the following conditions:

CONDITIONS TO BE IN COMPLIANCE AT ALL TIMES:

1. This use permit authorizes the operation of a regional scale commercial center of approximately 425,000 square feet in area, permitting all those uses listed within the Regional Commercial zoning district as being permissible, along with the following conditionally permitted uses:
 - o Day Care Centers
 - o Gasoline Sales (with auto service) **
 - o Fast Food Restaurants having drive-through service

** See condition no. 18

2. All aspects of on site businesses, with the exception of outdoor plant nurseries and outdoor display permissible by City Ordinance, shall take place within a building. Outside storage of materials shall not be permitted under this Conditional Use Permit approval. (CD)
3. All uses shall abide by the general performance standards for all uses required by Municipal Code Section 21.21.040 (Noise, Vibration, Odors, Glare). (CD)
4. Any condition imposed by the Planning Commission in granting this conditional use permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of

deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit. (CD)

5. The site shall be kept in a neat manner at all times, and landscaping shall be maintained in healthy and manicured condition. (CD)
6. Construction, alteration and occupancy of all structures shall conform to the Uniform Building, Fire and related Codes (1991 edition) and National Electrical Code (1990 edition) as adopted and modified by City Ordinance. (B)
7. Applicants shall obtain Certificates of Occupancy for all structures prior to their occupancy (Ordinances 525 and 538 N.S.). (B)
8. All structures shall install burglar prevention devices and security lighting as required by Ordinance 547 N.S. (Building Security). (PD)
9. As listed on page IV-G28 of the Final EIR, the applicant shall implement items 6 (designate an ongoing transportation manager responsible for coordinating transportation demand management programs such as carpooling), and 7 (establishment of programs to encourage commercial tenant employees to use company vehicles and/or vanpool, as well as on-site daycare), in a manner to be approved by the Community Development Department. (CD)
10. Restaurant "M" shall either be reduced in size from 6,000 to 5,000 square feet in area, or a separate use permit shall be obtained for a specific restaurant tenant prior to issuance of building permits for its development. (CD)
11. Landscaping is to be maintained in a healthy and attractive state at all times. Provisions to insure adequate landscaping maintenance shall be established in a form to be approved by the Community Development Department. (CD)
12. Truck deliveries shall be targeted between the hours of 7:00 AM and 8:00 PM during the day. Trucks arriving outside of that delivery time window shall be required to either shut off their engines and refrigerator units (if applicable), or park and wait in the area at the front of the shops. Under no circumstances shall trucks be parked with motors or refrigeration units in operation in locations between the commercial buildings and the residences along the southerly property line between the hours of 8:00 PM and 7:00 AM. (CD)

13. Parking Lot sweeping and the use of motorized or gasoline powered equipment shall be prohibited between the hours of 8:00 PM and 7:00 AM.
14. The use of exterior loud speaker/announcement systems shall be prohibited within the shopping center. (CD)
15. Building tenants for all phases shall be responsible for keeping the rear loading/delivery areas free of trash and debris. The items acceptable to be stored at backs of buildings would be compacted cardboard boxes and related delivery items on a temporary basis until they are disposed of. All temporarily stored items must be neatly stacked. (CD)
16. All conditions contained within the resolution granting approval to Planned Development 91010 and Parcel Map PR 91-095 shall be complied with in a manner acceptable to the City of Paso Robles. (CD)
17. This CUP is subject to the subject site having a Regional Commercial zoning designation. A change in zoning would make this approval null and void. (CD)
18. At the time that detailed development plans are submitted for any gasoline sales use, an additional environmental initial study shall be conducted to assure that any and all potential environmental impacts of a gas station use are analyzed.

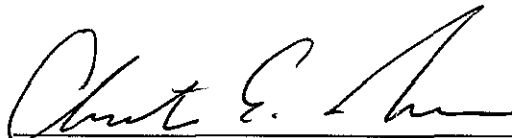
PASSED AND ADOPTED THIS 19th day of January 1993, by the following roll call vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen

NOES: None

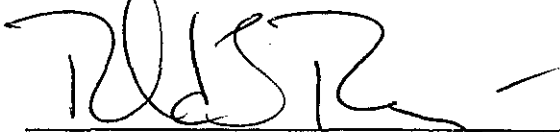
ABSENT: None

ABSTAIN: None



MAYOR CHRISTIAN E. IVERSEN

ATTEST:



RICHARD J. RAMIREZ, CITY CLERK