


**TO:** Planning Commission  
**FROM:** Ed Gallagher, Community Development Director   
**SUBJECT:** Planned Development Amendment 02-002 and Conditional Use Permit 11-004 for Vina Robles, Inc  
**DATE:** August 9, 2011

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**NEEDS:** For the Planning Commission to consider an amendment to PD 02-002 and approval of Conditional Use Permit (CUP) 11-004 to allow an outdoor amphitheater, relocation of the previously approved hotel, and ancillary buildings and other minor modifications at the Vina Robles Hospitality Center.

- FACTS:**
1. The project site is located at 3700 Mill Road at the intersection of Highway 46 East and Mill Road.
  2. This project was opened for public comment at the Planning Commission hearing on July 26, 2011. The Commission adopted a Mitigated Negative Declaration at that meeting, but continued the public hearing on the entitlements to the Planning Commission hearing on August 9, 2011.
  3. As noted in the prior staff report, this project was considered by the SLO County Airport Land Use Commission, Paso Robles Airport Advisory Committee, and the Paso Robles Development Review Committee. All committees were in support of the project.

**ANALYSIS &  
CONCLUSION:**

Public comments were received on the project, primarily in regard to potential noise and traffic impacts. Comments and questions from the public and the Commission were answered to the satisfaction of the Commission, with the exception of the project parking plan at full build-out (Phase 2) and parking demands for maximum "capacity" events. Staff indicated that it would conduct further research on the parking requirements and report back to the Commission at the next meeting.

It is anticipated that the hospitality center would not be open during concert events or if it was open that guests at the hospitality/wine tasting center would be concert attendees. Additionally, guests that stay at the bungalow units are also anticipated to attend concerts since the bungalow units are in very close proximity to the amphitheater, and a conservative estimate from the applicant is that a minimum of 50 percent of the 60 room hotel would also likely attend events. Lastly, the adopted Mitigated Negative Declaration incorporates a mitigation measure that requires a "transportation demand management" (TDM) shuttle program to reduce the number of vehicles that drive to the site to attend concerts. It is projected that the TDM program could reduce up to 10 percent (110) of the vehicles that would attend events. This would equate to between 3 to 4 shuttles, with 20-30 persons per shuttle.

Therefore, it is reasonable to allow for shared use of parking spaces for the hospitality center, hotel and bungalows units, and to also reduce the parking demand through implementation of the TDM approved for this project.

The parking analysis for all uses at project build-out is as follows:

60 unit hotel – 1 space/room + 1/employee	64 spaces
14,000 sf hospitality center	64 spaces (prior PD approval)
Bungalow lodging	20 spaces
Amphitheater	<u>1100 spaces</u>
Total spaces for Build-Out:	1248 spaces
Less shared parking use of hospitality center spaces	<u>64 spaces</u>
	1184 spaces required
Less shared parking use of 50% hotel rooms	<u>32 spaces</u>
	1152 spaces
Less shared parking bungalow unit spaces	<u>20 spaces</u>
	1132 spaces required
Less 10% TDM shuttle service (as conditioned)	<u>113 spaces</u>
Total Parking Demand at Build-Out	1019 spaces required
Total spaces provided at Build-Out on Site Plan	1026 spaces

This parking analysis indicates that the project site would provide adequate parking to accommodate the project at build-out and for capacity events.

**Policy**

**Reference:** City of Paso Robles 2003 General Plan Update and EIR, Airport Land Use Plan, 2006 Economic Strategy, Zoning Ordinance, CEQA.

**Fiscal**

**Impact:** No fiscal impacts identified.

**Options:**

After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. By separate motions:
  - (1) Adopt Resolution 11-XX approving Planned Development Amendment 02-002; and
  - (2) Adopt Resolution 11-XX approving Conditional Use Permit 11-004.
- b. Amend, modify, or reject the above-listed action.

**Staff Report Prepared By:** Susan DeCarli, AICP, City Planner

**Exhibits:**

- 1 – Resolution – PD Amendment 02-002
- 2 – Resolution – CUP 11-04
- 3 – Mail Notice Affidavit

**RESOLUTION NO.**

**A RESOLUTION OF**  
**THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES**  
**APPROVING PLANNED DEVELOPMENT AMENDMENT 02-002**  
**3700 MILL ROAD, APN 025-701-003**  
**APPLICANT – VINA ROBLES, INC.**

**WHEREAS**, Planned Development Amendment 02-002 has been filed by Vina Robles, Inc.; and

**WHEREAS**, this application includes a proposal to modify the previously approved site plan, including relocating the hotel location to the west side of the hospitality center, adding a 3,300 seat outdoor amphitheater and ancillary buildings, and eliminating the spa facility and winery. The 10 duplex bungalow units are not proposed to be modified; and

**WHEREAS**, the project is consistent with the General Plan land use designation and Zoning of Parks and Open Space (POS) and the Paso Robles Airport Land Use Plan, Airport Overlay – Zone 5, 2006 Economic Strategy, and the Gateway Design Standards; and

**WHEREAS**, a Conditional Use Permit (CUP 11-004) has been filed in conjunction with this Planned Development Amendment to allow establishment of the outdoor amphitheater, ancillary uses, and hotel; and

**WHEREAS**, the Planning Commission held a duly noticed public hearings on July 26, 2011 and August 9, 2011 on this project to accept public testimony on the Planned Development Amendment 02-002 and associated entitlements; and

**WHEREAS**, any oak tree removals requested to accommodate the proposed development site plan shall be approved by the City Council, and oak tree replacements shall be established in compliance with the City's Oak Tree Preservation Ordinance; 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 project as designed and with appropriate mitigation measures added as conditions of approval will not result in significant environmental impacts and it is appropriate for the Planning Commission to adopt a Mitigated Negative Declaration, which is included in a separate resolution; 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. As conditioned, the design and intensity/density of the proposed Planned Development as amended is consistent with the adopted codes, policies, standards and plans of the City, specifically the Zoning Ordinance, General Plan, Airport Land Use Plan – Zone 5, and Gateway Design Standards; and

2. As conditioned, the proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City, including traffic safety, noise and light; and
3. The proposed development plan accommodates the aesthetic quality of the City as a whole, especially where development will be visible from the Highway 46 East “gateway” to the City, scenic corridors, and the public right-of-way through sensitive site design, screen walls and quality architecture; and
4. The proposed development plan is compatible with, and is not detrimental to, surrounding land uses and improvements of other winery, agricultural or airport land uses, provides an appropriate visual appearance since it complements existing development in the nearby area and on the site, and reduces environmental impacts to biological resources, traffic, air quality, and water quality to a less than significant level, as well as potential social impacts through operational measures; and
5. The proposed development plan is compatible with existing scenic and environmental resources such as hillsides, oak trees, vistas, etc.; and
6. The proposed development plan contributes to the orderly development of the City as a whole.
7. The proposed development project is consistent with and supports implementation of the 2006 Economic Strategy by providing local and regional tourism, and employment opportunities within the City of Paso Robles.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development Amendment 02-002, 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.

**Planning Division Conditions:**

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:

<b>EXHIBIT</b>	<b>DESCRIPTION</b>
A	Standard Conditions of Approval
B	Site Plan, Landscape Plan and Elevations

3. This is an application for a 60-room hotel, 10 duplex-bungalow lodging units, 3,300 seat outdoor amphitheater and ancillary buildings including a stage, artist compound, safety/security building, food and beverage buildings, admission entrance gate, and restrooms. The development may be

constructed in phases, with Phase 1 including the outdoor amphitheater and ancillary buildings, and Phase 2 including the hotel and bungalow units.

4. The project shall be designed and constructed to be in substantial conformance with the site plan, landscape plan, grading plan and elevations approved with this resolution.
5. Approval of this project is valid for a period of two (2) years from date of approval. Unless permits have been issued and site work has begun, the approval of PD Amendment 02-002 shall expire on July 26, 2013. The Planning Commission may extend this expiration date if a Time Extension application has been filed with the City along with the fees before the expiration date.
6. Prior to issuance of certificates of use and occupancy, the property-owner or authorized agent is required to pay the City's Development Impact Fees.
7. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
8. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
9. Temporary construction noise levels in excess of 60 decibels shall be restricted to the daylight hours of 7am to 6pm. Noise levels shall be measured or monitored from site boundaries or the nearest adjoining residential use to determine compliance.
10. Use and operation of the project and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21 .040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).
11. Prior to issuance of a grading permit, the applicant shall submit Low-Impact Development (LID) plans for the treatment of storm water on the site subject to approval by the City Engineer.

**Air Quality Conditions:**

12. Dust Control Measures - Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
  - a. Reduce the amount of the disturbed area where possible;
  - b. Use 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;
  - c. All dirt stock-pile areas should be sprayed daily as needed;
  - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
  - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and the contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

13. Demolition of Asbestos Containing Materials - Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transit pipes or insulation on pipes). If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include, but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.
14. Developmental Burning, effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.
15. Construction Permit Requirements - Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.
- Power screens, conveyors, diesel engines, and/or crushers
  - Portable generators and equipment with engines that are 50 hp or greater
  - Electrical generation plants or the use of standby generator
  - Internal combustion engines
  - Rock and pavement crushing
  - Unconfined abrasive blasting operations
  - Tub grinders
  - Trommel screens
  - Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)
- To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**
16. The applicant shall be limited to no more than 50 concert events per year. The air pollution emissions modeling was based on an assumption of 10 "capacity" events (3,300 attendees) and 40 average (1,750 attendees) events per year, therefore the impact mitigation fees were based on these assumptions. If the applicant holds more than 10 capacity events per year, the applicant will need to quantify additional air pollution emissions and coordinate with APCD to pay additional air pollution impact mitigation fees.
17. Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2009 CEQA Handbook.
- Portable generators and equipment with engines that are 50 hp or greater;
  - Electrical generation plants or the use of standby generator;
  - Boilers;
  - Internal combustion engines; and

- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

18. Air Quality Impacts - Off-Site Measures: Prior to issuance of City grading and building permits, the project applicant shall provide evidence of funding for offsite mitigation through the payment of offsite mitigation fees to the San Luis Obispo County Air Pollution Control District in the amount of \$15,165.90. This offsite mitigation fee is subject to review and approval by the San Luis Obispo County Air Pollution Control District. In the event that project conditions change, recalculation of the offsite mitigation fee may be required.
19. Greenhouse Gas Impacts - See Tables 20, attached in Exhibit C.
20. All lighting shall be shielded and downcast to reduce light and glare onto adjacent properties in compliance with City codes
21. All trash enclosures shall incorporate masonry construction materials and be architecturally compatible with the buildings on the site, to be approved by the Community Development Department. Trash dumpsters shall not be visible from any public right-of-way.
22. The applicant shall submit a sign program for new signs to be approved by the Development Review Committee prior to issuance of sign permits.
23. The applicant may submit a 2-phased development plan for building permit approval with Phase 1 being the amphitheater and ancillary buildings, and Phase 2 being the hotel and bungalow units. Phase 1 may include submittal of modular buildings for the artist compound and a removable stage and apparatus. Modular buildings may only be approved if they in compliance with all applicable building codes, and are not visible from the public right-of-way. "Sea Train" containers shall not be used as storage structures unless a building permit is approved for their use. A project phasing plan shall be submitted and approved by the Development Review Committee prior to issuance of any grading or building permits. The phasing plan shall include phases for grading, site work, drainage/erosion control, landscaping and buildings.
24. Oak Tree Conditions:
  - a. Approval of PD Amendment 02-002 and CUP 11-004 is contingent upon City Council approval of Oak Tree Removal permits for the proposed removal of 68 oak trees, or the site plan will need to be modified consistent with a revised oak tree removal plan.
  - b. Tree canopies and trunks within 50 feet of proposed disturbance zones should be mapped and numbered by a certified arborist or qualified biologist and a licensed land surveyor. Data for each tree should include date, species, number of stems, diameter at breast height (dbh) of each stem, critical root zone (CRZ) diameter, canopy diameter, tree height, health, habitat notes, and nests observed.
  - c. An oak tree protection plan shall be prepared and approved by the City of Paso Robles.

- d. Impacts to the oak canopy or critical root zone (CRZ) should be avoided where practicable. Impacts include pruning, any ground disturbance within the dripline or CRZ of the tree (whichever distance is greater), and trunk damage.
- e. Impacts to oak trees shall be assessed by a licensed arborist. Mitigations for impacted trees shall comply with the City of Paso Robles tree ordinance.
- f. Replacement oaks for removed trees must be equivalent to 25% of the diameter of the removed tree(s). For example, the replacement requirement for removal of two trees of 15 inches dbh (30 total diameter inches), would be 7.5 inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five 1.5 inch trees, or three 2.5 inch trees, or any other combination totaling 7.5 inches. A minimum of two 24 inch box, 1.5 inch trees shall be required for each oak tree removed.
- g. Replacement trees should be seasonally maintained (browse protection, weed reduction and irrigation, as needed) and monitored annually for at least 7 years. Replacement trees shall be of local origin, and of the same species as was impacted or removed.
- h. Prior to issuance of building permits, the landscape plan shall be revised to provide number of replacement oak trees in compliance with the City's Oak Tree Preservation Ordinance for any oak tree removals approved by City Council, and oak tree protection measures to be implemented during construction per section 10.01.070 of the City Oak Tree Ordinance, and as specified for the project by A&T Arborists. Final landscape plans shall identify number and size of proposed oak trees and ensure adequate species replacement onsite. The landscape plan shall be approved by the Community Development Department prior to issuance of building permits.

25. Biological Resource Conditions:

- a. Pre-construction surveys for Western spadefoot toad and silvery legless lizard shall be conducted, as applicable, prior to primary grubbing and other construction activities that affect previously undisturbed habitat. The surveys shall be conducted at appropriate times of day or night to locate the species, and shall be conducted within three weeks of the start of work. If no special status species are found, construction activities may begin immediately. If special status species are found, a qualified biologist shall move them to the nearest safe location. Additional monitoring may be required if the project biologist determines that special status species could move onto the project site during construction, or be forced out of underground burrows during grading. The project biologist shall have the authority to stop work if special status species are found in the project areas during construction.
- b. *Special status fairy shrimp* - A protocol level survey for listed fairy shrimp conducted in 2001 located *Branchinecta lynchi* in the vernal pool on the Property. This vernal pool is protected with fencing and will not be disturbed during construction of the Project.
- c. Federally-listed fairy shrimp on the Property shall be protected via avoidance of the watershed in which they occur. The Project has been designed to avoid alterations of the watershed and vernal pool in which this animal has been observed. USFWS indicated during communications regarding similar plans on an earlier proposed project on the Property that this approach is in agreement with protection of listed fairy shrimp on the Property (see correspondence with USFWS in Appendix B).
- d. *San Joaquin kit fox* - The Property is located in the San Joaquin kit fox corridor area in San Luis Obispo County. Development of the project would result in a net loss of kit fox habitat. In some cases, kit fox are adaptable to inhabiting locations within fences and with views restricted by human infrastructure (USFWS 1998 pg. 130, Cypher. et al. 2005, Cypher and Frost. 1999, Cypher and Warrick. 1994). The following mitigation recommendations are designed to reduce the potential for direct impacts to kit fox to a less than significant level.



- e. The applicant has already purchased 63.0 kit fox mitigation credits at a 3 to 1 ratio for 21.02 acres. The currently proposed project will bring total disturbance onsite to 20.97 acres. The applicant has purchased more credit than required, therefore, compensatory mitigation for San Joaquin kit fox is complete.
- f. Prior to issuance of grading and/or construction permits, the applicant shall provide evidence that they have retained a qualified biologist acceptable to the City. The retained biologist shall perform the following monitoring activities:
  - i. Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
  - ii. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-15 through BR-24. Site disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-15iii). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.
  - iii. Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time a den is discovered, the qualified biologist shall contact USFWS and the CDFG for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, work shall stop until such time the USFWS determines it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the USFWS. The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- Potential kit fox den: 50 feet
- Known or active kit fox den: 100 feet
- Kit fox pupping den: 150 feet

All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones

shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

If kit foxes or known or potential kit fox dens are found on site, daily monitoring by a qualified biologist shall be required during ground disturbing activities.

- g. Prior to issuance of grading and/or construction permits, the applicant shall clearly delineate the following as a note on the project plans: "*Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox*". Speed limit signs shall be installed on the project site within 30 days prior to initiation of site disturbance and/or construction.
- h. During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.
- i. Prior to issuance of grading and/or construction permit and within 30 days prior to initiation of site disturbance and/or construction, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (i.e. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the City, as well as any related biological report(s) prepared for the project. The applicant shall notify the City shortly prior to this meeting. A kit fox fact sheet shall also be developed prior to the training program, and distributed at the training program to all contractors, employers and other personnel involved with the construction of the project.
- j. During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavations, steep-walled holes and trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- k. During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved. If necessary, the pipe may be moved only once to remove it from the path of activity, until the kit fox has escaped.
- l. During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of only in closed containers. These containers shall be regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- m. Prior to, during and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, State and Federal regulations. This is

necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

- n. During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and City. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the USFWS and CDFG by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to CDFG for care, analysis, or disposition.
  - o. Prior to final inspection, or occupancy, whichever comes first, should any long internal or perimeter fencing be proposed or installed, the applicant shall do the following to provide for kit fox passage:
    - i. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12 inches.
    - ii. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards
    - iii. Upon fence installation, the applicant shall notify the City to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines
26. A Transportation Demand Management Plan (TDM) shall be submitted to the City prior to issuance of Certificate of Occupancy for Phase 1 (amphitheater and ancillary buildings) for this project. The TDM shall quantify vehicle reductions through implementation of said Plan. The Plan shall identify locations (e.g. Park and Ride Lots, hotels, etc.) to be used for providing shuttle service to amphitheater patrons. The TDM Plan shall demonstrate the ability to reduce private vehicle use 10 percent for concert events, based on the number of ticket sales and average of 3 persons per vehicle. It shall identify other incentive measures to reduce private vehicle use for attending concerts. Said Plan shall be approved by the Community Development Director.
27. Low Impact Development (LID) features and post construction Best Management (BMPs) shall be incorporated into the project design to mitigate water volume and water quality impacts from a storm event of .75 inches. All measures shall be approved by the City Engineer prior to issuance of grading permits.
- The main parking area (4acres) shall be designed with permeable, planted surface that will be irrigated and maintained to enhance the project aesthetic and water quality. Impervious areas will be limited to the main entrance road and pedestrian walkways.
    - Infiltration trenches will be strategically placed to enhance percolation and convey the water quality design event.
  - Secondary Parking Area (1.5 acres) – This area shall be designed to be self-treating through the implementation of pervious plantable surface and infiltration trenches, equivalent to the main parking area.
  - Hardscape Plaza (0.8 acre) – Shall be designed to drain to depressed bioretention areas that border the concert area. These zones will be lined and equipped with under drains. Anticipated maximum depth of ponded water is 6” to 12”, with a depth of bioretention soil of at least 2 feet. The system will be designed to drain in no more than 48 hours.

- The treated water from the bioretention under drain will be discharged to vertical dry wells for percolation/volume reduction. One or two 4' diameter, 40 ft. deep dry wells adjacent to each bioretention area will be necessary to store and percolate the design water quality storm.
  - Main concert area and adjacent structures (1.3 acres) – Shall be subject to the same measures as the plaza area.
28. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- a. Construction activities shall cease, and the Community Development Director shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
  - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Community Development Director so that proper disposition may be accomplished.
29. All double check valves and backflow prevention fixtures shall be installed underground or screened as approved by the Community Development Director.

**Engineering Division Conditions**

30. Mill Road will be improved consistent with the preliminary design and in accordance with plans approved by the City Engineer.
31. With the development of the hotel, a 10 foot wide concrete multi-purpose (bicycle/pedestrian) common use path shall be constructed across the frontage of the property in accordance with plans approved by the City Engineer. The path shall include a high visibility crossing of Mill Road for access to surrounding properties, including but not limited to the Robert Hall winery and Hunter Ranch Golf Course.
32. Traffic management at amphitheatre events shall include an effort to provide shuttle service from Paso Robles downtown area and adequate staffing to provide guidance and direction.
33. The City anticipates the future need to connect Mill Road to Union Road for a parallel route on the south side of Highway 46 East. If the City's General Plan Circulation Element and/or the City's AB 1600 Improvement Project list is modified, future phases of this project shall be required to participate in future plans for the connection of Mill Road to Union Road.
34. Connection to the City's sanitary sewer system is required for the development of the hotel.

35. Storm water quality best management practices, including storm water retention in accordance with the City's adopted LID criteria will be implemented.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of August, 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN STEVE GREGORY

ATTEST:

ED GALLAGHER, PLANNING COMMISSION SECRETARY

EXHIBIT A OF RESOLUTION  
CITY OF EL PASO DE ROBLES  
STANDARD DEVELOPMENT CONDITIONS

PD Amendment 02-002 \_\_\_\_\_  Conditional Use Permit \_\_\_\_\_

Tentative Parcel Map \_\_\_\_\_  Tentative Tract Map \_\_\_\_\_

Approval Body: Planning Commission \_\_\_\_\_ Date of Approval: August 9, 2011

Applicant: Vina Robles, Inc. \_\_\_\_\_ Location: 3700 Mill Road

APN:025-701-003

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 Community Development Department, (805) 237-3970, for compliance with the following conditions:**

**A. GENERAL CONDITIONS – PD/CUP:**

- 1. This project approval shall expire on August 9, 2013 unless a time extension request is filed with the Community Development Department, or a State mandated automatic time extension is applied 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 shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. To the extent allowable by law, Owner agrees to hold City harmless from costs and expenses, including attorney's fees, incurred by City or held to be the liability of City in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the project. Owner understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project.
- 4. Any site specific condition imposed by the Planning Commission in approving this project (**Planned Development Amendment**) may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first

(Adopted by Planning Commission Resolution \_\_\_\_\_)

conduct a public hearing in the same manner as required for the approval of this project. 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 for this approval.

- 5. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- 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 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.
- 8. Prior to the issuance of a Building Permit a landscape and irrigation plan consistent with the Landscape and Irrigation Ordinance, shall be submitted for City review and approval. The plan needs to be designed in a manner that utilizes drought tolerant plants, trees and ground covers and minimizes, if not eliminates the use of turf. The irrigation plan shall utilize drip irrigation and limit the use of spray irrigation. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 9. A reciprocal parking and access 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 (CC&Rs).
- 10. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 11. For commercial, industrial, office or multi-family projects, all refuse enclosures are required to provide adequate space for recycling bins. The enclosure shall be architecturally compatible with the primary building. Gates shall be view obscuring and constructed of durable materials. Check with Paso Robles Waste Disposal to determine the adequate size of enclosure based on the number and size of containers to be stored in the enclosure.
- 12. For commercial, industrial, office or multi-family projects, all existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical

(Adopted by Planning Commission Resolution \_\_\_\_\_)

transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.

- 13. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- 14. 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 shall be subject to approval by the Community Development Director or his designee.
- 15. 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.
- 16. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.
- 17. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No.835 N.S., 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 removal.
- 18. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
- 19. Prior to recordation of the map or prior to occupancy of a project, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 20. 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 prior to the issuance of building permits.
- 21. Prior to the issuance of building permits, the

(Adopted by Planning Commission Resolution \_\_\_\_\_)



- Development Review Committee shall approve the following:
- Planning Division Staff shall approve the following:

- a. A detailed site plan indicating the location of all structures, parking layout, outdoor storage areas, walls, fences and trash enclosures;
- b. A detailed landscape plan;
- c. Detailed building elevations of all structures indicating materials, colors, and architectural treatments;
- d. Other: Landscape plans

**B. GENERAL CONDITIONS – TRACT/PARCEL MAP:**

- 1. 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.
- 2. 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.
- 3. The owner shall petition to annex residential Tract (or Parcel Map) \_\_\_\_\_ into the City of Paso Robles Community Facilities District No. 2005-1 for the purposes of mitigation of impacts on the City's Police and Emergency Services Departments.
- 4. Street names shall be submitted for review and approval by the Planning Commission, prior to approval of the final map.
- 5. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

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**ENGINEERING DIVISION- The applicant shall contact the Engineering Division, (805) 237-**

(Adopted by Planning Commission Resolution \_\_\_\_\_)

**3860, for compliance with the following conditions:**

All conditions marked are applicable to the above referenced project for the phase indicated.

**C. PRIOR TO ANY PLAN CHECK:**

- 1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

**D. PRIOR TO ISSUANCE OF A GRADING PERMIT:**

- 1. Prior to approval of a grading plan, 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.
- 2. 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.
- 3. A complete grading and drainage plan shall be prepared for the project by a registered civil engineer and subject to approval by the City Engineer. The project shall conform to the City's Storm Water Discharge Ordinance.
- 4. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
- 5. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

**E. PRIOR TO ISSUANCE OF A BUILDING PERMIT:**

- 1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.
- 2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

- 3. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Streets Division Supervisor and the Community Development Department.
- 4. In a special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM) the owner shall provide an Elevation Certificate in accordance with the National Flood Insurance program. This form must be completed by a land surveyor or civil engineer licensed in the State of California.

**F. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR RECORDATION OF THE FINAL MAP:**

**The Planning Commission has made a finding that the fulfillment of the construction requirements listed below are a necessary prerequisite to the orderly development of the surrounding area.**

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services.
- 2. All public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance.
- 3. The owner shall offer to dedicate and improve the following street(s) to the standard indicated:  
 See Site Specific Conditions  

Street Name	City Standard	Standard Drawing No.
- 4. If, at the time of approval of the final 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.

Bonds required and the amount shall be as follows:  
 Performance Bond.....100% of improvement costs.  
 Labor and Materials Bond.....50% of performance bond.

- 5. If the existing City street adjacent to the frontage of the project is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall excavate the entire structural section and replace it with a standard half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic.
- 6. If the existing pavement and structural section of the City street adjacent to the frontage of the project is adequate, the applicant shall provide a new structural section from the proposed curb to the edge of pavement and shall overlay the

(Adopted by Planning Commission Resolution \_\_\_\_\_)

existing paving to centerline for a smooth transition.

- 7. Due to the number of utility trenches required for this project, the City Council adopted Pavement Management Program requires a pavement overlay on \_\_\_\_\_ along the frontage of the project.
- 8. The applicant shall install all utilities. Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project.
- 9. 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 satisfaction of the City Engineer:
  - a. Public Utilities Easement;
  - b. Water Line Easement;
  - c. Sewer Facilities Easement;
  - d. Landscape Easement;
  - e. Storm Drain Easement.
- 10. 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/open space landscaping;
  - c. Wall maintenance in conjunction with landscaping;
  - d. Graffiti abatement;
  - e. Maintenance of open space areas.
- 11. For a building with a Special Flood Hazard Area as indicated on a Flood Insurance Rate Map (FIRM), the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a lands surveyor or civil engineer licensed in the State of California.
- 12. All final property corners shall be installed.
- 13. All areas of the project shall be protected against erosion by hydro seeding or landscaping.
- 14. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.
- 15. Clear blackline mylars and paper prints of record drawings, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. An

(Adopted by Planning Commission Resolution \_\_\_\_\_)

electronic autocad drawing file registered to the California State Plane – Zone 5 / NAD83 projected coordinate system, units in survey feet, shall be provided.

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**PASO ROBLES DEPARTMENT OF EMERGENCY SERVICES-** The applicant shall contact the Department of Emergency Services, (805) 227-7560, for compliance with the following conditions:

**G. GENERAL CONDITIONS**

1.  Prior to the start of construction:
  - Plans shall be reviewed, approved and permits issued by Emergency Services for underground fire lines.
  - Applicant shall provide documentation to Emergency Services that required fire flows can be provided to meet project demands.
  - Fire hydrants shall be installed and operative to current, adopted edition of the California Fire Code.
  - A based access road sufficient to support the department's fire apparatus (HS-20 truck loading) shall be constructed and maintained for the duration of the construction phase of the project.
  - Access road shall be at least twenty (20) feet in width with at least thirteen (13) feet, six (6) inches of vertical clearance.
  
2.  Provide central station monitored fire sprinkler system for all residential, commercial and industrial buildings that require fire sprinklers in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
  - Plans shall be reviewed, approved and permits issued by Emergency Services for the installation of fire sprinkler systems.
  
3.  Provide central station monitored fire alarm system for all residential, commercial and industrial buildings that require fire alarm system in current, adopted edition of the California Building Code, California Fire Code and Paso Robles Municipal Code.
  
4.  If required by the Fire Chief, provide on the address side of the building if applicable:
  - Fire alarm annunciator panel in weatherproof case.
  - Knox box key entry box or system.
  - Fire department connection to fire sprinkler system.
  
5.  Provide temporary turn-around to current City Engineering Standard for phased construction streets that exceed 150 feet in length.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

6.  Project shall comply with all requirements in current, adopted edition of California Fire Code and Paso Robles Municipal Code.
7.  Prior to the issuance of Certificate of Occupancy:
  - Final inspections shall be completed on all underground fire lines, fire sprinkler systems, fire alarm systems and chemical hood fire suppression systems.
  - Final inspections shall be completed on all buildings.

(Adopted by Planning Commission Resolution \_\_\_\_\_)

**RESOLUTION NO.**

**A RESOLUTION OF  
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES  
APPROVING CONDITIONAL USE PERMIT 11-004  
3700 MILL ROAD, APN 025-701-003  
APPLICANT – VINA ROBLES, INC.**

**WHEREAS**, Conditional Use Permit (CUP) 11-004 has been filed by Vina Robles, Inc.; and

**WHEREAS**, CUP 11-004 is a proposal to establish a 60-room hotel, 10 duplex-bungalow lodging units, and a 3,300 seat outdoor amphitheater and ancillary buildings; and

**WHEREAS**, the project is consistent with the General Plan land use designation and Zoning of Parks and Open Space (POS) and the Paso Robles Airport Land Use Plan, Airport Overlay – Zone 5, 2006 Economic Strategy, and the Gateway Design Standards; and

**WHEREAS**, a Planned Development Amendment (PD 02-002) has been filed in conjunction with this CUP; and

**WHEREAS**, the Planning Commission held a duly noticed public hearings on July 26, 2011 and August 9, 2011 on this project to accept public testimony on CUP 11-004 and PD Amendment 02-002, and associated entitlements; and

**WHEREAS**, based upon the facts and analysis presented in the staff report and public testimony received the Planning Commission finds it acceptable to establish a 60-room hotel, 10 duplex-bungalow lodging units, and a 3,300 seat outdoor amphitheater and ancillary buildings at the proposed location.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 11-004, subject to the following conditions:

**STANDARD CONDITIONS**

1. The project shall be operated in substantial conformance with the following conditions established in this resolution:
2. 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.
3. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
4. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
5. Use and operation of the business and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

SITE SPECIFIC CONDITIONS

6. The applicant shall prepare and implement a parking and traffic management plan to control and guide event related traffic entering and exiting the site on Mill Road, in accordance with Exhibit A. Said parking and traffic management plans shall be submitted to the Community Development Director for approval prior to occupancy of the amphitheater. The applicant shall post temporary traffic management signs on Mill Road to discourage drivers exiting the site from turning right onto the eastbound Highway 46 East for the purpose of making U-turns further to the east in order to head westbound on Highway 46 East.
7. The applicant shall submit an event security and safety plan, identifying staff security and safety procedures, training requirements, number of security staff and their positions for concert events to be approved by the Police Department and Emergency Services Department.
8. No pyrotechnics or light show activities shall be cast higher than 500 feet above the amphitheater stage. All parking lot, site and building lighting shall be downcast and shielded in compliance with the City's Zoning Ordinance.
9. The applicant shall comply with all applicable noise and nuisance regulations, including the General Plan Noise Element standards and the Municipal Code.
10. The applicant shall be limited to no more than 50 concert events per year. The air pollution emissions modeling was based on an assumption of 10 "capacity" events (3,300 attendees) and 40 average (1,750 attendees) events per year, therefore the impact mitigation fees were based on these assumptions. If the applicant holds more than 10 capacity events per year, the applicant will need to quantify additional air pollution emissions and coordinate with APCD to pay additional air pollution impact mitigation fees.
11. Concerts shall conclude no later than 12:00 a.m.
12. The applicant shall submit a Transportation Demand Management (TDM) Plan that includes an event shuttle program with local hotels to reduce the number of vehicles traveling to the site. The TDM Plan shall be approved by the Community Development Director prior to issuance of certificate of occupancy for the amphitheater.
13. The applicant shall not have staff or traffic control devices, signs or fixtures encroach into the Caltrans right-of-way.
14. If the City receives complaints or is made aware of operational problems resulting from the amphitheater use, the Planning Commission shall reconsider this CUP with the purpose of developing solutions to address issues that may arise.

PASSED AND ADOPTED THIS 9<sup>th</sup> day of August, 2011 by the following Roll Call Vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
CHAIRMAN STEVE GREGORY

ATTEST:

\_\_\_\_\_  
ED GALLAGHER, PLANNING COMMISSION SECRETARY



**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Susan DeCarli, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project Planned Development Amendment 02-002/Conditional Use Permit 11-004, mailed on this 19th day of July, 2011.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: Susan DeCarli  
Susan DeCarli