

RESOLUTION NO.: 02-070

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT APPROVAL FOR PLANNED DEVELOPMENT 01-019
(KIESSIG FAMILY TRUST / STEVE GREGORY / NORTH COAST ENGINEERING)
APNS: 025-390-002, 003 AND 005

WHEREAS, Planned Development 01-019 has been filed by Kiessig Family Trust, a proposal for a Master Development Plan consisting of a destination resort hotel and spa with recreational amenities, and

WHEREAS, the proposed planned development is located east of North River Road, west of Buena Vista Road, north of River Oaks Drive, just south of the City's northern boundary, and

WHEREAS, the General Plan land use designation is AG (Agriculture) and the Zoning Ordinance designation is AG (Agriculture), and

WHEREAS, the site is located within Subarea A of the Borkey Area Specific Plan, and

WHEREAS, a portion of the project site is under a Land Conservation Contract for which a Notice of Nonrenewal has been filed and will be satisfied in December 2008, and

WHEREAS, Tentative Partial Cancellations of a Land Conservation Contract have been approved by the City Council and recorded with the County Recorder of San Luis Obispo County for 4.97 acres in Estrella Preserve No. 10 and 2.44 acres in Estrella Preserve No. 9, and

WHEREAS, prior to issuance of building permits within the tentative partial cancellation areas, the applicant must first request and receive approval from the City Council for Final Partial Cancellation of the two areas noted above, and

WHEREAS, Planned Development 99002 and Conditional Use Permit 99001 were approved April 13, 1999 by the Planning Commission authorizing the existing approximately 4,600 square foot spa facilities, and

WHEREAS, Conditional Use Permit 02-022 has been filed in conjunction with this planned development request to establish ancillary land uses characteristic of resort development, including transient lodging facilities (hotel/motel), tennis courts, driving range, amphitheater, restaurant, conference facilities, child care, equestrian facilities, and agriculture retail food sales, and

WHEREAS, a public hearing was conducted by the Planning Commission on October 22, 2002, to accept public testimony regarding this proposed planned development, and

WHEREAS, pursuant to Section 15075 (a) of the State's Guidelines to Implement the California Environmental Quality Act, a Notice of Determination for this phase of the Environmental Initial Study and Mitigated Negative Declaration prepared for this Master Development Plan and approved by the City Council on July 2, 2002 in association with Specific Plan Amendment 01-001 shall be filed with the San Luis Obispo County Clerk's Office.

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

1. The proposed hotel and restaurant facilities will not be detrimental to the City's efforts to revitalize the downtown area as the project is a destination resort and the overnight and dining accommodations are designed to support the guests of the spa facilities.
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 this permit will not adversely affect the policies, spirit and intent of the General Plan, Borkey Area Specific Plan, the Zoning Ordinance, policies and plans of the City;
 - b. The proposed project maintains and enhances significant natural resources on the site;
 - c. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area;
 - d. The proposed project's design and the density of the developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area;
 - e. The development is consistent with the purpose and intent of this chapter and is not contrary to the public health, safety and welfare;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 01-019 subject to the following conditions:

STANDARD CONDITIONS:

1. The project shall comply with all conditions of approval contained in the resolution granting approval to Conditional Use Permit 02-022 and its exhibits and all conditions as listed in this resolution and its exhibits.

2. The project shall comply with all the checked standard conditions as listed in Exhibit A, attached hereto and incorporated within.

SITE SPECIFIC CONDITIONS

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard condition.

3. The project shall be constructed so as to substantially conform to the following listed exhibits and conditions established by this resolution:

EXHIBIT	DESCRIPTION
A	Standard Conditions
B	Site Plan
C	Phasing Plan
D	Master Water & Sewer Plan
E	North Cottages Grading and Drainage Plan (Phase 1)
F	Tennis Courts Grading and Drainage Plan
G	Driving Range Grading and Drainage Plan
H1-H3	Cottage Elevations
I	Site Cross Sections
J	Equestrian Facilities Grading and Drainage
K	North Access Roads Grading and Drainage
L	South Cottages Grading and Drainage Plan (Phase 3)
M	Hotel and Conference Facilities Grading and Drainage
N	Child Care Facilities Grading and Drainage
O	Agricultural Buffer along North Boundary

4. This Master Planned Development establishes the framework and allows for the development, in conjunction with CUP 02-022, of the following uses:
 - a. Cottage Lodging Units (40 in Phase 1 and 33 in Phase 3; 73 total units)
 - b. Hotel and spa facilities of approximately 100,000 square feet (5 buildings, 150 units)
 - c. Conference facilities (approximately 40,000 square feet)
 - d. 300 seat restaurant and lobby (square footage included in hotel calculation)
 - e. Additional 3,500 square feet to existing spa facility (PD 99002 and CUP 99001)
 - f. Wine tasting
 - g. Agriculture Retail food sales

- h. Driving range
 - i. Tennis courts
 - j. Croquet courts and veranda
 - k. Equestrian facilities, including a Polo Field
 - l. Amphitheatre
 - m. Child care facilities (approximately 6,400 square feet, 20 children)
 - n. 20 caretaker units
 - o. Water Garden (future CUP needed, not included in CUP02-022)
5. Prior to the establishment of the proposed water garden park, the Applicant shall apply for, and receive approval of, a Conditional Use Permit. The Applicant shall submit design, grading, drainage and parking details, along with any other required information for review with the CUP application. This element of the Master Development Plan was environmentally evaluated in the Mitigated Negative Declaration adopted with Specific Plan Amendment 01-001. Additional environmental analysis would only be necessary if unforeseen environmental changes were to occur in the study area.
 6. Prior to the issuance of grading or building permits for the 4.97 and 2.47 acre areas located on the northerly parcel, currently under a Land Conservation Contract, and planned for development in Phase 1 of this Master Plan, the applicant shall request and receive approval of Final Partial Cancellation of a Land Conservation Contract.
 7. Grading and/or building permits for all other portions of the northerly parcel currently under a Land Conservation Contract (beyond the 4.97 and 2.47 acre areas noted above), shall not be issued until the Notice of Nonrenewal has been completed which is scheduled for December 2008.
 8. The project is designed to be developed in four (4) phases over an eight to ten year period. This Planned Development approval shall expire on October 8, 2004 if necessary permits have not been issued and site work has not begun on Phase 1 or a time extension has not been requested, with appropriate fees paid, prior to the expiration date. If Phase 1 has begun prior to the expiration date, subsequent phases shall have the following expiration dates, if the elements of the particular phase have not begun or a time extension request has not been applied for, prior to the expiration date:

Phase 2 – October 8, 2006
Phase 3 – October 8, 2008
Phase 4 – October 8, 2010

9. The building architecture and use of color and materials shall substantially conform with the elevations and exhibits approved in the resolution. All accessory elements such as trash enclosures, mechanical screens, decorative paving and wall/fences shall stay within the same design and material character as shown on the attached exhibits.
10. Prior to issuance of certificates of occupancy for Phase 1, the Developer shall grant an avigation easement, in a form approved by the City Attorney, over the entire project area.
11. Prior to issuance of certificates of occupancy for Phase 1, the Developer shall dedicate Subarea F, (approximately 20 acres lying along the Salinas River), to the City of Paso Robles unless the City Council has taken formal action to approve an alternative requirement.
12. All buildings shall be setback as follows:
 - 50 feet from Buena Vista Drive and North River Road
 - 50 feet from the top of the bluffs overlooking the Salinas River
 - 30 feet from all side lot lines, except for those abutting public rights of way
 - 30 feet from all rear lot lines, except those abutting public rights of way
13. Maximum building height shall be 35 feet above the average natural grade of the building area. Architectural features, such as towers and some roof elements, may extend above the 35-foot maximum with review and approval by the Development Review Committee (DRC) to a maximum of 50 feet. Proposed heights over 50 feet shall be reviewed and approved by the Planning Commission through an amendment to this Planned Development Permit.
14. No building shall be placed at a location rendering it visible from the westerly edge of the right of way of North River Road.
15. This project is subject to the Borkey Area Specific Plan fees as amended by Resolution 02-127, July 2, 2002.

ENVIRONMENTAL MITIGATION

16. All architectural elements shall reflect an agricultural and rural residential environment. Night lighting will be designed and directed to avoid visibility from Highway 101 and shall not conflict with airport operations or the Cuesta College campus. Prior to issuance of building permits, the Applicant shall submit final architectural, landscaping, fencing, and site design details to the Community Development Department for review and approval by the Development Review Committee.
17. The proposed project development plan application shall include native and ornamental landscape planting and irrigation plans. Landscaping design shall screen and soften views of all structures, particularly those visible from public streets such as Buena Vista Drive.

18. Major site grading and disturbance shall be confined to spring, summer and fall (April through October) to avoid exposure to winter storm periods (November through March).
19. During site grading, top soil will be removed and stockpiled and replaced after subsoils are re-contoured to provide acceptable finish grades.
20. Disturbed areas will be replanted with appropriate ground cover and/or erosion control mix immediately following grading to stabilize site conditions. Other erosion control measures such as siltation, fences, mulching and hydroseeding shall be required, as necessary, with grading permit review and approval by the City.
21. Hotel buildings and parking (including restaurant and conference facilities) shall be located on non-contract portions of the site except for the approved 2.97 acres for the conference facility. Such facilities shall be deferred on Williamson Act contract lands until non-renewal is effective except where earlier cancellation or rescission has been approved by the City and a final notice of cancellation has been issued.
22. The 300-foot wide agricultural buffer easement shall be relocated and extended along the northern City limits adjoining County Agricultural zoning and uses in a manner consistent with Exhibit O. The buffer easement may vary in width and location (allowing less than 300 feet in width) where existing natural elements such as an oak woodland or swale provides a natural separation between agricultural related uses.
23. Dust control and PM10 reduction measures shall include regulation and monitoring of site grading during windy periods, wetting or applying dust control agents during grading operations and stabilizing disturbed areas immediately after grading. These measures shall be integrated into site preparation grading permit and project improvement plans.
24. The applicant shall apply for and receive all necessary permits from the Army Corps of Engineers for all work in or near any on-site lakes, blue-line streams and the Salinas River corridor on the subject property. The applicant shall submit copies of all permits/correspondence to the City Community Development Department.
25. If, during site preparation, archeological resources are discovered, all work in the area shall stop. An assessment, including specific mitigation measures, shall be prepared by a qualified individual/consultant, at the applicant's expense. Recommended mitigation measures shall be followed prior to resuming work in the area.
26. Foundation and structural design standards shall be consistent with the Uniform Building Code in order to address potential exposure to soils/geologic conditions and seismic hazards.

27. The Paso Robles Hot Springs and Spa cottages, hotel, conference facilities, restaurant and other resort structures shall include fire alarm, on-site hydrants, adequate water mains and fire sprinkler systems to enhance life safety, minimize risk of property loss and reduce time of response to the satisfaction of the City's Fire Chief.
28. On-site private access roads, secondary site roads and multi-use paths shall be designed to function as all weather emergency vehicle access driveways.
29. No underground or aboveground storage of hazardous materials shall be allowed on-site without the specific approval of the City. (This provision is not intended to prevent small containers of fuel or maintenance chemicals normally associated with commercial lodging and/or landscape maintenance).
30. A storm water retention or detention plan including swales along roadways and in building areas and all other proposed methods for directing and/or containing runoff shall be submitted to the City Engineer for review. All storm water facilities shall be designed and constructed to the satisfaction of the City Engineer.
31. All drainage and landscaping plans shall include design and operational mitigation measures that match irrigation water application rates to seasonal soil infiltration rates; avoid sprinkler use during high winds, and minimize fertilizer applications in proximity to the lake or other onsite drainage facilities.
32. All wastewater from the hotel, restaurant, cottages, and resort facilities, except as may be specifically approved for irrigation system recycled use as provided below, shall be connected to approved extensions of the City's sewer system.
33. Prior to development of any septic systems, the Applicant shall apply for City Council review and approval. If approval for septic is received from the City Council for the equestrian center and Polo Field, the Applicant shall provide perk tests and plans for septic system design and capacity for both daily use and any anticipated special event use of these facilities. Prior to issuance of building permits, the design plans and capacity calculations shall be submitted to the City Engineer for review and approval.
34. All new uses on the site shall be connected to the City's water supply for domestic and fire suppression purposes. City Council approval is required for landscape or agricultural irrigation systems to use on-site private wells and/or recycled water sources. For any such proposals, detailed plans shall be submitted for City review. The submitted plans shall demonstrate adequate prevention of cross connection or back flow events that could impact the public water system. Such private irrigation systems shall be clearly marked for landscape and agricultural irrigation purposes only and shall conform to all requirements of the City and the Regional Water Quality Control Board (RWQCB).
35. Any new storm drainage retention basins or irrigation storage ponds proposed shall be subject to City, RWQCB and/or Army Corps of Engineers permits and plan approvals.

36. The Paso Robles Hot Springs and Spa resort shall cooperate with the City of El Paso de Robles and Cuesta College to mitigate and/or abate noise related to any outdoor special events scheduled before 9am or after 9pm. Maximum standards may subsequently be established by the City Council. In the absence of any other standards being established, noise measured at property line shall not exceed 65 dB/L_{dn} ambient noise level (65 dB/L_{dn} is the County and City Noise Element maximum standard conditionally compatible with residential use). Noise levels above standard shall be subject to nuisance abatement and/or revocation of special event permits for such outdoor assemblies.
37. Temporary construction noise levels in excess of 60 dBL_{dn} resulting from use of heavy equipment for site preparation and grading or during building (hammers, saws and similar tools) 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.
38. The provision of on-site water mains, hydrants and adequate flow and pressure are standard City requirements. Unless waived by the Fire Chief, fire alarm and fire sprinkler systems shall be installed in all new resort structures.
39. Prior to holding any special event of 300 or more guests, a security and traffic control plan shall be provided to and approved by the City's Police Department 10 days prior to the event, or with Police Department concurrence, a standard plan may be placed on file with the Police Department. All special events of 400 or more guests shall require a City approved Temporary Use Permit. The Temporary Use Permit application shall include parking, security and traffic control plans, in addition to all other requirements of the application.
40. Caretaker units shall not be used nor converted for transient occupancy.
41. All improvements, including water, sewer, storm drainage, parking lots, private paths and roads and/or public streets, shall be constructed to City standards.
42. The provision of 20 on-site Caretaker units shall be subject to public park and recreation in-lieu fees.
43. All existing and new overhead utilities will be required to be undergrounded with the exception of the 77 kv lines that extend north-south through the subject property.

ENGINEERING SITE SPECIFIC CONDITIONS

44. Prior to issuance of certificates of occupancy for Phase 2, the applicant shall extend the 12-inch water main in Buena Vista Drive to the project's entrance in accordance with the City Water Master Plan.
45. All on-site sewer and water lines shall be privately maintained. Two connections to the City water system shall be made as indicated on the preliminary development plans.

46. Storm water detention facilities shall be designed and constructed at all discharge points within the project. Natural water courses draining from the project property shall be protected from silt (during construction and permanently) and from nuisance water generated from landscape irrigation or any other source.
47. Non-city wells, existing or proposed for development, shall be allowed on the project property upon approval by the City Council.
48. Prior to issuance of any building permits, the applicant shall record an irrevocable offer of dedication of public right-of-way to the County of San Luis Obispo, 50 feet from the centerline of Buena Vista Drive along the frontage of the project property. A copy of the recorded document shall be submitted to the Community Development Department.
49. Prior to issuance of any building permits, the applicant shall record an irrevocable offer of dedication to the City of Paso Robles for public right-of-way, 60 feet wide, plotted over the center of the existing location of North River Road over the extent of the project property.
50. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 835, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved to be removed.
51. Prior to issuance of building permits for the North Cottages, an Oak tree inventory shall be prepared showing the Oak trees within the construction area and the proposed protection measures. This inventory shall be submitted to the Community Development Department for review. Once review has been completed by the Community Development Department, all Oak tree protection measures shall be incorporated into the project's construction plans and put in place prior to the start of construction.

EMERGENCY SERVICES

52. This project shall comply with all Paso Robles Fire Department standard conditions required for Planned Developments and Conditional Use Permits as indicated in Exhibit A attached hereto.
53. The swale crossing, as shown on Sheet 7 of the submitted plans (dated 7/26/02), providing access to the north cottages, shall conform to a 40,000 pound imposed load. All other bridges constructed on primary roads and secondary roads shall be designed to be able to support the imposed loads of all fire department apparatus.
54. All secondary and emergency access roads shall meet Uniform Fire Code Specifications as amended and as follows:

Width shall be 24 feet

Vertical clearance shall be 13 feet-6 inches

All surfaces shall provide all weather driving capabilities and conform to the requirements contained within the City Zoning code.

55. Prior to start of construction, information shall be submitted to the Fire Department showing that required fire flows can be provided to meet all project demands.
56. A directory or annunciator board shall be placed at road entrances showing building locations and numbers.

PASSED AND ADOPTED THIS 22nd Day of October, 2002 by the following Roll Call Vote:

AYES: Ferravanti, Johnson, Kemper, McCarthy, Steinbeck, Warnke

NOES:

ABSENT: Calloway

ABSTAIN:

CHAIRMAN ED STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

i/kmargason/planned developments/PD01-019/PD01-019 April Reso