

RESOLUTION NO.: 02-071

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 02-022
(PASO ROBLES HOT SPRINGS - KIESSIG)
APNs: 025-390-002, 003 and 005

WHEREAS, Chapter 21.16J (Agricultural District) of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for a range of uses that include recreational, educational, and cultural uses within the Agricultural District, and

WHEREAS, the Kiessig Family Trust has filed a Conditional Use Permit application to establish a hot springs related hotel spa resort and ancillary recreational uses on approximately 240 acres located west of North River Road, east of Buena Vista Road at 3725 Buena Vista Road, and

WHEREAS, Planned Development PD 01-019 for a Master Development Plan for the site was filed and considered concurrently with this Conditional Use Permit request, and

WHEREAS, the project is located in Subarea A of the Borkey Area Specific Plan, and

WHEREAS, based on the size and variety of features associated with the project, which include recreational, agricultural and hospitality elements, the Planning Commission finds that twenty (20) caretaker's units would be appropriate for this development, and

WHEREAS, this project is consistent with the approved Borkey Area Specific Plan Amendment 01-001 and its associated Mitigated Negative Declaration. Pursuant to Section 15075 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA), a Notice of Determination will be filed with the San Luis Obispo County Clerk's office, upon approval of the project, and

WHEREAS, a public hearing was conducted by the Planning Commission on October 22, 2002, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request, and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation of the requested uses 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 Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 02-022 subject to the following conditions:

STANDARD CONDITIONS

1. The applicant shall comply with all those standard and site specific conditions which are contained in the Resolution and its exhibits approving Planned Development 01-019.

SITE SPECIFIC CONDITIONS

2. This conditional use permit (CUP 02-022) authorizes 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. Agriculture Retail food sales
 - g. Driving range
 - h. Tennis courts
 - i. Croquet courts and veranda
 - j. Equestrian facilities, including a Polo Field
 - k. Amphitheatre
 - l. Child care facilities (approximately 6,400 square feet, 20 children)
 - m. 20 caretaker units
 - n. Continued operation of the seasonal corn maze
3. Other uses approved with PD 01-019 include wine tasting, which is a permitted use in the agriculture zoning district and a water garden/park for which a future CUP is needed. The water garden/park is specifically excluded from this CUP based on the submittal of insufficient detail for design and grading review.
4. All activity areas shall be in accordance with the Site Plan (Exhibit A) attached to this resolution.

5. The timeframe for implementation of this conditional use permit shall run concurrently with the time frame for PD 01-019, as follows:

The project is designed to be developed in four (4) phases over an eight to ten year period. This Conditional Use Permit 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

6. 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.
7. Prior to occupancy of structures for Phase 1 of the Master Development Plan, (additional spa treatment rooms and/or cottage units), the applicant shall provide additional parking facilities as follows and as shown on the exhibits attached to PD01-019's resolution:
 - a. 40 spaces for cottage units in Phase 1 of PD 01-019 (1 per room)
 - b. 5 spaces for employees in Phase 1
 - c. 33 spaces for cottage units in Phase 3 of PD 01-019 (1 per room)
 - d. 24 spaces for the tennis courts
 - e. 16 spaces for the driving range (2 per tee)
8. All parking lots shall provide for handicapped parking and pedestrian or electric cart connections to activity/lodging centers, consistent with the exhibits attached to the resolution for PD 01-019. In addition, in all areas where five or more parking spaces are developed a minimum of eight square feet per parking space of irrigated landscaping shall be installed within the paved area. Emphasis shall be given to shade tree installation to inhibit heat buildup in parking areas. In all areas where 20 or more parking spaces are developed, the landscaping design shall demonstrate a minimum of twenty-five percent shade cover within 5 years.

9. The Applicant shall submit an “overflow” parking plan, for review by the Development Review Committee, showing any areas designated for special event parking, outside of developed parking areas.
10. All parking areas viewable from residential areas shall be landscaped with an emphasis on screening from residential viewsheds.
11. Prior to issuance of building permits for subsequent phases of the Master Development Plan, the Applicant shall provide a parking plan for the associated uses/structures of the pertinent phase, to be reviewed and approved by the Development Review Committee.
12. All proposed signage requires a sign permit and review and approval by the Development Review Committee.
13. Prior to installation / construction of the above listed facilities, the Development Review Committee shall review and approve all landscaping plans, building elevations, colors and materials, fencing and other associated improvements. These improvements shall be in substantial compliance with the exhibits attached to the resolution approving PD01-019.
14. A traffic management program shall include provisions for on-site employee housing to the extent feasible, day care, coordination of special events with Cuesta College for off-site parking and shuttles (to avoid peak period traffic congestion), use of electric golf carts and bicycles for on-site transportation, and resort transportation services provided to groups for off-site winery and golf tours, and to special City events/airports/rail stations.
15. All on-site operations shall be in conformance with the City’s performance standards contained in Section 21.21.040 and as listed below:
 - a. Fire and Explosion Hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.
 - b. Radioactivity or Electrical Disturbance. Devices that radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.

- c. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
- d. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
- e. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- f. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
- g. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
- h. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.
- i. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.

- j. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review. (Ord. 665 N.S. § 28, 1993: (Ord. 405 N.S. § 2 (part), 1977)

Cottage Lodging Units

16. All grading, construction and landscaping shall be in substantial compliance with the approved elevations, preliminary grading plan and landscaping plan reviewed and approved by the Development Review Committee on September 26, 2002.

Hotel, Spa, Conference and Restaurant Facilities

17. Prior to issuance of building permits, the Applicant shall submit final elevations, colors, materials, floor plans, grading and landscaping plans for Development Review Committee approval. These plans shall be in substantial conformance with the exhibits and preliminary plans submitted for review with this application.

Agriculture Retail Food Sales

18. At least fifty percent (50%) of all products for sale must be grown on the site of the retail outlet structure, on adjacent contiguous parcels, or on other agricultural parcels located in the County and owned or leased by the owner of the site on which the retail outlet is located. The sale of other than agricultural products is limited to handcrafted items, packaged food and tobacco products, which are not to exceed ten percent of all products for sale.
19. The retail outlet structure shall have a minimum 50-foot front setback, minimum 25-foot side and rear setbacks and be no closer than 100 feet to any dwelling unit other than those on site.

Driving Range, Tennis Courts, Croquet Courts and Veranda, Amphitheatre

20. All outdoor activities shall be developed in substantial conformance with the exhibits attached to the resolution approving PD 01-019.
21. All proposed night lighting fixtures shall be submitted to the Community Development Department for review prior to installation.
22. Use of the outdoor activity areas shall be consistent with all conditions relating to the mitigation of noise.

Equestrian facilities, including a Polo Field

23. Prior to establishment of the equestrian facilities, proposed for Phase 4 of the development, the Applicant shall provide the following for review and approval by the Development Review Committee:
 - Drainage plan with emphasis on avoiding soil erosion and sedimentation
 - Plan for animal waste disposal
 - Elevations, colors, materials and landscaping plans for any proposed structures
24. All outdoor animal enclosures shall be a minimum of 50 feet from any existing dwelling, swimming pool, or other living area on property other than the site.
25. All equestrian activities shall comply with the following:
26. Odor and Vector Control. All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
27. Erosion and Sedimentation Control. In no case shall an animal-keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement as set forth in Chapter 21.40 of this title.

Child Care Facilities

28. Child care facilities shall conform to all State and Federal laws.
29. Expansion of the approved child care facilities shall require the processing of an amendment to this CUP. Review criteria shall include an evaluation of potential additional traffic and noise impacts.

Caretaker Units

30. Parking facilities for the Caretaker Units shall be limited to a maximum of 2 spaces per unit.
31. Access to the units shall be in conformance with fire code and safety standards.

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

<h/kmargason/planneddevelopments/Paso Hot Springs/CUP Reso Hot Springs>