

RESOLUTION NO.: 03-024

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 02-027
(VINA ROBLES HOSPITALITY CENTER, VINA ROBLES, INC.)
APN: 026-191-023

WHEREAS, Chapter 21.16.200 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 includes wineries, hotels, spas and tennis courts within the POS (Parks and Open Space) Zoning District, and

WHEREAS, Vina Robles, Incorporated has filed a Conditional Use Permit application to establish ancillary uses for a destination resort development which includes a winery, spa, hotel, and tennis courts on approximately 28 acres located on the southeast corner of Highway 46 East and Mill Road, and

WHEREAS, Planned Development PD 02-002 for the Hospitality Center Resort was filed and considered concurrently with this Conditional Use Permit request, and

WHEREAS, an Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and a mitigated Negative Declaration was approved by the Planning Commission on March 11, 2003, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 14, 2003 to continue the hearing to the meeting of January 28, 2003, in order to allow additional time for completion of an Arborist's Report for oak trees on the property, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 28, 2003, to continue the hearing to the meeting of February 11, 2003, in order to allow additional time for completion of an Arborist's Report for oak trees on the property, and

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WHEREAS, a public hearing was conducted by the Planning Commission on March 11, 2003, 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 02-027 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 02-002.

SITE SPECIFIC CONDITIONS

2. This Conditional Use Permit (CUP 02-027) authorizes the following uses:
 - a. An 8,000 square foot winery with tanks and barrel storage. There shall be no crushing or processing onsite without submittal of an amendment to this CUP and review and approval by the Planning Commission.
 - b. 80 units of transient lodging facilities (60 unit hotel and 10 bungalows of 2 units each).
 - c. A 5,000 square foot spa building for use by Resort guests
 - d. Tennis courts for use by Resort guests
3. Other uses approved with PD 02-002 include wine tasting and associated retail sales, a restaurant and a lounge facility and other ancillary uses which are permitted in the POS zoning district when operated in conjunction with a resort use.
4. The timeframe for implementation of this Conditional Use Permit shall run concurrently with the timeframe for Planned Development 02-002, as follows:

The project is designed to be constructed in three (3) phases over a six to eight year period. This Conditional Use Permit approval shall expire on January 14, 2005 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, unless the elements of the particular phase have begun or a time extension request has been applied for, prior to the expiration date:

Phase 2 – January 14, 2007

Phase 3 – January 14, 2009

5. 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.
6. Prior to issuance of certificates of occupancy, the Applicant shall provide the following parking facilities, as shown on the submitted site plan attached to the resolution approving PD 02-002:
 - 8 spaces for the Winery building
 - 64 spaces for the Hospitality Center, including the restaurant, bar, banquet room and wine tasting areas
 - 80 spaces for the hotel and bungalows
 - 20 spaces for employees
 - 17 spaces for bicycles per environmental mitigation measures
7. Prior to issuance of Certificates of Occupancy, the Applicant shall submit an onsite “overflow” parking plan, for review by the Development Review committee, showing areas designated for special event parking, outside of the developed parking areas. These areas shall cumulatively accommodate a minimum of 50 parking spaces for occasional use during special events. Paving is not required in these areas.
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 approving PD 02-002. 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. All proposed signage requires a sign permit and review and approval by the Development Review Committee.

10. Prior to installation/construction of the development, the Development Review Committee shall review and approve all landscaping plans, building elevations, colors and materials, fencing, outdoor lighting and other associated improvements. These improvements shall be in substantial compliance with the exhibits attached to the Resolution approving PD 02-002.
11. 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). Required mitigation measures have been incorporated in the conditions of approval for PD 02-002.
12. The Vina Robles Hospitality Center shall cooperate with the City of El Paso de Robles 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 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.
13. Temporary construction noise levels in excess of 60 dBLdn 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.

14. Prior to holding any special event, 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 200 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.

PASSED AND ADOPTED THIS 11th day of March, 2003, by the following roll call vote:

AYES: FLYNN, STEINBECK, FERRAVANTI, KEMPER, WARNKE, JOHNSON

NOES: NONE

ABSENT: CALLOWAY

ABSTAIN: NONE

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

h/kmargason/planneddevelopments/PD 02-002 Vina Robles/JCUP Reso