

RESOLUTION NO.: 04-009

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 01-017 FOR THE BLACK RANCH RESORT PROJECT
(RRM DESIGN GROUP FOR MATT MASIA, BLACK'S HATCHERY & TURKEY FARM)**

APN: 025-431-044, -045, AND -049

WHEREAS, Conditional Use Permit 01-017 has been filed by RRM Design Group on behalf of Mr. Matt Masia for Black's Hatchery & Turkey Farm; and

WHEREAS, Conditional Use Permit 01-017 has been filed in conjunction with an application for a Planned Development to allow a resort hotel with a golf course and other ancillary facilities in the Parks and Open Space (POS) Zoning District; and

WHEREAS, Planned Development 01-025 is a proposal to establish a Master Development Plan for the proposed Black Ranch resort project on an approximately 386-acre site north of Highway 46 East, south of Dry Creek Road, and west of Airport Road; and

WHEREAS, the proposed Black Ranch resort includes a 200 room hotel with an additional 80 casitas, an 18-hole golf course, a 9-hole executive course, wine information center, outdoor events area, spa facilities, tennis courts, restaurant, café, golf clubhouse, pool, and conference facilities; and

WHEREAS, the development project applications for the proposed Black Ranch resort would establish the following:

- The Planned Development would establish the site plan, development standards, architectural theme, landscaping, and required infrastructure for the Black Ranch resort; and
- The Conditional Use Permit would establish the allowable land uses for the Black Ranch resort, including authorizing development and operation of a resort hotel and restaurant with greater than 5,000 square feet of area if determined not to have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.; and

WHEREAS, the General Plan land use designation is POS (Parks and Open Space) and the Zoning Ordinance designation is POS (Parks and Open Space), and

WHEREAS, at its January 27, 2004 meeting, the Planning Commission held a duly noticed public hearing on the proposed Black Ranch resort project the public hearing was open and continued at the request of the Applicant in order to allow additional time to review the project conditions; and

WHEREAS, at its February 10, 2004 meeting, the Planning Commission reopened the public hearing to accept public testimony on the proposal, including Planned Development 01-025, Conditional Use Permit 01-017, and the environmental review/determination therefore; 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 Black Ranch resort project qualifies for adoption of a Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program/Plan; 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:

- That the establishment, maintenance and operation for the Black Ranch resort, including the requested land 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, nor will it be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and
- That establishment, maintenance and operation for the Black Ranch resort, including the requested land uses applied for, will not, under the circumstances of the particular case, have significant adverse impacts on the economic vitality of the downtown, since it is a destination resort hotel with a golf course and other ancillary/related land uses consistent with the City's Economic Strategy. The proposed Black Ranch resort project is designed to complement adjacent recreational opportunities and the City's existing wine industry. Overnight and dining accommodations are designed to support the guests of the resort facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 01-017 subject to the following conditions:

SITE SPECIFIC CONDITIONS

1. The project shall comply with all conditions of approval in the resolution granting approval to Planned Development 01-025 and its exhibits.
2. Approval of this Conditional Use Permit shall run concurrently with the Planned Development approval, and shall expire under the same conditions of that entitlement (2 years, with additional one year time extension increments permitted to be considered). However, once the project/site development is complete, the CUP will run indefinitely (in accordance with the provisions of the City's Zoning Ordinance).
3. All on-site operations shall be in conformance with the City's performance standards contained in Section 21.21.040 (General Performance Standards Applicable to All Uses) of the City's Zoning Ordinance.
4. Any site specific condition imposed by the Planning Commission in approving this project 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 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. This Conditional Use Permit 01-017 allows for development and operation of the following land uses:

A. Permitted Land Uses for Black Ranch

1. Resort Hotel with 200 rooms and 80 casitas (detached hotel rooms)
2. Restaurant – Café (1,500 square feet with an outdoor seating area with 25 tables)
3. Wine Information Center (1,500 square feet)
4. Gardens

B. Permitted Accessory/Ancillary Land Uses for Black Ranch

1. Golf Course with an 18-hole Championship Course and a 9-hole Executive Course
2. Driving Range, Putting Green, and Chipping Green
3. Golf Course Clubhouse (10,000 square feet)
4. Snack Bar/Pro Shop/Restroom (1,500 square feet)
5. Satellite Restroom (250 square feet)
6. Golf Cart Storage Building (6,000 square feet)
7. Maintenance Building (6,000 square feet)
8. Health Spa (1,500 square feet)
9. Pool, Hot Tub/Spa, and Tennis Courts (4 courts) for the Resort Hotel and casitas
10. Restaurant – “Fine Dining” (6,000 square feet, approximately 100 seats)
11. Conference Facilities and Meeting Rooms (14,286 square feet)
12. Administrative/Professional Offices in the hotel and in the clubhouse
13. Outdoor Events in the designated areas in the north and south portions of the site
14. Crop production (includes dry and irrigated farming, orchards, vineyards) if conforming to Section 21.16E.040 of the Zoning Ordinance
15. Temporary Construction Yard in connection with a valid building permit on the site of the building permit or on an immediately adjacent site, subject to issuance of a Temporary Use Permit.
16. Temporary Trailer and/or Building for use as a construction office subject to issuance of a Temporary Use Permit.

C. Conditionally Permitted Land Uses for Black Ranch

1. Temporary Special Events of 300 or less guests subject to the review and approval of the Community Development Director or designee as to compliance with the terms and conditions of Conditional Use Permit 01-017 and the following provision that the Resort/Spa Hotel and Golf Course Owner and/or Operator shall work with the City to:
 - a) Mitigate and/or abate noise related to any outdoor special events that are scheduled to be held before 9am or after 9pm; and
 - b) Establish maximum standards for acceptable noise levels during the outdoor special event. In the absence of a specific standard being established, the noise level measured at the property line shall not exceed 65 dB/L_{dn} (Any noise levels above the established standard shall be subject to nuisance abatement and/or revocation of the Temporary Use Permit).
2. Temporary Special Events of 300 to 400 guests subject to the review and approval of:

- a) The Community Development Director or designee as to compliance with the terms and conditions of Conditional Use Permit 01-017 and the following provision that the Resort/Spa Hotel and Golf Course Owner and/or Operator shall work with the City to:
 - i) Mitigate and/or abate noise related to any outdoor special events that are scheduled to be held before 9am or after 9pm; and
 - ii) Establish maximum standards for acceptable noise levels during the outdoor special event. In the absence of a specific standard being established, the noise level measured at the property line shall not exceed 65 dB/L_{dn} (Any noise levels above the established standard shall be subject to nuisance abatement and/or revocation of the Temporary Special Event Permit).
 - b) A security and traffic control plan by the Police Department (which plan is to be approved at least 10-days before the event or, subject to Police Department concurrence, a standard plan may be placed on file with the Police Department).
3. Temporary Special Events with over 400 guests subject to the review and approval of a Temporary Use Permit; the TUP application shall include parking plans, security and traffic control plans, and noise mitigation plans, in addition to the other application requirements.
 4. The land uses listed below are not expressly authorized through the Master Development Plan for Black Ranch (PD 01-025) and Conditional Use Permit 01-017. While not expressly authorized herein, any of the following land uses or combination thereof may be established as part of the Black Ranch resort project subject to issuance of a separate or amended Conditional Use Permit:
 - a) Additional restaurants as an accessory to the resort (outdoor seating and liquor service included);
 - b) Additional tennis courts;
 - c) Racquetball and/or handball courts;
 - d) Ball fields, playgrounds, stadiums, and amphitheatres;
 - e) Museums and/or art galleries;
 - f) Public Facilities;
 - g) Parks and/or playgrounds; and
 - h) Public Utilities Facilities

D. Prohibited Land Uses for Black Ranch

1. Residential land uses are prohibited as a part of the Black Ranch resort. This prohibition is consistent with the POS General Plan and Zoning designations and is in accordance with General Plan Land Use Policy LU-1B (Airport Land Use Compatibility), which states that

new residential development is an undesirable land use within the Airport Influence Area and which requires the City to prohibit further subdivision of land within the Airport Land Use Review Area (AP Overlay Area) and/or to prohibit changes to General Plan land use designations or a site's zoning in such a manner that would accommodate additional dwelling units.

2. Residential land uses are prohibited within the Black Ranch resort since the site located within the Airport Influence Area of the Paso Robles Municipal Airport and the Airport Land Use Review Area (AP Overlay Area).

PASSED AND ADOPTED THIS 10th day of February, 2004 by the following roll call vote:

AYES: Johnson, Ferravanti, Mattke, Kemper, Flynn, Steinbeck

NOES: None

ABSENT: Hamon

ABSTAIN: None

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

TRYDER/CURRENT PLANNING/BLACK RANCH CUP