

RESOLUTION NO: 07-0035

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 07-005  
(FOX HOLLOW SPORTS FACILITY)  
APN: 025-371-019

WHEREAS, Section 21.16.200 requires Planning Commission approval of a Conditional Use Permit (CUP) for swimming pools as a commercial use; and

WHEREAS, CUP 07-005 has been filed by John McCarthy on behalf of Kim Walker to construct the Fox Hollow Sports Facility which would consist of the following development:

**Phase I:** construction of a 6,500sf club house, four tennis courts, a 25ydx12yd swimming pool and a 1,000sf pool room. The installation of the parking lot, septic system and site landscaping would be included in phase I;

**Phase II:** would consist of the construction of 8 additional tennis courts, a 4,000sf activity building and 25yd x 25 yd swimming pool. Additional parking will also be provided in Phase II.

and;

WHEREAS, the project is located on the north side of Union Road, directly across from Barney Schwartz Park; and

WHEREAS, the 19.4 acre site is zoned C3-PD (Commercial/Light-Industrial, Planned Development Overlay), and has a General Plan designation of CS, (Commercial Service); and

WHEREAS, in conjunction with CUP 07-005, the applicant has submitted PD 06-012 as required by 21.16A of the Zoning Code; 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 13, 2007; and

WHEREAS, at its March 13, 2007 meeting, the Planning Commission held a duly noticed public hearing on the Project, to accept public testimony on the proposal including Planned Development 06-012 and related applications; and

WHEREAS, at the March 13, 2007 meeting, the Planning Commission continued this item to the March 27, 2007 meeting, at the request of Caltrans in order to allow additional time for Caltrans to review the project and coordinate with City Staff to determine if there are any impacts to Highway 46 East Corridor; and

WHEREAS, the City Engineer had discussions with James Kilmer of Caltrans and determined that it is necessary to add a condition regarding dedication along Highway 46 East, the necessary conditions have been added to the PD resolution (Condition No. 13); and

WHEREAS, at its March 27, 2007 meeting, the Planning Commission held a duly noticed public hearing on the Project, to accept public testimony on the proposal including Planned Development 06-012 and related applications; 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 finding 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 07-005 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 06-012.

#### SITE SPECIFIC CONDITIONS

2. This project approval shall expire on March 13, 2009 unless a time extension request is filed with the Community Development Department prior to expiration.
3. 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.
4. 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)

PASSED AND ADOPTED THIS 27<sup>th</sup> day of March, 2007, by the following roll call vote:

AYES: Johnson, Withers, Holstine, Treatch, Flynn, Steinbeck, Menath

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN MARGARET HOLSTINE

ATTEST:

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RON WHISENAND, PLANNING COMMISSION SECRETARY

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