

RESOLUTION NO.: 09-007

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 08-002
(DESTINO PASO - HANDLEY)
APN: 025-436-029 & 030

WHEREAS, according to Table 21.16.200, Permitted Use Table, transient lodging, including hotels and motels are permitted in the POS zoning district with the approval of a Conditional Use Permit (CUP) by the Planning Commission; and

WHEREAS, Conditional Use Permit 08-002 along with PD 08-002 has been filed by North Coast Engineering on behalf of Jerry and Katherine Handley for the construction and operation of a resort project consisting of 291 hotel and casitas rooms, including accessory uses such as restaurant, spa, conference center, trails, pools, parking lots and other accessory uses; and

WHEREAS, the project is located at 3340 & 3350 Airport Road; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 10, 2009, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Conditional Use Permit; 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 February 10, 2009; 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:

1. 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, since the project has gone through the development review process including, environmental review and the processing of a Conditional Use Permit as required by Table 21.16.200 for hotel and motel facilities in the POS zoning districts; and
2. The proposed use will not be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City, since the project will be required to comply with the recommended conditions of approval, including any environmental mitigation measures, and comply with any building and fire codes; and

3. The proposed use as conditioned would meet the intent of the General Plan, Zoning Ordinance and Economic Strategy by providing end-destination resort projects in the POS land use and zoning districts.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 08-002 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 08-002, Tentative Tract Map 2962 and associated Mitigated Negative Declaration.

SITE SPECIFIC CONDITIONS

1. Conditional Use Permit 08-002, along with Development Plan for PD 08-002, allows for the approval of the master plan for allowing for the development and operation of a resort facility containing a total of 116 hotel rooms and 175 casitas rooms (total 291 units) with a restaurant, spa facility and other ancillary uses. The project will be phased as follows:

- Phase I: 19 casitas units;
1,000 sf office & housekeeping;
4,000 sf conference area;
5,000 sf recreation area (pool & pool house)
- Phase II: 86 casitas units
- Phase III: 3,000sf spa building
- Phase IV: 5,700sf restaurant
- Phase V: 50 room Hotel
- Phase VI: 16 room boutique hotel
- Phase VII: 46 casitas units
- Phase VIII: 50 room hotel
- Phase VIII: 24 casitas units

Note: request to change any of the above noted phasing will require the approval of the Development Review Committee (DRC).

2. Special events beyond typical resort activities shall be reviewed by the Planning Dept. to insure compliance with the Zoning Code and ALUP. The Police Department shall also review the activities. The number of people per acre shall be in compliance with the maximum density identified by the ALUP.
3. The maximum length of stay for any hotel or casitas room is 30 consecutive days.

4. 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.
5. 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 10th day of February, 2009 by the following Roll Call Vote:

AYES: Nemeth, Gregory, Garcia, Peterson, Johnson
NOES: None
ABSENT: Treach
ABSTAIN: Holstine



JOEL PETERSON, CHAIRMAN PRO-TEM

ATTEST:



RON WHISENAND, PLANNING COMMISSION SECRETARY