

RESOLUTION NO: 94-18W

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE AN AMENDMENT TO CONDITIONAL USE PERMIT 89023  
(WOODLAND PLAZA ASSOCIATES)

WHEREAS, Woodland Plaza Associates has filed an amendment to Conditional Use Permit 89023 to increase the range of permitted commercial uses that could be established at the Woodland Plaza I shopping center, located at the northwest corner of Niblick and South River Roads.

WHEREAS, a public hearing was conducted by the Planning Commission on December 13, 1993 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this project proposal, and

WHEREAS, the Planning Commission approved the application on a 5-2 vote (commissioners Crawford and Johnson dissenting) on December 13, 1993, and

WHEREAS, an appeal was filed by a councilmember, and

WHEREAS, a public hearing was conducted by the City Council on January 18, 1994 to consider facts as presented in the staff report prepared for this appeal, and to accept public testimony regarding this project proposal, and

WHEREAS, the Council determined that the increased traffic caused by the proposed expansion of the scope of commercial uses for Woodland Plaza I could not be mitigated until the applicant contributes their fair share of the cost of lanes three and four of the Niblick Bridge, and

WHEREAS, the applicant is not required to pay for its fair share of lanes three and four of the Niblick bridge until certificate of occupancy is granted for phase II of Woodland Plaza II, and

WHEREAS, based upon the facts and analysis presented, and public testimony received, the City Council finds that, subject to the conditions of approval listed below, that the establishment, maintenance and operation for the requested use 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 City Council of the City of El Paso De Robles does hereby deny the appeal thereby upholding the approval of the amendment to Conditional Use Permit 89023 subject to the following conditions:

COMMUNITY DEVELOPMENT CONDITIONS:

1. All conditions set forth in Resolution 90-001 (attached) shall remain in full force and effect except Exhibit A of Resolution 90-001 shall be superseded by the attached Exhibit A of resolution 94-18W and shall be effective upon granting Certificate of Occupancy for phase II of Woodland Plaza II.

PASSED AND ADOPTED THIS 18th day of January, 1994 by the following roll call vote:

AYES: IVERSEN, MARTIN, MACKLIN, HEGGARTY

NOES: PICANCO

ABSENT: NONE

ABSTAIN: NONE

  
\_\_\_\_\_  
MAYOR CHRISTIAN E. IVERSEN

ATTEST:  
  
\_\_\_\_\_  
RICHARD J. RAMIREZ, CITY CLERK

EXHIBIT A OF RESOLUTION 94-18W

PERMITTED LAND USES FOR CUP 89023  
AS AMENDED BY THE CITY COUNCIL ON JANUARY 18, 1994  
EFFECTIVE UPON GRANTING CERTIFICATE OF OCCUPANCY  
FOR PHASE II OF WOODLAND PLAZA II

NOTES:

1. The land uses listed below have been evaluated on the premise of determining which uses lend themselves most appropriately to Neighborhood Level service and shopping needs, as well as to those which do not contribute to detrimental economic impacts on the City's historic downtown business core.

2. This list does not contain the full range of land uses that are either permitted, or subject to approval of a conditional use permit in the C-1 Zone. Land uses within this project are limited to the list of uses noted below, unless one of the following processes is satisfied:

a) The Planning Commission determines that a requested use is most similar to those types of uses which are listed below and meet the criteria as outlined in the above note no. 1; or

b) An amendment to CUP 89023 is reviewed and approved by the Planning Commission.

3. The land uses listed under section "B" of this exhibit are those uses which have been determined to not meet the criteria for neighborhood level service and shopping needs and non-impact on the historic downtown, and are therefore precluded from being established within the development.

4. All land uses must be conducted entirely indoors. No outside display or merchandise or storage of any materials or equipment is permitted on the site.

A. USES TO BE PERMITTED UNDER THE PROPOSED MASTER CUP:

- o Appliance, Radio & TV Store
- o Automotive Parts
- o Bakery/Donut Shop
- o Barber Shop
- o Beauty Shop
- o Beauty Supplies
- o Book Store
- o Camera Store
- o Cards and Gifts
- o Clothing Store
- o Copy Store (not to include print shop)

(Uses continued on the following page)

- o Delicatessen
- o Dry Cleaners
- o Fast Food / Food to go
- o Financial (Banks, Savings & Loans, Thrifts), of not greater than 5,000 square feet for each location
- o Florist
- o Furniture Store
- o Gift Shop
- o Hardware
- o Health Spa
- o Ice Cream, Yogurt, Candy & Kindred Lines
- o Jewelry Store
- o Laundromat
- o Liquor Store
- o Luggage
- o Mail-Post Office
- o Music & Musical Instruments
- o Office Supplies / Stationary
- o Paint and Wallpaper
- o Pet Store / Supplies
- o Photo Processing Store
- o Professional Office (limited to a total of four store-front units totaling not more than 6,000 square feet, to include Chiropractic Office, Dental Office, Optical, Real Estate or other professional)
- o Record and Tape Store
- o Recycling Redemption Center (no larger than 300 sf)
- o Reducing Salon
- o Restaurants of not greater than 5,000 square feet for each such location
- o Service Stations
- o Shoe Repair
- o Shoe Store
- o Sporting Goods
- o Tanning Salon
- o Travel Agency
- o Video
- o Other land uses the Planning Commission finds to be of similar class and nature; such findings may be made at a regularly scheduled public hearing without the need for public notice. Specialty and comparison shopping goods/services shall not be approved without a separate CUP application process.

**B. USES NOT TO BE PERMITTED AS PRIMARY, SPECIALTY USES:**

- o Those uses as outlined in Mr. Halferty's letter dated March 29, 1989 and attached as Exhibit B to the CUP 89023 resolution 90-001.

RESOLUTION NO: 90-001  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT B9023  
(HALFERTY DEVELOPMENT CO. - NEIGHBORHOOD COMMERCIAL CENTER)

WHEREAS, Halferty Development Co. has filed an application to establish a master list of allowable uses for a proposed Neighborhood Commercial Shopping Center located on the northwest corner of South River Road and Niblick Road, and

WHEREAS, the Rezone of this project site from P-M to C-1, PD specifically required that the Planned Development (PD) overlay be used to limit uses within the proposed neighborhood commercial center to those uses which did not negatively impact the economic viability of the historic downtown business core, and

WHEREAS, the Redevelopment Project Area Committee has reviewed the list of proposed uses to be established within the center for compliance with the City's adopted Redevelopment Plan and made advisory recommendations for the Planning Commission's consideration, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 9, 1990, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this project proposal, 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 for the requested use or building 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:

- a. Recommend that the City council rescind Resolution 89-53, adopted by the City Council on May 2, 1989, to approve Conditional Use Permit 89002; and
- b. Approve Conditional Use Permit 89023 subject to the following conditions:

CONDITIONS TO BE IN COMPLIANCE AT ALL TIMES:

1. This conditional use permit authorizes a super market and drug store per exhibits, and the operation of those uses which are outlined in the attached Exhibits "A" and "B" in the designated Shop Buildings A, B, C and Buildings 1, 2 and 3.

Any use not listed may not occupy these buildings unless the Planning Commission so authorizes via either an amendment to this Conditional Use Permit or a finding that a proposed use is similar in class and nature to a use listed in subsection "A" (permitted uses) within the attached Exhibit A.

2. Outside storage of materials (including pallets) and equipment is not permitted on this site, with the exception of the major store and anchor tenant when stored behind ARC approved screen walls.

3. All uses occupying this site shall abide by the general performance standards for all uses required by Municipal Code Section 21.21.040 (Copy attached as Exhibit C).

4. This Conditional Use Permit shall be reviewed annually by the Planning Commission for compliance with the conditions of approval. After conducting at least one such annual review, the Planning Commission may waive further scheduled reviews if it finds that all conditions are in a state of compliance.

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. The applicant and all subsequent tenants shall comply with all adopted State and Municipal Building and Fire Codes. Upon each change of occupancy, compliance with these codes shall be reviewed, and a certificate of occupancy must be issued.

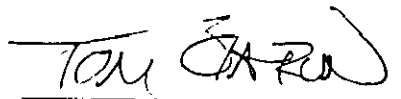
PASSED AND ADOPTED THIS 9th day of January, 1990 by the following roll call vote:

AYES: JOHNSON, IVERSEN, WARNKE, FLYNN, BARON

NOES:

ABSENT:

ABSTAIN: PICANCO



CHAIRMAN TOM BARON

ATTEST:



ROBERT A. LATA, SECRETARY OF THE PLANNING COMMISSION

## EXHIBIT A OF RESOLUTION 90-001

## PERMITTED LAND USES FOR CUP 89023

## NOTES:

1. The land uses listed below have been evaluated on the premise of determining which uses lend themselves most appropriately to Neighborhood Level service and shopping needs, as well as to those which do not contribute to detrimental economic impacts on the City's historic downtown business core.

2. This list does not contain the full range of land uses that are either permitted, or subject to approval of a conditional use permit in the C-1 Zone. Land uses within this project are limited to the list of uses noted below, unless one of the following processes is satisfied:

a) The Planning Commission determines that a requested use is most similar to those types of uses which are listed below and meet the criteria as outlined in the above note no. 1; or

b) An amendment to CUP 89023 is reviewed and approved by the Planning Commission.

3. The land uses listed under section "B" of this exhibit are those uses which have been determined to not meet the criteria for neighborhood level service and shopping needs and non-impact on the historic downtown, and are therefore precluded from being established within the development.

4. All land uses must be conducted entirely indoors. No outside display or merchandise or storage of any materials or equipment is permitted on the site.

A. USES TO BE PERMITTED UNDER THE PROPOSED MASTER CUP:

- o Automotive Parts
- o Bakery/Donut Shop
- o Barber Shop
- o Beauty Shop
- o Beauty Supplies
- o Book Store
- o Photo Processing Store
- o Cards and Gifts
- o Copy Store (not to include print shop)
- o Delicatessen
- o Dry Cleaners
- o Fast Food / Food to go
- o Financial (Banks, savings & Loans, Thrifts), of not greater than 5,000 square feet for each location

(Uses continued on following pages)

- o Florist
- o Gift Shop
- o Hardware
- o Health Spa
- o Ice Cream, Yogurt, Candy & Kindred Lines
- o Laundromat
- o Liquor Store
- o Mail-Post Office
- o Paint and Wallpaper
- o Pet Store / Supplies
- o Professional Office (limited to a total of four store-front units totaling not more than 6,000 square feet, to include Chiropractic Office, Dental Office, Optical, Real Estate or other professional)
- o Reducing Salon
- o Record and Tape Store
- o Recycling Redemption Center (no larger than 300 sf)
- o Restaurants of not greater than 5,000 square feet for each such location
- o Service Stations
- o Shoe Repair
- o Tanning Salon
- o Travel Agency
- o Video
- o Other land uses the Planning Commission finds to be of similar class and nature; such findings may be made at a regularly scheduled public hearing without the need for public notice. Specialty and comparison shopping goods/services shall not be approved without a separate CUP application process.

**B. USES NOT TO BE PERMITTED AS PRIMARY, SPECIALTY USES:**

USES  
TO BE  
OMITTED  
FROM THE  
LIST.

- o Appliance, Radio & TV Store
- o Camera Store
- o Furniture
- o Jewelry Store
- o Luggage
- o Music & Musical Instruments
- o Office Supplies / Stationary
- o Sporting Goods
- o Those uses as outlined in Mr. Halferty's letter dated March 29, 1989 and attached as Exhibit B to the CUP 89023 resolution

James L. Hafferty  
Chairman

March 29, 1989

EXHIBIT B OF RESOLUTION 90-001

Mr. Robert Lata  
Planning Director  
City of Paso Robles  
1030 Spring Street  
Paso Robles, California 93447-0307

Re: Master List of Allowable Uses for  
Conditional Use Permit

Dear Mr. Lata:

This letter will set forth the restrictions on use that will be contained in the Declaration Agreement and Grant of Easements that will be recorded at the time the Parcel Map is recorded:

No part of the Shopping Center shall be used as a bar, tavern, cocktail lounge, adult book or adult video store, warehouse, entertainment or recreational facility or training or educational facility; for the renting, leasing or selling of or displaying for the purposes of renting, leasing or selling of any boat, motor vehicle or trailer; or for industrial purposes. For the purposes of the Declaration, the phrase "entertainment or recreational facility" shall include, without limitation, a theatre, bowling alley, skating rink, gym, or studio, dance hall, billiard or pool hall, massage parlour, game parlour or video arcade (which shall be defined as any store containing more than four (4) electronic games). The phrase "training or educational facility" shall include, without limitation, a beauty school, barber college, place of instruction or any other operation catering primarily to students or trainees as opposed to customers.

Conditional Use Permit 89023 - Exhibit "B"