RESOLUTION NO.: 03-023

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO GRANT APPROVAL FOR PLANNED DEVELOPMENT 02-002
(VINA ROBLES, INCORPORATED / PULTS AND ASSOCIATES)
APN: 026-191-023

WHEREAS, Planned Development 02-002 has been filed by Vina Robles, Incorporated, a proposal for a Master Development Plan consisting of a Hospitality Center with banquet facilities and a 150 seat restaurant, an 80-unit Hotel with bungalows, a Winery and ancillary uses, and

WHEREAS, the proposed planned development is located east of Mill Road, west of Hunter Ranch Golf Course, south of, and adjacent to, Highway 46 East, 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, Conditional Use Permit 02-027 has been filed in conjunction with this planned development request to establish ancillary land uses characteristic of resort development, including transient lodging facilities (hotel/motel), tennis courts, restaurant, conference facilities, winery, and winery associated retail sales, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 14, 2003, to open the public hearing and continue the project to the January 28, 2003 hearing 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 open the public hearing and continue the project to the February 11, 2003 hearing 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 February 11, 2003 to open the public hearing and continue the project to the March 11, 2003 hearing 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 March 11, 2003, to accept public testimony regarding this proposed planned development, 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 adopted by the Planning Commission on March 11, 2003, and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the standard and site specific conditions of approval listed below, the Planning Commission makes the following findings:

1. The proposed hotel and restaurant facilities will not be detrimental to the City's efforts to revitalize the downtown area as the project is a destination resort 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.

2. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16A (Planned Development Overlay District Regulations) as follows:

    a. The granting of this permit will not adversely affect the policies, spirit and intent of the General Plan, the Zoning Ordinance, or policies and plans of the City;

    b. The proposed project maintains and enhances significant natural resources on the site;

    c. The proposed project is designed to be sensitive to, and blend in with, the character of the site and surrounding area;

    d. The proposed project's design and the density of the developed portion of the site is compatible with surrounding development and does not create a disharmonious or disruptive element to the surrounding area;

    e. The development is consistent with the purpose and intent of this chapter and is not contrary to the public health, safety and welfare;

3. The proposed Planned Development, in conjunction with the Conditional Use Permit, is consistent with the purpose, intent and regulations of the General Plan and Zoning Ordinance for land uses within the POS (Parks and Open Space) Zoning District.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 02-002 subject to the following conditions:

STANDARD CONDITIONS:

1. The project shall comply with all conditions of approval contained in the resolution granting approval to Conditional Use Permit 02-027 and its exhibits and all conditions as listed in this resolution and its exhibits.

2. The project shall comply with all the checked standard conditions as listed in Exhibit A, attached hereto and incorporated within.

SITE SPECIFIC CONDITIONS

NOTE: In the event of conflict or duplication between standard and site specific conditions, the site specific condition shall supersede the standard condition.

3. The project shall be constructed so as to substantially conform to the following listed exhibits and conditions established by this resolution:

EXHIBIT	DESCRIPTION
A	Standard Conditions
B	Title Sheet and Project Square Footages
C	Site Plan
D	Preliminary Grading and Drainage Plan
E	Oak Tree Inventory
F	Preliminary Water, Sewer and Storm Drain Plan
G	Hospitality Center Floor Plan
H1-H3	Hotel Floor Plan
I	Bungalow Suite Floor Plan
J	Spa Building Floor Plan
K	Winery Building Floor Plan
L	Elevations – Hospitality Building
M	Elevations - Hotel
N	Elevations – Bungalow Suites
O	Elevations – Spa Building
P	Elevations – Winery Building
Q1-Q2	Master Landscape Plan
R	Phasing Plan

4. This Master Planned Development establishes the framework and allows for the development, in conjunction with CUP 02-027, of the following uses:

PHASE 1

a. Hospitality Center Building which includes a 150 seat restaurant, a bar, a banquet room with seating capacity for approximately 150 people, a wine tasting area and retail space (1 building of approximately 14,000 square feet)

PHASE 2

b. Hotel facilities of approximately 51,800 square feet (1 building, with 60 units, lobby and related facilities)

c. 10 bungalows of 2 units each for a total of 20 lodging units for transient occupancy (10 buildings, 16,000 square feet total)

d. Spa building (1 building, 5,050 square feet with ancillary uses)

PHASE 3

e. Winery (1 building, 8,000 square feet with ancillary uses). The winery is limited to wine tanks and barrel storage. Pressing and crushing activities would require an amendment to this Planned Development and the Conditional Use Permit.

f. Tennis courts

5. The project is designed to be constructed in three (3) phases over six to eight years. This Planned Development approval shall expire on March 11, 2006, 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, if the elements of the particular phase have not begun or a time extension request has not been applied for, prior to the expiration date:

   Phase 2 – March 11, 2008
   Phase 3 – March 11, 2011

6. Prior to issuance of building permits, the Applicant shall submit final architectural, landscaping, fencing, colors, materials and site design details to the Community Development Department for review and approval by the Development Review Committee (DRC). All architectural elements shall be consistent with the attached elevation exhibits. All accessory elements such as trash enclosures, mechanical screens, decorative paving and wall/fences shall stay within the same design and material character as shown on the attached exhibits and shall be reviewed by the DRC.

7. Night lighting will be designed and directed to avoid visibility from Highway 46 and shall not conflict with airport operations. Cut sheets of outdoor lighting equipment shall be submitted to the Community Development Department prior to installation for review and approval.

8. Prior to issuance of certificates of occupancy for Phase 1, the Developer shall grant an avigation easement, in a form approved by the City Attorney, over the entire project area.

9. All building setbacks shall be consistent with the Zoning Ordinance's standards for R1 developments, except for the following:

   - All buildings shall be setback 30 feet from the Highway 46 East right-of-way or the northern property line, which ever is greater

   - All buildings shall be setback 30 feet from Mill Road

   - All buildings shall be setback 100 feet from the eastern property line adjacent to Hunter Ranch Golf Course, except for the service building, which is not approved for human occupation

   - All buildings shall be setback 100 feet from the limits of the watershed surrounding the vernal pool as shown on Exhibit C, attached hereto

   - All buildings shall be setback 100 feet from the riparian edge of the blue line creek in the northeast corner of the project site

- Buildings shall not be placed to the west of the vernal pool watershed area, however vineyards, as shown on Exhibit C, are an acceptable use of this area.

10. Maximum building height shall be 36 feet above the average natural grade of the building area.

ENVIRONMENTAL MITIGATION

11. All project landscaping shall include native and ornamental landscape planting and irrigation plans consistent with Exhibit Q, attached hereto. Landscaping design shall screen and soften views of all structures, particularly those visible from public streets such as Highway 46 and Mill Road.

12. There shall be no buildings or structures placed on the Arbuckle-San Ysidro prime soils located in the southeastern corner of the project site. This nonbuildable area shall be as shown on the USDA Soils Survey for the Paso Robles Area (Sheet 6) and as shown on the site plan attached hereto as Exhibit C. Vineyards, as shown on the preliminary plans are an acceptable use of this area.

13. Prior to issuance of a grading permit, the Applicant shall demonstrate that altered drainage patterns will not allow new runoff to drain into the dripline of existing oak trees.

14. Prior to agricultural chemical use on any existing or newly installed vineyards, the Applicant shall obtain all necessary permits from the San Luis Obispo County Agricultural Commissioner's Office.

<u>Air Pollution Control District Mitigation</u>

15. The following measures shall be integrated into site preparation, grading permits, and project improvement plans:

    a. Major site grading and disturbance shall be confined to spring, summer and fall (April through October) to avoid exposure to winter storm periods (November through March).

    b. During site grading, top soil shall be removed and stockpiled and replaced after subsoils are re-contoured to provide acceptable finish grades.

c. Dust control and PM10 reduction measures shall include regulation and monitoring of site grading during windy periods, wetting or applying dust control agents during grading operations and stabilizing disturbed areas immediately after grading. These measures shall be integrated into site preparation grading permit and project improvement plans.

d. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency is required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.

e. All dirt stockpiles shall be sprayed daily as needed.

f. Disturbed areas shall be replanted with appropriate ground cover and/or erosion control mix immediately following grading to stabilize site conditions. Other erosion control measures such as siltation fences, mulching and hydroseeding shall be required, as necessary, with grading permit review and approval by the City.

g. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.

h. Exposed ground areas that are to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.

i. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

j. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

k. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

l. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Sec 23114.

m. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

n. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

16. All construction equipment shall be properly maintained and tuned according to manufacturer's specifications.

17. The project owner shall require that all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, shall be fueled exclusively with CARB motor vehicle diesel fuel.

18. The project developer/contractor shall appoint a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. The duties of such designated person(s) shall include holidays and weekend periods when work may not be in progress. The name and telephone number of the designated person(s) shall be provided to APCD prior to land use clearance for issuance of grading permits.

Operation (long term) mitigation measures are as follows:

19. Provide onsite bicycle parking. One bike parking space for every 10-car parking spaces is considered appropriate.

20. Provide onsite eating, refrigeration and food vending facilities to reduce lunchtime trips by employees.

21. Provide connectivity for pedestrian, bicycle or electric golf course access to the adjacent golf course.

22. Increase wall and attic insulation in the Hotel and Bungalows beyond Title 24 requirements.

23. Orient buildings to maximize natural heating and cooling as shown on the preliminary site plan.

24. Plant shade trees along southern exposures of buildings to reduce summer cooling needs.

25. Plant shade trees in parking lots to reduce evaporative emissions from parked vehicles.

26. Use built in energy efficient appliances, where applicable and use double paned windows, use low energy parking lot and street lights and low energy efficient interior lighting.

27. Consider providing onsite housing (caretaker units) for at least 10% of the total number of employees.

28. Coordinate onsite events to minimize peak uses.

29. Use electric golf carts and or bicycles for access throughout the site.

30. Cater to group activities using bus, van and car pool transportation and preferential parking.

31. Provide for shuttle/mini bus service to local airports, Amtrak and bus stations and for special events, as appropriate.

32. Implement a rideshare program for employees not living onsite, which includes incentives for those who choose alternative transportation, as required by the APCD.

Traffic

33. All traffic impact fees, as assessed by the City, shall be paid, for each phase of the project, prior to issuance of certificates of occupancy.

34. Prior to issuance of grading permits for Phase 1 of the project, an approved encroachment permit shall be obtained from Caltrans for an emergency access to the site from Highway 46. If emergency access is to be provided from another source, the proposed emergency access shall be reviewed and approved by the Community Development Department and the City Fire Department prior to issuance of grading permits for Phase 1.

35. Prior to issuance of building permits for Phase 2, the project shall have constructed secondary, emergency access from Highway 46 or an approved alternative design in accordance with Condition 34 above.

36. Only non-reflective materials shall be used in buildings and signs where reflection might cause a flying hazard, such as roofs or south facing elevations.

37. There shall be no use of electromagnetic transmissions determined to interfere with aircraft operations allowed onsite.

Biology

38. The applicant shall apply for and receive all necessary permits from the Army Corps of Engineers for all work in or near any on-site lakes or blue-line streams. The applicant shall submit copies of all permits/correspondence to the City Community Development Department.

39. Prior to issuance of grading permits, the Applicant shall conduct a preconstruction survey for burrowing owls and nesting birds-of-prey. This survey shall be submitted to the Community Development Department for review.

40. All nesting sites shall be avoided during construction until adults and young are no longer dependent on the nest site, whether a tree or burrow.

41. Some snags and dying trees, as practicable and as identified by a qualified professional, shall be retained onsite to provide habitat for hole and cavity nesting bird species.

42. Prior to removal of any failing or dead oak trees, the applicant shall have the trees surveyed by a qualified biologist to determine the tree's value as wildlife habitat. Any proposed tree removal shall be identified and evaluated by a qualified professional, with review by the Community Development Department and shall be done outside the breeding season, between September and February.

43. Prior to issuance of grading permits for Phase 1, the Applicant shall implement all recommended mitigation measures for oak tree protection, as outlined in the Oak Tree Impact Evaluation Report, prepared by Jack Brazeal and dated February 23, 2003.

44. Prior to issuance of grading permits for Phases 2 and/or 3, the Applicant shall provide an "in-depth" oak tree impact evaluation report for any oak trees within the area proposed for development.

45. Prior to issuance of grading permits for Phases 2 and/or 3, the Applicant shall implement all recommended mitigation measures for oak tree protection, as outlined in the required "in-depth" impact evaluation report prepared for the respective phase.

46. Any proposed oak tree removal shall be approved by the City Council in accordance with the City's existing Oak Tree Ordinance.

47. Prior to issuance of grading permits, the Applicant, through a licensed Arborist, shall identify oak saplings from the development area that are suitable for relocation. To the extent feasible, and as identified by an Arborist, saplings should be relocated to adjacent appropriate areas located along the margins of existing oak woodland and areas proposed for preservation.

48. Any oak trees approved for removal by the City Council shall be replaced as required by the City's Oak Tree Ordinance (Title 10 of the City of Paso Robles' Municipal Code). Potential oak woodland mitigation sites should closely reflect the characteristics of areas located on site that have naturally occurring woodland expansion.

49. Prior to construction, the Applicant shall retain a qualified biologist or arborist to clearly mark the critical root zone area of each tree located outside of, but adjacent to, proposed development areas. The critical root zone shall be marked with highly visible flagging or construction fencing.

50. During construction, the Applicant shall implement measures to avoid all soil disturbance, compaction, and grading activities within and adjacent to, the associated critical root zone of each tree, in accordance with the City's oak tree ordinance (Title 10 of the City of Paso Robles' Municipal Code).

51. Artificial irrigation shall not be located adjacent to, or within, the critical root zone of existing oak trees. Revegetate and/or mulch disturbed areas located near remaining oaks with appropriate native vegetation or mulch.

52. Prior to issuance of grading permits and in cooperation with the California Department of Fish and Game (DFG), the project proponent shall implement one or more of the following mitigation options and provide documentation of acceptance by DFG to the Community Development Department:

    a. Enter into a mitigation agreement with the DFG to conserve 63 acres of land in the conservation bank on Bob Grant's property. DFG will hold the conservation easement.

    b. Negotiate a conservation easement over kit fox habitat between Carrizo and Camp Roberts. The easement will be negotiated by the project proponent under this choice.

    c. Place onsite acreage into a conservation easement, to be held by DFG.

53. All agricultural chemicals shall be stored and used in accordance with the rules and regulations as defined by the Agricultural Commissioner's Office, State and Federal permitting agencies and the manufacturer's directions.

54. If, during site preparation, archeological resources are discovered, all work in the area shall stop. An assessment, including specific mitigation measures, shall be prepared by a qualified individual/consultant, at the applicant's expense. Recommended mitigation measures shall be followed prior to resuming work in the area.

55. Foundation and structural design standards shall be consistent with the Uniform Building Code in order to address potential exposure to soils/geologic conditions and seismic hazards.

56. The hospitality center, hotel, spa and winery buildings and other resort structures shall include fire alarms, on-site hydrants, adequate water mains and fire sprinkler systems to enhance life saving measures, minimize risk of property loss and reduce time of emergency response. All plans shall be reviewed and accepted by the City's Fire Chief. Prior to issuance of certificates of occupancy, the City's Fire Chief will inspect the above features for compliance with fire safety codes and other pertinent regulations.

57. On-site private access roads and secondary site roads shall be designed to function as all weather emergency vehicle access driveways as required by the City Fire Department.

58. As specified in the 2000 Uniform Fire Code, no underground or aboveground storage of hazardous materials shall be allowed on-site without the specific approval of the City. (This provision is not intended to prevent small containers of fuel or maintenance chemicals normally associated with commercial lodging and/or landscape maintenance.)

59. A storm water retention or detention plan including swales along roadways and in building areas and all other proposed methods for directing and/or containing runoff shall be submitted to the City Engineer for review. All storm water facilities shall be designed and constructed to the satisfaction of the City Engineer.

60. All drainage and landscaping plans shall include design and operational mitigation measures that match irrigation water application rates to seasonal soil infiltration rates; avoid sprinkler use during high winds, and minimize fertilizer applications in proximity to the lake or other onsite drainage facilities.

61. Any new storm drainage retention basins or irrigation storage ponds proposed shall be subject to City, RWQCB and/or Army Corps of Engineers permits and plan approvals.

ENGINEERING SITE SPECIFIC CONDITIONS

62. All improvements, including water, sewer, storm drainage, parking lots, private paths and roads and/or public streets, shall be constructed to City standards.

63. The project shall connect to the City's wastewater system, except as specifically provided for by the City Council.

64. All new uses on the site shall be connected to the City's water supply for domestic and fire suppression purposes. City Council approval is required for landscape or agricultural irrigation systems to use on-site private wells and/or recycled water sources. For any such proposals, detailed plans shall be submitted for City review. The submitted plans shall demonstrate adequate prevention of cross connection or back flow events that could impact the public water system. Such private irrigation systems shall be clearly marked for landscape and agricultural irrigation purposes only and shall conform to all requirements of the City and the Regional Water Quality Control Board (RWQCB).

65. Prior to issuance of a Certificate of Occupancy for Phase 1, all existing and new overhead utilities will be required to be relocated underground along the Mill Road property frontage and along the property's east boundary.

66. Prior to issuance of a building permit, Mill Road shall be designed and constructed in accordance with City Standard A-5 along the frontage of the property. The south side of Mill Road shall be constructed with a 12-foot travel lane and an 8-foot graded shoulder.

67. Prior to issuance of a grading permit, the Applicant shall record an irrevocable offer of dedication of public right-of-way to the City, 25-feet wide from the centerline of Mill Road, adjacent to the subject property. A copy of the recorded document shall be submitted to the Community Development Department.

68. Prior to issuance of a grading permit, the Applicant shall provide a Traffic Engineer's Report addressing the intersection of Mill Road and Highway 46 and the comments provided by Caltrans, in their letters to the City dated May 24, 2002 and December 30, 2002.

69. In conjunction with public improvements to Mill Road and prior to issuance of a building permit, the Applicant shall construct any or all improvements to the intersection of Mill Road and Highway 46 as recommended by the Traffic Engineer's Report.

70. In conjunction with public improvements and Phase 1, prior to issuance of a certificate of occupancy for Phase 1, the Applicant shall extend a 16-inch water main from the existing main in Airport Road to the project site as indicated on the preliminary utility plan.

71. The Applicant may request, from the City Council, reimbursement of expenses for the 16-inch water main extension, which are over and above the proportionate share required for the Vina Robles Hospitality Center project.

72. Prior to development of any septic systems, the Applicant shall apply for City Council review and approval. If approval for septic is received from the City Council for Phase 1 (Hospitality Center), prior to the issuance of building permits for Phase 1, the Applicant shall provide percolation tests and capacity calculations to the City Engineer for review and approval.

73. Prior to issuance of a building permit for Phase 2, the Applicant shall extend sanitary sewer facilities to the property.

74. The Applicant may request, from the City Council, reimbursement of expenses for the sanitary sewer facilities, which are over and above the proportionate share required for the Vina Robles Hospitality Center project.

75. All on-site sewer and water lines shall be privately maintained. Two connections to the City water system shall be required consistent with the preliminary development plans.

76. Prior to issuance of Certificates of Occupancy, storm water detention facilities shall be designed and constructed at all discharge points within the project. Natural water courses draining from the project property shall be protected from silt (during construction and permanently) and from nuisance water generated from landscape irrigation, agricultural activity or any other source.

77. Prior to issuance of a grading permit, the Applicant shall assign the overlying water rights of the property to the City of Paso Robles, in a form acceptable to the City's Public Works Department and the City Attorney.

EMERGENCY SERVICES

78. This project shall comply with all Paso Robles Fire Department standard conditions required for Planned Developments and Conditional Use Permits as indicated in Exhibit A attached hereto.

79. All secondary and emergency access roads shall meet Uniform Fire Code Specifications as amended and as follows:

    a. Width shall be 20 feet or as approved by the City Fire Department.

    b. Vertical clearance shall be 13 feet-6 inches

c. All surfaces shall provide all weather driving capabilities and conform to the requirements contained within the City Zoning code.

80. Prior to start of construction, information shall be submitted to the Fire Department showing that required fire flows can be provided to meet all project demands.

81. A directory or annunciator board shall be placed at road entrances showing building locations and numbers.

82. The provision of on-site water mains, hydrants and adequate flow and pressure are standard City requirements. Unless waived by the Fire Chief, fire alarm and fire sprinkler systems shall be installed in all new resort structures.

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

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CHAIRMAN RON JOHNSON

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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