

# City of El Paso de Robles

RESOLUTION NO: 43

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
GRANTING AN APPEAL AND APPROVAL FOR  
CONDITIONAL USE PERMIT 89010  
(CREGORS' MART)

WHEREAS, Greg Venable and Vaughn Way have filed an application for approval of a conditional use permit to install fuel tanks and dispensers in conjunction with an existing market located at 611 Spring Street, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 23, 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, the Planning Commission voted unanimously to approve a Negative Declaration for this project, and

WHEREAS, the Planning Commission voted unanimously to direct staff to prepare findings for a resolution of denial and adopted this resolution by consent at the February 13, 1990 meeting, which was subsequently appealed by the applicant and scheduled as a public hearing before the City Council, and

WHEREAS, the City Council held a public hearing on April 3, 1990 to consider the initial study prepared for this application, the staff report prepared for this project, and to accept public testimony regarding this proposed gas dispenser addition, 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 City Council finds that the establishment, maintenance or operation for the requested use of 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 City Council of the City of El Paso De Robles does hereby grant an appeal and approval for Conditional Use Permit 89010 subject to the following conditions:

## ENGINEERING DEPARTMENT

1. The applicant shall pay the following fees prior to certificate of occupancy issuance: engineering plan checking, construction inspection, any outstanding annexation fees for public safety impact and bridge development.

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2. All improvement plans shall be prepared by a Registered Civil Engineer and shall be submitted to the City Engineer for approval. The improvements shall be designed and placed to City of Paso Robles standards and specifications.

3. A Preliminary Soils Report shall be prepared for the property to determine the presence of expansive soils or other soil problems and shall make recommendations regarding grading of the proposed site. A final soils report shall be made prior to the final inspection and shall certify that all grading was inspected and approved and that all work was done according to the plans, preliminary report, and Chapter 70 of the Uniform Building Code.

4. The applicant shall submit a composite utility plan signed and approved by a representative for each public utility, together with the improvement plans.

5. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV, and telephone) underground. Street lights shall be installed at locations as required by the City Engineer. All existing overhead utilities adjacent to or within the project shall be relocated underground, unless the Planning Commission and the City Council determine such undergrounding is not economically feasible.

7. All utilities shall be extended to the boundaries of the project, unless the City Engineer determines that no need for future extension exists.

7. Any cost reimbursement for oversizing and extension of water and sewer mains shall be included in the subdivision agreement prior to any work being undertaken.

8. All underground construction shall be completed and approved by the City and the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.

9. Prior to paving any street the water and sewer systems shall successfully pass a pressure test. The sewer system shall also be tested by means of a mandrel and televised inspection with a copy of the video tape provided to the City.

10. Building permits shall not be issued until the water system, including hydrants, has been completed and approved, and a based access road installed sufficient to support the City's fire trucks (HS-20 truck loading). Fire access roads shall be kept clear to minimum width of 24 feet.

11. Any existing Oak Trees located on the project site shall be protected and preserved as required in Municipal Code Chapter 10.01 ("Oak Tree Preservation"), unless specifically shown on the

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approved tentative map to be removed. An Oak tree inventory shall be prepared listing the Oak trees, their disposition, and the proposed location of any replacement trees required.

12. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed. A benchmark shall be placed for vertical control on the U.S.G.S. Datum as required by the City Engineer.

13. A complete Grading and Drainage Plan shall be included with the improvement plans. Drainage calculations shall be submitted with provisions made for on-site retention if adequate disposal facilities are not available.

14. The proposed structures and grading shall not encroach into the 100-year floodway as specified in Municipal Code Chapter 21.14 ("Flood Damage Prevention Regulations").

15. All top soil removed shall be stockpiled and evenly distributed over any sloped landscaped areas upon completion of rough grading as required. All graded areas shall be protected by hydroseeding as directed. Soil conservation measures shall be maintained during construction to prevent drainage, erosion, or other damage to adjacent properties.

16. Any grading during the rainy season will require the approval of a construction zone drainage and erosion control plan to prevent damage to adjacent property.

17. When retaining walls are shown on the Grading Plan, all such walls shall be completed before approval of the rough grade, and prior to issuance of any building permits, unless waived by the Building Official and the City Engineer.

18. No buildings will be occupied until all public improvements are completed and accepted by the City Engineer and accepted by the City Council for maintenance..

19. The applicant shall plant approved street trees, according to the landscaping plan approved by the Architectural Review Committee, throughout the project as required.

20. When the project fronts on an existing street, the applicant shall pave-out from the proposed curb to the edge of pavement if the existing pavement section is adequate, and shall feather the new paving out to the centerline for a smooth transition. If the existing pavement is inadequate, the roadway shall be replaced to centerline and the remaining pavement shall be overlaid.

21. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City

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Engineer. Boring rather than trenching may be required on newly constructed or heavily traveled City streets.

22. If the adjoining existing City street is completely inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall remove the entire roadway along the tract frontage and replace it with a full half-width street plus a 12' wide travel lane and 8' graded shoulder adequate to provide for two-way traffic.

23. If the development includes a phased street construction along the project boundary for future completion by the adjacent property owner, the applicant shall provide a half-width street plus a 12' travel lane and 4' graded shoulder adequate for two-way traffic.

24. Any construction within an existing street shall require a traffic control plan. The plan shall include any necessary detours, flagging, signing, or road closures requested.

25. The applicant shall install all necessary street name and traffic signs, and traffic striping as required by the City Engineer.

26. A blackline clear Mylar (0.4 MIL) copy and a blueline print of as-built improvement plans, signed by the registered engineer who prepared said plans, shall be provided to the City Engineer prior to the final inspection.

27. The applicant shall construct curbs, gutters, sidewalks and paving (to make a smooth transition from the lip of the gutter to the centerline of the street) along all public street frontages as required by Municipal Code Sections 11.12.031 and 11.20.040.

28. Prior to issuance of a certificate of occupancy, a computer-aided-drafting (CAD) drawing file, containing the digitized information for the public improvements, in AutoCAD or compatible (DXF) format shall be submitted on a 5-1/4-inch disk to the Engineering Division.

29. The street monuments and property corners for the project shall be tied into the California Coordinate System.

30. The applicant/property owner shall record an agreement with the City, in a manner subject to the approval of the City Attorney, to participate in any future Master Plan for the undergrounding of utilities, of which this parcel may be a part.

## COMMUNITY DEVELOPMENT DEPARTMENT

31. Prior to issuance of building permits, the Architectural Review Committee shall approve plans for the following items:

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- a. Elevations of all structures including materials, color and architectural treatment;
- b. Landscaping plan including street trees and irrigation systems;
- c. Wall and fencing location, height and materials;
- d. HVAC screening methods;
- e. Outdoor lighting and method of shielding;
- f. Trash enclosure and electrical transformer locations and details;
- g. Parking and circulation.

32. All improvements, including landscaping and irrigation systems, approved by the Architectural Review Committee, shall be installed prior to occupancy.

33. The applicant shall provide a 6 inch curb around landscaping adjacent to parking lots.

34. On Commercial or Industrial zoned properties, outdoor storage of equipment or materials is not permitted unless a conditional use permit is obtained for such storage.

35. Construction, alteration and occupancy of all structures shall conform to the Uniform Building, Fire and related Codes (1988 Edition) and National Electric Code (1987 Edition) as adopted by Ordinance 581 N.S..

36. The applicant shall obtain a Certification of Occupancy for all structures prior to their occupancy (Ordinance 525 and 538 N.S.).

37. The applicant shall construct a trash enclosure out of decorative masonry block in a manner subject to the approval of the Architectural Review Committee.

## POLICE DEPARTMENT

38. The applicant shall meet with the City's Crime Prevention Officer prior to building permit issuance, for recommendations on security measures to be incorporated into the design of the structures to be built.

## FIRE DEPARTMENT

39. Fire hydrants, both off-site and on-site, shall be installed as required by the Fire Chief.

40. If the development includes phased street construction, then temporary turnarounds shall be provided at the end of these streets or access drives. The temporary turnaround shall meet

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the city's requirements as set forth in the Engineering Department's standards.

41. All open space areas that are to be dedicated to the city will be inspected by the Fire Department prior to acceptance and a report will be submitted recommending action needed regarding debris and weed removal, tree trimming and brush removal.

## SITE SPECIFIC CONDITIONS:

42. This conditional use permit authorizes the operation of a commercial business for petroleum sales and the installation of gasoline tanks and pumps.

43. The use shall abide by the general performance standards for all uses required by Municipal Code Section 21.21.040.

44. 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.

45. 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 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.

46. The site shall be kept in a neat manner at all times, and landscaping shall be maintained in viable condition.

47. The wooden trash enclosure shall be replaced with a solid decorative masonry trash enclosure. Architectural details for the masonry trash enclosure shall be reviewed and approved by the Architectural Review Commission.

48. The 16' driveway along the eastern property line shall be designated and marked as a one way driveway with arrows on the pavement and signage as required and subject to approval of the City Engineer.

49. The applicant shall be required to install a lattice fence with potted plants around the outdoor seating area. Landscaping plans and architectural details for the outdoor seating area shall be subject to review and approval by the Architectural Review Committee.

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PASSED AND ADOPTED THIS 3rd day of April, 1990 by the following roll call vote:

AYES: Conway, Cousins and Martin  
NOES: Russell  
ABSTAIN: None  
ABSENT: Reneau

  
MAYOR STEVEN W. MARTIN

ATTEST:

  
JERRY BANKSTON, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss.  
CITY OF EL PASO DE ROBLES )

I,.....Jerry Bankston....., City Clerk/~~Deputy City Clerk~~ of the City of El Paso de Robles, California, do hereby certify that the foregoing .....Resolution No.. 90-43..... was duly and regularly adopted, passed and approved by the City Council of the City of El Paso de Robles, California, at a ....regular..... meeting of said City Council held at the regular meeting place thereof, on the .....3rd..... day of .....April....., 19.90., by the following vote:

AYES:.....Conway, Cousins and Martin.....  
NOES:.....Russell.....  
ABSENT:.....Reneau.....  
ABSTAINED:.....None.....

Dated this.....3rd.....day of.....April....., 1990.

Jerry Bankston  
City Clerk and Ex-Officio Clerk of the City Council, City of El Paso de Robles, State of California