

City of El Paso de Robles

RESOLUTION NO: 90-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES TO APPROVE CONDITIONAL USE PERMIT 89008 (JACK DEWAR: CARD LOCK GAS STATION)

WHEREAS, Jack Dewar (J. B. Dewar, Incorporated), has filed an application for approval to operate a card lock gas station and fuel delivery service and to construct underground gas and diesel fuel tanks, and a 4,000 square foot commercial building located on the west side of Riverside Avenue between 10th and 12th Streets, and

WHEREAS, public hearings were conducted by the Planning Commission on November 14, 1989, December 12, 1989, May 8, 1990, June 12, 1990 and June 26, 1990, and by the City Council on August 7, 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 City Council 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 City Council of the City of El Paso De Robles does hereby approve Conditional Use Permit 89008 subject to the following conditions:

CONDITIONS TO BE IN COMPLIANCE AT ALL TIMES:

1. This conditional use permit authorizes the operation of a card lock self service gas station and fuel delivery service. This use permit limits the conditionally permitted uses on this site to retail sales of gas, diesel, and related products, a 24 hour self service gas station for gas and diesel fuel, and a delivery service of products offered for sale on site.
2. Outside storage of materials shall be prohibited unless an amendment to this use permit is approved allowing outdoor storage.

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3. The use shall abide by the general performance standards for all uses required by Municipal Code Section 21.21.040 (Copy attached as Exhibit A).

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

7. Granting of this use permit shall be contingent upon compliance with all those conditions contained in the resolution approving Planned Development 89008.

PASSED AND ADOPTED THIS 7th day of August, 1990 by the following roll call vote:

AYES: Russell, Picanco and Iversen

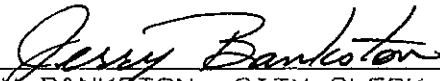
NOES: Reneau

ABSENT: Martin

ABSTAIN: None


MAYOR CHRISTIAN E. IVERSEN

ATTEST:


JERRY BANKSTON, CITY CLERK

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21.21.020

1. A map to a workable scale showing site in relation to surrounding property, existing roads, and other existing improvements;

2. Site plan, showing proposed improvements, location of buildings on the ground, orientation of buildings, utilities, public services, public facilities, streets and alleys, landscaping, common areas, and the boundaries of the project;

3. Drawing showing how air spaces are to be divided within the condominium;

4. Copy of tentative subdivision map;

5. Floor plans and elevations of all proposed buildings and structures;

6. Any information deemed necessary or desirable in assisting the planning commission in its determination on the use permit and the conditions thereof;

7. A copy of the declaration of restrictions and proposed management arrangement relating to the project as required by Section 1355 of the Civil Code.

H. It is the expressed intent of the city of El Paso de Robles to apply the foregoing regulations to condominiums, community apartments and similar type developments, whether cluster, townhouse or vertical design, because of permanent ownership or interest in the individual dwelling units, or the air space occupied thereby, renders these developments essentially different in nature from developments or buildings in which dwelling units are rented or leased.

I. Procedure for application for such permits and the review and issuance thereof shall be as provided in Chapter 21.24 unless otherwise mentioned in this section. (Ord. 405 N.S. § 2 (part), 1977)

21.21.030 Swimming pools.

Swimming pools in any R district shall be constructed at least fifty feet from the front line unless a different location is approved by the planning commission upon securing a use permit. Such pool may not be located closer than ten

feet to such lot line. The planning commission may reduce these requirements by fifty percent upon securing a use permit in each case.

Filter and heating systems for such pools shall not be located closer than twenty feet to any dwelling other than the owner's and shall be screened by landscaping or solid fence.

All swimming pools shall be completely enclosed by a fence or building at least six feet in height and all gates shall be self-latching. (Ord. 405 N.S. § 2 (part), 1977)



21.21.040 General performance standards for all uses.

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 which 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.

C. Noise. At the lot line the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the dB-A values given in Table I, after applying the correction shown in Table II.

Sound pressure level shall be measured with a sound level meter and associated octave band analyzer, conforming to standards. American Standard Sound Level Meters for Measurement of Noise and other Sounds, Z24.3-1944, American Standards Association, Inc., New York N. Y., and American National Standard Specifications for an Octave-Band Filter set for the Analysis of Noise and Other Sounds, Z24-10-1953, American Standards Association, Inc., New York, shall be used.

Measurements shall be made as follows:

Table I

Residential Maximum Permitted Sound Level at Lot Line (in Decibels)	Commercial Maximum Permitted Sound Level at Lot Line (in Decibels)	Industrial Maximum Permitted Sound Level at Lot Line (in Decibels)
dB-A-55	dB-A-65	dB-A-68

If the noise is not smooth and continuous and is not radiated between the hours of one a.m. and seven a.m., one or more of the corrections in Table II shall be applied to the octave band levels given in Table I.

Table II

Type of Location of Operation Character of Noise	Correction in Decibels
Daytime operation only	Plus 5
Noise source operated less than:	
1. 20% of any one-hour period	Plus 5
2. 5% of any one-hour period	Plus 10
(Apply one of these corrections only)	
Noise of impulsive character such as hammering	Minus 5
Noise of periodic character such as hammering or screeching	Minus 5

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 or otherwise of visible grey smoke or of a shade equal to or darker than No. 2 on Power's MICRO Ringlemann Chart as issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted for four minutes in any thirty minutes.

F. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gasses or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the lot line.

Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is established, as a guide in determining such quantities of offensive odors, Table III. "Odor Thresholds," in Chapter V, of the Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.

G. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any 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 specified in Table I, Chapter V, "Industrial Hygiene Standards, Maximum Allowable Concentrations" of the Air Pollution Abatement Manual, copyright 1951 by the Manufacturing Chemists' Association, Inc., Washington, D.C. In no event shall any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceed 0.3 grains per cubic foot of the conveying gas at any point after January 1, 1975. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit and fifty percent excess air.

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 such reasonable means as are practical to the end that the 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. (Ord. 405 N.S. § 2 (part), 1977)