

RESOLUTION NO: 95-116
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 95013
(APPLICANT: EASTER RENTS, INC.)
APN: 09-631-05

WHEREAS, Easter Rents Inc. filed a Conditional Use Permit application to establish an outdoor equipment sales and rental business (to include outdoor display and ancillary above ground fuel tank storage of gasoline and propane), within existing commercial buildings and grounds located at 1560 Ramada Drive, and

WHEREAS, an associated application was filed (GPA 95001A) to modify the general plan land use designation of this property from Business Park (BP) to Commercial Service (CS) which would enable the Conditional Use Permit application to be considered, and

WHEREAS, a public hearing was conducted by the Planning Commission on July 10, 1995 to consider facts as presented in the staff report prepared for this project and the associated General Plan Amendment request, and

WHEREAS, at their July 10, 1995 meeting, the Planning Commission recommended to the City Council that they deny the General Plan Amendment request to change the land use designation to Commercial Service (CS), and

WHEREAS, based on inconsistencies with the existing General Plan land use policies for the Business Park (BP) designation, the Planning Commission adopted a resolution denying Conditional Use Permit 95013, and

WHEREAS, the recommendation for denial of the General Plan Amendment request and the appeal of Conditional Use Permit 95013 were considered at a public hearing of the City Council on August 15, 1995 and September 5, 1995, and

WHEREAS, on August 15, 1995, the City Council determined it appropriate to reduce the geographic area of the General Plan Amendment request area (limiting the change to the most southerly parcel on which this use permit request was being proposed), and directed staff to return with the necessary documents for Council consideration and action to approve an amended area General Plan Amendment and the associated Conditional Use Permit 95013, and

WHEREAS, the Council also directed that the Planning Commission review and comment on proposed conditions of approval for Conditional Use Permit 95013 at their regular meeting of August 21, 1995, and

WHEREAS, based upon the facts and analysis presented, and public testimony received, including Planning Commission recommendation, 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 approve Conditional Use Permit 95013 subject to the following conditions:

1. This conditional use permit authorizes the operation of an equipment sales and rental business as shown on the attached Exhibit A Site Plan, along with the following ancillary site activities:
 - a) Above ground storage tank for gasoline and diesel fuel to be used for fueling of business equipment (not open retail sale to customers);
 - b) Above ground storage tank for propane sales and distribution to clientele;
 - c) Continued operation of C. Dunn Homes offices at the rear of the site;
 - d) Outside limited display of equipment along Ramada Drive;
 - e) On-site wash rack for the maintenance of equipment.
2. All on-site operations of the business shall be in conformance with the City's performance standards (noise, odor, vibration, etc..) and all other applicable health and safety codes.
3. The site shall be developed and maintained in accordance with the approved plans and applicable provisions of the Zoning Code.
4. Approval of this conditional use permit shall expire, unless extended by the Planning Commission, if not exercised within six months from the date of approval. Further, once established, should the subject use cease to operate for a period of six or more months, the conditional use permit shall become null and void (with the exception that following the closure of the business and before a six month period has elapsed, the applicant can, without the need to for a noticed public hearing, request the Planning Commission to consider justification to extend the six month period).

5. All conditions of approval shall be completed to the satisfaction of the Community Development Director or his designee within 90 days of business occupancy of the site by Easter Rents.
6. Approval of this request shall not waive compliance with all sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
7. The site shall be kept in a neat manner at all times, and landscaping shall be continuously maintained in a healthy and thriving condition.
8. The applicant shall submit the following detailed plans and/or information for Development Review Committee (DRC) consideration and approval:
 - a. Details on the proposed modifications to existing mature landscape (pruning and maintenance), with the DRC having the ability to consider whether additional landscaping is necessary in conjunction with landscape modifications and display being proposed;
 - b. Placement, size and surfacing/construction details of the three proposed display pad areas at the front of the building facade;
 - c. Proposed signage for the building, along with proposed building color modification;
9. The applicant shall be limited to the display of three large pieces of equipment, at any one time, at the front of the building in accordance with DRC approved plans. At no time is the height of equipment displayed to exceed 20 feet.
10. No banners, flags, signs, or other embellishments are to be attached on the displayed equipment.
11. Prior to installation of either propane or gasoline/diesel gas dispensers, the applicant shall apply for and obtain necessary permits through the Building Division and Fire Department. Appropriate permits shall also be obtained for the wash rack prior to its installation, and it shall be located on the grounds behind the existing building facade.
12. All new and/or existing lighting shall be designed so as to be shielded (directed downward rather than outward). Any new lighting fixtures shall be reviewed by the Planning Division prior to installation.
13. Any condition imposed by the Planning Commission and/or City Council 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.

14. Applicant shall install a backflow prevention device to its domestic waterline per City Standard Drawing No. G-17.
15. At the time the applicant installs an on-site wash rack for vehicles and equipment, the applicant shall install a grease and oil interceptor line to its sewer lateral per City Standard Drawing No. F-7 and F-8, unless the wash rack is designed to be fully self-contained (re-circulating its water).
16. Applicant shall install a streetlight in the vicinity of the existing curb return per City Standard Drawing No. U-3 within 90 days of occupancy of the existing building. Any utility trenching in the street shall be overlaid to restore a smooth riding surface as required by the City Engineer.

PASSED AND ADOPTED THIS 5th day of September, 1995 by the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco, and Macklin

NOES: None

ABSENT: None

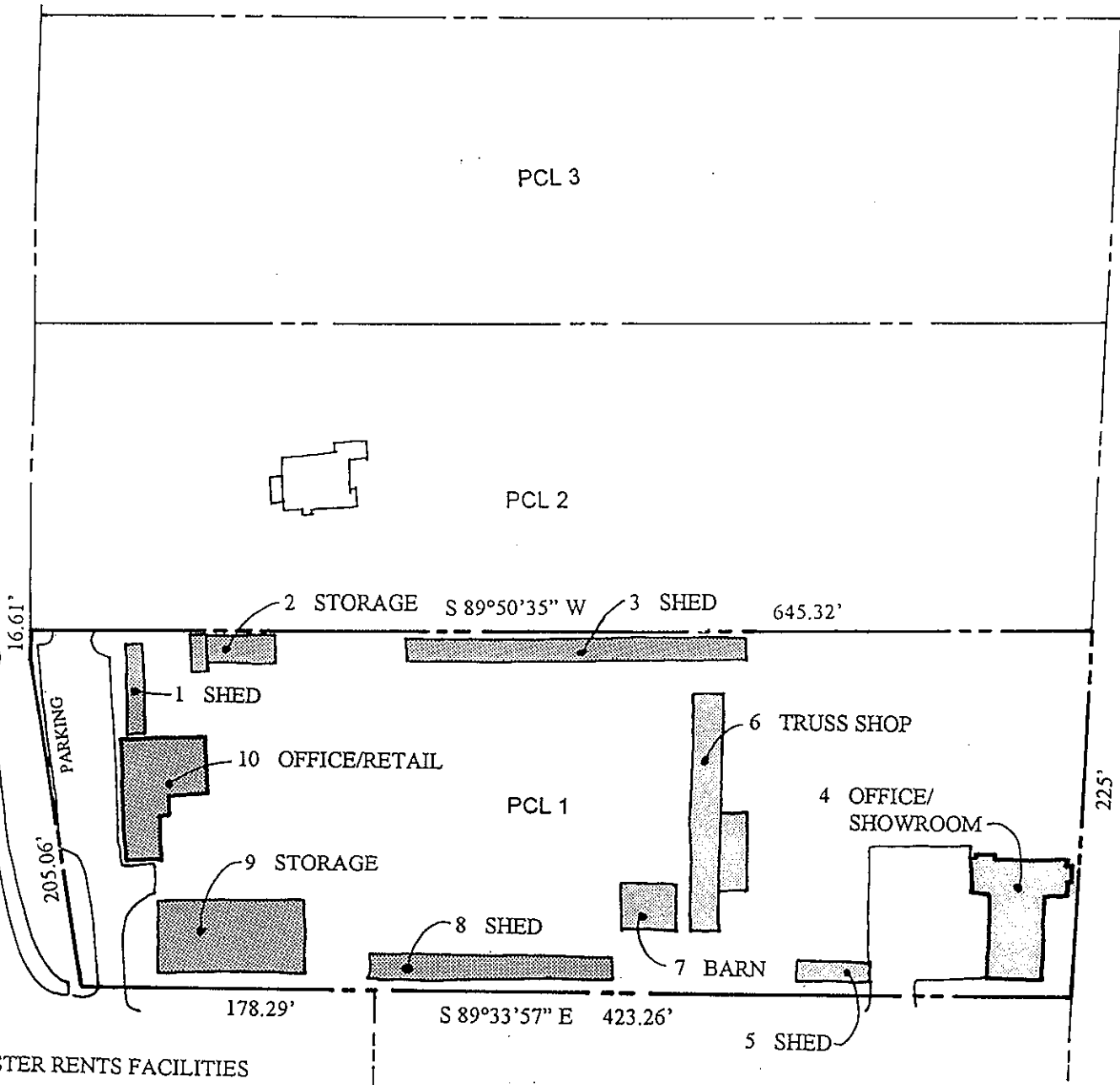
ABSTAIN: None


MAYOR WALTER J. MACKLIN

ATTEST:




RICHARD J. RAMIREZ, CITY CLERK

RAMADA DRIVE



S P R R



-  EASTER RENTS FACILITIES
-  C. DUNN LEASE FACILITIES

CONDITIONAL USE PERMIT 95013 (EASTER RENTS)

EXHIBIT A

EXHIBIT "A"
 SITE PLAN - EXISTING BUILDINGS
 1560 Ramada Drive - State Lumber Property
 Proposed Easter Rents, Inc.

*see EXHIBIT "B" for building description and square footage

CONDITIONAL USE PERMIT 95013 (EASTER RENTS)

EXHIBIT B

XI. STANDARD ENGINEERING CONDITIONS:

PUBLIC WORKS DEPARTMENT - The applicant shall contact the Engineering Division, (805) 237-3860, for compliance with the following conditions:

APPLICANT: EASTER RENTS, INC. PREPARED BY: DITAS ESPERANZA

REPRESENTATIVE: MONTE BAKER

PROJECT: CUP 95-013 TO PLANNING:

All conditions marked are applicable to the above referenced project for the phase indicated.

D. PRIOR TO ANY PLAN CHECK:

1. The applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City.

E. PRIOR TO ISSUANCE OF A GRADING PERMIT:

1. Prior to approval of a grading plan, the developer shall apply through the City, to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developer's engineer shall provide the required supporting data to justify the application.
2. 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".
3. Any existing Oak trees located on the project site shall be protected and preserved as required in City Ordinance No. 553, Municipal Code No. 10.01 "Oak Tree Preservation", unless specifically approved 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. In the event an Oak tree is designated for removal, an approved Oak Tree Removal Permit must be obtained from the City, prior to removal.
4. A complete grading and drainage plan prepared by a registered civil engineer shall be included with the improvement plans. Drainage calculations shall be submitted, with provisions made for on-site detention/ retention if adequate disposal facilities are not available, as determined by the City Engineer.
5. A Preliminary Soils and/or Geology Report shall be prepared by a registered engineer for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site.

F. PRIOR TO ANY SITE WORK:

1. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.
2. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility, together with the improvement plans. The composite utility plan shall also be signed by the Water, Fire, Wastewater, and Street Division heads.
3. Any grading anticipated during the rainy season (October 15 to April 15) will require the approval of a Construction Zone Drainage and Erosion Control Plan to prevent damage to adjacent property. Appropriateness of areas shall be subject to City Engineer approval.

4. 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. Said plan shall be prepared and signed by a registered civil or traffic engineer.

5. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require a signature of approval by the Department of Public Works, Street Superintendent and the Community Development Department.

6. The owner shall improve the following street(s) to the standard indicated:

Street Name	City Standard	Standard Drawing No.
RAMADA DRIVE	FRONTAGE ROAD	A-13
Street Name	City Standard	Standard Drawing No.
Street Name	City Standard	Standard Drawing No.
Street Name	City Standard	Standard Drawing No.

7. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:

- a. Public Utilities Easement;
- b. Water Line Easement;
- c. Sewer Facilities Easement;
- d. Landscape Easement;
- e. Storm Drain Easement.

G. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. A final soils report shall be submitted to the City prior to the final inspection and shall certify that all grading was inspected and approved, and that all work has been done in accordance with the plans, preliminary report, and Chapter 70 of the Uniform Building Code.

2. The applicants civil and soils engineer shall submit a certification that the rough grading work has been completed in substantial conformance to the approved plans and permit.

3. When retaining walls are shown on the grading plan, said 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.

4. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed.

5. Building permits shall not be issued until the water system has been completed and approved, and a based access road installed sufficient to support the City's fire trucks per Fire Department recommendation.

6. The developer shall annex to the City's Landscape and Lighting District for payment of the operating and maintenance costs of the following:

- a. Street lights;
- b. Parkway and open space landscaping;
- c. Wall maintenance in conjunction with landscaping;
- d. Graffiti abatement;
- e. Maintenance of open space areas.

7. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate Map (FIRM) - in zones A1-A30, AE, AO, AH, A, V1-V30, VE and V - the developer shall provide an Elevation Certificate in accordance with the National Flood Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State of California.

8. Prior to the issuance of a Building Permit for a building within Flood Insurance Rate Map (FIRM) in zones A1-A30, AE, AO, AH, A, V1-V30, VE and V, the developer shall provide a Flood Proofing Certificate in accordance with the National Insurance Program. This form must be completed by a land surveyor, engineer or architect licensed in the State California.

H. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services and any outstanding annexation fees.
- 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council.
- 3. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- 4. All top soil removed shall be stockpiled and evenly distributed over the slopes and lots upon completion of rough grading to support hydroseeding and landscaping. All slope areas shall be protected against erosion by hydroseeding or landscaping.
- 5. The applicant shall install all street names, traffic signs and traffic striping as directed by the City Engineer.
- 6. If the adjoining existing City street is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall remove the entire roadway and replace it with a minimum full half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 7. 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 minimum half-width street plus a 12' wide travel lane and 4' wide graded shoulder adequate for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 8. 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. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 9. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City Engineer. Boring and jacking rather than trenching may be required on newly constructed or heavily traveled City streets.
- 10. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV and telephone) underground (as shown on the composite utility plan). 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 except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project. All underground construction shall be completed and approved by the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- 11. Prior to paving any street the water and sewer systems shall successfully pass a pressure test. The sewer system shall also be tested by a means of a mandrel and video inspection with a copy of the video tape provided to the City. No paving shall occur until the City has reviewed and viewed the sewer video tape and has determined that the sewerline is acceptable. Any repair costs to the pipeline including trench paving restoration shall be at the developer's expense.
- 12. A blackline clear Mylar (0.4 MIL) copy and a blue line print of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. A reduced copy (i.e. 1" = 100') of the composite utility plan shall be provided to update the City's Atlas Map.
- 13. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.

c:\wp51\ditas\enr\cup\95-013.rpt

H. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY:

- 1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services and any outstanding annexation fees.
- 2. No buildings shall be occupied until all public improvements are completed and approved by the City Engineer, and accepted by the City Council.
- 3. All final property corners and street monuments shall be installed before acceptance of the public improvements.
- 4. All top soil removed shall be stockpiled and evenly distributed over the slopes and lots upon completion of rough grading to support hydroseeding and landscaping. All slope areas shall be protected against erosion by hydroseeding or landscaping.
- 5. The applicant shall install all street names, traffic signs and traffic striping as directed by the City Engineer.
- 6. If the adjoining existing City street is inadequate for the traffic generated by the project, or will be severely damaged by the construction, the applicant shall remove the entire roadway and replace it with a minimum full half-width street plus a 12' wide travel lane and 8' wide graded shoulder adequate to provide for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 7. 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 minimum half-width street plus a 12' wide travel lane and 4' wide graded shoulder adequate for two-way traffic. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 8. 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. (A finding of "rough proportionality" has been made in the resolution for this condition).
- 9. Any utility trenching in existing streets shall be overlaid to restore a smooth riding surface as required by the City Engineer. Boring and jacking rather than trenching may be required on newly constructed or heavily traveled City streets.
- 10. The applicant shall install all utilities (sewer, water, gas, electricity, cable TV and telephone) underground (as shown on the composite utility plan). 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 except for electrical lines 77 kilovolts or greater. All utilities shall be extended to the boundaries of the project. All underground construction shall be completed and approved by the public utility companies, and the subgrade shall be scarified and compacted, before paving the streets.
- 11. Prior to paving any street the water and sewer systems shall successfully pass a pressure test. The sewer system shall also be tested by a means of a mandrel and video inspection with a copy of the video tape provided to the City. No paving shall occur until the City has reviewed and viewed the sewer video tape and has determined that the sewerline is acceptable. Any repair costs to the pipeline including trench paving restoration shall be at the developer's expense.
- 12. A blackline clear Mylar (0.4 MIL) copy and a blue line print of as-built improvement plans, signed by the engineer of record, shall be provided to the City Engineer prior to the final inspection. A reduced copy (i.e. 1" = 100') of the composite utility plan shall be provided to update the City's Atlas Map.
- 13. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum board, etc.) and removed from the project in accordance with the City's Source Reduction and Recycling Element.

c:\wp51\ditas\enr\cup\95-013.rpt

(Adopted by Planning Commission Resolution 94-038)