

RESOLUTION NO.: 03-064

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE  
ROBLES  
APPROVING CONDITIONAL USE PERMIT 02-028,  
AUTHORIZING CONVERSION OF A RESIDENCE TO A DAYCARE CENTER  
(1561 UNION ROAD – WENDY RASMUSSEN APPLICANT/DAVID WEYRICH OWNER)  
ASSESSOR PARCEL NO: 025-011-034

WHEREAS, Table 21.16.200, Permitted Uses for all Zoning Districts, of the Zoning Ordinance of the City of El Paso de Robles requires Planning Commission approval of a Conditional Use Permit to establish a daycare center with 15 children on the site at 1561 Union Road;

WHEREAS, Ms. Wendy Rasmussen has filed a Conditional Use Permit application, seeking authorization to convert an existing single-family residence at 1561 Union Road to a daycare center;

WHEREAS, David Weyrich has signed the Conditional Use Permit application as the property-owner of record;

WHEREAS, 1561 Union Road is located at the northeast corner of Kleck Road and Union Road within the Union/46 Specific Plan area;

WHEREAS, the General Plan designation of the site is RSF-1 (Residential Single-Family, One Dwelling Unit/Acre);

WHEREAS, the base zoning of the site is R1 B4 (Single-Family Residential, One Acre Minimum Lot Size);

WHEREAS, Section 21.23.100 (Purpose) of the Zoning Ordinance states that a conditional use permit may be approved if the use is compatible with area development and if the use is adequately controlled to assure that the area will retain the characteristics intended by the zoning district in which it is located;

WHEREAS, at its August 26, 2003 meeting, the Planning Commission held a duly noticed public hearing on the proposal to establish a daycare center at 1561 Union Road, to accept public testimony on the proposal, and to review the site specific circumstances involved;

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, the proposal is exempt from environmental review per Section 15301 of the State CEQA Guidelines;

WHEREAS, based upon the facts and analysis presented in the staff report and attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission finds that:

1. The establishment, maintenance, and operation of the proposed daycare center with 15 children will be adequately controlled so as to assure that the area will retain its residential character as intended by the General Plan and Zoning (no exterior changes to the residence are proposed).
2. The establishment, maintenance, and operation of the proposed daycare center with 15 children will not, under the circumstances of the particular case (subject to compliance with the standard and site specific Conditions of Approval), be detrimental to the public welfare of the City and of the persons residing in the residential neighborhood, nor will it be injurious to property or improvements in the area.
3. The establishment, maintenance, and operation of the proposed daycare center with 15 children will be compatible with area development and the single-family character of the neighborhood with adherence to the standard and site specific Conditions.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 02-028 subject to the following conditions:

SITE SPECIFIC CONDITIONS

1. The Conditional Use Permit for the daycare center at 1561 Union Road shall not be operative or vested until:
  - A. All building and site improvements as may be required by the City Building Division (in order to meet code requirements, including but not limited to the Uniform Building Code and the Uniform Fire Code) as a condition of the building permit for the change of use are to be completed to the satisfaction of the Community Development Director or his designee.
  - B. All site improvements required as a standard and site specific Condition contained in this Resolution are to be completed to the satisfaction of the Community Development Director or his designee.
  - C. The applicant and/or property-owner shall construct curb and gutter on Kleck Road along the property frontage as directed by the City Engineer.
  - D. The property-owner shall dedicate the right-of-way along the Union Road frontage in accordance with City Standard A-1 (100' Arterial [Divided]) as directed by the City Engineer.
  - E. The applicant and/or property-owner shall connect to the sanitary sewer in Kleck Road and pay all required connection fees.
  - F. The applicant and/or property-owner shall abandon the existing well on the property and connect to City water.

2. The maintenance and operation of the daycare center shall comply with Section 21.21.040 (General Performance Standards for all uses) of Chapter 21.21 (Performance Standards) of the Zoning Ordinance. These performance standards address the following: fire and explosion hazards; radioactivity or electrical disturbance; noise; vibration; smoke; odors, fly ash, dust fumes; glare; liquid or solid wastes; and transportation system impacts.
3. The maintenance and operation of the daycare center shall comply with all Conditions of Approval and Exhibits contained in this Resolution. The site and exterior alterations shall be in substantial conformance with the following Exhibits:

EXHIBIT	DESCRIPTION
A	Standard Conditions of Approval
B	Existing/Proposed Site Plan

4. Prior to issuance of a building permit to change the use of the residence, the Development Review Committee shall review and approve a final, precise development plan showing the location of the on-site parking for each non-resident employee, the Union Road right-of-way dedication, and the Kleck Road curb and gutter.
5. The maintenance and operation of the daycare center shall comply with Section 21.21.140D (Performance Standards for Large Family Daycare Homes) of the Zoning Ordinance.

A. These performance standards are as follows:

1. The property shall provide one parking space on-site for each non-resident employee in addition to standard parking requirements for the underlying zoning per section 21.22.040 of the Zoning Ordinance. The Planning Commission may approve employee parking spaces as tandem parking spaces pursuant to section 21.22.160.
2. Adequate on-site or on-street parking shall be available for loading and unloading in a manner that does not interfere with traffic flow or create a potential traffic hazard.
3. The facility shall operate in a manner that complies with noise standards pursuant to section 21.21.040. No outside play shall be permitted before 8:00 a.m. or after 6:00 p.m.
4. Signs that are inconsistent with Chapter 21.19 shall not be permitted.
5. Inter-Departmental review/approval as to conformity with applicable state and local ordinances, including Uniform Building and Fire Code compliance as to the intended occupancy of the building(s), shall be obtained prior to DRC approval of the final, precise development plan.

6. Evidence of State licensure shall be submitted to the City prior to approval of the plot plan.
  7. The facility shall obtain a City Business License pursuant to Chapter 5.04 of the Municipal Code.
6. 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.
  7. All landscaped areas that are visible from public streets shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.

PASSED AND ADOPTED THIS 26<sup>th</sup> day of August, 2003, by the following roll call vote:

AYES: Calloway, Ferravanti, Flynn, Kemper, Warnke, and Johnson  
 NOES: Steinbeck  
 ABSENT: None  
 ABSTAIN: None  
 AYES:

\_\_\_\_\_  
 CHAIRMAN RON JOHNSON

ATTEST:

\_\_\_\_\_  
 ROBERT A. LATA, PLANNING COMMISSION SECRETARY

H:\TRYDER\CURRENT PLANNING\CUP 02-028\PC RESO

**EXHIBIT A OF RESOLUTION 03-064**

**CITY OF EL PASO DE ROBLES STANDARD DEVELOPMENT CONDITIONS  
FOR PLANNED DEVELOPMENTS AND CONDITIONAL USE PERMITS**

PROJECT #: CUP 02-028

APPROVING BODY: PLANNING COMMISSION

DATE OF APPROVAL: AUGUST 26, 2003

APPLICANT: MS. WENDY RASMUSSEN

PROPERTY OWNER: DAVID WEYRICH

LOCATION: 1561 UNION ROAD

The following conditions that have been checked are standard conditions of approval for the above referenced project. The checked conditions shall be complied with in their entirety before the project can be finalized, unless otherwise specifically indicated. In addition, there may be site specific conditions of approval that apply to this project in the resolution.

**COMMUNITY DEVELOPMENT DEPARTMENT: The applicant shall contact the Community Development Department at (805) 237-3970 for compliance with the following conditions:**

**A. GENERAL CONDITIONS:**

- 1. This project approval shall expire on August 26, 2005 unless the required site and building improvements are completed before the expiration date or unless a time extension request is filed with the Community Development Department before the expiration date.
- 2. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Planned Development process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
- 3. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
- 4. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for

this approval.

- 5. This project is subject to the California Environmental Quality Act (CEQA) which requires the applicant submit a \$25.00 filing fee for the Notice of Determination payable to "County of San Luis Obispo". The fee should be submitted to the Community Development Department within 24 hours of project approval which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.
- 6. The site shall be kept in a neat manner at all times and the landscaping shall be continuously maintained in a healthy and thriving condition.
- 7. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
- 8. All outdoor storage shall be screened from public view by landscaping and walls or fences per Section 21.21.110 of the Municipal Code.
- 9. All trash enclosures shall be constructed of decorative masonry block compatible with the main buildings. Gates shall be view obscuring and constructed of durable materials such as painted metal or chain link with plastic slatting.
- 10. All existing and/or new ground-mounted appurtenances such as air-conditioning condensers, electrical transformers, backflow devices etc., shall be screened from public view through the use of decorative walls and/or landscaping subject to approval by the Community Development Director or his designee. Details shall be included in the building plans.
- 11. All existing and/or new roof appurtenances such as air-conditioning units, grease hoods, etc. shall be screened from public view. The screening shall be architecturally integrated with the building design and constructed of compatible materials to the satisfaction of the Community Development Director or his designee. Details shall be included in the building plans.
- 12. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and shall be subject to approval by the Community Development Director or his designee.
- 13. All existing and/or new landscaping shall be installed with automatic irrigation systems.
- 14. All walls/fences and exposed retaining walls shall be constructed of decorative materials which include but are not limited to splitface block, slumpstone, stuccoed block, brick, wood, crib walls or other similar materials as determined by the

Development Review Committee, but specifically excluding precision block.

15. The following areas shall be placed in the Landscape and Lighting District:

---

The developer shall install all improvements and landscape areas. City acceptance on behalf of the Landscape and Lighting District shall be subject to the approval of the Public Works Street Department (237-3864).

16. All parking lot landscape planters shall have a minimum outside dimension of six feet and shall be separated from parking and driving areas by a six inch high solid concrete curb.

17. The following areas shall be permanently maintained by the property owner, Homeowners' Association, or other means acceptable to the City:

- 
18. It is the property owner's responsibility to insure that all construction of private property improvements occur on private property. It is the owner's responsibility to identify the property lines and insure compliance by the owner's agents.

**B. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

1. Two sets of the revised Planning Commission approved plans incorporating all Conditions of Approval, standard and site specific, shall be submitted to the Community Development Department prior to the issuance of building permits.

2. Prior to the issuance of building permits, the

Development Review Committee shall approve the following:

Planning Division Staff shall approve the following:

- a. A final, precise development plan indicating the location of all structures, on-site parking, outdoor storage areas, walls and fences, trash enclosures, exterior lighting, as well as site improvements and dedications to be made.

b. A detailed landscape plan.

c. Detailed architectural plans.

d. Other: \_\_\_\_\_

3. The applicant shall meet with the City's Crime Prevention Officer prior to the issuance of permits for recommendations on security measures to be incorporated into the project design, as may be appropriate due to the change of use. The applicant is encouraged to contact the Police Department at (805) 237-6464 prior to plan check submittal.

**C. THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO OCCUPANCY:**

- 1. Occupancy of the facility shall not commence until such time as all Uniform Building Code and Uniform Fire Code regulations have been complied with. Prior to occupancy, plans shall be submitted to the Paso Robles Fire Department and the Building Division to show compliance. The building shall be inspected by the appropriate department prior to occupancy.
- 2. All public or private manufactured slopes located adjacent to public right-of-ways on property in excess of six (6) feet in vertical height and of 2.5:1 or greater slope shall be irrigated and landscaped for erosion control and to soften their appearance as follows: one 15-gallon tree per each 250 square feet of slope area, one 1-gallon or larger size shrub per each 100 square feet of slope area, and appropriate ground cover. Trees and shrubs shall be staggered in clusters to soften and vary the slope plane. Slope planting shall include a permanent irrigation system be installed by the developer prior to occupancy. In lieu of the above planting ratio, the applicant may submit a slope planting plan by a licensed landscape architect or contractor providing adequate landscaping, erosion control and slope retention measures; the slope planting plan is subject to approval by the Development Review Committee. Hydroseeding may be considered on lots of 20,000 square feet or greater.

\*\*\*\*\*

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

APPLICANT:	Ms. Wendy Rasmussen	PREPARED BY:	JF
REPRESENTATIVE:	N/A	CHECKED BY:	_____
PROJECT:	<u>CUP 02-028</u>	TO PLANNING:	08/15/03

All conditions marked are applicable to the above referenced project.

**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, if applicable.
- 6. The owner shall offer to dedicate and improve the following street(s) to the standard

indicated: \_\_\_\_\_

- 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.

\*\*\*\*\*  
**PASO ROBLES FIRE DEPARTMENT - The applicant shall contact the Fire Department, (805) 237-3973, for compliance with the following conditions:**

**I. GENERAL CONDITIONS**

- 1. Fire hydrants shall be installed at intervals as required by the Fire Chief and City Engineer. The maximum spacing for single family residential shall be 500 feet. The maximum spacing for multi-family and commercial/residential shall be 300 feet. On-site hydrants shall be placed as required by the Fire Chief.
- 2. Building permits shall not be issued until the water system, including hydrants, has been tested and accepted and a based access road installed sufficient to support the City's fire apparatus (HS-20 truck loading). The access road shall be kept clear to a minimum of 24 feet at all times and shall be extended to each lot and shall be maintained to provide all weather driving conditions.
- 3. No buildings shall be occupied until all improvements are completed and accepted by the City for maintenance.
- 4. If the development includes phased street construction, temporary turn-arounds shall be provided for streets that exceed 150 feet in length. The temporary turn around shall meet City requirements as set forth in the Public Works Department Standards and Specifications.
- 5. All open space areas to be dedicated to the City shall be inspected by the Fire Department prior to acceptance. A report shall be submitted recommending action needed for debris, brush and weed removal and tree trimming. The developer shall

clean out all debris, dead limbs and trash from areas to be recorded as open space prior to acceptance into a Benefit Maintenance District.

- 6. Any open space included in a private development shall be subject to the approval of a vegetation management plan approved by the Fire Chief.
- 7. Each tract or phase shall provide two sources of water and two points of access unless otherwise determined by the Fire Chief and Public Works Director.
- 8. Provisions shall be made to update the Fire Department Run Book.