

RESOLUTION NO: 92-127
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE
CONDITIONAL USE PERMIT 92001
(BERTRAM HALEY)

WHEREAS, the applicant, Bertram Haley, filed an application requesting to establish a card parlor and bar (limited to beer and wine) business within the existing building located at 1428 Spring Street, and

WHEREAS, on 3 March 1992, the City Council approved a business license for this card parlor business, contingent upon termination of the existing license at 1421 Spring Street, and

WHEREAS, the Planning Commission approved this conditional use permit on 26 May 1992 by way of Resolution 92-023, and

WHEREAS, Lee Swanson submitted a request on 8 June 1992 to appeal the Planning Commission's decision approving this conditional use permit, and

WHEREAS, a public hearing was conducted by the City Council on 21 July 1992 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this use permit request, 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 92001 via this resolution which supersedes Resolution 92-023 (approved by the Planning Commission on 26 May 1992) subject to the following conditions:

CONDITIONS TO BE IN COMPLIANCE AT ALL TIMES:

1. This Conditional Use Permit authorizes the operation of a card room facility with a maximum of two (card) tables in operation and the on-site sale of beer and wine at 1428 Spring Street.

2. Outside storage of materials shall not be permitted under this Conditional Use Permit approval.

3. The site shall be kept in a neat manner.

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

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. This conditional use permit shall be reviewed annually by the Planning Commission for compliance with the conditions of approval and will focus on land use compatibility and public health, safety and welfare. 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.

STANDARD CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY:
(These standard conditions shall be implemented as applicable with Site specific conditions superseding standard conditions.)

PUBLIC WORKS DEPARTMENT:

7. The applicant shall pay for the following fees prior to certificate of occupancy issuance: Engineering Plan Checking, construction Inspection and any outstanding annexation fees.

8. A Preliminary Soils Report shall be prepared for the property to determine the presence of expansive soils or other soils problems and shall make recommendations regarding grading of the proposed site. 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.

9. All improvement plans shall be prepared by a 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.

10. The applicant shall submit a composite utility plan signed as approved by a representative of each public utility, together with the improvement plans.

11. 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.

12. A complete grading and drainage plan by a civil engineer shall be included with the improvement plans. Drainage calculation shall be submitted, with provisions made for on-site retention if adequate disposal facilities are not available.

13. 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".

14. 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.

15. 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.

16. 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.

17. All property corners shall be staked for construction control, and shall be promptly replaced if destroyed. All final property corners and street monuments shall be installed before acceptance of the public improvements. A benchmark shall be placed for vertical control on the U.S.G.S. Datum as required by the City Engineer.

18. 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.

19. The applicant shall install all street name, traffic signs and traffic striping as directed by the City Engineer.

20. 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 as a minimum with a full half-width street plus a 12'

wide travel lane and 8' graded shoulder adequate to provide for two-way traffic.

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

22. 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 placed to centerline and the remaining pavement shall be overlaid.

23. 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.

24. 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.

25. All utilities shall be extended to the boundaries of the project, unless it is determined that no need for future extension exists.

26. 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.

27. 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 televised inspection with a copy of the video tape provided to the City.

28. 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.

29. Any cost reimbursement for over sizing and extension of water and sewer mains shall be requested prior to the approval of the development map, as allowed by the Municipal Code.

30. A blackline clear Mylar (0.4 MIL) copy and a blueline 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 Master Map.

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

32. The developers' engineer will provide the City with a 100-Scale "Composite Utility Plan".

33. All construction refuse shall be separated (i.e. concrete, asphalt concrete, wood gypsum boar, etc.) and removed from the project in accordance with the City Refuse Disposal Ordinance.

SITE SPECIFIC CONDITIONS TO BE COMPLETED PRIOR TO OCCUPANCY:

PUBLIC WORKS DEPARTMENT:

34. The applicant shall remove and reconstruct curb, gutter, 8' sidewalk and A.C. pave-out on Spring Street, in accordance with City Standards, prior to issuance of Certificate of Occupancy.

COMMUNITY DEVELOPMENT DEPARTMENT:

35. All future sign and facade improvement is subject to review and approval by the Architecture Review Committee prior to occupancy.

36. Prior to occupancy, details for a trash enclosure shall be submitted for review and approval by the Community Development Department. Said trash enclosure shall be of decorative masonry material with a solid metal gate or a chain link gate with vinyl slats.

37. The applicant shall comply with all State and local regulations regarding the sale of alcohol, this includes securing a permit/license with the Alcoholic Beverage Control Department, and said permit shall be obtained prior to operating as a card parlor.

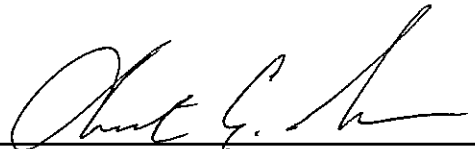
PASSED AND ADOPTED THIS 21st day of July, 1992 by the following roll call vote:

AYES: Heggarty, Macklin, Martin

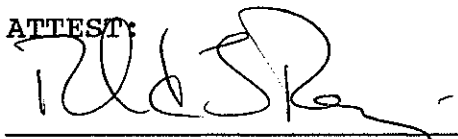
NOES: Picanco, Iversen

ABSENT: None

ABSTAIN: None



MAYOR CHRISTIAN E. IVERSEN

ATTEST:


RICHARD J. RAMIREZ, CITY CLERK

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