

TO: Jim L. App, City Manager
FROM: Bob A. Lata, Community Development Director
SUBJECT: Waiver 02-002 (Charnley)

DATE: October 1, 2002

Needs: For the City Council to consider approving a request to (1) modify City street design standards, including horizontal and vertical alignment and slope for Villa Lane, and realign a portion of 21st Street to avoid an oak tree; and (2) waive the sidewalk installation requirement on the property's Villa Lane and 21st Street frontages.

Facts:

1. On March 12, 2002, the Planning Commission approved Tentative Parcel Map 01-0102, for a three-lot subdivision of an existing 1.6-acre parcel located on the northwest corner of Villa Lane and 21st Street, subject to compliance with the attached Conditions of Approval requiring, among other items, compliance with the City's Street Design Standards.
2. Subsequent to the Planning Commission's approval, the applicant submitted an application for waiver of required sidewalk improvements and for modification of City street standards for required public improvements on both Villa Lane and 21st Street (see Attachment 1, Location Map).
3. Section 11.12.030.D of the Municipal Code allows the Planning Commission to waive or modify the requirements for sidewalks, curb, gutters and driveway aprons, in the event that construction is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors.
4. City Council resolution 95-42B provides that any modification of standards for City streets requires City Council approval.
5. 21st Street is identified as a Collector with a required right-of-way width of 64 feet including curb, gutter and detached sidewalk on both sides. Currently the 21st street right-of-way is 60 feet in width; an additional two feet will be dedicated when the tentative parcel map is recorded.
6. Villa Lane does not currently meet Hillside Street standards in terms of width and turning radii on the curves. The existing Villa Lane right-of-way is 30 feet in width, has no curb or gutter and meanders outside the right of way.
7. Approval of PR 01-102 requires the applicant to improve Villa Lane to the Hillside Street standard A-9, which includes a full 24-foot wide paved street with a curb, gutter and sidewalk along the project frontage (see Attachment 4, Resolution 02-015).
8. The Tentative Parcel Map 01-102 approval included a ten-foot offer of dedication along the western side of Villa Lane, bringing the westerly half of the street into conformance with the required Hillside Street standards.
9. Villa Lane will serve a total of 16 lots when Tentative Parcel Map 01-102 records.

10. An existing 12" blue oak is located approximately 18 feet from the centerline of the 21st Street right-of-way, directly in line with the proposed curb and gutter. (See Site Plan, Attachment 3).
11. The Planning Commission reviewed this project on September 10, 2002. The Commission forwarded a recommendation to approve the waivers on both streets.

Analysis:

Based on the applicant letter, the following is requested:

MODIFICATIONS TO STREET DESIGN STANDARDS:

Villa Lane:

Vertical Alignment: A request for modification of street slope standards to maintain a maximum slope of 18 percent, in excess of the maximum allowable slope of 15 percent. The road currently exceeds 15 percent slope and cannot be made to conform within the existing right-of-way due to existing topography.

Horizontal Alignment: A request for modification of standards for intersections, to allow the intersection of Villa Lane and 21st Street to remain at a 45 degree angle. It is not possible to bring the intersection into compliance with the standard for a 90 degree intersection due to the existing topography.

21st Street:

Modification to Horizontal Alignment to Avoid Oak Tree: Request for modification from adopted street standards to accommodate an existing 12-inch oak tree. Based on an arborist report prepared for the project (Attachment 6), the request is to "bulb out" a 24 foot long section of the curb and gutter four feet into the street right-of-way, to avoid impacts to the tree. Based on similar installations in the City, it would appear that the detached sidewalk could be designed to meander around the tree with little to no impact.

SIDEWALK INSTALLATION WAIVER:

Villa Lane:

A request to waive required sidewalk improvements on Villa Lane, and install only curb and gutter. The applicant cites safety reasons, including the slope of the road, site topography, and the fact that there is no sidewalk on Villa Lane currently (see Applicant's Letter, Attachment 5).

21st Street:

A request to waive required sidewalk installation on 21st Street along the property frontage, and install curb and gutter only. The applicant contends that, because there is no sidewalk on 21st Street west of Vine Street, it should not be installed as a fragment on the subject property frontage. For the subject site, the sidewalk requirement is imposed because the lot density has been maximized from one to three units per acre density. If sidewalk were to be waived, there would be no further opportunity to require installation of sidewalk on this portion of 21st Street.

Conclusion:

The Planning Commission specifically discussed the Villa Lane street improvements when the Parcel Map was approved on March 12, 2002. At that time, the Commission acknowledged the difficulty of bringing the road alignment into conformance with current standards, but indicated that a waiver of sidewalks or other improvements were not generally supportable. While topography is a physical factor that can lead to findings for a waiver, in this case the benefit of obtaining sidewalk appeared to be greater than the potential for hardship. In addition, the requirement for sidewalk is consistent with the City's standard for a Hillside Street and with approval of subdivision as approved under PR 01-102.

The Commission discussed this application request on September 10, 2002, and agreed that the requested modifications of the street standards for both streets were appropriate under the particular circumstances. The Commission recommended that City Council approve the request for modifications to the street standards. On the sidewalk waiver request, the Commission reviewed Staff's recommendation to deny the request for waiver of installation on the basis that the increased density associated with the lot split warranted sidewalk installation and to waive this requirement would be a departure from standard practice. The Commission voted separately on the two streets, and ultimately recommended that Council grant waiver of sidewalk installation on both Villa Lane and 21st. Street.

The deviation of Villa Lane from the City's horizontal and vertical alignment standards is recognition of an existing condition. It would seem unreasonable and impractical to require this property owner to correct the entire inconsistency created by an earlier subdivision. The street dedication and widening as required with the parcel map will improve the access to the extent possible. It appears that the waivers of horizontal and vertical alignment are reasonable.

Allowing the 21st Street curb and gutter to meander around the oak tree would avoid adverse impacts to the tree, which otherwise would have to be removed as it aligns with the curb location. Granting a waiver of this nature would be consistent with City policy.

City policy is to require sidewalk installation as required by the Street Standards, whenever a discretionary entitlement to intensify the use of the lot is granted. For this particular project, the Planning Commission concluded, by a vote of 4-3, that the slope of Villa Lane could be considered a liability for a sidewalk user, and because the remaining lots on Villa Lane are generally developed, a waiver of the sidewalk was preferable to a partial sidewalk. They also concluded, by a vote of 7-0, that sidewalk on this property's 21st Street frontage should not be installed because there is no sidewalk along the entire frontage of 21st Street west of Vine Street, and development potential of the existing large-lot development west of Villa Lane is limited under current zoning.

Policy

Reference: Paso Robles General Plan Land Use Element, Paso Robles Zoning Code

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Impact: None

- Options:
- a. After hearing public testimony, consider adopting Resolution No. 02-xx:
 - 1) Allowing a modification of City Hillside Street standards for vertical alignment to exceed 15%, and to allow curve radii and the intersection of Villa Lane with 21st Street to deviate from City standards; and
 - 2) Allowing a waiver of Collector Street standards for the curb and gutter on 21st Street to “bulb out” around the existing oak tree on the north side of 21st Street, and the sidewalk meander around the tree; and
 - 3) Approving the request for a waiver of sidewalk installation requirements on Villa Lane, and allow the applicant to install curb and gutter only per the applicable City Standards as required in conditions of approval for Tentative Parcel Map PR 01-102; and
 - 4) Approving the request for a waiver of sidewalk installation requirements on 21st Street, and allow the applicant to install curb and gutter only per the applicable City Standards as required in conditions of approval for Tentative Parcel Map PR 01-102.
 - b. Amend, modify, or reject the above option.

Attachments:

1. Location Map
2. Draft Resolution Approving Waiver 02-002 (Charnley)
3. Site Plan
4. Resolution 02-015 with conditions of approval for PR 01-102
5. Applicant letter
6. Arborist Report
7. Newspaper and Mail Notice Affidavits

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RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING WAIVER 02-002 (CHARNLEY) APN: 008-151-030

WHEREAS, Waiver 02-002 has been filed by Tim Roberts on behalf of Andrew Charnley for the waiver of required sidewalks for his property frontage on Villa Lane and 21st Street, and for modification to adopted street standards including alignment and slope for Villa Lane, and to modify the curb and gutter along a portion of 21st Street to accommodate an oak tree; and

WHEREAS, the subject site is a vacant 1.6 acre parcel located on the northwest corner of Villa Lane and 21st Street; and

WHEREAS, on March 12, 2002, the Planning Commission approved Tentative Parcel Map 01-102, for a three-lot subdivision of this parcel, and standard street improvements for both 21st Street and Villa Lane were required as conditions of approval; and

WHEREAS, Section 11.12.030.D of the Municipal Code states that, in the event that construction of sidewalk is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors, the planning commission, after hearing the recommendation of the city engineer, may waive or modify the provisions of the chapters that apply to sidewalks, curb, gutters and driveway aprons, upon applications of the owner of the property or other persons to whom this chapter may apply; and

WHEREAS, any modification of standards for City streets as adopted by City Council resolution 95-42B in March 1995 requires City Council approval; and

WHEREAS, the subject site has been granted a tentative subdivision that intensifies the density to the extent allowable by all applicable zoning and General Plan designations; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 10, 2002, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver; and

WHEREAS, the Planning Commission found that the request for modification to street standards could be supported and recommended that City Council approve the request for modification to the Street Design Standards for the Villa Lane horizontal and vertical alignment, and alignment of 21st Street curb and gutter to accommodate an oak tree; and

WHEREAS, the Planning Commission found that the request for waivers of required sidewalk improvements could be supported by the facts in evidence and recommended that City Council approve the request and waive the installation of sidewalks on Villa Lane and 21st Street as required for PR 01-0102; and

WHEREAS, a public hearing was conducted by the City Council on October 1, 2002, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver.

NOW, THEREFORE, BE IT RESOLVED, that based upon the facts and analysis presented in the staff report, and the provisions for waivers set out in Section 11.12.030.D of the Municipal Code, the City Council of the City of El Paso de Robles does hereby approve Waiver 02-002 with the following conditions:

- 1) Allowing a waiver of City Hillside Street standards for vertical alignment to exceed 15%, and allow curve radii and the intersection of Villa with 21st Street to deviate from City standards.
- 2) Allowing a waiver of Collector Street standards for the curb and gutter on 21st Street to “bulb out” around the existing oak tree on the north side of 21st Street, and the sidewalk meander around the tree.
- 3) Approving the request for a waiver of sidewalk installation requirements on Villa Lane, and allow the applicant to install curb and gutter only per the applicable City Standards as required in conditions of approval for Tentative Parcel Map PR 01-102.
- 4) Approving the request for a waiver of sidewalk installation requirements on 21st Street, and allow the applicant to install curb and gutter only per the applicable City Standards as required in conditions of approval for Tentative Parcel Map PR 01-102.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of October 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk