

TO: James L. App, City Manager

FROM: Bob Lata, Community Development Director

SUBJECT: Modification of Standard Street Improvements – 95 West 12th Street (Krijakin)

DATE: November 4, 2003

Needs: That the City Council authorize the approval of a modification to the City Standard Details and Specifications for the construction of curb, gutter and sidewalk adjacent to a new residence constructed by Ralph Krijakin at 95 West 12th Street.

Facts:

1. Ralph Krijakin obtained a building permit at 95 West 12th in March, 2003. In accordance with Municipal Code Section 11.12; as a prerequisite to the issuance of a building permit curb gutter and sidewalk shall be installed on the public street adjacent to the property's frontage.
2. The Krijakin property at 95 West 12th Street is a triangular shape with nearly 400 feet of frontage on West 12th Street. This parcel is the most westerly property within City limits on the north side of 12th Street. The property was annexed to the City in 1990.
3. This portion of 12th Street adjacent to the Krijakin property appears as though it has never been maintained by the City. Beyond the location of the new residence native oak trees conflict with the standard design of street improvements. The road becomes very narrow and rural in nature, as it extends into the County.
4. At their meeting of October 14, 2003, the Planning Commission considered a waiver application by Mr. Krijakin for curb, gutter and sidewalk beyond the location of his new residence. The Planning Commission carried the item in order for staff to determine whether a modification to City Standards may be a more appropriate process to address the need for curb, gutter and sidewalks for this portion of 12th Street.
5. To date, Mr. Krijakin has constructed approximately 170 linear feet of curb, gutter and sidewalk adjacent to his residence at 95 12th Street. He has provided a paving transition to the existing paving, thereby avoiding impacts to native oak trees.
6. A modification to City Standard Street improvements may be granted by the City Council in accordance with Section 11.40.010 of the Municipal Code. The Code states that the "Council shall require payment of an in-lieu fee for construction of these improvements *in whole or part as may be appropriate*."

**Analysis
and**

Conclusion

As stated in the facts, Mr. Krijakin has made substantial improvements to the frontage of his property. Extending the curb, gutter and sidewalk further to the west would not be consistent with the Council's goal of protecting and preserving native oak trees. The resulting modification of street standards would provide a logical transition into a County area road in a location where the City's General Plan does not anticipate City expansion.

The Council has established a precedent of approving modifications of street improvements to preserve oaks and this would seem an appropriate location to apply the same principles.

With regard to assessing an in-lieu fee, as cited in the Municipal Code the Council has the discretion to assess a fee in whole or in part in conjunction with a modification of street improvement standards. It appears reasonable to conclude that Mr. Krijakin has provided a substantial improvement. Each request for a street modification has its own circumstances.

In way of precedent, the Council did not require in-lieu fees with the approved modification of South River Road improvements for Tract 2422 at their meeting of July 2, 2003. Substantial improvements to South River Road were proposed in that case as well.

Policy

Reference: Municipal Code Sections 11.12 and 11.40

Fiscal

Impact: None

Options:

- a. Adopt Resolution 03-xx approving the request for modification to City Street Standards to protect and preserve native oak trees on West 12th Street and finding that the applicant has made substantial street improvements thereby superceding the requirement for payment of in-lieu fees.
- b. That the City Council amend, modify or reject the above option.

Attachments: (2)

1. Vicinity Map
2. Resolution

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING MODIFICATION OF CITY STANDARD DETAILS AND
SPECIFICATIONS FOR 95 12TH STREET (KRIJAKIN)

WHEREAS, Ralph Krijakin obtained a building permit at 95 West 12th Street. In accordance Municipal Code Section 11.12, as a prerequisite to the issuance of building permit curb, gutter and sidewalk shall be installed on the public street adjacent to the property's frontage; and

WHEREAS, at the October 14, 2003, Planning Commission meeting, the Commission considered an application from Mr. Krijakin for a waiver of a portion of the street improvements along the frontage of the Krijakin property. The Commission carried over the item in order for staff to consider if a modification of street improvement standards would be a more appropriate review process for this portion of 12th Street; and

WHEREAS, Mr. Krijakin has constructed substantial street improvements along the frontage of his property at 95 West 12th Street. The improvements include a paving transition into County rural areas west of his new residence; and

WHEREAS, granting a modification to street improvement standards would avoid impacting native oak trees; and

WHEREAS, a modification to City Standard Street improvements may be granted by the City Council in accordance with Section 11.40 of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

SECTION 1. That the City Council of the City of El Paso de Robles does hereby approve of the modification of street improvement standards for the frontage of 95 12th Street as proposed by Mr. Krijakin and finds that in-lieu fees are superceded by the extensive nature of the improvements completed at that location.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of November 2003 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Vicinity Map



**Modification of
Standard Street Improvements**
95 West 12th Street ~ Rafael Krijakin