

RESOLUTION NO: 96-159  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
TO DENY A TIME EXTENSION FOR  
CONDITIONAL USE PERMIT 96002  
(LAURENT AND LAURIE GRANGIEN)  
APN: 09-081-34

**WHEREAS**, on March 11, 1996, the Planning Commission held a public hearing and granted approval to Conditional Use Permit 96002 to establish a sit-down restaurant within the first floor level of an existing residence and licensed bed and breakfast establishment located at 1039 Chestnut Street, and

**WHEREAS**, the Planning Commission's action to approve the project was appealed and the City Council held a separate public hearing on May 7, 1996 to consider Conditional Use Permit 96002 and its associated appeal application, and

**WHEREAS**, on May 7, 1996, the City Council adopted resolution 96-54 which granted approval to Conditional Use Permit 96002, and

**WHEREAS**, conditions of City Council resolution 96-54 establish that obtaining a certificate of occupancy for the restaurant use requires the applicant to install site improvements such as: a parking lot, landscaping, street paving, curb, gutter and sidewalk and building modifications which are similar to the types of conditions normally associated with development plan applications which are entitled to a two year period of time in which to comply with conditions of approval, and

**WHEREAS**, the City's Zoning Code established an initial entitlement period of six months from the date of project approval by the approving authority to exercise a use permit request, and

**WHEREAS**, if a use permit is not exercised the applicant may file a time extension request for consideration by the Planning Commission, and

**WHEREAS**, Laurent and Laurie Grangien filed an application and paid the required fees to process a request for a one year extension of time to comply with the approved conditions of approval for Conditional Use Permit 96002, and

**WHEREAS**, a noticed public hearing was conducted by the Planning Commission on October 21, 1996 at which time the Commission adopted resolution 96-064 granting the applicants a one year extension of time to complete established conditions of approval for the restaurant conversion, and

**WHEREAS**, on November 5, 1996, Jim and Linda deBrauwere filed an application appealing the Commission's October 21, 1996 action, and

WHEREAS, a noticed public hearing was conducted by the City Council on December 3, 1996 to consider facts as presented in the staff report prepared for time extension request and the associated appeal, and to consider public testimony regarding said applications, and

WHEREAS, on December 3, 1996, following consideration of testimony and evidence presented, the City Council directed staff to prepare a resolution for Council consideration which would deny the time extension request for this use permit.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles, based on public testimony received, in their re-evaluation of the prior City Council's action, and in their own independent judgment, does hereby deny the request for Time Extension of Conditional Use Permit 96002, rendering the entitlement null and void, based on the following finding:

The increase in automobile traffic, noise and evening activity associated with the restaurant use would be detrimental to the health, safety, comfort, convenience and general welfare of the persons residing or working in the neighborhood and would be detrimental to property and improvement values in the neighborhood.

PASSED AND ADOPTED THIS 17th day of December, 1996 by the following roll call vote:

AYES:           BARON, IVERSEN, MACKLIN, SWANSON AND PICANCO

NOES:           NONE

ABSENT:        NONE

ABSTAIN:       NONE

  
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MAYOR, DUANE PICANCO

ATTEST:

  
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MADELYN PAASCH, CITY CLERK

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