

RESOLUTION NO. 12-147

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
APPROVING WAIVER 12-002 FOR SIDEWALK AT 1301 CHESTNUT STREET  
(VANSTEENWYK)  
APN: 009-021-023

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WHEREAS, Waiver 12-002 has been filed by Bret VanSteenwyk for the waiver of sidewalk improvements at 1301 Chestnut Street; and

WHEREAS, Section 11.12.030D of the Municipal Code, states that, in the event the construction of sidewalk is not feasible due to street locations, hardship due to fire or acts of God, topography or other physical factors, the City Council, 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 application of the owner of the property or other persons to whom this chapter may apply; and

WHEREAS, sidewalk construction at 1301 Chestnut Street would involve significant grading activity and retaining wall construction, inconsistent with neighborhood character, due to topographic constraints; and

WHEREAS, the City Engineer recommends that the City Council waive the provisions of Section 11.12.030, based upon the topographic constraints along Chestnut Street, and allow the applicant to forgo the installation of required City standard sidewalk; and

WHEREAS, on August 14, 2012, the Planning Commission recommended that the City Council approve Waiver 12-002; and

WHEREAS, a public hearing was conducted by the City Council on September 4, 2012, to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this proposed Waiver; and

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 11.12.030D of the Municipal Code, the City Council of the City of El Paso de Robles does hereby approve Waiver 12-002 with the following provisions:

SECTION 1: Approve waiving the requirement for installation of sidewalk adjacent to the subject site due to the topography along Chestnut Street and subject to the applicant's deposit of in-lieu fees as determined by the City Engineer.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 4<sup>th</sup> day of September, 2012 by the following vote:

AYES: Gilman, Steinbeck, Picanco  
NOES:  
ABSTAIN: Hamon  
ABSENT: Strong

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk