

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION  
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR  
SUBJECT: CONDITIONAL USE PERMIT 12-005 (JASON DOMINGOS)

DATE: JUNE 12, 2012

Needs: For the Planning Commission to open public hearing, continued from the May 22, 2012 Planning Commission meeting, and consider the application filed by Jason Domingos to construct a new two-story, 1,610 square foot detached garage. (APN: 009-031-020)

Facts:

1. The project site is located at 321-13<sup>th</sup> Street. The site is located in the R2 (Residential Multi-Family, 8-units per acre) zoning district.
2. Section 21.16I.210.C.1 of the Zoning Code requires a Conditional Use Permit (CUP) for detached accessory buildings when the gross floor area of the detached accessory building exceeds 50-percent of the gross floor area of the main dwelling, or if the structure is over 15-feet in height.
3. Since the primary dwelling is approximately 2,200 square feet and the proposed garage is 1,610 square feet, and since the proposed garage is 22-foot high, a CUP is required.
4. The detached garage would be located at the rear of the lot and be accessed from the alley.
5. At the May 22<sup>nd</sup> hearing, the Planning Commission requested a continuance of this item in order to allow staff to work with Mr. Domingos to provide more specific information related to the second floor use, proposed materials, and to address setback questions. Revised plans have been submitted that address these issues.
6. The Development Review Committee (DRC) reviewed the proposal at their meeting on June 4, 2012. The Committee reviewed the revised plans, and recommended approval of the CUP, indicating that the building seemed compatible with the existing buildings in the area. The DRC requested that the applicant bring back specific

material samples to the DRC at their meeting on June 11<sup>th</sup>. Staff will report to the Commission the discussion of the materials at the June 12<sup>th</sup> hearing.

7. This application is categorically exempt from environmental review per Section 15303e of the State's Guidelines to Implement CEQA.

Analysis  
and

Conclusion: Since the May 22<sup>nd</sup> hearing, the applicant has provided additional plans for the proposed building. The plans address the following issues:

Second floor, floor plan: The plans include a floor plan for the second floor that indicates that the second floor will be used for storage; no plumbing is proposed on the second floor;

Setbacks: the building has been revised to comply with the 10-foot setback to the side property lines for the second story;

Exterior Materials: the plans have been revised to show composition roofing to match the existing house, as well as board and bat siding to match the existing house. The applicant would prefer the use of metal siding. At the DRC meeting on June 4<sup>th</sup>, the applicant indicated that he could provide materials samples of a metal siding that has a wood looking finish. The DRC asked Mr. Domingos to bring samples to the DRC on June 11<sup>th</sup> for further discussion. Staff will provide feedback from the meeting at the Planning Commission hearing on June 12<sup>th</sup>. However, Mr. Domingos has stated that he is prepared to utilize siding to match the house, if that's the Planning Commission's preference.

The intent of the requirement of a Conditional Use Permit for detached accessory buildings is to insure that the building will be compatible with the surrounding neighborhood, and not negatively impact neighboring properties. As mentioned above, the DRC took in consideration the size of the proposed garage, and based on the garage being located in the rear of the lot near the alley, and since the adjacent properties are at different elevations, the height of the garage does not seem to negatively impact the adjacent properties and seems appropriate.

Policy

Reference: CEQA, The City of Paso Robles Zoning Code

Fiscal

Impact: None identified at this time.

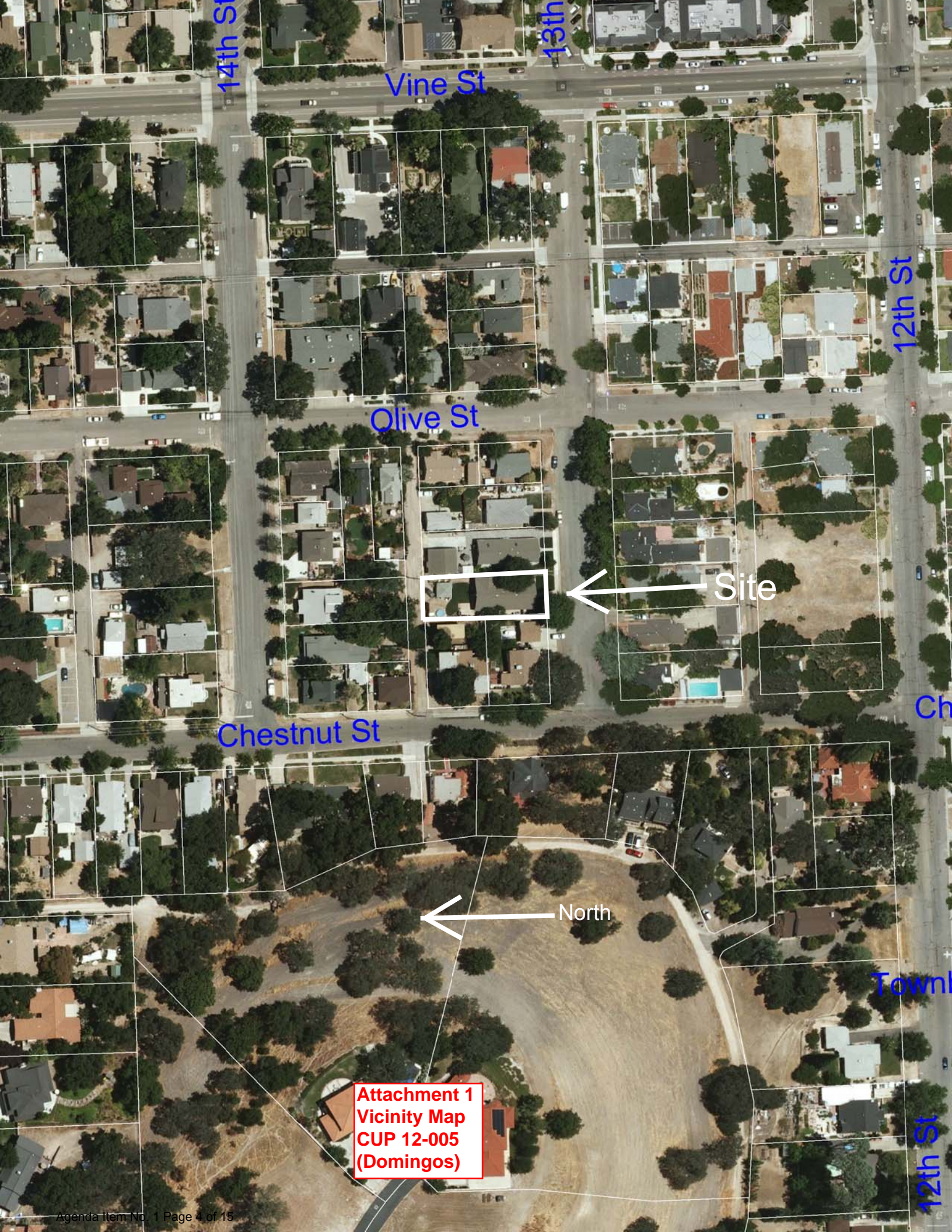
Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a). Adopt the attached resolution approving the proposed Conditional Use Permit 12-005;
- b). Amend, modify or reject the above noted options.

Attachments:

1. Vicinity map
2. Resolution Approving CUP 12-005
3. Newspaper notice and mail affidavits





14th St

13th

Vine St

12th St

Olive St

Site

Chestnut St

Ch

North

Townl

Attachment 1  
Vicinity Map  
CUP 12-005  
(Domingos)

12th St



RESOLUTION NO: \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 12-005  
(Jason Domingos)  
APN: 009-031-020**

**WHEREAS**, Section 21.16I.210.C.1 of the Municipal Code of the City of El Paso de Robles requires approval of a Conditional Use Permit for detached accessory buildings when the height is greater than 15-feet high or if the square footage of the accessory building is over 50 percent of the square footage of the primary dwelling; and

**WHEREAS**, since the proposed 2-story garage is taller than 15-feet and more than 50-percent of the floor area of the primary dwelling (which is 2,244 square feet), a Conditional Use Permit is necessary; and

**WHEREAS**, the building is proposed to be constructed on the rear of the site located at 321-13<sup>th</sup> Street, and be accessed off of the alley; and

**WHEREAS**, the site located in the R2 (Multi-family Residential, 8 units per acre) zoning district; and

**WHEREAS**, the Development Review Committee reviewed the proposal at their meetings on April 9<sup>th</sup> and June 4<sup>th</sup>, 2012, where they recommended that the Planning Commission approve the proposal; and

**WHEREAS**, a public hearing was conducted by the Planning Commission on May 22, 2012 to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Conditional Use Permit request; and

**WHEREAS**, on May 22, 2012, the Planning Commission continued this item to the June 12, 2012 meeting to allow the applicant additional time to provide additional plans and information related to the project; and

**WHEREAS**, a public hearing was conducted by the Planning Commission on June 4, 2012 to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this Conditional 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 Planning Commission finds that the establishment, maintenance or operation for the requested building, 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 the 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 Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 12-005 subject to the following conditions:

SITE SPECIFIC CONDITONS

1. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Site Plan
B	Floor Plan
C	Front (South) Elevations
D	Rear (North) Elevations
E	East Elevation
F	West Elevation

2. This Conditional Use Permit (CUP) authorizes the construction of a new 2-story, 1,610 square foot garage on the property located at 321-13<sup>th</sup> Street, subject to the conditions of approval within this resolution.
3. Prior to the issuance of a building permit, the property owner shall record a Constructive Notice against the property that describes that the permit issued by the City is for a detached accessory building (garage), and not for a rental/dwelling unit.
4. 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.

5. Any new lighting needs to be fully shielded.
6. Any new utilities shall be placed underground.

PASSED AND ADOPTED THIS 12<sup>th</sup> day of June 2012, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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AL GARCIA, CHAIRMAN

ATTEST:

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ED GALLAGHER, PLANNING COMMISSION SECRETARY

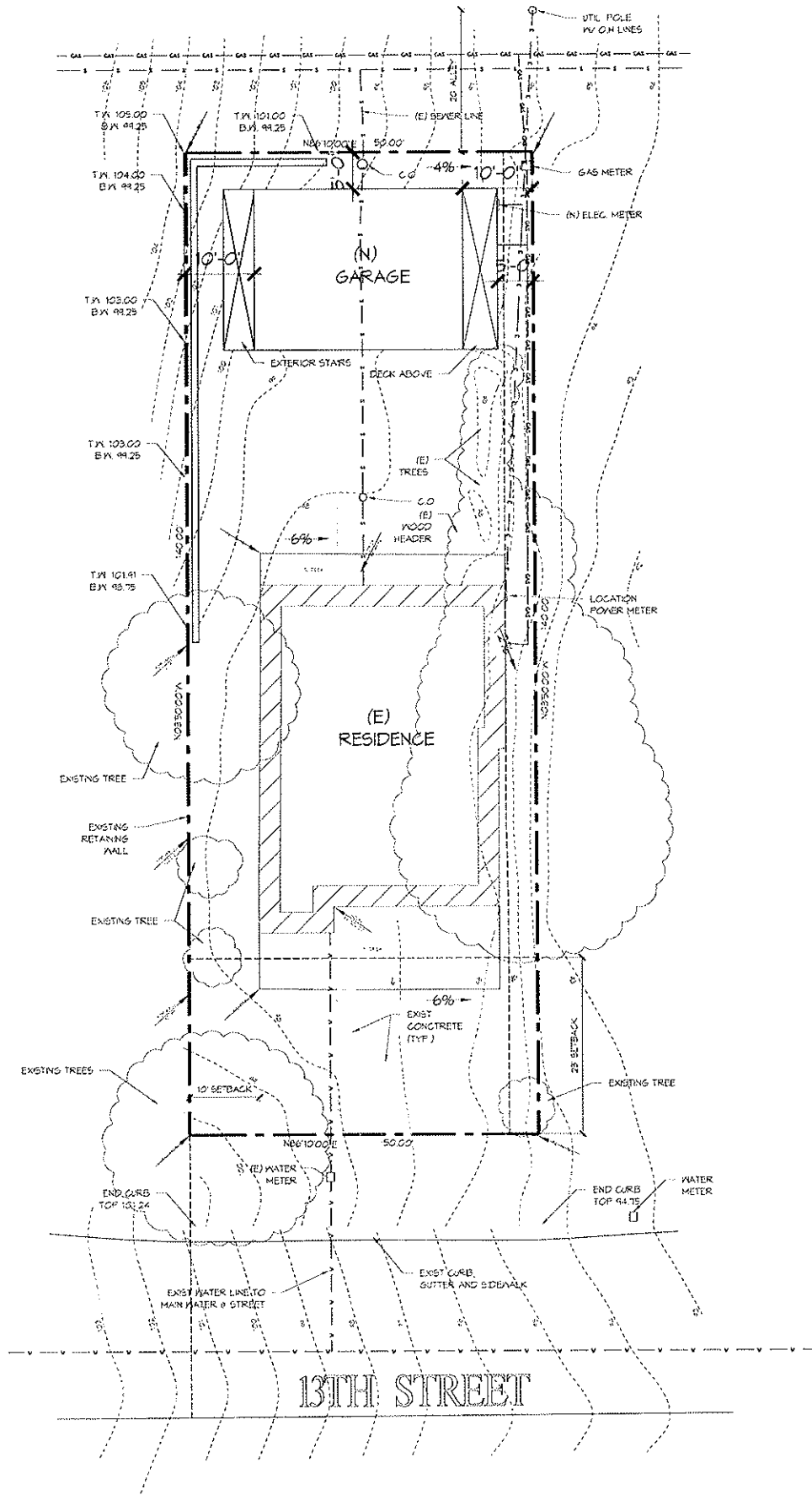


Exhibit A  
 Site Plan  
 CUP 12-005  
 (Domingos)



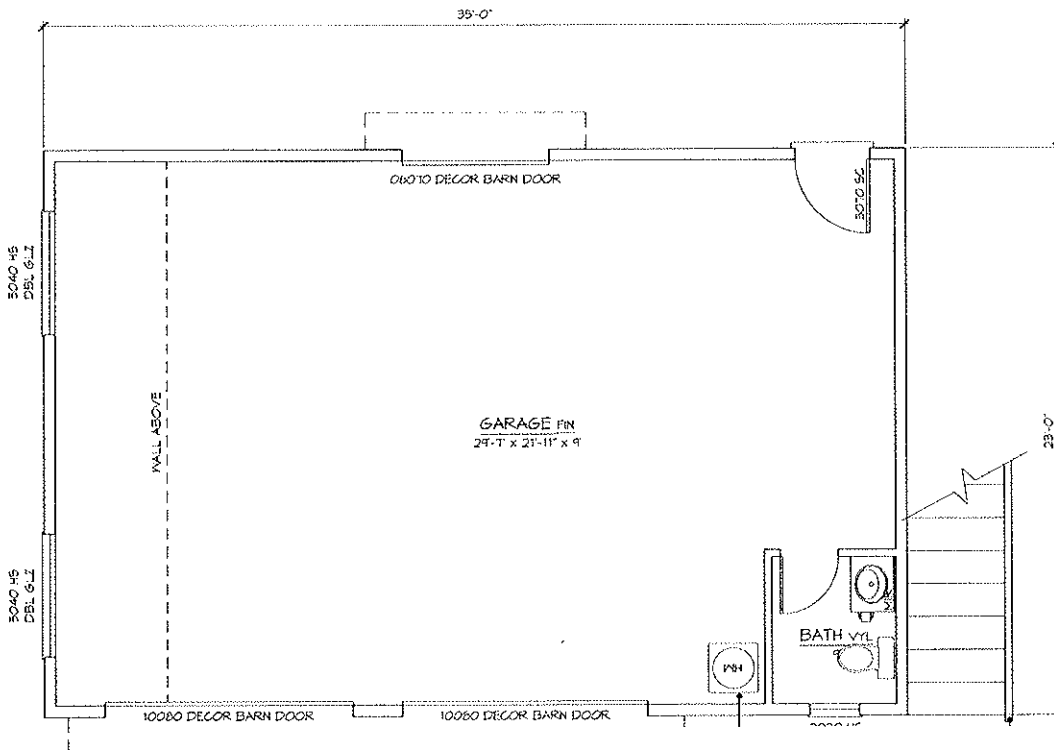
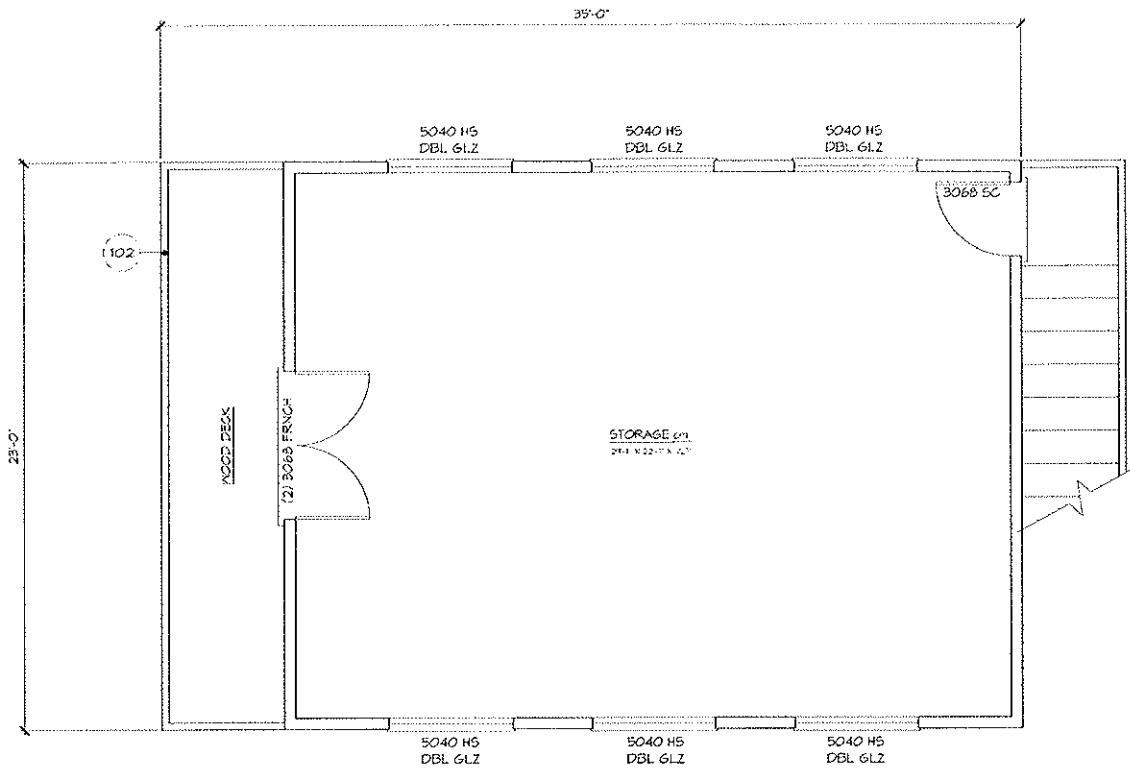
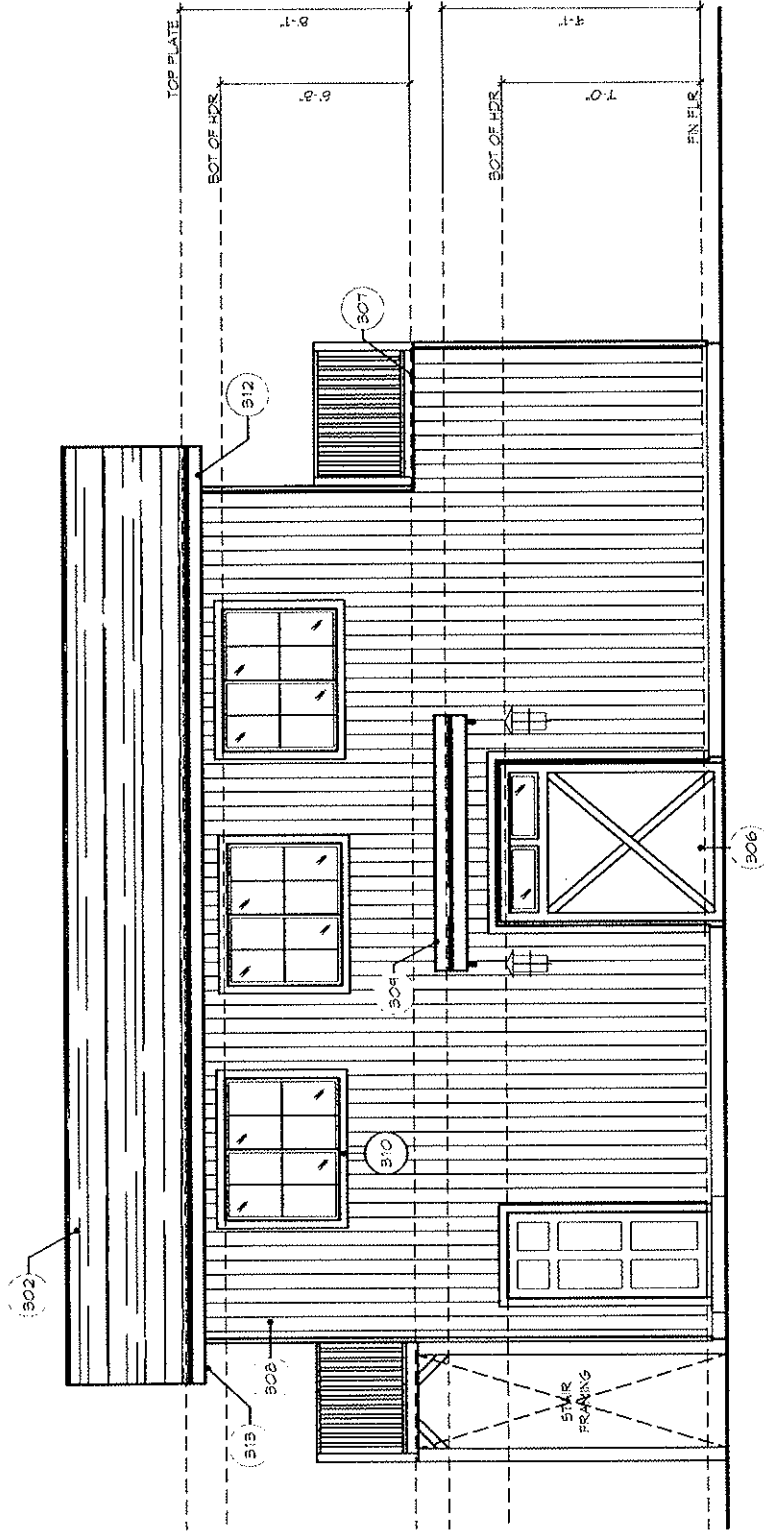


Exhibit B  
 Floor Plan  
 CUP 12-005  
 (Domingos)  
 Agenda Item No. 1 Page 9 of 15



# ELEVATION NOTES

- 301 42" HIGH WOOD RAILING
- 302 COMPOSITION ROOF PER OWNER
- 303 GABLE END VENTS PER ATTIC CALC.
- 304 2x6 HEM FIR FASCIA
- 305 6 X 6 WOOD POSTS
- 306 METAL ROLL-UP GARAGE DOOR
- 307 WATERPROOF MEMBRANE, SLOPE TO DRAIN
- 308 HARDIE- BOARD & BATT SIDING
- 309 PROVIDE WALL TO ROOF FLASHING
- 310 1 X TRIM AROUND WINDOWS AND DOORS
- 311 NOT USED
- 312 PROVIDE ALUMINUM GUTTERS AND DOWNSPOUTS
- 313 HARDIE-SOFFIT UNDER ALL EXPOSED EAVES AND SOFFITS

Exhibit C  
 Front (South) Elevation  
 CUP 12-005  
 (Domingos)

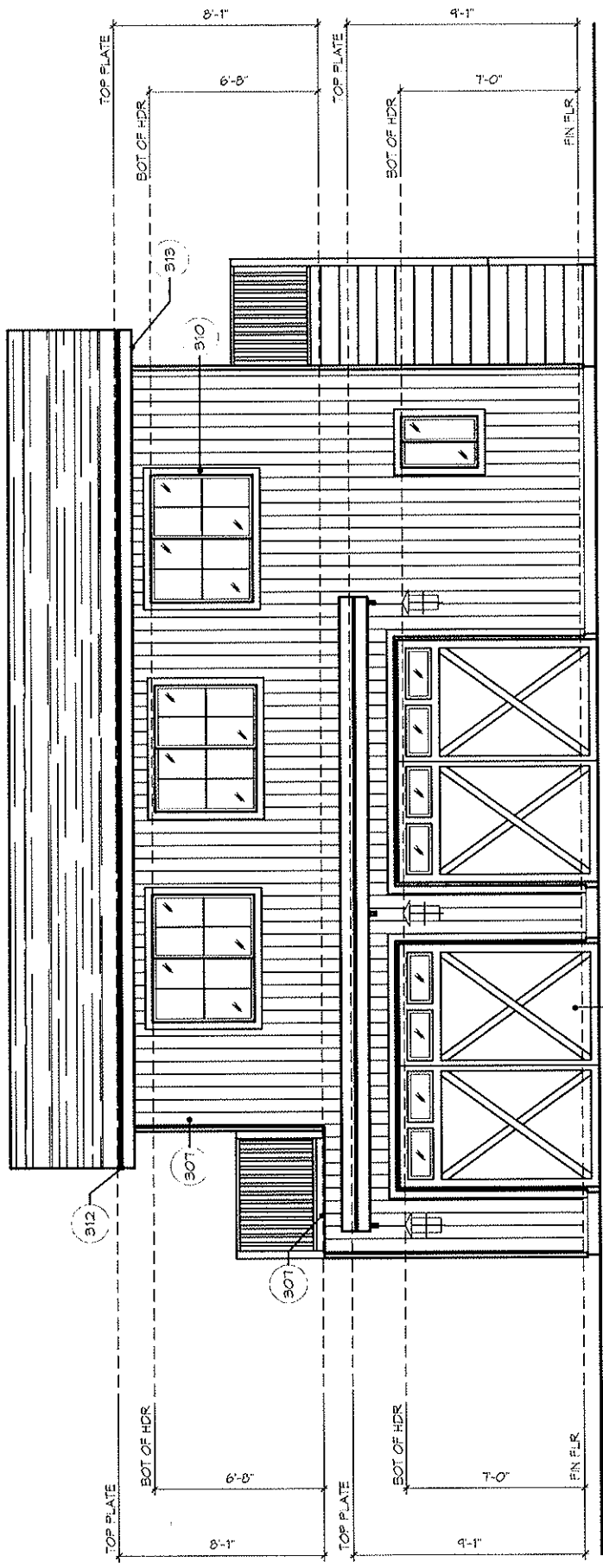


Exhibit D  
 Rear (North) Elevation  
 CUP 12-005  
 (Domingos)

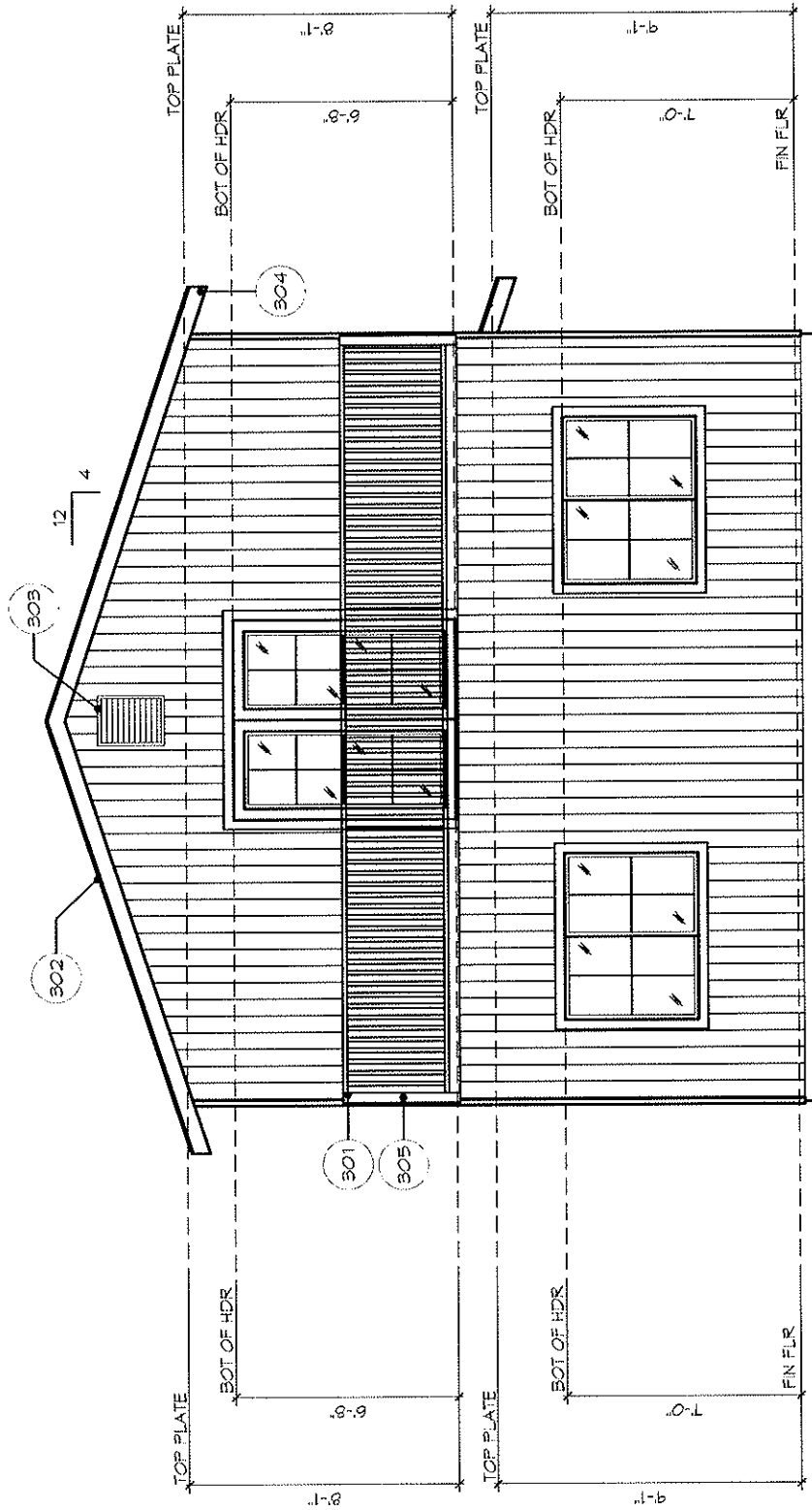


Exhibit E  
 East Elevation  
 CUP 12-005  
 (Domingos)

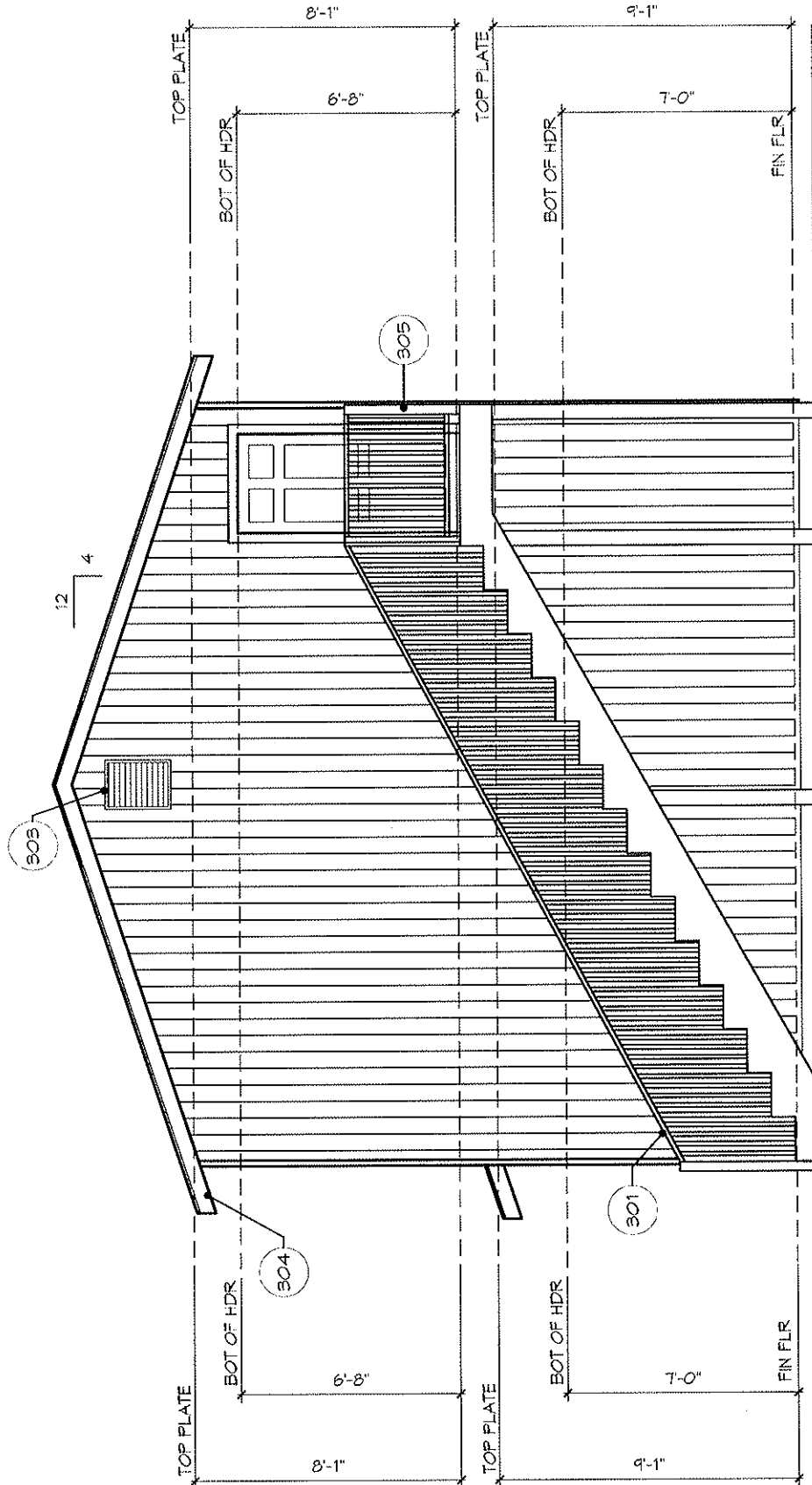


Exhibit F  
 West Elevation  
 CUP 12-005  
 (Domingos)



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

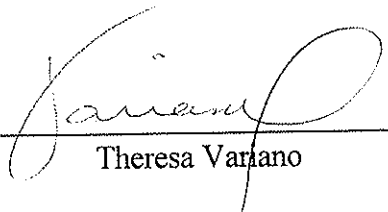
Newspaper: Tribune

Date of  
Publication: May 11, 2012

Hearing  
Date: May 22, 2012  
(Planning Commission)

Project: Conditional Use Permit 12-005 (Domingos)

I, Theresa Variano, employee of the Community  
Development Department, Planning Division, of the City  
of El Paso de Robles, do hereby certify that this notice is  
a true copy of a published legal newspaper notice for the  
above named project.

Signed:   
Theresa Variano

forms/newsaffi.691

**CITY OF EL PASO DE ROBLES**  
**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, May 22, 2012, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

Request to consider a Conditional Use Permit (CUP 12-005) to construct a new detached garage with a larger two-story garage/storage building that would exceed the height limitations applied to property located at 321-13th Street, Paso Robles, California.

The application and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970 or by email at dnash@pcity.com.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

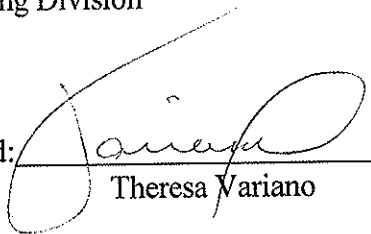
Susan DeCari  
City Planner  
May 11, 2012 6985678

**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Theresa Variano, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 12-005 (Domingos) on this 9th day of May 2012.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: \_\_\_\_\_

  
Theresa Variano