

**TO: Planning Commission**  
**FROM: Ed Gallagher, Community Development Director**  
**SUBJECT: Conditional Use Permit 14-010 – Peterson Home Restoration**  
**531 Bonita Avenue (APN 008-062-008)**  
**DATE: September 9, 2014**

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**NEEDS:** For the Planning Commission to consider a Conditional Use Permit to allow restoration and remodeling of an existing non-conforming, fire-damaged home.

- FACTS:**
1. The applicants experienced a total loss of their home as the result of fire damage on May 2, 2014.
  2. The home site is located in the T-3 Neighborhood (T-3N) zone of the Uptown/Town Center Specific Plan area (UTCSP). It is also located in one of the four (potential) historic districts outlined in the City’s Historic Resource Survey, referred to as the “Post World War II District”. However, the home is not listed in the historic survey or inventory.
  3. The original home had part of the structure (decks) located along the eastern property line, with no setback from the property line. A detached (converted garage) building also existed on both the rear and side yard property lines, also with no setbacks. Refer to Attachment 1.
  4. The required side yard setback in the T-3N zone is five feet between structures and property lines, and the rear yard setback is 10 feet. Therefore, the home and detached building were both non-conforming to the applicable setback standards before the home was damaged.
  5. Additionally, onsite parking in the T-3N zone is required to be located on the rear half of a lot. The proposed project includes a request to rebuild the home within the existing footprint, and to locate a single-car garage within one foot of the side yard property line, and within the front half of the lot. See Attachment 1, Existing and Proposed Site and Floor Plans.
  6. Under the California Environmental Quality Act (CEQA), per Section 15302 (Class 2 – Replacement or reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity), of the State’s Guidelines to Implement CEQA, this application is exempt from environmental review.
  7. The Development Review Committee (DRC) reviewed the proposed project on August 11, 2014. The DRC supported the project and recommended approval to the Planning Commission.

**ANALYSIS &  
CONCLUSION:**

The applicant is proposing to rebuild his home that was destroyed by a house fire. The applicant cannot modify the existing house footprint (due to insurance requirements), and he is interested in building a more functional garage than what

previously existed. Therefore, in order to fit a single-car garage on the site, it must be located outside of the house footprint. However, doing so would infringe on the side yard setback by four feet. Locating the garage to the side yard instead of the rear would provide for a more usable rear yard area.

Per Section 5.3.E (5c) of the UTCSP, *“If buildings or structures are damaged by fire, earthquake, explosion, or other act to an extent of more than fifty percent of the fair market value, they shall only be rebuilt to conform to the present code requirements. Exception: Subject to approval of a conditional use permit, full restoration may be made to the previous state of nonconformity if doing so would not have a significant adverse effect on public safety or the existing or planned visual character of the neighborhood, and/or if other factors indicate that the goals and policies of the general plan would be advanced by such restoration.”*

In this situation, locating the garage into the setback would not result in a safety issue (since there would be one foot open along the side yard and there is nine feet between the property line and the house footprint to the east), and it would not disrupt the visual character of the neighborhood, since the majority of properties in this area have garages and other structures built along or within side yard setbacks.

In regard to the location of the garage, as noted, under the Specific Plan, Section 5.4.1.F (1), garages are required to be located in the rear portion of yards, and be set back a minimum of 25 feet from the front property line. The proposed garage would be set back 25 feet from the front property line, and an additional 8.8 feet from the front of the house.

Per Section 5.1.D (4) of the UTCSP, “modifications” to the standards may be permitted as follows: *“On a case-by case basis, in the event that compliance with the provisions of this Code can be demonstrated to be physically infeasible for any reasonable type of development within any of the zones described in this chapter, the Planning Commission may, subject to development plan review, approve modified development standards upon a finding that the modified standards will not create a physical hazard or negative visual impact when viewed from a street or neighboring property. The Planning Commission may impose any conditions necessary to ensure that such a finding can be made.”*

The proposed garage location would provide a more efficient use of the site since there is no alley access to the rear. The property is fairly small and constrained, and as noted, locating the garage on the side of the house would provide for a more useable rear yard. The garage location would not present a physical hazard or negative impact when viewed from the street since it would be set back a significant distance from the front property line, and would be similar to the existing development pattern of the neighborhood.

The applicant has not yet submitted proposed elevations of the home. It was determined that it would prudent to seek approval of the non-conforming and modification issues before moving forward with architectural design. It is anticipated that the home design would be reviewed by the DRC.

**POLICY**

**REFERENCE:** City of Paso Robles General Plan, Uptown/Town Center Specific Plan, Zoning Ordinance, CEQA.

**FISCAL**

**IMPACT:** No fiscal impacts identified.

**OPTIONS:**

After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- a. Adopt the attached resolution approving Conditional Use Permit 14-010, to allow reconstruction of a non-conforming structure, and approval of a modification to applicable development standards for parking location.
- b. Amend, modify, or reject the above-listed action.

**ATTACHMENTS:**

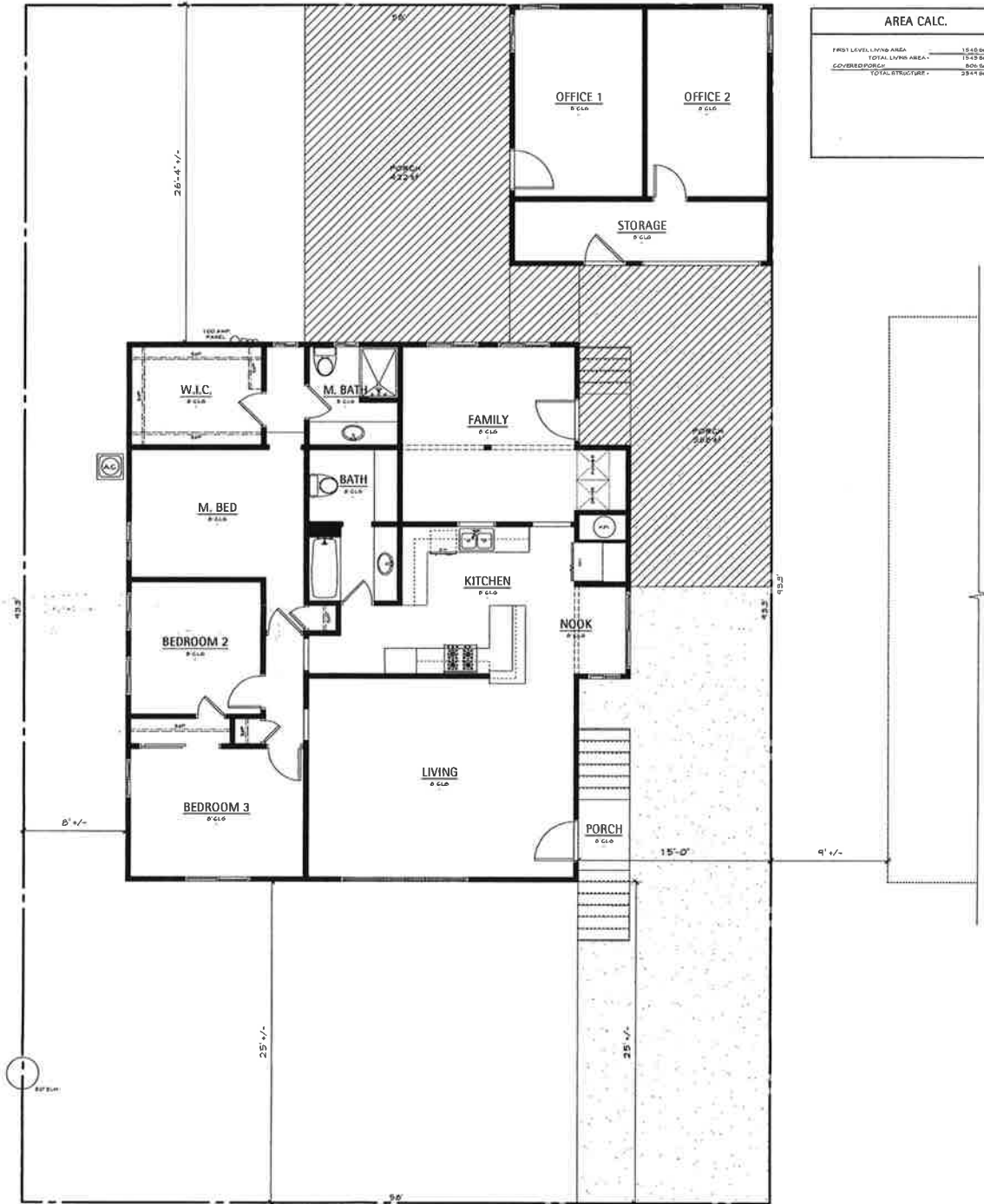
- 1 – Site Plan (Before Fire Damage)
- 2 – Proposed Site Plan
- 3 – Resolution to approve Conditional Use Permit 14-010
- 4 – Hearing Notices

# Attachment 1 Site Plan (Before)



LOCATION PLAN N.T.S.

AREA CALC.	
FIRST LEVEL LIVING AREA	1546 SQFT
TOTAL LIVING AREA	1546 SQFT
COVERED PORCH	600 SQFT
TOTAL STRUCTURE	2146 SQFT



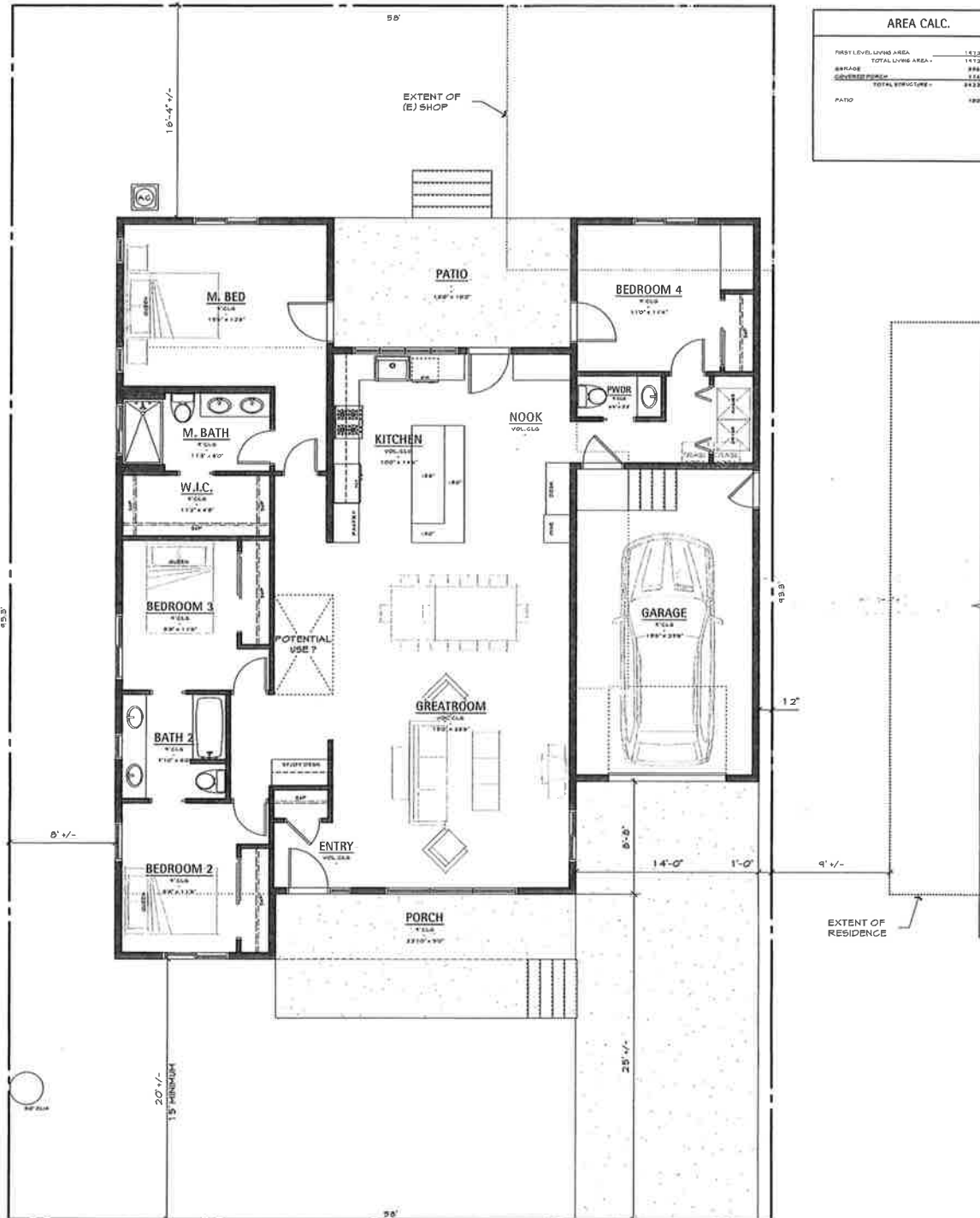
531 BONITA AVE

PETERSON RESIDENCE			
NO. 100			
EXISTING FLOOR PLAN			
DATE	SCALE	NO. SHEETS	16
BY	DATE	REVISION	1

# Attachment 2 Site Plan (Proposed)



AREA CALC.	
FIRST LEVEL LIVING AREA	1433 SQFT.
TOTAL LIVING AREA	1413 SQFT.
BRIDGE	898 SQFT.
COVERED PORCH	418 SQFT.
TOTAL BRIDGE	8433 SQFT.
PATIO	488 SQFT.



531 BONITA AVE

RECEIVED

A.D. 2014

City of Paso Robles  
Community Development Dept.

SCALE 1/8" = 1'-0"

PETERSON RESIDENCE	
PRELIMINARY FLOOR PL	
DATE	SCALE
2014.01.14	1/8" = 1'-0"
DESIGNED	CHECKED
BY: [Signature]	BY: [Signature]

**RESOLUTION NO.**

**A RESOLUTION OF  
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES  
APPROVING CONDITIONAL USE PERMIT 14-010  
531 BONITA AVENUE, APN 008-062-008  
APPLICANT – JOEL PETERSON**

**WHEREAS**, Conditional Use Permit (CUP 14-010) has been filed by Joel Peterson; and

**WHEREAS**, the applicants home is located at 531 Bonita Avenue, and it experienced a catastrophic house fire on May 2, 2014; and

**WHEREAS**, the home is located in the T-3 Neighborhood (T-3N) zoning district of the Uptown/Town Center Specific Plan (UTCSP) area. It is also located in a (potential) historic district identified in the City’s Historic Resource Survey, referred to as the “Post World War II District”. However, the home is not listed as a historic resource; and

**WHEREAS**, the original home and (detached) converted garage encroached within the side yard setback, and were therefore, non-conforming structures; and

**WHEREAS**, in accordance with the UTCSP, Section 5.3.E.5 (c), an approved Conditional Use Permit is required to permit rebuilding of non-conforming structures damaged by fire of at least 50 percent or more of the fair-market value; and

**WHEREAS**, per Section 5.1.D (4) of the UTCSP, the applicant requests approval of a “modification” of the applicable parking location development standard in the T-3N zone, to allow for construction of a single-car garage that is within the front 50 percent of the lot depth; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on CUP 14-010 on September 9, 2014; and

**WHEREAS**, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), per Section 15302 (Class 2 – Replacement or reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity), of the State’s Guidelines to Implement CEQA, this application is exempt from environmental review; and

**WHEREAS**, based upon the facts and analysis presented in the staff report and the attachments thereto, public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission makes the following findings:

1. As conditioned, the design and reconstruction of the proposed home and garage will not, under the circumstances of the particular case, disrupt the visual character of the neighborhood, be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing in the surrounding neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city, since the home and garage design and setback location will be consistent with the existing development pattern of the surrounding area, and the garage would be set back at least 25 feet from the front property line; and
2. The location of the garage (e.g. encroaching into the side yard setback and being located in the front half of the property), would not present physical hazards since the structure would be set back a foot from the side property line and the adjacent home to the east is located nine feet from the property line.

**STANDARD CONDITIONS:**

1. 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 health, safety and welfare, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable use under the Conditional Use Permit.
2. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
3. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
4. Use shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

**SITE SPECIFIC CONDITONS**

5. The applicant shall comply with all applicable noise and nuisance regulations during construction, including the General Plan Noise Element standards and the Municipal Code.
6. The proposed garage may be constructed within one foot of the five-foot side yard setback. It may also be constructed within the front half of the lot, with a minimum front setback of 25 feet from the front property line.
7. The elevations and final site plan shall be reviewed and approved by the Development Review Committee prior to issuance of building permits.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 14-010.

**PASSED AND ADOPTED THIS** 9<sup>th</sup> day of September, 2014 by the following Roll Call Vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
CHAIRMAN DOUG BARTH

ATTEST:

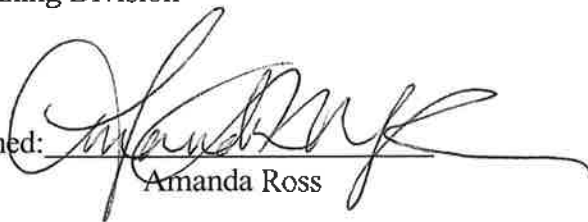
\_\_\_\_\_  
ED GALLAGHER, PLANNING COMMISSION SECRETARY

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

I, Amanda Ross, 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 (CUP) 14-010 to allow for the planned restoration of an existing fire-damaged house, located at 531 Bonita Avenue, on this the 28th day of August, 2014.

City of El Paso de Robles  
Community Development Department  
Planning Division

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



Amanda Ross



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/  
CITY COUNCIL  
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: August 29, 2014

Meeting Date: September 9, 2014  
(Planning Commission)

Project: Conditional Use  
Permit 14-010 –  
Peterson Home  
Restoration

I, Kristen L. Buxkemper, 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:   
Kristen L. Buxkemper

CITY OF EL PASO DE ROBLES

**NOTICE OF PUBLIC HEARING  
CONDITIONAL USE PERMIT  
(CUP 14-010)**

531 BONITA AVENUE, APN: 008-062-008  
PETERSON HOME RESTORATION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing on Tuesday, September 9, 2014 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 approval of Conditional Use Permit for the above referenced entitlement for the following project:

An existing fire-damaged house is proposed to be rebuilt and remodeled. The proposed restoration would locate the eastern side building wall 3 feet from the property line, which encroaches into the 5-foot side yard setback, and requires approval of a Conditional Use Permit.

Under the California Environmental Quality Act (CEQA), per Section 15332 (Infill Development) of the State's Guidelines to Implement CEQA, this application is exempt from environmental review.

Written comments on the proposed project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93448 or emailed to [sdecarli@prcity.com](mailto:sdecarli@prcity.com), 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 Susan DeCarli at (805) 237-3970 or email at [sdecarli@prcity.com](mailto:sdecarli@prcity.com).

If you challenge this application 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 DeCarli  
City Planner  
August 29, 2014 1232525