

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 15-018 – TRACEY BURNS  
1311 CHESTNUT STREET – OVERSIZED ACCESSORY STRUCTURE AND  
HEIGHT EXCEPTION (APN: 009-021-039)

DATE: NOVEMBER 10, 2015

Needs: For the Planning Commission to consider an application filed by Wade Tucker, on behalf of Tracey Burns for a Conditional Use Permit (CUP) to allow the construction of an accessory structure that exceeds 50-percent of the gross floor area of the primary dwelling and exceeds the 15-foot height limit, thereby allowing a guest house addition to an existing detached garage.

Facts:

1. The site is located at 1311 Chestnut Street.
2. The General Plan designation for this location is Residential Single Family (RSF) with a Zoning Designation of Residential Single Family (R1).
3. Section 21.161.210.C.1 of the Zoning Code requires a 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.
4. This project proposes to add a 585 square foot guest house addition to the existing 270 square foot one car garage, for a total of 855 square feet. As a result of the building being constructed into a slope, the 2-story addition would be 25-feet in height at the front and right side elevations (along the northern property line), while the rear and left side elevations would be less than 25-feet.
5. Since the existing primary residence is 1,183 square feet, the proposed addition would exceed 50-percent of the primary residence and as noted above would be taller than 15-feet in certain areas. Therefore, as a result of the size and the height, it is necessary to process a CUP for the addition request.
6. The existing detached garage has a side yard setback of less than 2-feet to the northern property line and is considered non-conforming since it does not comply with the required 3-foot setback. The addition request would extend the non-conforming setback along the northern property to accommodate the addition to the rear, and additionally, the second story addition would increase the height of the wall along the northern property

line from the existing 1-story wall to accommodate the 2-story wall, resulting in a 25-foot tall wall.

7. Section 21.20.350(b) of the Zoning Code, Non-Conforming Buildings and Structures, gives the DRC the ability to approve extensions to a non-conforming setback, or building structure height, provided that such extension does not have a significant adverse effect on public safety of the existing or planned visual character of the neighborhood.
8. The R1 zoning district requires covered parking. Since this property has historically had a one car garage, a condition of approval has been added that requires that a one car garage remain on the first floor. This would require that the front elevation of the first floor be re-engineered to accommodate an 8-foot wide garage door. The applicant, Mr. Tucker has indicated that this modification can be accommodated.
9. This project was reviewed by the Development Review Committee (DRC) on October 19, 2015. As a result of the location of the building along with the slope involved, it does not appear that the addition would have a significant impact on the neighbor to the north, since they have a detached garage adjacent to the subject structure. The DRC recommended that the Commission approve the CUP for size and height exceptions as proposed.
10. This application is categorically exempt from environmental review per Section 15303 (small structures) of the State's Guidelines to Implement CEQA.

Analysis  
and

Conclusion: The intent of the requirement of a Conditional Use Permit for detached accessory buildings is to insure that the building would be compatible with the surrounding neighborhood and not negatively impact neighboring properties. Based on the placement of the detached garage being at the back of the lot, and since the structure would be built into the slope, the proposed addition along with the non-conforming setbacks, would seem to be compatible with other buildings along Chestnut Street, and therefore be compatible with the neighborhood.

Policy

Reference: CEQA, The City of Paso Robles Zoning Code

Fiscal

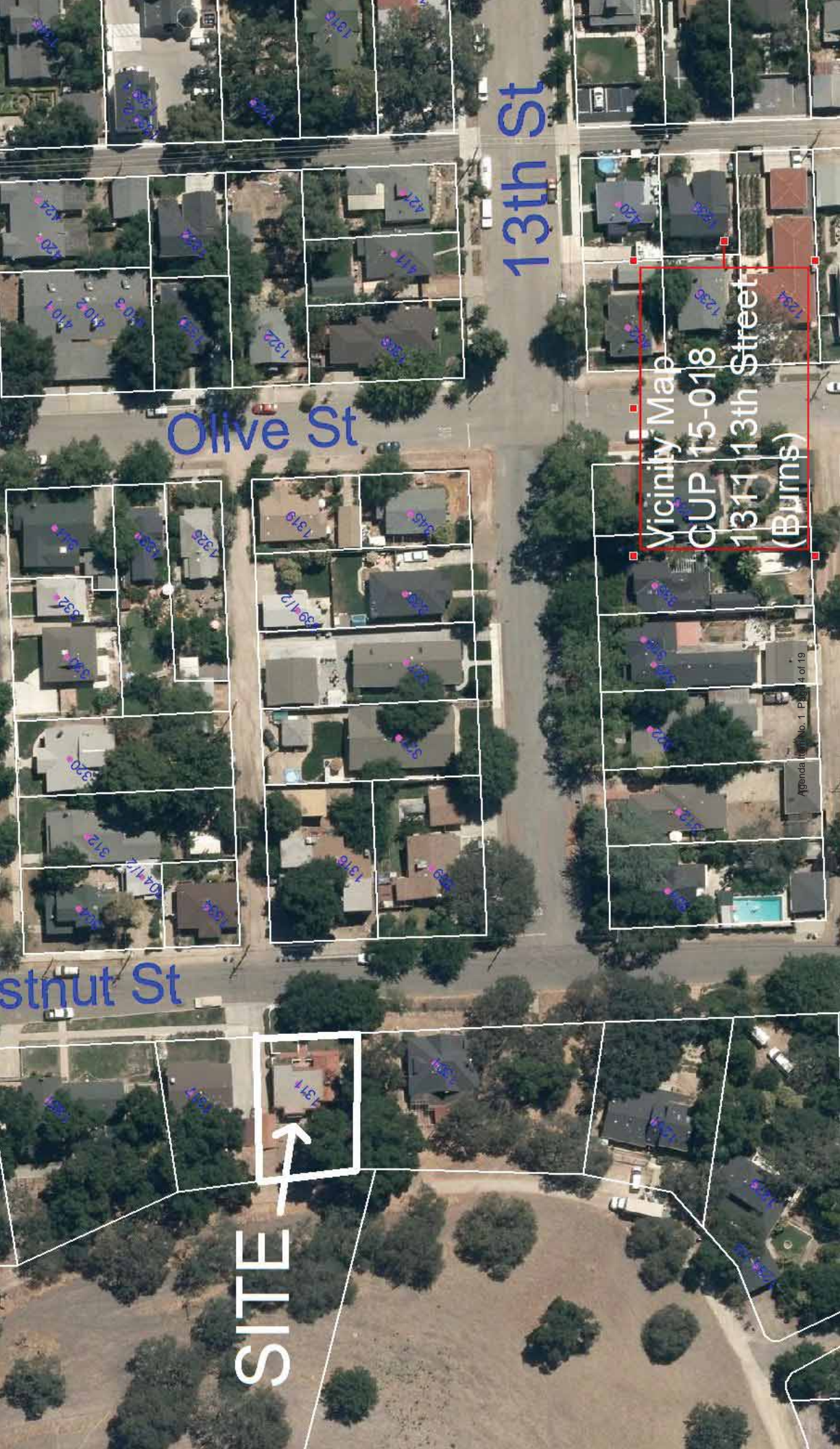
Impact: None identified at this time.

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

- a). Adopt the attached resolution approving Conditional Use Permit 15-018, allowing an addition to an existing detached accessory building to be larger than 50-percent of the primary residence, taller than 15-feet, and continue to have an existing non-conforming side yard setback less than 3-feet, subject to standard and site specific conditions of approval;
- b). Amend, modify or reject the above noted options.

Attachments:

1. Vicinity Map
2. Site Plan
3. Architectural Elevations
4. Photos of Existing garage (rear / left)
5. Photos of Existing garage (front / stairs)
6. Resolution Approving CUP 15-001
7. Newspaper notice and mail affidavits



13th St

Olive St

13th Street

Vicinity Map  
CUP 15-018  
1311 13th Street  
(Burns)

SITE

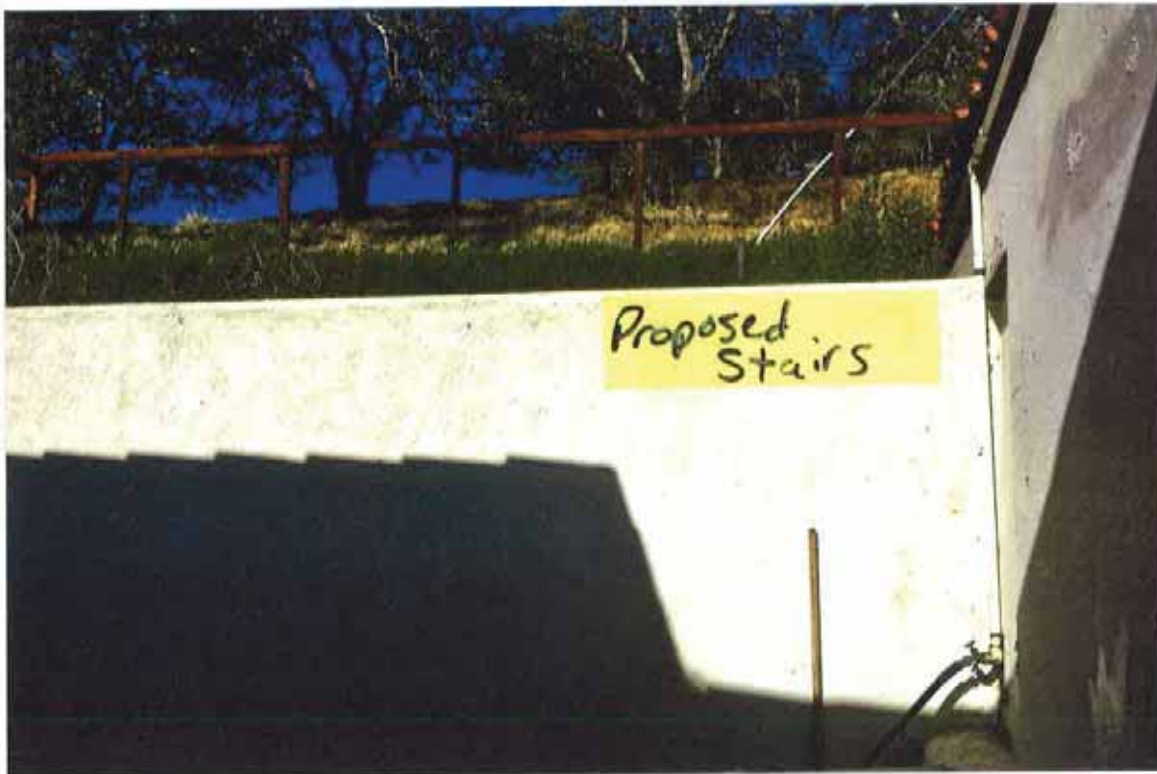
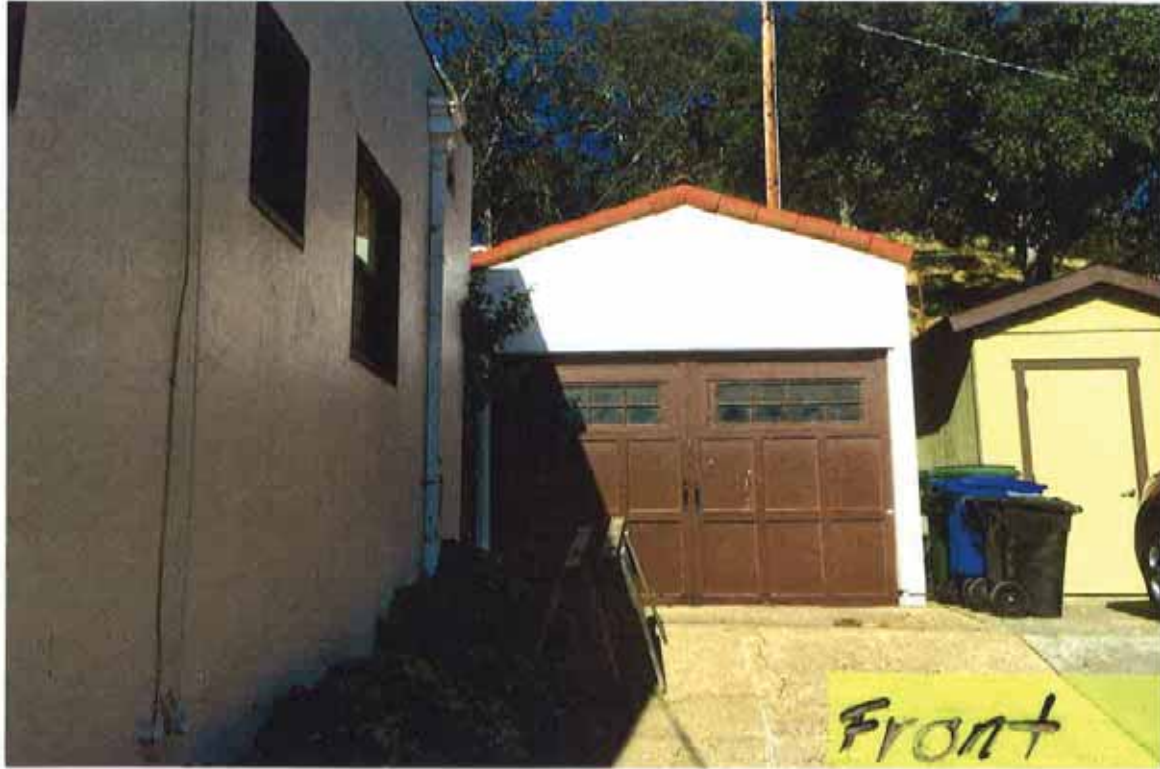
Agenda Item No. 1, Page 4 of 19







**Attachment 4**  
Photos - Existing Garage (left/rear)  
CUP 15-018  
1311 Chestnut Street  
Agenda Item (Bull) Page 7 of 19



**Attachment 5**  
Photos - Existing Garage (front/stairs)  
CUP 15-018  
1311 Chestnut Street  
Agenda Item No. 11 Page 8 of 19  
(Burns)



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

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 15-018  
FOR SIZE, HEIGHT, AND SETBACK EXCEPTIONS FOR AN ACCESSORY STRUCTURE  
(1311 CHESTNUT - BURNS)  
APN: 009-021-039

WHEREAS, Tracey Burns has filed a Conditional Use Permit (CUP) application to allow for the construction of an addition to an existing detached accessory structure at 1311 Chestnut Street; and

WHEREAS, the project proposes to add a 585 square foot guest house addition to the existing 270 square foot one car garage, for a total of 855 square feet; and

WHEREAS, the proposed 2-story addition would be 25-feet in height, and would extend the structures existing non-conforming side setback to the northern property line of less than 3-feet; and

WHEREAS, Zoning Code 21.16E.210 allows detached accessory buildings to exceed 15-feet in height and, and have a building square footage greater than 50-percent of the primary residence, with the approval of a CUP in the R-1 zoning district; and

WHEREAS, Section 21.20.350(b) of the Zoning Code, Non-Conforming Buildings and Structures, gives the DRC, and in this case the Planning Commission the ability to approve extensions to a non-conforming setback, or building structure height, provided that such extension does not have a significant adverse effect on public safety of the existing or planned visual character of the neighborhood; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the proposed 855 square foot, 25-foot tall detached accessory building, located within 3-feet of the side property line, does not have a significant adverse effect on public safety of the existing or planned visual character of the neighborhood, and would therefore be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 15-018, subject to the following conditions:

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	Title Sheet
B	Site Plan
C	Existing Floor Plan
D	First Floor Plan
E	Second Floor Plan
F	Elevations and Materials
G	Section

2. This Conditional Use Permit (CUP) authorizes the construction of an 855 square foot, 25-foot tall, detached accessory building located within 3-feet of the side property line, as described in Exhibit A-H to this resolution.
3. In conjunction with the development of the construction drawings for building permit plan check submittal, the plans shall be modified to allow for a garage door to accommodate for a one car garage on the first floor.
4. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process, shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
5. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for this approval.

PASSED AND ADOPTED THIS 10<sup>th</sup> day of November, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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VINCE VANDERLIP, CHAIRMAN

ATTEST:

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WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION









PLAN PREPARED FOR:  
**TRACY BURNS**  
**1311 CHESTNUT STREET**  
**PASO ROBLES, CA**

REV.	DESCRIPTION	DATE

PROJECT NO. \_\_\_\_\_  
 FILE NAME: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

PROJECT TITLE:  
**SECOND FLOOR PLAN**

PROJECT NUMBER:  
**A-3.1**

**FLOOR PLAN CALLIGTS**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

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7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

**WINDOW SCHEDULE**

NO.	QTY.	SIZE	DESCRIPTION	NOTES
1	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
2	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
3	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
4	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
5	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
6	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
7	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
8	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
9	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	
10	1	36" x 48"	WOOD FRAME DOUBLE GLAZED WINDOW	

**DOOR SCHEDULE**

NO.	QTY.	SIZE	DESCRIPTION	NOTES
1	1	36" x 80"	WOOD FRAME DOOR	
2	1	36" x 80"	WOOD FRAME DOOR	
3	1	36" x 80"	WOOD FRAME DOOR	
4	1	36" x 80"	WOOD FRAME DOOR	
5	1	36" x 80"	WOOD FRAME DOOR	
6	1	36" x 80"	WOOD FRAME DOOR	
7	1	36" x 80"	WOOD FRAME DOOR	
8	1	36" x 80"	WOOD FRAME DOOR	
9	1	36" x 80"	WOOD FRAME DOOR	
10	1	36" x 80"	WOOD FRAME DOOR	

**LEGEND**

1. FINISH: 1.00 - 1/2" PLASTER

2. FINISH: 2.00 - 1/2" PLASTER

3. FINISH: 3.00 - 1/2" PLASTER

4. FINISH: 4.00 - 1/2" PLASTER

5. FINISH: 5.00 - 1/2" PLASTER

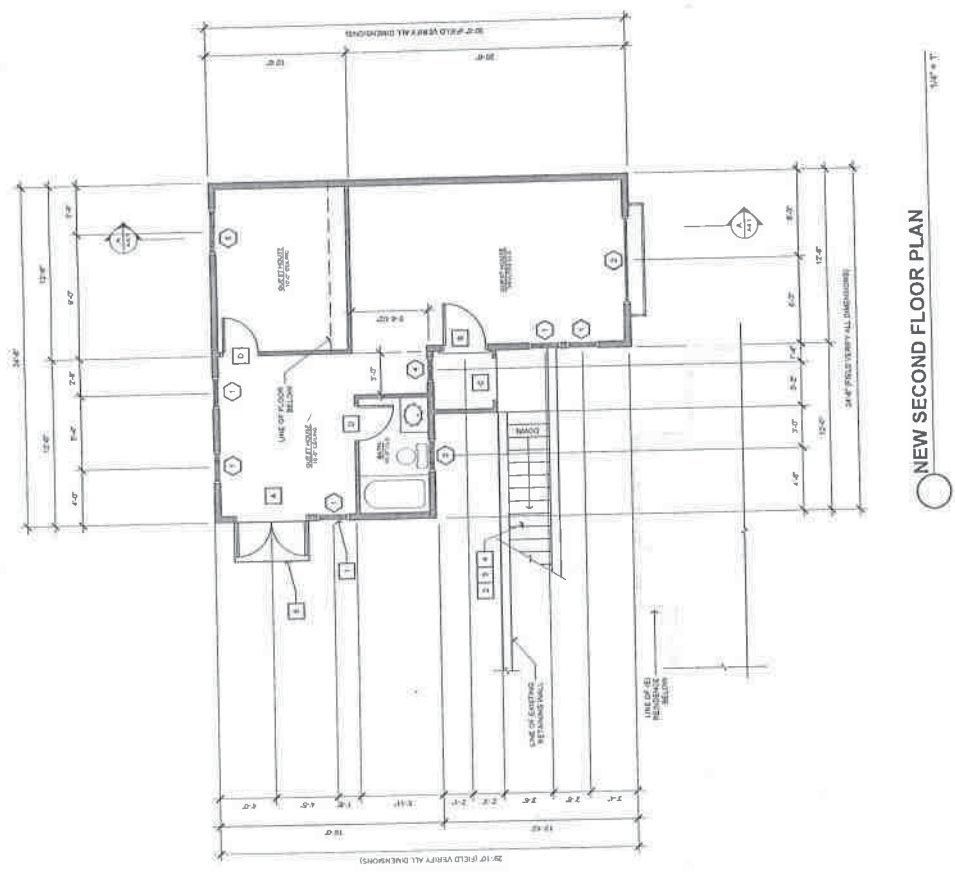
6. FINISH: 6.00 - 1/2" PLASTER

7. FINISH: 7.00 - 1/2" PLASTER

8. FINISH: 8.00 - 1/2" PLASTER

9. FINISH: 9.00 - 1/2" PLASTER

10. FINISH: 10.00 - 1/2" PLASTER



**NEW SECOND FLOOR PLAN**

**Exhibit E**  
 Second Floor Plan  
 CUP 15-018  
 1311 Chestnut Street  
 (Burns)





PLAN PREPARED FOR:  
**TRACY BURNS**  
**1311 CHESTNUT STREET**  
**PASO ROBLES, CA**

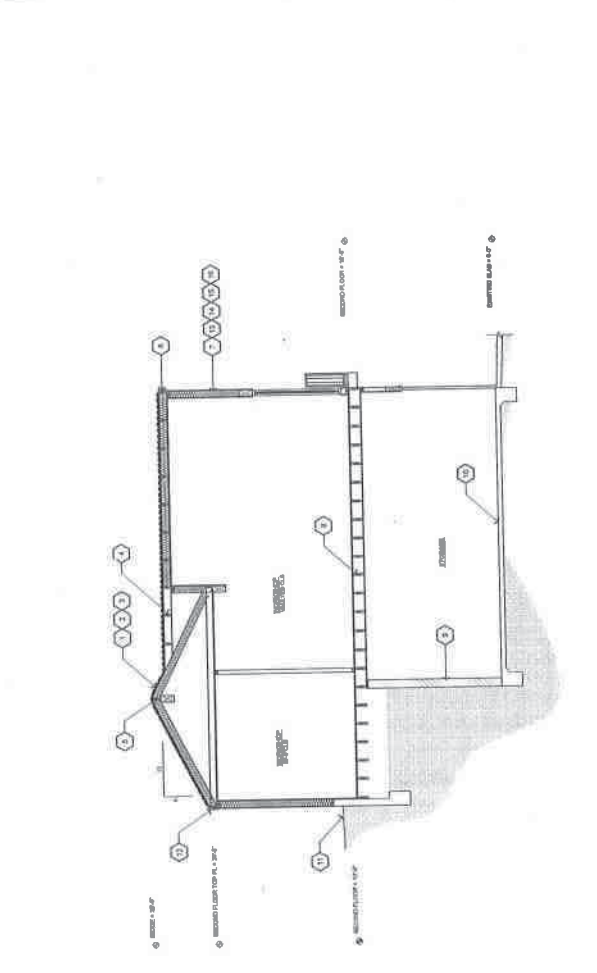
NO.	DESCRIPTION	DATE

PROJECT NO. \_\_\_\_\_  
 FILE NUMBER \_\_\_\_\_  
 DATE \_\_\_\_\_  
 SHEET TITLE \_\_\_\_\_

**SECTION**

**A-5.1**

1. ALL STRUCTURES SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.
2. ALL ROOF RAFTERS, BEAMS, FRAMING, TRUSS, AND ALL OTHER STRUCTURAL MEMBERS SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.
3. ALL WALLS SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.
4. ALL FOUNDATIONS SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.
5. ALL STRUCTURES SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.
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11. ALL STRUCTURES SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.
12. ALL STRUCTURES SHALL BE DESIGNED TO RESIST ALL APPLICABLE LOADS AS SPECIFIED IN THE SPECIFICATIONS AND THE CALIFORNIA BUILDING CODE.



**SECTION A**  
 1/4" = 1'

**Exhibit G**  
 Sections  
 CUP 15-018  
 1311 Chestnut Street  
 (Burns)

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

I, Monica C Hollenbeck, 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 15-018 on this 29th day of October, 2015.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: *Monica C Hollenbeck*  
Monica C Hollenbeck

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION  
PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 10/30/15

Meeting Date: 11/10/14  
Planning Commission

Project: Conditional Use Permit 15-018  
Requesting to construct and 855 SF,  
24-Foot Tall Guest House Addition to  
the Existing Detached Garage at 1311  
Chestnut Street.

I, Monica C Hollenbeck, employee of the  
Community Development Department, Engineering  
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: Monica C Hollenbeck  
Monica C Hollenbeck

**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, November 10, 2015 at 6:30 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:

An application filed by Tracey Burns, for a Conditional Use Permit (CUP 15-018) requesting to construct an 855 square foot, 24-foot tall guest house addition to the existing detached garage at 1311 Chestnut Street. (APN 009-021-039).

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@prcity.com.

This application is Categorically Exempt from environmental review per Section 15303 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

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.

Darren Nash  
Associate Planner  
October 30, 2015 2060259