



City of Paso Robles Planning Commission Agenda Report

From: Darren Nash, Associate Planner

Subject: **Variance 17-002 – Dan and Cindy Bergin**
1425 Chestnut Street / APN 009-022-019
A request for reduced setbacks in relation to a request to establish a Second Unit in the rear of the lot located at 1425 Chestnut.

Date: November 14, 2017

Facts:

1. Dan and Cindy Bergin own the house located at 1425 Chestnut Street. See Vicinity Map, Attachment 1.
2. The project site's General Plan and Zoning designations is Residential Single Family (RSF/R-1).
3. The site is currently developed with a single-family residence (primary residence) at the front of the lot oriented towards Chestnut Street. There is a detached two-car garage on the right side of the lot, accessed from a driveway from Chestnut Street.
4. In conjunction with the plans to construct a second unit on the site, the Bergin's have applied for Variance 17-002 related to setbacks. The following requests for setback reductions are in relation to the proposal to construct a new 870 square foot Second Unit in the rear yard of the site, adjacent to the alley (See Project Description, Attachment 2):
 - Rear Yard Setback: request to reduce the rear yard setback (to the alley) from 20-feet to 5-feet.
 - Building Separation: request to reduce the separation of the proposed Second Unit to the existing detached garage from 10-feet to 5-feet.
5. Section 21.16.D allows for the development of Second Units on R-1 lots, subject to the units complying with standard R-1 setbacks for the primary residence, as well as the 10-foot separation between the second unit and the primary residence.
6. The proposed second unit would be built at the rear of the lot between the existing detached garage and the alley. When taking in consideration the 20-foot rear yard setback required for primary residences in R-1 zones, the proposed 870 square foot unit would not be able to comply with the setback without removing the existing detached garage and patio cover. See Site Plan, Attachment 3.

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7. In order to allow for the proposed second unit and keep the existing detached garage and patio cover, the Bergin's are requesting a reduction in the 20-foot rear setback to 5-feet and for the separation between the new unit and the existing garage to be 5-feet.
8. This application is categorically exempt from environmental review per Section 15301 (minor addition to existing facilities) of the State's Guidelines to Implement CEQA.

Options:

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

1. Adopt the attached Resolution A (Attachment 4) approving Variance 17-002 allowing a 5-foot rear setback for the second unit to the alley; and allow a 5-foot separation between the second unit and the existing detached garage; based on these setbacks being consistent with setbacks allowed for other lots with alleys in the nearby R2 and T3-N zones.
2. Amend the above-listed action.
3. Refer back to staff/DRC for additional analysis.
4. Make findings to deny applications.

Analysis and Conclusion:

The residential lots west of Chestnut Street, are zoned R-1. The lots on the east side of Chestnut along Olive Street have an R2 zoning, and one more block east along Vine Street, has a T3-N zone within the Uptown Town Centre Specific Plan. Lots within the R-2 and T3-N zones are typically 50-foot wide by 140-foot deep and have alley access. Rear setbacks for rear yard dwellings in the R-2 and T3-N zones can be as close as 5-feet to the rear property line (alley).

The R-1 Ordinance is written to provide development standards for lots that do not have alley access, such as lots typically found on the east side of town. Having a 20-foot rear yard setback for a lot that typically backs up to another rear yard is standard. When taking in consideration the 20-foot rear yard setback requirement for lots that have alleys, seems excessive. Allowing a 5-foot setback for units along alleys would seem reasonable and be consistent with setbacks typically allowed for along alleys in the R-2 and T3-N zones.

Regarding the building separation, a 10-foot separation is the requirement between the primary residence and a detached accessory building such as a garage. In the Bergin's case, since there is already a detached garage that exceeds the 10-foot separation from the primary residence, having a 5-foot separation between the existing garage and the second unit, also seems reasonable.

Fiscal Impact:

There are no negative fiscal impacts to the City associated with approval of this setback variance request.

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Recommendation

Option 1. Approve the draft Resolution A, approving Variance 17-012.

Attachments:

1. Vicinity Map
2. Bergin Letter
3. Site Plan
4. Draft Resolution – A: Variance 17-002
5. Mail and Newspaper Affidavits



October 25, 2017

City of Paso Robles Planning Dept
1000 Spring Street
Paso Robles, CA 93446

Received 10/25/17
City of Paso Robles
Community Development

Re: Set Back Variance
Proposed 868 Sq. Ft.
Guest/Caretakers Unit
1425 Chestnut St.
Paso Robles, CA
APN: 009-022-019

Dear Sir and Madam:

Our plans have been submitted for the above Proposed Project; a second dwelling behind an existing 1200 Sq. Ft. Single Family Home at 1425 Chestnut St. It is our intent to build a unit with full kitchen which is larger than 50% of the Sq. Footage of the front unit because a limit of a 600 Sq. Ft. dwelling would be too restrictive for my 86 year old father to occupy. He currently lives at Running Deer Ranch in a 900 Sq. Ft. Cabin, which is a two story dwelling with bedroom and office. Since his mobility has become limited over the last couple of years, we would like to build him a unit to better accommodate him in his senior years which is similar in size and number of rooms to what he currently occupies but in a Single Level and closer to my work at 13th and Vine.

The proposed dwelling entrance will be via Alley Way Access. There is an area for parking (albeit not needed by him as he will not be driving) as well as multiple tandem parking spaces in front of the two car garage with additional street parking available.

The property is zoned R-1 which requires a setback of 20' to the back property line. If we adhere to the R-1 Setback guidelines (which are more applicable to homes not adjoining an Alley Way) there would not be enough room to build our desired Unit size and we could be unable to move forward with our project.

With regard to the Building Separation Topic; the proposed building is back behind the detached garage, a separation of 10' between the primary dwelling and detached second unit is compliant. The proposed dwelling will not be visible to the street and the front unit and existing back yard and garage will remain as a standalone, therefore it would not change the visual character of the neighborhood from the street view.

We are requesting approval of the Rear Setback Variance to 5' as well as a Variance to the 10' building separation requirement. Our proposed project is similar to other rear-yard units all along Alley Ways in the downtown Westside corridor. As well, the proposed plan is as submitted with intended payment of full developmental and school fees as of the most recent schedule of charges.

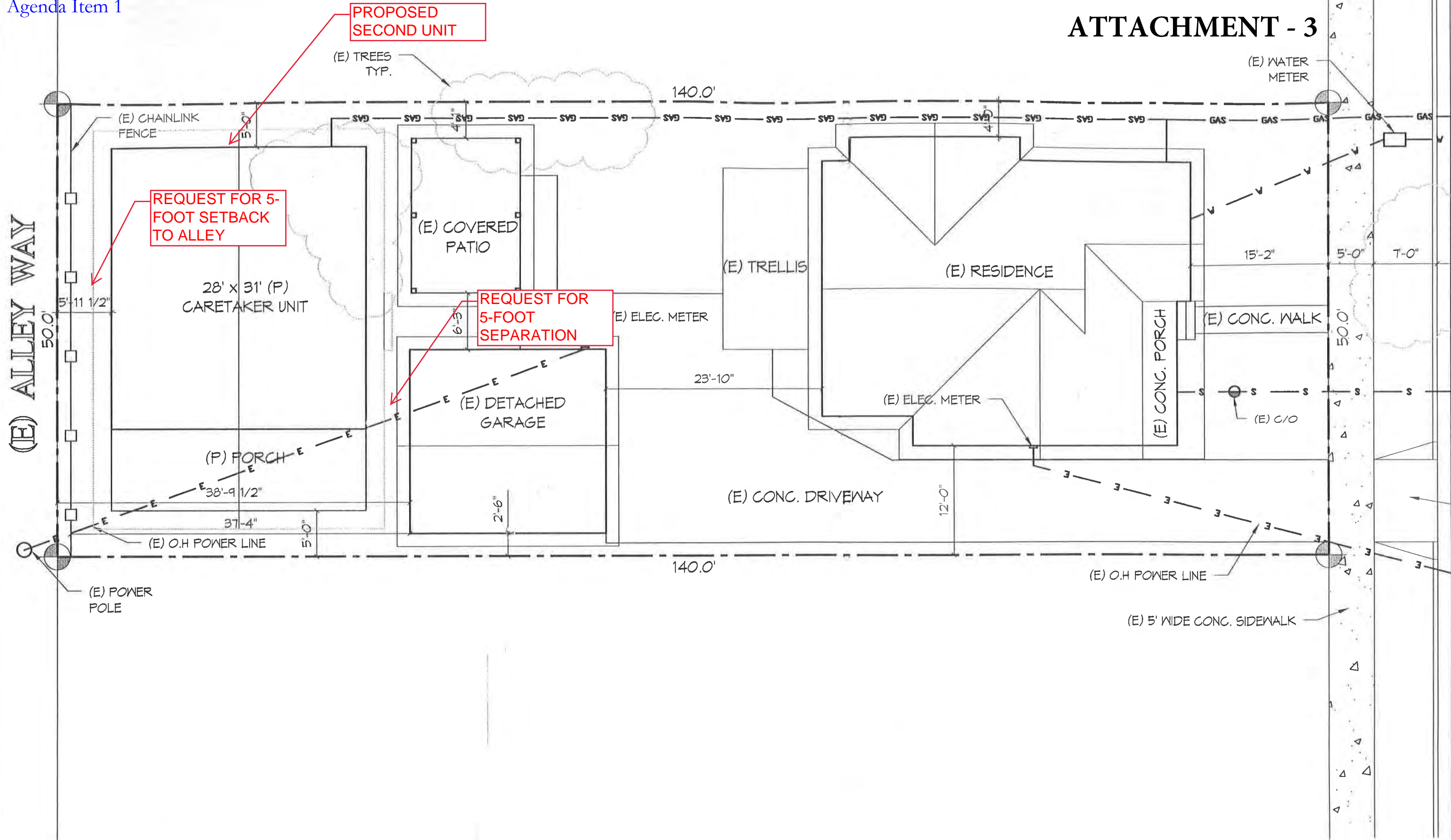
We thank you in advance for your consideration.



Dan Bergin



Cindy Bergin



Attachment 4

DRAFT RESOLUTION – A

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES APPROVING
(VAR – 17-002) VARIANCE
1425 CHESTNUT STREET
(DAN AND CINDY BERGIN)
APNs: 009-022-019

WHEREAS, Dan and Cindy Bergin own the house located at 1425 Chestnut Street; and

WHEREAS, the project site’s General Plan and Zoning designations is Residential Single Family (RSF/R-1); and

WHEREAS, the site is currently developed with a single-family residence (primary residence) at the front of the lot oriented towards Chestnut Street and there is a detached two-car garage on the right side of the lot, accessed from a driveway from Chestnut Street; and

WHEREAS, in addition to the residence and garage, the Bergin’s are proposing to build an 870 square foot Second Unit accessed off the alley; and

WHEREAS, Section 21.16.D allows for the development of Second Units on R-1 lots, subject to the units complying with standard R-1 setbacks for the primary residence, as well as the 10-foot separation between the second unit and the primary residence; and

WHEREAS, in order to allow for the proposed second unit and keep the existing detached garage and patio cover, the Bergin’s are requesting a reduction in the 20-foot rear setback to 5-feet and for the separation between the new unit and the existing garage to be 5-feet; and

WHEREAS, the proposed Variance is Categorically Exempt from environmental review per Section 15301(Existing Facilities) of the State’s Guidelines to Implement the California Environmental Quality Act (CEQA); and

WHEREAS, a public hearing was conducted by the Planning Commission on November 14, 2017, to consider facts as presented in the staff report prepared for the Variance, and to accept public testimony regarding the application; and

WHEREAS, based upon facts and analysis presented in the staff report and the attachments thereto, the public testimony received, that the Planning Commission finds that based on the subject lot being 50-feet wide by 140-feet deep and having alley access, that allowing for a 5-foot rear yard setback to an alley, along with the 5-foot building separation, would be consistent with similar size lots with alley access in the neighboring R-2 and T3-N zones.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Resolution A, allowing for a 5-foot rear yard setback and 5-foot building separation to the existing detached garage for the proposed Second Unit, as shown on Exhibit A.

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PASSED AND ADOPTED THIS 14th day of November 2017 by the following roll call vote:

AYES:

NOES:

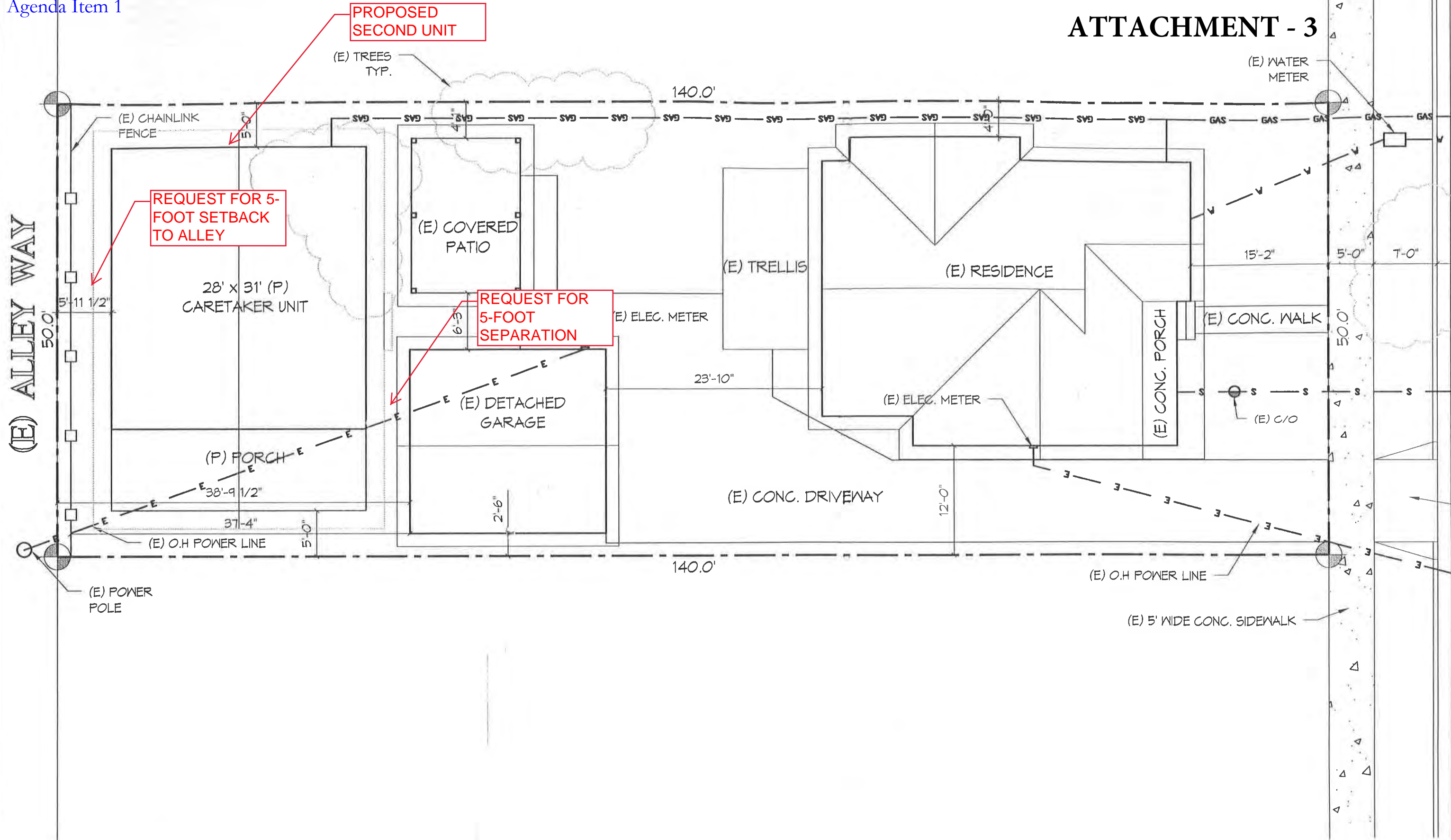
ABSENT:

ABSTAIN:

JOHN DONALDSON, CHAIRMAN

ATTEST:

WARREN FRACE, PLANNING COMMISSION SECRETARY





CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Variance 17-002, on this 3rd day of November, 2017.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: *Monica C Hollenbeck*
Monica Hollenbeck

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION
PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 11/2/2017

Meeting Date: 11/14/2017
 Planning Commission

Project: VAR 17-002 – Bergin

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a Public Hearing to consider the following project:

APPLICATION: Variance 17-002, the following requests for set-back reductions are in relation to the proposal to construct a new 870 square foot Second Unit in the rear yard of the site, adjacent to the alley:

- Rear Yard Setback: request to reduce the rear yard setback (to the alley) from 20-feet to 5-feet
- Building Separation: request to reduce the separation of the proposed Second Unit to the existing detached garage from 10-feet to 5-feet

APPLICANT: Dan and Cindy Bergin

LOCATION: 1425 Chestnut Street; Assessor's Parcel Number 009-022-019.

ENVIRONMENTAL DETERMINATION: This application is Categorical Exempt from environmental review per Section 15303 (small structures) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

HEARING: The Planning Commission will hold a Public Hearing on Tuesday, November 14, 2017, at 6:30 p.m. at the Library Conference Center, 1000 Spring Street, Paso Robles, California.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed application may be mailed to the Community Development Department, or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearings.

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

Copies of the staff report pertaining to this project will be available for review at the Community Development Department on the Thursday preceding each hearing (copies are available for purchase for the cost of reproduction). If you have any questions, please contact the Community Development Department at (805) 237-3970.

Darren Nash
Associate Planner
November 2, 2017

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