

RESOLUTION NO.: 01-071

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING WAIVER 01-002  
(VARIA / BUENA TAVOLA)

APN: 009-145-008

WHEREAS, Waiver 01-002 has been filed by Antonio and Kasie Varia for the deferral of curb and gutter improvements for the approximate 25 feet of property frontage located at 943 Spring Street, just South of 10<sup>th</sup> Street, and

WHEREAS, Section 11.12.030.D 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 planning commission, 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 applications of the owner of the property or other persons to whom this chapter may apply, and

WHEREAS, prior to occupancy of the building the applicant is required to construct the necessary street improvements to engineering standards, including the setback of the curb along the 25-foot street frontage of the restaurant, and

WHEREAS, the setback of the curb fronting 943 Spring Street would not improve the street in a manner consistent with the surrounding businesses, and

WHEREAS, the applicants are requesting to defer the installation of the curb and gutter to a future date compatible with the pattern of curb development of the entire block, and

WHEREAS, the applicant still proposes to install the necessary sidewalk and parkway improvements, and

WHEREAS, neighboring property owners of the site in question have been noticed as described in Section 21.23A.030.J. , and

WHEREAS, a public hearing was conducted by the Planning Commission September 11, 2001, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested 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 11.12.030.D of the Municipal Code, the Planning Commission of the City of El Paso de Robles does hereby approve Waiver 01-002, deferring

the requirement for curb and gutter improvements for the subject site, subject to the following conditions:

1. Prior to issuance of a Certificate of Occupancy, the applicant shall install the necessary sidewalks and parkway landscaping.
2. The applicant shall agree to construct the required curb and gutter improvements to comply with all City Standards at a future date compatible with the adjacent street development. This agreement shall be in a form acceptable to the City Attorney and City Engineer, and shall include security if required.

PASSED AND ADOPTED THIS 11<sup>th</sup> day of September 2001, by the following Roll Call Vote:

AYES: Calloway, Johnson, McCarthy, Nicklas, Steinbeck, Tascona, Warnke

NOES: None

ABSENT: None

ABSTAIN: None

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CHAIRMAN RON JOHNSON

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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