

RESOLUTION NO.: 01-075
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO DENY CONDITIONAL USE PERMIT 01-016
(HAZEL HOUSE)

WHEREAS, Conditional Use Permit (CUP) 01-016 has been filed by Ravell Pierce to authorize the continued operation of Hazel House, a “sober living home for men” at 2811 Oak Street, which is located within the R-2 Zoning District; and

WHEREAS, in a letter dated August 31, 2001, City Staff notified Ravell Pierce and Hazel Horn, property owner of 2811 Oak Street, that Hazel House was a “group home” for which a conditional use permit is required in the R-2 Zoning District, as specified by Section 21.16.030 of the Municipal Code of the City of El Paso de Robles; and

WHEREAS, as noted in the Staff Report for this application, which shall be attached to this resolution as Exhibit A, the following are among the facts about the operation of Hazel House:

- a. Residency in Hazel House is restricted to men who have alcohol or substance abuse problems;
- b. Residents must participate in certain programs which include drug testing and participation in twelve step meetings;
- c. Many of the residents are on parole for violations related to drug and alcohol abuse.
- d. The applicant has admitted to having 9 residents and a desire to accommodate more than 9 residents;
- e. On the southeast corner of 28th and Oak Streets, about 155 feet from Hazel House (on the campus of Flamson Middle School) is the “Paso Robles Independent Study Center”, a public school for 6th-12th graders who have had disciplinary problems of a nature that they cannot remain in a regular classroom;
- f. Hazel House appears to meet the criteria for an “alcoholism or drug abuse recovery or treatment facility” as defined by Health and Safety Code Section 11834.02, for which a license issued by the State Department of Alcohol and Drug Programs is required;
- g. As of September 2001, a license for “alcoholism or drug abuse recovery or treatment facility” has not been issued to the Hazel House by State Department of Alcohol and Drug Programs.

WHEREAS, per Section 21.23.250 of the Zoning Code, in order to approve a conditional use permit, the Planning Commission must find that “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 establishment, maintenance or operation for the requested use or building applied for, 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 such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City”; and

WHEREAS, a public hearing was conducted by the Planning Commission on September 25, 2001, 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

NOW, THEREFORE, BE IT FOUND AND DETERMINED by the Planning Commission of the City of El Paso de Robles as follows:

1. Since residency in Hazel House is restricted to men who have alcohol or substance abuse problems, and since residents must participate in certain programs which include drug testing and participation in twelve step meetings, the City of Paso Robles has determined that Hazel House is a “group home” for which a conditional use permit is required.
2. Since many of the residents of Hazel House are on parole for violations related to drug and alcohol abuse and the concentration of persons with such challenges, coupled with the close proximity of the “Independent Study Center” and Flamson Middle School, appears to carry an unacceptable risk that does not appear to be consistent with the above findings required by Section 21.23.250;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby deny Conditional Use Permit 01-016 and direct City staff to take expeditious action to ensure that the group home use that was unlawfully established at 2811 Oak Street be discontinued immediately.

PASSED AND ADOPTED THIS 25th Day of September, 2001 by the following Roll Call Vote:

AYES: CALLOWAY, JOHNSON, McCARTHY, NICKLAS, STEINBECK, TASCONA, WARNKE

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN RON JOHNSON

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY