

RESOLUTION NO.: 03-010  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING WAIVER 02-010  
FOR 2245 OLIVE STREET  
(Mercado/Dakos)

APN: 008-151-004

WHEREAS, Waiver 02-010 has been filed by Dennis Dakos on behalf of Juan Mercado for the waiver of curb, gutter and sidewalk improvements for street frontage at 2245 Olive 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, the topographical conditions at 2245 Olive Street, including location of an existing oak tree and existing public improvement patterns along the right-of-way in this block, are such that sidewalk installation would be inconsistent with existing conditions, and

WHEREAS, the requirement for sidewalk improvements is triggered by the reconstruction of a residence that was destroyed by fire, and installation of sidewalk would constitute a hardship on the applicant, and

WHEREAS, the City Engineer has inspected 2245 Olive Street and recommends that the Planning Commission modify the provisions of Section 11.12.030, based on topographical, physical, and hardship factors inherent to this particular property, and allow the applicant to waive the installation of required City-standard curb, gutter, and sidewalk, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 28, 2003, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver/modification, 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 02-010, modifying the requirement for public improvements for the subject site due to the

topographical constraints of the site and hardship due to fire damage to the previously existing building.

PASSED AND ADOPTED THIS 28th day of January, 2003, by the following Roll Call Vote:

AYES: Calloway, Ferravanti, Flynn, Johnson, Kemper, Steinbeck, 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