

RESOLUTION NO: 04-050  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING WAIVER 04-002  
FOR 406 6<sup>th</sup> STREET.  
(Laddon-Irving)  
APN: 009-251-024

WHEREAS, Waiver 04-002 has been filed by Anne Laddon and James Irving for the waiver of curb, gutter and sidewalk improvements for street frontage at 406 6<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, the topographical conditions at 406 6<sup>th</sup> Street, including the location of existing native oak trees adjacent to the subject property, are such that curb, gutter and sidewalk installation would be inconsistent with the goal of the City Council to preserve native oak trees, and

WHEREAS, the City Engineer has inspected 6<sup>th</sup> Street and recommends that the Planning Commission waive the provisions of Section 11.12.030, based on the existence of native oak trees adjacent to this particular property, and allow the applicant to forgo the installation of required City standard curb, gutter and sidewalk and,

WHEREAS, a public hearing was conducted by the Planning Commission on April 13, 2004, 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 04-002, waiving the requirement for curb, gutter and sidewalk public improvements for the subject site due to the existence of native oak trees of the site and subject to the applicant's deposit of in-lieu fees as determined by the City Engineer.

PASSED AND ADOPTED THIS 13th day of April, 2004, by the following Roll Call Vote:

AYES: Ferravanti; Johnson; Kemper; Hamon; Mattke; Flynn

NOES:

ABSTAIN: Steinbeck

ABSENT:

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CHAIRMAN TOM FLYNN

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY