

RESOLUTION NO.: 04-073  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 04-006  
(Mumford)  
APN: 008-245-014

WHEREAS, Section 21.20.215 of the Municipal Code (Ordinance No. 719 N.S.) of the City of El Paso de Robles requires approval of a Conditional Use Permit for the development of new residential uses in the Commercial Service area bounded by 18<sup>th</sup> Street, 24<sup>th</sup> Street, the railroad tracks and Highway 101; and

WHEREAS, Micah Mumford has submitted an application for Conditional Use Permit 04-006, an application that would allow the construction of two new two-story houses with detached garages; and

WHEREAS, in conjunction with Conditional Use Permit 04-006, Mr. Mumford has submitted an application for Tentative Parcel Map PR 04-0126, to subdivide the 7,000 square foot lot into two approximate 3,500 square foot parcels; and

WHEREAS, this site is located at the end of 19<sup>th</sup> Street, west of Riverside Avenue, adjacent to the railroad tracks; and

WHEREAS the property in which the house would be located is zoned R3 (Multi-family Residential, Medium Density) and the General Plan designation is CS (Commercial Service); and

WHEREAS, although the zoning designation is R3, the Ordinance requires that R2 densities be used when calculating the number of residential units on a lot in this geographic area of the City; and

WHEREAS, the Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15303 of the State's Guidelines to Implement CEQA; and

WHEREAS, a public hearing was conducted by the Planning Commission on June 8, 2004, 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

WHEREAS, 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 04-006 subject to the following conditions:

STANDARD CONDITIONS:

1. The applicant shall comply with all those conditions, which are indicated on the resolution to approve PR 04-0126.
2. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
B	Preliminary Site Plan
C	Preliminary Arch. Elevations – Parcel 1
D	Preliminary Arch. Elevations – Parcel 2
E	Preliminary Arch. Elevations – Garages
D	Arborist Report

\*Indicates that exhibit is on file in the Community Development Department.

3. Any condition imposed by the Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.

SITE SPECIFIC CONDITIONS:

4. In order to reduce the impacts to the oak trees, the setback reductions may be implemented as follows:  
  
Parcel 1: Reduce the front yard setback for the house from 15-feet to 5-feet. Reduce the side yard setback for the house from 10-feet to 5-feet.  
  
Parcel 2: Reduce the rear yard setback for the house from 10-feet to 5-feet. Reduce the

side yard setback for the house from 10-feet to 5-feet.

Garages: Allow the use of a common interior wall for the detached garages.

5. The driveway width may neck down to a minimum width of 10-feet in order to go around the oak tree.
6. All landscaping shall complement the oak trees. The arborist shall be involved to help determine the types and location of the landscaping.
7. The final site plan, landscaping and architectural elevations shall be approved by staff prior to the issuance of a building permit.
8. Prior to the recording of the final map, or of the issuance of a building permit for either parcel, an oak tree preservation security shall be posted in the amount based on the valuation of the trees according to the guidelines set forth within the council of tree and landscape appraisers "Guide for Plan Appraisal" as approved by the Director (Section 10.01.050).

PASSED AND ADOPTED THIS 8th Day of June, 2004 by the following Roll Call Vote:

AYES: Ferravanti, Hamon, Johnson, Mattke, Kemper, Steinbeck

NOES: Flynn

ABSENT: None

ABSTAIN: None

---

CHAIRMAN TOM FLYNN

ATTEST:

---

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

h:\darren\Pmap\PR04-0126Mumford\CUPres.