

RESOLUTION NO: 04-093  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
APPROVING WAIVER 04-004  
FOR 1241 CHESTNUT STREET

(Peterson-Fusano) APN: 009-021-022

WHEREAS, Waiver 04-004 has been filed by Ruben Peterson and Rosemarie Fusano for the waiver of curb, gutter and sidewalk improvements for street frontage at 1241 Chestnut 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 1241 Chestnut Street, including the location of existing native oak trees adjacent to the subject property, are such that sidewalk installation would be inconsistent with the goal of the City Council to preserve native oak trees; and

WHEREAS, the City Engineer has inspected 1241 Chestnut Street and recommends that the Planning Commission waive the provisions of Section 11.12.030, based upon the existence of native oak trees and the topography adjacent to this particular property, and allow the applicant to forgo the installation of required City standard sidewalk; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 10, 2004, to consider the facts as presented in the staff report prepared for the project, and to accept public testimony regarding this requested waiver.

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 04-004 with the following provisions:

SECTION 1: Approve waiving the requirement for installation of sidewalk adjacent to the subject site due to the existence of native oak trees and the topography of the site and subject to the applicant's deposit of in-lieu fees as determined by the City Engineer.

SECTION 2: Deny waiving the requirement for the installation of curb and gutter adjacent to the site.

PASSED AND ADOPTED THIS 10th day of August, 2004, by the following Roll Call Vote:

AYES: Mattke, Ferravanti, Kemper, Steinbeck, Flynn

NOES:

ABSTAIN: Hamon, Johnson

ABSENT:

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CHAIRMAN TOM FLYNN

ATTEST:

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ROBERT A. LATA, PLANNING COMMISSION SECRETARY