

RESOLUTION NO. 14-026

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 14-010
531 BONITA AVENUE, APN 008-062-008
APPLICANT – JOEL PETERSON**

WHEREAS, Conditional Use Permit (CUP 14-010) has been filed by Joel Peterson; and

WHEREAS, the applicants home is located at 531 Bonita Avenue, and it experienced a catastrophic house fire on May 2, 2014; and

WHEREAS, the home is located in the T-3 Neighborhood (T-3N) zoning district of the Uptown/Town Center Specific Plan (UTCSP) area. It is also located in a (potential) historic district identified in the City's Historic Resource Survey, referred to as the "Post World War II District". However, the home is not listed as a historic resource; and

WHEREAS, the original home and (detached) converted garage encroached within the side yard setback, and were therefore, non-conforming structures; and

WHEREAS, in accordance with the UTCSP, Section 5.3.E.5 (c), an approved Conditional Use Permit is required to permit rebuilding of non-conforming structures damaged by fire of at least 50 percent or more of the fair-market value; and

WHEREAS, per Section 5.1.D (4) of the UTCSP, the applicant requests approval of a "modification" of the applicable parking location development standard in the T-3N zone, to allow for construction of a single-car garage that is within the front 50 percent of the lot depth; and

WHEREAS, the Planning Commission held a duly noticed public hearing on CUP 14-010 on September 9, 2014; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), per Section 15302 (Class 2 – Replacement or reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity), of the State's Guidelines to Implement CEQA, this application is exempt from environmental review; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission makes the following findings:

1. As conditioned, the design and reconstruction of the proposed home and garage will not, under the circumstances of the particular case, disrupt the visual character of the neighborhood, be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing in the surrounding neighborhood, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city, since the home and garage design and setback location will be consistent with the existing development pattern of the surrounding area, and the garage would be set back at least 25 feet from the front property line; and
2. The location of the garage (e.g. encroaching into the side yard setback and being located in the front half of the property), would not present physical hazards since the structure would be set back a foot from the side property line and the adjacent home to the east is located nine feet from the property line.

STANDARD CONDITIONS:

1. 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 health, safety and welfare, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable use under the Conditional Use Permit.
2. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
3. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
4. Use shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

SITE SPECIFIC CONDITIONS

5. The applicant shall comply with all applicable noise and nuisance regulations during construction, including the General Plan Noise Element standards and the Municipal Code.
6. The proposed garage may be constructed within one foot of the five-foot side yard setback. It may also be constructed within the front half of the lot, with a minimum front setback of 25 feet from the front property line.
7. The elevations and final site plan shall be reviewed and approved by the Development Review Committee prior to issuance of building permits.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 14-010.

PASSED AND ADOPTED THIS 9th day of September, 2014 by the following Roll Call Vote:

AYES: Commissioners Gregory, Garcia, Donaldson, Vanderlip , Rollins and Chairman Barth
NOES: None
ABSENT: Commissioner Cooper
ABSTAIN: None



CHAIRMAN DOUG BARTH

ATTEST:


ED GALLAGHER, PLANNING COMMISSION SECRETARY