

RESOLUTION NO: 05-0079
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING WAIVER 05-001
FOR 133 CAPITOL HILL DRIVE

(Bonelli) APN: 009-531-028

WHEREAS, Waiver 05-001 has been filed by Kathleen Bonelli for the waiver of curb, gutter and sidewalk improvements for street frontage on Capitol Hill Drive, being more particularly described as Lots 21 and 22 of the map of Capitol Hill; and

WHEREAS, this item is an open public hearing from the Planning Commission meeting of August 9, 2005 & August 23, 2005; 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 topographic conditions along Capitol Hill Drive are such that sidewalk installations precluded; and

WHEREAS, the City Engineer has inspected Lots 21 and 22 on Capitol Hill Drive and recommends that the Planning Commission waive the provisions of Section 11.12.030, based upon the topography of land adjacent to properties along Capitol Hill Drive, 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 September 13, 2005, 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 05-001, with respect to Lots 21 and 22 of the Map of Capitol Hill with the following provisions:

SECTION 1: Approve waiving the requirement for installation of sidewalk adjacent to the subject site due to the topography of properties along Capitol Hill Drive and subject to the

applicant's deposit of in-lieu fees as determined by the City Engineer at the time of development of the subject parcels.

PASSED AND ADOPTED THIS 13th day of September, 2005, by the following Roll Call Vote:

AYES: Johnson, Mattke, Menath, Steinbeck, Flynn, Hamon, Holstine

NOES: None

ABSTAIN: None

ABSENT: None

CHAIRMAN ED STEINBECK

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY