

1155 West Orangethorpe Avenue

Appeal of Planning Commission Determination

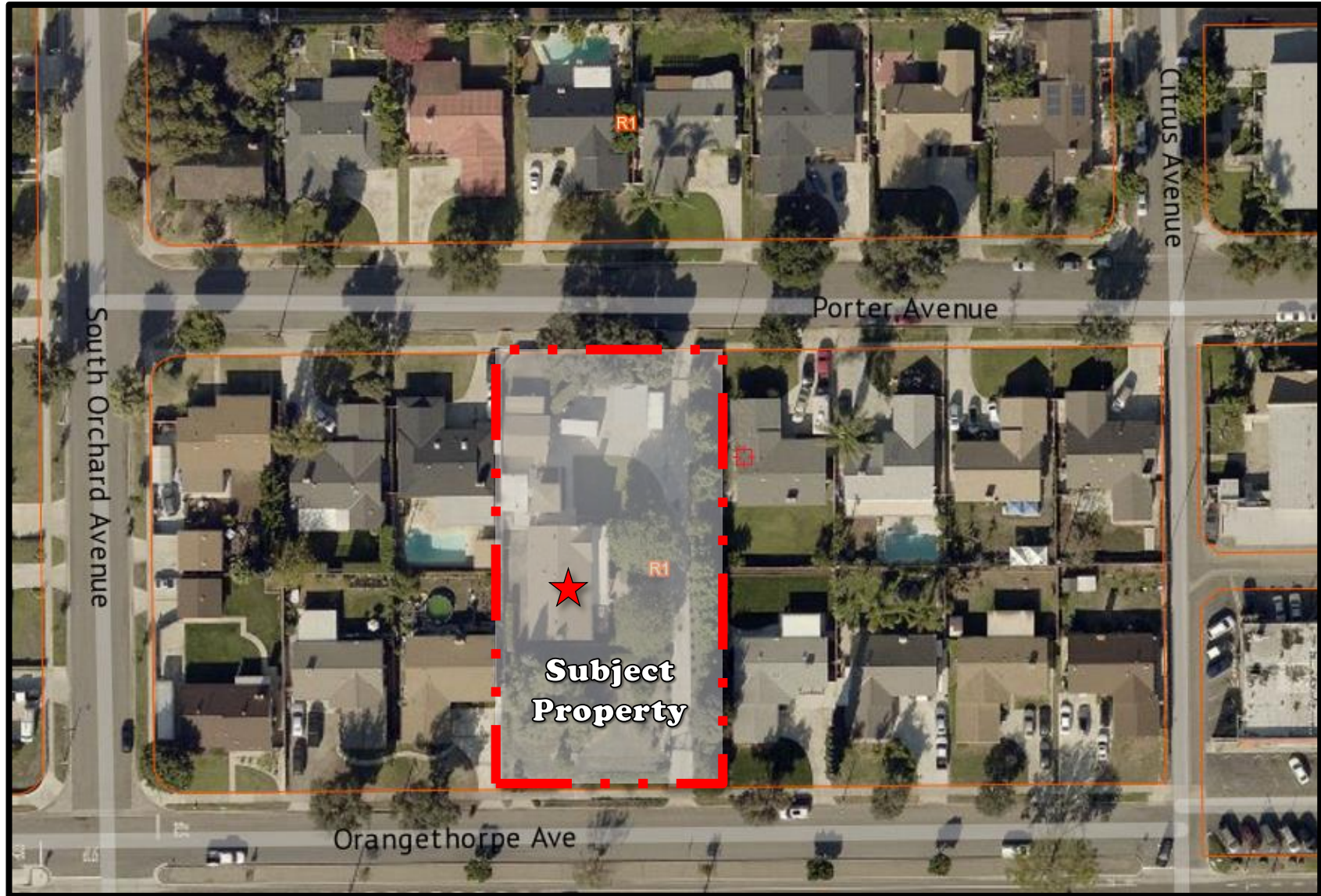


City Council
February 5, 2019

Request

Appeal of the Planning Commission
determination on December 12, 2018,
denying a request for a Conditional
Use Permit to operate a student
housing dormitory at 1155 West
Orangethorpe Avenue

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Site Photos



Background

- Purchased property in February, 2018
- Code Enforcement complaint in February, 2018 that the property was being used as a fraternity house (closed in April, 2018)
- Application for a conditional use permit to operate a dormitory (student housing) use with a maximum of 10-students in September, 2018

Background

- 2nd Code Enforcement complaint in December, 2018 that the house was renting rooms to more individual tenants than permitted by the Municipal Code.

FMC Section 15.17.030.O limits the renting of rooms to a total of three bedrooms and a total of three persons per dwelling unit on property within the R-1 zone.

- Documentation indicating a single lease agreement with the tenants, in compliance with the municipal code provided (closed January, 2019)

Planning Commission Action

- Considered CUP request at its meeting on December 12, 2018
- Recommendation for approval by staff subject to conditions of approval
- Applicant requested that the condition related to the maximum number of guests permitted on the property be removed or expanded
- Planning Commission voted (6-0-1) to deny the CUP based on inability to make the legal findings, specifically:
 - Noise complaints from the existing student residents
 - Potential for on-going noise issues resulting from parties or other activities
 - Compatibility of the proposed dormitory use with the surrounding single-family homes
 - Concerns about property maintenance and management of the property

Appeal

- Appeal of the Planning Commission decision received on December 18, 2018
- Right to rent the property to students
- Belief that, as conditioned by City staff, the use would not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity

Recommended Action

Deny the Appeal upholding the Planning Commission determination denying the CUP request

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