



**MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, JANUARY 8, 2008
6:30 P.M.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the City Clerk's Office (473-4568) at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

CALL TO ORDER: 6:30 p.m.

FLAG SALUTE: Commissioner Blum

PRESENT: Commissioners: Blum, Coleman, Long, Marshall, Nielsen, and Chair Peterson.

ABSENT: Vice Chair Snow.

PUBLIC COMMENTS: *At this point of the meeting, members of the public may bring up any items within the jurisdiction of the Planning Commission that are not on the agenda. Please limit your comments to three (3) minutes. The Planning Commission will listen to all comments; however, in compliance with the Brown Act, the Commission cannot act on items not on the agenda.*

Liz Doukas, Grover Beach resident, expressed concern about a project that was approved at 709 5th Street, because the applicant had represented that it was a family owned project that would be occupied by the family, and it is now for sale. She felt that he made misrepresentations about the project, and they need to be addressed. She also expressed concern about new developments with irregularities such as fences at the curb line at 6th and Seabright and 4th and Brighton. She is concerned about projects making modifications after their projects are approved.

CONSENT AGENDA:

The following routine items listed below are scheduled for consideration as a group. The recommendations for each item are noted in parentheses. A member of the audience may speak on any items listed on the Consent Agenda. Any Planning Commissioner or Staff may request that an item be withdrawn from the Consent Agenda to allow for full discussion.

- 1) **Approval of Minutes of Planning Commission meeting of July 10, 2007. (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)** Action: Commissioner Long made the motion to approve the minutes as written; Commissioner Blum seconded the motion, and it was carried.

PUBLIC HEARING ITEMS:

- 2) **Development Permit Application No. 07-010**
Applicant – 152 N 11th LLC

This Application is a request for approval of a Variance, Site and Architectural Plans, Use Permit, and Tentative Parcel Map to allow the construction of a three-story mixed use building. The zoning code allows the residential portion of the building to be less than or equal to 50% of the total square footage of the building. The variance request is to allow the residential

component of the project to comprise 68% of the building area. The variance request was initially reviewed by the Planning Commission at the regularly scheduled meeting of November 13, 2007. After the initial review, this item was continued in order to address project-related issues. The subject property is located at 152 North 11th Street (Assessor Parcel No. 060-237-007) and is zoned Central Business District (C-B-D). The project planner is Diana Gould-Wells.

Planning Manager Diana Gould-Wells presented the staff report. She indicated that this item was first heard at the regular November Planning Commission meeting for consideration of a variance for the proposed project. At that time, the Planning Commission directed the applicant and staff to work together to try to resolve the issues of the variance. Ms. Gould-Wells outlined the description of the project. She indicated that the project requires a two-part process. First, they will review and act on the request for a variance. Secondly, depending on the action taken for the variance, they will either not take any further action or take action on the site and architectural plans, use permit and tentative parcel map. Those actions are contingent upon the Planning Commission granting the variance.

She outlined the different options other than the variance that staff presented to the applicant, including reduction of units, reduction of size of the units, adding an affordable component and withdrawal of the application. The applicant decided to present the project as designed.

She discussed issues related to building square foot calculations and how staff arrived at their calculations. She indicated that the applicant's calculations were based on Building Code definitions, which is not consistent with Community Development Department policy for this purpose.

She noted that as this project has moved through the process, nothing has actually changed in the project itself, only the method that used to determine the overall building square footage and the residential square footage. She stated that the Community Development Department has been consistent in the way in which square footage calculations have been done in the past and applied with this project.

The applicant has requested that staff revise the calculation methodology to reflect the Building Code definition for floor areas. Staff expressed concerns about changing an established policy of the Department and that changing policy on a project by project basis is not a good precedent to set.

It is staff's interpretation of the most recent information presented that about 68% of the total building square footage would be considered as residential area. In the Central Business District, a maximum of 50% residential area can be had for a mixed use development project, such as the proposed project. Staff feels that the calculations adequately and accurately reflect both the residential square footage and the overall building square footage.

It is staff's opinion that there is not substantial evidence to support the necessary findings and therefore, the variance should not be approved. Granting the variance would give a special privilege to the applicant and would be inconsistent with actions taken on other properties in the area. It is staff's recommendation that the Planning Commission approve the resolution denying the variance.

Commissioner Nielsen asked why the applicant was asking for a variance when he knew at the beginning what the guidelines were. He stated that financial hardship was not a reason to grant a variance. Planning Manager Gould-Wells stated that the applicant has been aware of the requirements in the Central Business District from the beginning. The information presented by staff has been consistent in that regard.

Commissioner Long asked if staff had considered making changes to bring the Community Development policies in line with building codes more in line with each other as it relates to calculating total building area, since it has been an issue in the past.

City Attorney Koczanowicz stated that staff calculates the building area in a different manner than the Building Code does, because the calculation has a different goal and purpose. The Building Code has different ways of looking at building space and that is to ensure that the buildings will withstand any weather conditions, as well as addressing public health and safety and Fire Department Concerns. When it comes to calculating residential space vs. commercial space is looking at it solely as what percentage is assigned for residential use and what portion for commercial use. The maximum allowed for this particular zone is 50%. The way that the City applies the formula is consistent with the approach to the issue.

Chair Peterson asked the applicant to address the variance.

Craig Smith, applicant's agent, addressed the Planning Commission. He distributed brochures to the Commission illustrating the project. He described their approach to the project, incorporating "Smart Growth" techniques and stated that it is a sustainable project. They are hoping that this project can go forward because they are bringing this to the City. They hope that they can pioneer the approach to go forward once they get through the land use issues. He stated that the project will contribute to the tax base and also will be an improvement to the area.

Responding to Ms. Gould-Wells' statement regarding financial hardship, he stated that this is not a plea or a position to say that it is a financial hardship, but there is a reality. The City Council has stated that the only projects that they want to see are projects that will pencil out financially. This is a difficult thing to do at this time. There have been some economic dips and it is hard to find projects that will appraise. The reason this project is designed in the manner it is, is because it is the only way it will work. This is a 7,500 sq. ft. lot, and is allowed to have mixed use. It is required to have on-site parking. The density allows the number of dwelling units. There is no reason why this project shouldn't go forward, other than the issue that he will be addressing in the second part of his presentation.

He stated that decreasing the size of the residential units, as suggested by staff, would make them too small to be marketable. Since there are only three units, converting one of the residential units to affordable would not be feasible. They do not want to withdraw the project.

He distributed a graphic that showed their calculations. He stated that they tried to find a definition of uses in the building code because in other jurisdictions, there is an alignment between the building and zoning codes.

In the breakdown that was distributed, they have come up with a percentage that is under 50 percent, and for that reason, they do not need to pursue a variance. They feel that the Planning Commission, due to the ambiguity and the unclear definition in the Land Use definitions, needs to give it a definition. Staff and the applicant have both made an effort, and now the Planning Commission needs to make the decision.

He stated that staff had brought in a peer review of a member of the Building Department who had experience with working with the County tax assessor. In their review, the calculation came in under 50 percent. A building, by the Grover Beach land use definition, is any structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person,

animal or chattel, and having a fixed location upon the ground. The lower level falls into that definition, in their opinion. It has equipment, paving, cars. It is a structure that is enclosed on two sides with landscaping in the front and is supported by columns and a floor above. It is not open space, and they believe that it should be considered as building area. In the example provided, they are willing to agree to include that in the residential area, it is still compliant and under 50 percent, given that they would agree that the lower level is part of the building area. He stated that this is a ratio of residential to total building area. It is cumulative. It has nothing to do with the amount of commercial area, or number of stairs. They are asking that the Planning Commission agree that the definition of the total building area includes the covered carports that are under the parking.

He stated that there are ambiguities and that it is unclear. There is no black and white definition and the resolution should come from the Planning Commission. They do not agree with what staff is saying in their policy position.

He stated that if they take out the second story exterior circulation space, then the residential is under 45 percent. The only reason that it is hard to accept that is because it is not habitable space. It is not technically part of the net residential area, but for the benefit of finding a compromise, they are willing to accept that it is part of the total building area.

It is the applicant's conviction is that the Planning Commission review this and give it the benefit of their interpretation and make a motion. They could then eliminate the issue of the variance in its entirety and move on to the architectural and development portions of the project.

He stated that he is available to answer questions.

Commissioner Nielsen stated that he will need some clarification from staff to make sure that they don't approve something that will set a precedent.

Commissioner Marshall asked what definition Mr. Smith was using to include the carport. Mr. Smith distributed a copy of a portion of the Grover Beach zoning regulations containing definitions. He stated that they are saying that the carport area should be included in the total building square footage since it is improved space. It is clearly, by definition, a portion of the building that should be included. Dwelling is only the residential, and only that portion that would be habitable, which is the second and third floors only. The contention was that the second floor circulatory space is being included in the residential square footage. They didn't agree with that originally and are having a tough time agreeing with it now. It is clearly not habitable and clearly not defined in the dwelling definition. It has to be clear, and the Planning Commission can clarify the issue for this project and future projects.

Commissioner Marshall stated that tax assessors don't include carports as habitable space for tax purposes. Mr. Smith stated that decks are also not included in those areas.

Commissioner Marshall stated that it seems like they are over analyzing the wording of the ordinance. Staff has policy in place that they have followed. He stated that he likes the project, but because of the zone they are in, the project isn't allowed. He stated that there is an option to get a rezone for the project.

Mr. Smith stated that it becomes a problem when land use policy can't keep up with development. He stated that they need to get policy that will be workable. Commissioner Marshall stated that the policy may be in place so that there will be more commercial so that taxes can be generated. Mr. Smith stated that that would be fine if they didn't have the issues with parking, no parking overlay, no PD overlay. It is somewhat behind the times to address a small 7500 sq. ft. lot that has to provide onsite parking, and keep within height and keep the density. He stated that it is an interpretation issue. He does not think that it is that difficult.

Commissioner Marshall asked if they had discussed the possibility of rezoning. Mr. Smith stated that they did not feel that rezoning would be applicable. Commissioner Marshall asked if there were any other discussions with staff to try to get this project through. Mr. Smith stated that as discussed before, any of the options would affect the ability to finance the project. They feel that this project would be a benefit to the community. If the Planning Commission can agree with them on the definition, they can proceed. Commissioner Marshall stated that he does not know if he could do that. He asked if there was a possibility of reducing the square footage of just one of the units. Mr. Smith stated that they have gone through everything. He stated that if they reduce the square footage of the residential, then the scale of the overall project is reduced, since it is a ratio issue. If the commercial is increased, then they can't provide the required parking. They are trying to find a happy medium.

Commissioner Blum asked if they attempted to address the calculations with staff, as had been discussed at the meeting in November. He stated that he understands how they calculated, but in November, they talked about trying to come down from 65 percent to 55 percent.

Mr. Smith stated that they had intended to do that, if by definition they had the same interpretation that they are asking the Planning Commission to accept. In order to make the calculation, you have to have the clear definitions. If you do not have those, it is not going to work. If they follow staff's policy, then the issue would be that they couldn't get to the 58 percent. He stated that they made every effort. That is part of the frustration because it isn't clear policy. There is no clear definable policy, and that is a problem. They want to make projects conforming. They do not want to go against land use policy. In this case, it is the other way around. Because there are these issues, they need to give some credence to it and set precedence.

Chair Peterson asked about the graphic that they distributed showing their calculations. She stated that looking at it, there is no way that she can come up with the top two levels being 50 percent compared to the bottom area. Mr. Smith clarified that the calculation is the proportion of residential to the whole building. You add all three floors, and then divide the residential area to come up with the percentage.

Peter Dancart, project manager, stated that to reduce the percentage from the calculation of 58 percent that was discussed in November, they would have had to remove about 1,000 sq. ft. from the residential area, which would have made two of the units one-bedroom and the last unit two-bedroom, which would have reduced the marketability of the project.

Chair Peterson opened the public hearing.

Eric Briggs, resident at 1210 Nice, stated that he likes the project. It is eco-friendly, which he feels is important. He stated that they need to develop the downtown core of Grover Beach and this is a great project.

Frank Viera, father of the applicant, stated this would be an improvement in the neighborhood. He hopes they can work with the applicants. He stated that they have to look at the overall benefit of the project for the community.

Liz Doukas, Grover Beach resident, expressed concern about higher density. This is basically an R-3 residential zoning project in a commercial area. Currently, only 40% of commercial buildings are drawing appreciable tax base. They need to increase the tax base, not the residential base. This building would completely overshadow anything else in the area. When improvements like

this are made, it almost creates "junk real estate" around it, because if they don't improve their lot it will impact them.

Chair Peterson closed the hearing. She asked for a motion from the Commission, to be followed by discussion of the motion.

Commissioner Marshall made a motion to accept staff's recommendation. Commissioner Nielsen seconded the motion.

Commissioner Blum stated that he likes this project, and it is a direction that a progressive city needs to go, with regards to sustainability. He expressed concern about setting precedent and would like the City to look at the interpretation to make things clear. He stated that they should look for ways to make sustainable projects like this work.

Commissioner Long agreed with Commissioner Blum, but that there is a problem with calculating the square footage. He asked if the proposed PD Overlay would have any impact on this project. Martin Koczanowicz stated that it is currently in the Overlay area that is being evaluated and proposed. It is still in the process of being created and evaluated by both the Planning Commission and the City Council. Until it has become part of the code, it is difficult to say. If and when the PD overlay is approved and adopted, then the project can be brought back or looked at again.

Commissioner Marshall stated that he usually will follow staff's recommendation, since they are and he uses staff to guide him in making decisions. He understands that the applicant is looking for an interpretation of the calculations. Director Hansen stated that they looked at the applicant's suggestions, and looked at the building definition, and tried to look at it in an open minded fashion. The end result was that even if they included the parking area in the calculations, 54 percent of it would have to be allocated to the residential portion of the project, so it didn't really help in the overall total building area. They tried to find a way to make it work, but it did not at that time.

Commissioner Marshall asked for clarification about the findings for a variance. City Attorney Koczanowicz stated that in order for the variance to be granted, there are special findings that need to be made. Nothing in the record gives legal grounds to make these findings, so if a variance was granted, it would not be substantiated by evidence in the record and the findings would be empty and therefore subject to challenge and not legally defensible. The applicant's representative provided some information that indicated that without the variance, this project would not be financially viable. He cautioned that a financial basis is not a special circumstance or something that is unique to this particular property. He stated that the applicant is asking them to not consider a variance because of the ambiguity in the code definitions, which needed to be interpreted by the Planning Commission. He stated that this is the first project in his recollection that the issue of residential space vs. building space has been brought up. Staff has been responsive, and they have gone back and forth with different interpretations in response to what was being presented. The building has not changed. The project that was originally put in front of staff, at which time the applicant was informed of the issue with the ratio, is still here. It is an identical project. The applicant doesn't want to, or can't, make it any different. If there was an ambiguity in the definition, it would have become apparent a long time ago. Staff has never had a problem interpreting what is meant by no more than 50 percent of the building can be residential. Even if there is an ambiguity, they would then look at the intent of the adopted code. This is a commercial zone, and in a commercial zone, they intended to allow some residential in a commercial zone, but it won't be more than 50 percent. The proposed project has three residential units and one commercial unit. He suggested that in order for them to move forward, the Planning Commission would have to grant a variance that isn't supported by evidence in the

record, or make a finding that staff has been interpreting this incorrectly and that there is some ambiguity in the definitions.

Chair Peterson stated that she agrees with what her fellow commissioners have said. This is just what they would love to have.

Mr. Smith asked if he could respond to some of the comments. Chair Peterson reopened the hearing. Mr. Smith stated that whether or not the policy has been in place for 5 or 6 years, that in and of itself is even more reason to reevaluate land uses as things change. It should be dynamic and shouldn't be required to be the same. He stated that the Commission needs to look at this closely. His office has projects in all of the major jurisdictions in the county. This is an issue because they are on the outside looking in and there are some serious problems. If nothing else, it would be a benefit if they did look at it, either at the next general plan update, or have a workshop, or within the PD overlay. He also suggested a downtown specific plan that would address those issues with hard definitions. There are 50 similarly sized lots in the Central Business district. It is allowable to have mixed use in that zone. They also have to deal with the housing element. They don't feel that it is overbalanced with too much residential. He stated again that they do not agree with staff's interpretations.

Chair Peterson closed the public hearing.

Chair Peterson stated that she likes what they have done with the building, and it is moving along the lines of smart growth and energy use and the design is great. Unfortunately, the mechanism isn't there to make the project work at this time. She didn't feel that they could make the findings required for it to be a legally binding decision.

Chair Peterson asked for a vote.

The motion was passed with a vote of 5-0-2-0, with Commissioner Coleman and Vice Chair Snow absent.

Planning Manager Gould-Wells stated that the request for the variance was denied. The applicant has five working days to appeal the decision to the City Council.

**3) Development Permit Application No. 06-051
Applicant – Linden and Ava Mackaoui**

This Application is a request for approval of Site and Architectural Plans for the construction of a two-story single family residence. The subject property is located at 1041A Ritchie Road (Assessor Parcel No. 060-014-061) and is zoned Single Family Residential (R-1). The project planner is Cassandra Mesa.

City Attorney Koczanowicz indicated that there was a conflict of interest for Chair Peterson due to the fact that she owns property within 500 feet of the project, and she was excused for this item and left the chambers. Commissioner Marshall was acting Chair for the remainder of this item.

Cassandra Mesa presented the staff report. She described the proposed project and the existing conditions of the site. She indicated that the existing unit will be the secondary dwelling unit, and the proposed residence will be the primary dwelling unit. The existing unit meets second dwelling unit requirements. She presented photos of the present condition of the site, and one showing where the new dwelling would be. She stated that the approval was necessary due to the proposed structure exceeding 15 feet in height in the R-1 zone north of Grand Avenue. The new structure is proposed at 25 feet above the natural grade, which is allowed in the R-1 zoning district. She stated that staff recommends approval of the project.

Acting Chair Marshall asked if there were conditions placed on the original project. Planning Manager Gould stated that there were conditions on the original project. All of those conditions have

been incorporated in some fashion to the new project.

Action Chair Marshall asked for clarification about Condition CDD-10, regarding trees within the drip line when grading occurs. He asked if that applies to all trees or just some types of trees. Director Hansen stated that that requirement applies to Oak Trees, and that they will clarify that condition.

He asked about the “fire protection system” referred to in FD-1. Planning Manager Gould stated that the condition refers to a sprinkler system, and that it will be clarified in the condition.

Acting Chair Marshall suggested changing the wording to PWCE-5 to state that a soils report “may be required” since the condition suggests that an existing report may be used. Planning Manager Gould concurred.

Acting Chair Marshall opened the public hearing and invited the applicant to speak.

Penny Sandman, project designer, spoke representing the applicant. She asked why the staff report identifies the existing unit as the secondary unit, since they submitted the proposed unit to be the secondary unit. She expressed concern because it is their hope to reconstruct the main house at some point in the future.

She asked if the conditions relating to arborists reports and trees to be consolidated into one condition, for clarification purposes.

She asked that the requirement for a soils report to be removed altogether. She stated that the comment from Engineering was that a soils report was recommended, not required. She stated that they would like to leave it up to the structural engineer and the owner, who would be able to make the determination.

City Attorney Koczanowicz stated that staff’s determination that the existing unit would become the secondary unit is based on the fact that the code limits the residential space of a secondary unit to 1000 sq. ft.

Ms. Sandman stated that they discussed the issue with staff, and were told that the workshop in the garage did not count as habitable space.

City Attorney Koczanowicz stated that another provision in the ordinance is that the secondary unit shall be subordinate in size and appearance to the single family dwelling unit, and needs to be similar in design. Based on the Code, the proposed structure cannot be considered a secondary unit.

Acting Chair Marshall suggested a continuance so that the applicants can decide how they want to proceed.

Ms. Sandman stated that they would prefer to finish the hearing and presentation, and get feedback from the Commission, rather than continue it.

Linden Mackaoui, property owner, indicated that he is not concerned with the designation as the primary unit but that it was his understanding that the proposed unit did comply with secondary unit requirements.

City Attorney Koczanowicz stated that if the applicant wishes to proceed, it would be with the understanding that this would be the primary unit. In the future, if a second house were proposed as

the primary unit, the unit proposed at this meeting would have to meet the requirements of the secondary unit, being subordinate in size, with 1000 feet or less of living space. He stated that they proceed at their own risk. It is staff's interpretation that the unit exceeds that allowed square footage. He stated that they would be able to make changes to the unit in the future to bring the unit into compliance with the requirements.

Planning Manager Gould-Wells stated that she does not believe that the unit that is proposed meets the secondary unit requirements.

Commissioner Nielsen asked if they could do a lot split in the future. Mr. Koczanowicz stated that they could request that in the future.

Mr. Mackaoui indicated his desire to proceed at this meeting.

Regarding CCD-9 through 14, and CDD-17, Ms. Sandman suggested wording for a new condition replacing those stating that all work will be performed in accordance with the arborist report. She also requested changes to CDD-15 and 16 to clarify "all new landscaping", to differentiate between new and existing landscaping.

Planning Manager Gould stated that the arborist report is not attached as part of the resolution, so the conditions need to be spelled out clearly in the resolutions to make it a legally binding document. It is staff's recommendation to leave the conditions as written. Ms. Sandman asked that the resolutions clarify if they apply only to oak trees. City Attorney Koczanowicz suggested adding wording that indicates "Oak trees referenced in the arborist report" in CCD-9 through 14 and 17.

Staff concurred with changing CDD-15 and 16 to clarify that they refer to new landscaping.

Regarding the removal of PWCE-5, City Engineer Jim Garing stated that to make sure that the residences don't have undue settlement of the soil after construction, they require a soils report to be done.

City Attorney Koczanowicz suggested that the wording be changed to say "Prior to issuance of a building Permit, a soils report is required."

Ms. Sandman stated that they would rather just do the work of recompacting, whether it's needed or not, rather than spend the additional money on the soils report. City Engineer Jim Garing stated that if the applicant were willing to have a soils engineer provide a statement that it is safe to overexcavate and recompact, then that would satisfy him.

City Attorney Koczanowicz stated that language could be added to the condition stating that "An alternate certification may be accepted by the City Engineer in lieu of a soils report."

There was discussion regarding undergrounding of the utilities between Commissioner Nielsen and Ms. Sandman.

Acting Chair Marshall opened the public hearing. There was no one present who wished to comment and the hearing was closed.

Commissioner Nielsen made the motion to adopt Resolution 08-002, according to staff's recommendation, with amendments to the conditions as noted. Commissioner Blum seconded the motion and it was carried on a vote of 4-0-1-1, with Vice Chair Snow absent and Chair Peterson recused.

4) West Grand Avenue Planned Development Overlay District

Applicant – City of Grover Beach Staff

The Planning Commission will consider a recommendation to the City Council of the City of Grover Beach to amend the City Zoning Ordinance by adding Part 50 “Grand Avenue Corridor Planned Development Overlay District”. This Overlay District would encompass an area bounded by Ramona Avenue on the north and Rockaway Avenue on the south, paralleling Grand Avenue between Hwy 1 on the west and Oak Park Boulevard on the east. The primary purpose of this overlay district is to provide flexible/relaxed design standards beyond what is permitted in the underlying zoning district. The project planner is Diana Gould-Wells.

Planning Manager Diana Gould-Wells presented the staff report. She stated that they will be asked to approve a resolution moving this item on to City Council for final action. Staff is presenting a draft ordinance for approval that will be taken to Council in February.

Planning Manager Gould-Wells described what the purpose of an overlay district was. Staff is looking at having the overlay district applying in the area along the West Grand Avenue Corridor, beginning at Highway One, east to Oak Park, north to Ramona Avenue and south to Rockaway Street.

The goals of the PD Overlay are designed to promote flexibility and relaxed standards beyond what is currently allowed in the underlying zoning district.

The City Council gave direction to provide the ability to develop some of the smaller parcels in the Grand Avenue Corridor. This overlay district would allow some flexibility in design responses to site features and environmental impacts and other land uses, particularly as they apply to the smaller parcels in the area.

Some of the things that the PD overlay would allow that are proposed in the draft ordinance would be to allow a reduction in the various setbacks. There would be a provision to allow increased residential floor ratio to total building size in mixed use developments. There could be a reduction in on-site parking requirements depending on the design considerations of the project. In the cases where low and very-low income household units are proposed, there could be an increase in building heights to allow for the units to be constructed.

In order to utilize the PD Overlay, certain findings would have to be made. If reasonable progress isn't shown by the developer, the PD overlay could be revoked, which follows some standard guidelines, similar to requirements already in place for development permits. If a project has a phasing plan, the plan would have to be submitted at the time of the permit application to see that it would be consistent with the overlay designation that the applicant would want to utilize.

It is staff's recommendation to the Planning Commission to adopt the Planning Commission Resolution 08-001, which recommends to the City Council an amendment to Article IX. Article IX is in the Planning and Zoning Code, which deals specifically with planning and zoning regulations. This would establish Part 50, West Grand Avenue PD Overlay District.

She clarified that the definition of “significant natural feature” located on page 3 of the proposed ordinance 9150.6 that discusses mandatory project features. She stated that this ordinance is modeled after the City of San Luis Obispo's ordinance, which has four mandatory project features.

Commissioner Blum asked if the Mandatory Project Features, Item D was realistic for this area, regarding public art, parks, etc. Planning Manager Gould-Wells stated that this item was specifically requested by the City Council. City Attorney Koczanowicz stated that a “substantial public feature” on a 50x150 sq. ft. lot could be a bench or something like that.

Chair Peterson stated that she was glad to see that the proposed overlay was extended to encompass the Vons shopping center.

Chair Peterson opened the public hearing. There was no one present who wished to comment, and the hearing was closed.

Commissioner Blum made the motion to adopt Resolution 08-01, making recommendations to City Council, with changes as outlined by staff. Commissioner Marshall seconded the motion, and it was carried with a vote of 5-0-1-0, with Vice Chair Snow absent.

ADJOURNMENT: 8:55 p.m.

/s/

CHAIR BLUM

/s/

SECRETARY TO THE PLANNING COMMISSION
PAT BECK, INTERIM COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: December 9, 2008)