



**MEETING MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, OCTOBER 14, 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: Glenn Marshall

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

INTRODUCTION OF NEW PLANNING COMMISSIONER

Dr. Janet Roberson

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.*

CONSENT ITEMS:

1. Approval of Minutes of Planning Commission meeting of December 11, 2007.

Recommended Action: Staff recommends the Planning Commission approve the minutes as submitted.

Commissioner Marshall made the motion to approve the minutes as submitted. Commissioner Peterson seconded the motion, and it was carried; Commissioner Roberson abstained from the vote.

PUBLIC HEARING ITEMS:

2. Development Permit Application No. 07-038

Applicant – Engen Enterprises (Taco Bell)

This Application is a request for a Variance to allow additional signage not permitted by the Municipal Code and a Use Permit to allow a freestanding sign with a size in excess of 25 square feet. The subject property is located at 1500 West Grand Avenue (Assessor Parcel No. 060-252-007) and is zoned Shopping Center (C-S). The project planner is Planning Manager Diana S. Gould.

Recommended Action: Adopt the Resolutions granting the Variance to allow the requested signage and the Use Permit to allow a 54 square foot freestanding sign.

Planning Manager Diana Gould presented the staff report. She provided the background for the project and indicated that when the initial project was approved in February of 2008, the Planning Commission directed staff to return with the proposed signage plan for the project prior to issuance of the Building Permits.

She described the difference between the types of signs included in the plan and which signs would need Planning Commission consideration (Signs 7, 9 and 10). She described each of those signs, and stated that Sign 7 would require a variance because there is only one wall sign permitted per the Municipal Code. The findings that need to be made are included in the Staff Report. She stated that Taco Bell Corporation requires separate signage for the logo and the name of the business. Staff believes that this would constitute a special circumstance, which is one of the findings that must be made to grant the variance. Staff is recommending approval of the variance.

Sign 9 is a free standing sign serves as the main business identification sign for the restaurant, and would replace the existing pole sign. Due to the size of the proposed sign, it requires a Use Permit.

Sign 10 is also a free standing sign. According to the Municipal Code, only one free standing sign is allowed, so a variance would be required. The sign is the menu sign, and without the sign, the restaurant would not be functional. Staff recommends approval of the variance for Sign 10.

Chair Blum opened the public hearing.

Brent Flynn, Taco Bell representative, addressed the Planning Commission. He outlined the types of signs that are being requested. He stated that signage is very important to their operation. He stated that they are hoping to start construction soon.

Chair Blum closed the public hearing.

Commissioner Marshall stated that he supports staff's recommendation.

Commissioner Marshall made the motion to accept staff's recommendations; Vice Chair Coleman seconded the motion, and it was carried with a vote of 7-0-0-0.

3. Development Permit Application No. 08-021
Applicant – Meitem Deniz

This Application is a request for a Use Permit to allow the establishment of a dental office. The subject property is located at 555 South 13th Street (Assessor Parcel No. 060-298-005) and is zoned Neighborhood Commercial (C-N). The project planner is Janet Reese.

Recommended Action: Adopt the Resolution granting the Use Permit to allow the establishment of a dental office.

Planner Janet Reese presented the staff report. She described the surrounding uses, parking and hours of operation. Staff is recommending the granting of the use permit.

Chair Blum opened the public hearing. There was no one present who wished to comment.

Vice Chair Coleman made the motion to accept staff's recommendation; Commissioner Nielsen seconded the motion, and it was carried with a vote of 7-0-0-0.

4. Development Permit Application 06-036

Applicant – Lena Graves

This application is a request for a Variance to allow a parking reduction and Site and Architectural Approval to allow construction of a four (4) unit apartment complex. The subject property is located at 1263 Mentone Avenue (Assessor Parcel No. 060-344-007) in the Multiple Residential (R-3) Zoning District. The project planner is Janet Reese.

Recommended Action: Adopt the Resolutions granting the Variance and approving the Site and Architectural Plans to allow the construction of a four (4) unit apartment complex.

Planner Janet Reese presented the staff report. She described the rooms, parking requirements and site plans and elevations. There was also a color board. She described the surrounding uses and architectural style.

The applicant is requesting an air quality incentive parking reduction, pursuant to MC 9138.8, which would lower the requirement to 6 spaces rather than 10. This project qualifies for the reduction because at the time it was submitted, it was within 500 feet of a transit stop at 13th and Mentone. The transit stop was subsequently relocated. If an application was filed for the project now, it would not qualify for the reduction. Since the project was submitted prior to the relocation, staff feels that a variance would be appropriate mechanism for approval of this reduction. She described the necessary findings required for a variance. She also said that there was another apartment building in the area that was approved in 2002 that also used the parking reduction. Staff believes that the necessary findings can be made for the variance. If the variance is not granted by the Planning Commission, no further action is required. If the variance is granted, then review of the site and architectural plans would occur.

Planning Manager Gould suggested that the Planning Commission review and make a determination regarding the variance before the staff report is presented for the site and architectural plans.

Planner Reese noted that there was a letter distributed from a neighboring resident who was not able to be present at the hearing.

Chair Blum opened the public hearing.

Roger Smith, designer and project representative, addressed the Commission. He described the background of the application process and indicated that they had originally requested the parking reduction, but it was not a formal process.

Commissioner Marshall asked if they initially applied for a variance. Mr. Smith stated that a variance was not required in 2006, as the transit stop still existed within 500 feet.

Chair Blum closed the public hearing.

Commissioner Marshall asked why there was no letter in the staff report requesting the variance. Planner Reese indicated that a letter had been requested, but it could not be located to be included.

Commissioner Marshall asked if there have been any parking complaints in the area. Planner Reese stated that there are no records of citations given in the area, and staff is not aware of any issues related to parking.

Commissioner Peterson addressed the letter that had been received and asked City Attorney

Koczanowicz for input. Mr. Koczanowicz stated that he has read it, but not with regard to legal analysis, and indicated that he could do that in a few minutes, if the Commission desired. Commissioner Peterson expressed that she would like that and that it is important when a letter is part of the record, that the questions be asked.

Commissioner Nielsen asked if handicapped parking was required for this project. Planner Reese indicated that it is not. He asked if there was a low-income component. Planner Reese stated that there is not a deed restricted affordability component.

Commissioner Nielsen stated that it is a large reduction, now that the bus stop is not located near the project. Planner Reese indicated that it is now three blocks away.

Commissioner Marshall stated that parking didn't seem like a huge issue, but it is a large reduction. Commissioner Marshall stated he would prefer parking allowed in the setbacks rather than reduction in the parking requirement.

Commissioner Coleman expressed concern about reducing parking spaces. She stated that certain times of the day appeared more congested than others.

Commissioner Roberson stated that when she went by the site, and there was no parking available on the street and that is a concern, since there are twelve bedrooms being proposed. There are twelve bedrooms being proposed, there is a potential parking issue.

Chair Blum was not sure about the reduction.

Regarding the submitted letter, City Attorney Koczanowicz explained that the letter mostly deals with the Vesting Doctrine. He stated that the Vesting Doctrine states that if an applicant took steps to move forward with the project, a certain vested right in that project exists. Right now, it is up to the courts to decide when that happens, be it at the Building Permit stage, amount of impact fees paid, etc. Staff is not asking the Commission to vest that right, because the applicant applied when a bus stop was closer to the proposed development. Staff is not saying that they have a vested right to move forward with that project. If that were the case, a variance would not be required. The vesting doctrine does not apply to this situation. What is presented to the Commission is a variance.

He stated that writer asserts that this will be a special privilege not granted to others. Mr. Koczanowicz stated that there is a project next to this one that was approved with air quality incentives when the bus stop was there. He stated that the air quality reduction is not a matter of right; the Planning Commission has to approve it. Whether or not this is a special privilege is something for the Planning Commission to decide. It is Staff's opinion that this project needs a variance in order to move forward.

Commissioner Marshall asked if it is required that a request for parking incentives be made in writing. Planning Manager Gould stated that it is generally required. City Attorney Koczanowicz clarified that the item before the Commission now is a variance, not the incentive request.

Commissioner Peterson stated that it is important to provide more affordable housing, and it is still within a 5-10 minute walk to the bus stop. She asked if there was a way to adjust the site plan to provide 8 spaces instead of the six proposed.

Commissioner Marshall stated that he could support a reduction of two spaces and a variance for two spaces. Mr. Koczanowicz stated that they have the ability to grant a variance for two spaces, at which point it would probably be the last action on the project at this meeting. The applicant would

then have two options: abandon the project or redesign to accommodate the two extra spaces.

Commissioner Peterson indicated that she would be in favor of that proposal.

Commissioner Long stated that it was a reasonable compromise.

Mr. Smith stated that the applicant would be willing to make one of the units a low-income unit.

City Attorney Koczanowicz stated that the project would fall under the City's density bonus ordinance, not the State law. Under the City ordinance, there are no reductions available for parking, however, there are allowances for parking in the setbacks, which would probably address some of the issues that the project is struggling with. If the applicant commits on the record to one low-income unit, staff could reevaluate the project with that in mind and look at parking in the setbacks. He believes that the project would have to be re-noticed and publicized.

He recommended that the Planning Commission act on the variance by either tabling it, or act on the variance. If that variance is denied, that does not prevent the applicant from coming forward and requesting a variance for two spaces.

Commissioner Coleman made the motion to table the application, allowing the applicant time to revise the plans to be presented at a later meeting. Commissioner Peterson seconded the motion, and it was carried with a vote of 7-0-0-0.

City Attorney recommended that they also table the application for the Use Permit and Architectural Approval. Commissioner Marshall made the motion; Commissioner Peterson seconded the motion and it was carried with a vote of 7-0-0-0.

5. Development Permit Application No. 08-020

Applicant – Lloyd Walker

This Application is a request for a Use Permit to convert a commercial building to a mixed-use building (one residential unit and four commercial units). The subject property is located at 502 West Grand Avenue (Assessor Parcel No. 060-218-001) and is zoned Visitor Services (C-V). The project planner is Janet Reese.

Recommended Action: Adopt the Resolution granting the Use Permit to allow the conversion of the commercial building to a mixed-use building.

Planner Reese presented the staff report. She described the current use and existing parking. She stated that the upstairs unit has been utilized as an apartment. This was without a permit and was in violation of the zoning regulations for that district. The current owner would like to legalize the unit as an apartment.

Ms. Reese stated that if the Planning Commission makes the necessary findings, the use permit may be granted. The development does meet the current code's criteria for the unit, with the air quality incentive for parking reduction applied.

She stated that the current parking is non-conforming, and the residential use actually lowers the amount of required parking. A total of 10 parking spaces would be required without the incentive. The project is eligible a parking reduction of two spaces; one is for the shared peak hour parking and the other is for the air quality incentive for being within 300 feet of a transit route. If the applicant is granted the parking incentives, only eight spaces would be required, and that is what is currently

provided.

Staff is recommending approval of the project.

Commissioner Marshall asked if the resident would be assigned a parking space. Planner Reese stated that due to the shared peak hour with the business, it probably would not be assigned.

Chair Blum opened the public hearing; there was no one present who wished to comment and the public hearing was closed.

Commissioner Marshall asked for clarification about the location of the 8 spaces, and stated that it doesn't seem like they are all accessible. He also stated that the site does not seem conducive to residential uses.

Lloyd Walker, project representative, was present to answer questions.

Commissioner Marshall expressed concern about parking on the streets. He asked the applicant if the agreement to use the spaces across the street was permanent. Mr. Walker stated that it was permanent, but isn't sure how the change in ownership of that property impacts that agreement. He has not been able to get in touch with someone from the company.

Commissioner Marshall stated that the cars would be sticking out into the driveway.

Commissioner Peterson stated that the way it is drawn, it seems that three of the spots are blocked by other spots.

Chair Coleman stated that the times she has gone by, she hasn't seen any rental cars in the lot. She stated that if they could confirm that the spaces off-site are still usable, she doesn't think it will be a problem.

Commissioner Blum asked what would occur if the other property owner denies Enterprise the right to use their lot for overflow parking. Planner Reese stated that one of the conditions of approval for the Enterprise Use Permit requires there to be off-site spaces, and if those were not provided, in theory, the Use Permit would not be valid.

Commissioner Marshall asked if it is common for a mixed use project to have reduced parking. Ms. Gould stated that it is a common occurrence with mixed use projects that have uses with differing times of usage. She clarified that the residential unit is existing, and it is currently vacant.

Commissioner Marshall asked where residents parked when the unit was occupied. Mr. Walker indicated that they would park on the street.

Commissioner Marshall asked if there had been any complaints from former tenants. Mr. Walker indicated that there were not.

Commissioner Roberson appreciated the applicant coming forward and getting the appropriate permits, and also supports mixed use on Grand Avenue.

Commissioner Coleman made the motion to grant the use permit per staff's recommendation; Commissioner Long seconded the motion, and it was carried with a vote of 7-0-0-0.

6. Development Permit Application 08-004

Applicant – John and Lauren Stevens

This application is a request for a Variance to allow a deep lot subdivision to occur without the required street frontage and Tentative Parcel Map for a four (4) lot subdivision. The subject property is located at 198 Foremaster Lane (Assessor Parcel No. 060-014-060) in the Single Family Residential (R-1) Zoning District. The project planner is Janet Reese.

Recommended Action: Adopt the Resolutions granting the Variance and approving the Tentative Parcel Map.

Commissioner Peterson recused herself from this item due to being within 500 feet of the project, and asked to be excused from the remainder of the meeting.

Planner Janet Reese presented the staff report. She described the current conditions of the site as well as the requested variance, proposed subdivision and conditions to be placed on the proposed project. Staff is recommending that the Planning Commission grant the variance. If it is granted, the tentative map can be considered. If it is not granted, no further action is required by the Planning Commission.

There were no initial questions from the Planning Commission related to the variance. Chair Blum opened the public hearing.

John Mack, project representative, addressed the Commission. He spoke about the background of the project and its various iterations. This project is a culmination of the efforts. He indicated that they worked with the Fire Department to address their concerns. He stated that they are not asking for special treatment. He indicated that it is a flag-lot situation, and all of the other lots on Foremaster Lane are non-conforming. He indicated that there is a letter within the agenda packet that has the request for the variance, with the reasoning behind the request.

Adam Hill, Grover Beach resident, spoke on behalf of others in the neighborhood, and submitted a letter from an attorney, stating his opposition and a petition in opposition of the variance, with signatures for the record. He stated that he is opposed to the project and disagreed with staff's recommendation. He cited issues related to slope of the property, public safety, emergency access, drainage, parking and that the variance would be setting a precedent. He stated that staff had not provided any compelling reasons to grant the variance. He is asking that the Planning Commission turn down the request for the variance.

Tom Clough, Grover Beach resident, spoke in opposition to the project. He expressed concern about emergency access related to fires.

Mitch Gilliland opposes the project and stated that it granted a special privilege.

Ginny Bailey-Hill opposed the project, stating that this was an "Estate Lot" by design and wasn't intended to be divided. The changes proposed do not lessen the amount of alterations to the environment and engineering required to make this a suitable site. She believes this will set a precedent for other similar properties in the area. She also has concerns about the usability of Parcel 3. She questioned the access easement that goes through Parcel 3.

Kelly Board, Grover Beach resident spoke in support of the project. Regarding fire access, she stated that this will not create any additional issues.

Linda McClure, American Property Services, spoke in favor of the project and indicated that the main issue is the view impacts, and that the project doesn't seem unreasonable.

Rick Odom, resident, spoke in opposition to the project and expressed concern about development of this property impacting the quality of life in the neighborhood and view impacts.

Steven Hughes stated that his opposition is not about the view, but he is concerned about emergency access to the site.

Jack Hardy spoke in favor of the project and stated that precedent for this kind of project was set years ago. These types of projects have been developed and work well. He stated that the project is fair, and reasonable.

Susan Hughes spoke in opposition to the project and expressed concern about safety. It is not about the view issues for her. Fire access is her main concern.

Anita Shower, Grover Beach resident, expressed concern about drainage issues related to the project since there are already drainage issues in the area.

John Mack stated that it is hard to discuss the variance fully without talking about the whole project. He stated that the project was designed to improve safety and drainage issues on the site, and that they are only asking for two additional units. He acknowledged that there are drainage issues, and he stated that they have worked with staff to address that, and the system will catch all of the runoff on site. He stated that the Fire Chief has reviewed the plans. He said that he would be happy to meet with neighbors to discuss concerns.

Anita Shower questioned the drainage plan, and suggested that parking would need to be restricted on Foremaster Lane, from 5 p.m. to 6 a.m.

Kerry Gilliland expressed concerns about how an evacuation would be handled in the area, and emergency access, traffic and access to Ritchie Road.

Commissioner Marshall stated that he does not see a problem with granting a variance for this project. Some of the issues raised don't seem to pertain to the variance.

Commissioner Coleman expressed concern about access to the site. She stated that they have to take that into consideration. She asked if they approve the variance if the other part of the project was approved as well.

City Attorney Koczanowicz clarified that the variance can be approved without approving the rest of the project. The variance just says that the lot can be subdivided with the access as it currently exists.

Chair Blum stated that if Foremaster Lane was red-curbed, it could allow better safety but would be detrimental to the welfare of the residences. He expressed concern about emergency access, especially in the instance of a fire.

Planning Manger Gould stated that the Fire Department did approve this, subject to the conditions contained in the resolution, including marking fire lanes where no parking would be allowed.

Chair Blum stated that even though there is parking restrictions, people may still park there.

Commissioner Marshall asked if Chair Blum would support any subdivision on the property. Chair Blum stated that it isn't that he wouldn't support subdivision, but he is concerned about increasing the density and safety issues.

Commissioner Marshall stated that the site has potential for subdivision, or maybe a lot split, so he can support the variance. Without the variance, the property can't be subdivided.

Commissioner Roberson stated that it seems like if they make site improvements, that the fire safety issues that exist may be lessened. Granting the variance doesn't take away the ability to keep things as they are. City Attorney Koczanowicz clarified that granting the variance provides the first and most important step in looking at some form of subdivision of the property. Without the variance, subdivision would not be possible for this parcel.

Commissioner Roberson asked if the variance is approved, if Foremaster would automatically be a fire lane. City Attorney Koczanowicz stated that the condition requiring the fire lane is associated with the Tentative Tract Map. Planner Reese stated that there are no conditions on the Variance, only findings that need to be made.

Commissioner Marshall made the motion to adopt Resolution 08-045, approving the variance, per staff's recommendation. Commissioner Nielsen seconded the motion. The vote was 3-3-0-1, with Commissioner Peterson recused, Commissioners Marshall, Nielsen and Roberson voting yes and Commissioner Long, Vice Chair Coleman and Chair Blum voting no.

City Attorney Koczanowicz stated that the 3-3 vote is a non-action, and therefore the variance is denied. The action is appealable to the City Council within five working days.

7. Development Permit Application 08-009

Appellant – Dr. John Gannon

This application is an appeal of Staff's approval of a change in dimension of a chimney as a minor modification. The subject site is located at 912 North 5th Street (Assessor Parcel No. 060-490-003) in the Coastal Planned Single Family (C-P-R-1) District. The project planner is Planning Manager Diana S. Gould.

Recommended Action: Open the Public Hearing, do not take testimony and continue the Hearing until the next regularly scheduled meeting on November 12th, 2008 at 6:30 pm.

Note: This item was heard as the first public hearing item.

Chair Blum indicated that Item 7, 08-009, the applicant has requested that this item be moved to the November 12, 2008, meeting.

Commissioner Peterson made the motion to continue this item to November 12, 2008; Commissioner Long seconded the motion, and it was carried.

COMMISSIONERS' COMMENTS:

Report from City Council Representatives

Other Commissioners' Comments

ADJOURNMENT: 8:45

/s/
CHAIR COLEMAN

/s/
SECRETARY TO THE PLANNING COMMISSION
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: January 12, 2010)