



**MEETING MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, DECEMBER 9, 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 Roberson.

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

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.*

No public comes forward.

CONSENT ITEMS:

1. Approval of Minutes of Planning Commission meeting of January 8, 2008 and November 12, 2008.

Commissioner Marshall points out two corrections but since they are minor they could proceed to adopt the minutes. Interim Community Development Director Beck briefly addresses the timing of the development of the remaining Planning Commission minutes.

Motion: Commissioner Marshall

Second: Vice Chair Coleman

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

Noes: NA

Absent: NA

Abstained: NA

PUBLIC HEARING ITEMS:

2. Development Permit Application 07-042 (continued from November 12, 2008)

Applicant – Victor and Anna Barbosa

This application is a request for approval of Site and Architectural Plans to construct a new two-story single family residence and two-story secondary dwelling unit. The subject property is located at 564 North 9th Street (Assessor Parcel No. 060-103-026) in the Single Family Residential (R-1) Zoning District. The project planner is Janet Reese.

Commissioner Marshall steps down.

Planner Reese presented the staff report and references the color board being distributed to the Commission. There was discussion about tree removal and replacement. Staff recommends approval.

Commissioner Long asks questions concerning the number of trees for removal and Planner Reese identifies that two trees are being removed, one oak and one redwood.

Chair Blum speaks to project and appreciates the staff report.

Bill Ross, 920 Atlantic, lives near the site. He feels he will be grossly impacted and will be living in a valley as a result of the project. He also has concerns about the loss of the redwood tree and its value as a species and hopes they are not removed with the project.

Linda Evans, 563 N. 9th Street, is not concerned about the project but is concerned for the neighbor who has a one story home and will be impacted. She is also concerned with the removal of the trees and wonders how the tree replacement process works. She is attached to the trees she can see from her home and is concerned about the ecosystem. In addition, in looking at the story poles it looks like the trees could be saved. Planner Reese explains the tree replacement requirements.

Ashley Smith, 920 Atlantic, is concerned for the loss of the trees and that it will really impact her personally and she will be depressed. She is concerned for the loss of the baby trees as well. She is also concerned with the loss of the oak.

Anna Barbosa, 564 N. 9th Street, owner and applicant speaks for the project and indicates that the existing house is falling down and the size of the lot doesn't allow for building their project while also saving the trees. She indicates she doesn't understand the neighbor's loss of the view based on the picture. Whatever gets built, whether one or two story they will be impacted. There is no guarantee of private views. It is not fair to them as the property owner and they have been paying taxes and should be allowed to complete the project. We did not plant the trees in the first place.

Frank Evans, 563 N. 9th Street, indicates this is a great project and will upgrade the neighborhood. But he is here to support his wife on the issue of the tree removal and speaks to the process in the City of SLO to protect the oaks and the redwood. He questions if a tree permit is required to allow cutting the tree for maintenance.

Katie Steinberger, designer, indicated that they did try to save the tree but with the constraints of setbacks and drainage it was not possible to save the trees.

Commissioner Coleman asks about arborist's assessment of possibly moving the existing trees to save them on the site.

Ms. Steinberger indicates that they did not have an arborist look at this – especially given the size and age of the tree and experience with moving trees of this size and age.

Commissioner Long asks about the oak tree and the underground drainage system.

The designer discusses the impacts that the design of the stormwater retention improvements will have on the oak tree.

Commissioner Long asks if the replacement trees will they be of the same types. Janet speaks to making them the same types unless there is something that would prevent this from being used at the site such as disease. Commission Long asks whether all the trees can be retained on-site.

The Designer indicates that probably not all will work on site.

Ashley Smith, 920 Atlantic City asks a question about the site plans. Planner Reese explains what will happen with the existing structures. Ms. Smith also asks what the second unit is for. Planner Reese explains what is allowed. Ms. Smith asks if the trees could be moved to the location of the proposed second dwelling and Planner Reese speaks to this.

Linda Evans speaks further and asks if we are limited to oaks and redwoods in the replacement. Would encourage that the trees are planted and would prefer that as much as possible be located on the site.

Vince Barbosa, owner speaks to that the proposed project is not in violation of the codes and regulations and they should have the right to have their dream built. He also loves the trees and will plant some on the site.

The matter is closed and returns to Commission.

Commissioner Long likes the project and agrees that the tree replacement should occur on the site as much as possible. Ms. Reese speaks to condition CDD-13 which allows the trees to be planted off-site with an arborist report that they cannot be kept on the site.

Commissioner Roberson can support the project even with the removal of the trees, which is regrettable.

Commissioner Coleman supports the project and feels it is well designed but she would also like to see as many of the trees as possible retained on site.

Commissioner Nielsen asks about the oak tree removal from the driveway and how it relates to the drainage. Designer speaks to the layout and answers his questions.

Commissioner Blum supports the design and regrets that the trees are in the middle of the site and cannot be worked around and still achieve the intent of the project. Indicates he likes the landscape plan and that this is a tough one with the loss of the tree.

Recommended Action: Adopt the Resolution approving the Site and Architectural Plans for Development Permit Application No. 07-042.

Motion: Vice Chair Coleman

Second: Commissioner Long

Ayes: Commissioners Long, Nielsen, Roberson, Vice Chair Coleman, and Chair Blum.

Noes: None

Absent: NA

Abstained: Marshall

Commissioner Blum thanks Ashley Smith for coming forward as a young person and encourages others to come forward if they have concerns.

Commissioner Marshall returns to the dais.

3. Development Permit Application 08-014

Applicant – Habitat for Humanity

This application is a request for approval of three (3) Development Incentives, Site and Architectural Plans, Use Permit, and Tentative Parcel Map to construct four (4) very-low income airspace condominiums. The subject property is located at 506 Long Branch Avenue (Assessor Parcel No. 060-271-016) in the Multiple Residential (R-3) Zoning District. The project planner is Janet Reese.

Planner Reese gives a summary of the selection of Habitat to build this affordable housing project and then reviews the project with a powerpoint presentation. Staff identified that the project will require a street vacation prior to final approval. In addition, there are fire sprinkler, undergrounding and curb, gutter and sidewalk improvements required by the conditions of approval. The project includes the use of 3 incentives and will provide all four of the units as affordable.

Interim Director Beck speaks to the discussions that staff has had with the applicant concerning opportunities to eliminate some of the roof decks through designation of private open space on the ground.

City Attorney Koczanowicz speaks to condition U-2 concerning the undergrounding requirements. He proposes alternative language as follows: "All on-site utilities shall be underground. Since the project is 100% affordable, 100% of the in-lieu fee (an option chosen by the applicant under the City Interim Policy) has been waived." He also asks staff for the condition of approval that requires the street vacation. Commissioners points out that condition CDD-11 addressed that.

Commissioner Long points out that the language change for condition U-2 will need to be made in several places.

Commissioner Nielsen asks about the undergrounding for the project and Planner Reese indicates that the service from the line at the street to each building will be underground but they will not be required to place the street line underground.

Commissioner Roberson asks that "airspace" condominium be defined. The City Attorney answers the questions.

Commissioner Marshall speaks to page 3-16 regarding the side yard parking requirements and Planner Reese speaks to these requirements. Commissioner Marshall speaks to parking reduction – can this be granted for affordable housing. City Attorney indicates that City ordinance does not allow this for a 4 unit project, as opposed to the state requirements that would apply to projects involving 5 or more units.

Commissioner Marshall also is concerned that the project relies upon the street vacation – and asks if we expect this to be granted. City Engineering Garing speaks to historical action on this type of vacation and indicates that they will likely be supported. Commissioner Marshall also mentions that he had a meeting with the applicant on the site.

Commissioner Coleman asks when they would consider the issue of modification of the private recreation areas. City Attorney speaks to reviewing this after we hear from the applicant.

Commissioner Roberson is concerned about the elimination of the undergrounding requirement but also understands that there is also a need for affordable housing. Commissioner Long also speaks to this. Planner Reese speaks to the ordinance requirements. City Attorney also speaks to the provision for waiver based on the provision of 100% of the units at "very low" affordability which will

help to meet the Regional Housing Needs (RHNA) requirements.

Commissioner Blum asks what happens when this section of the undergrounding is not done with the project and asks if it can be done later by the City. Commissioner Blum asks Mayor Pro Tem Nicolls about how this handled and he discussed the city's work with PG&E in getting undergrounding done.

Penny Rappa, Executive Director of Habitat for Humanity, indicates that this project started about 2 years ago and that they are happy to be the first project under the city's affordable housing project using the density bonus and reads from the ordinance the purpose of the bonus. She indicates that it has been a really long road and hope that the Commissioners feel this is an attractive project. They have started receiving applications for people who would qualify as affordable at the "very low" rate. They do have a couple of questions. Habitat for Humanity is about building simple, decent houses but in reality in California this is hard to do. She speaks to other project they are just completing with the hard work of volunteers. They found the development requirements in the City of Grover Beach are harder to meet such as the parking/garage requirements. This parking requirement forced the use of the roof decks to achieve the private recreation areas. They are hopeful that they can find ways to moving forward on this project and appreciate working with the city and possibly look at the roof deck issues.

Commissioner Coleman asks a questions concerning possible use of modular housing for these types of projects.

Penny Rappa speaks to Habitat's mission and roles that work nationally and internationally. It is about building with the help of volunteer assistance and the family's that are selected; thus we don't envision using modulars to achieve their mission and indicates that modulars wouldn't make economic sense for this type of project.

Commissioner Nielsen asks about hands on work from the potential owners. Habitat for Humanity requires 500 hours of work from each owner. Nielson also asks about how long it will take to get this built. Penny Rappa indicates that they hope to get it done by December and get the permit issued in April.

Commissioner Nielson speaks to sweat equity requirements and Penny Rappa describes how they select and what is requires in the loan and who is given priority in selection. They also do counseling and they need to make sure the persons selected meet the income requirements. Their primary goal is to eliminate poverty.

Commissioner Blum also supports getting Grover Beach residents into these units.

Kim Hatch, Pults and Associates, project architect, distributes the project color board and speak to the roof deck and private recreation issues. They hope to modify the easements for the drainage lines in such a way that they can find outdoor private recreation areas that would meet the cities requirements rather than roof decks. He asks that the city add a condition that would allow staff to use the minor modification process if they can find a way to make this work.

Commissioner Nielsen asks if roof decks are eliminated will you still need the use pop ups on the roof. The architect indicates they would be eliminated.

Commissioner Marshall was surprised with the roof decks and asks what the added cost is for the roof decks. Mr. Hatch speaks to significant costs and on-going maintenance that could be eliminated.

Interim Director Beck speaks to perhaps writing a condition that would recognize the elimination of decks if the applicant can establish that the alternative space would meet the ordinance requirement and be unencumbered with easements.

City Attorney Koczanowicz, proposes General Condition #7 “Applicant can meet the private open space requirements either through the roof decks or by any unencumbered space on the ground.” Planner Reese suggests that this should more appropriately be in the Site and Architectural Plan resolution and suggests condition CDD-13 on page 3-11.

Commissioner Marshall can support as many as possible of the roof decks being eliminated if other private recreation space can be found.

Recommended Action: Adopt the Resolutions approving the Development Incentives, Site and Architectural Plans, Use Permit, and Tentative Parcel Map with the added condition CDD-13 concerning private recreation area and with the modification to U-2 for undergrounding as suggested by the City Attorney.

Motion: Commissioner Long

Second: Commissioner Marshall

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

Noes: None

Absent: NA

Abstained: NA

4. Development Permit Application 08-022

Applicant – Community Health Center of the Central Coast

This application is a request for a Use Permit to allow the establishment of a general clerical office. The subject property is located at 592 S. 13th Street (Assessor Parcel No. 060-295-025) and is zoned Neighborhood Commercial (C-N). The project planner is Cassandra Mesa.

Planner Mesa summarizes the project and requirements.

Commissioner Coleman asks about people being brought to the site for examinations and indicates she has received comments about the type of services being provided.

Patty Diffenderfer, project representative speaks to who the clients are, specifically that the clinic is providing homeless services. This does include some transportation of persons to medical appointments and pharmacy services.

Commissioner Roberson asks about the vacancy of the property. Representative speaks to the current location and the new location.

Commissioner Long speaks to how the appointments work and the project representative indicates that after receiving service the clients are often at the Prado Day Center or the homeless center and other sites. We offer case management to help get their life back on track.

Commissioner Coleman asks about the existing site and if you have had complaints at that location. The project representative indicates they had had good relations with the neighbors.

Commissioner Long asks how many clients they see on an average day. The project representative indicates that the psychiatrist can see from 15-25 clients per day for appointment

varying from 15 minutes to 1 hour.

Chair Blum opens the meeting for public comments.

Tony Acock, 558 S. 13th Street, indicates that so far it has been fine. Asks for information about the type of patients and if there is the possibility of violence and he is concerned that there are kids walking past the site and sees possible conflict with the residential neighborhood.

Patty Diffenderfer has never had to have anyone removed from the premises. They rely on clients meeting their requirements and they treat them as family – good people who have gotten off track.

Commissioner Coleman asks why a location in a neighborhood was chosen rather than the major commercial areas.

Patty Diffenderfer discusses that it was available and they felt it met their needs and decided to ask for permit and it is convenient for clients as many of them go to People's Kitchen for lunch.

Commissioner Blum asks about whether there are predators able to use the site. Representatives indicated that this is tracked and not permitted due to proximity to the site.

Interim Director Beck speaks to clarifying that the mental health office use should also be recognized in the conditions to make sure that the full purpose of the office and client assistance is recognized, particularly since the mental health center aspects are a "P" permitted use on the allowable uses chart in the C-N zone.

Commissioner Marshall asks staff to address Mr. Acock's concerns if problems occur and if the police department should be called. City Attorney Koczanowicz indicates that if problems arise, the Police Department or Code Enforcement could be contacted.

Commissioner Roberson expresses concern that when clients come to the facility that they will remain in the neighborhood. The applicant indicates that the clients come for the appointment and then leave the premises.

Commissioner Marshall made the motion to approve the project according to staff's recommendations, with the changes to CDD-3 and CDD-4 as noted. Vice Chair Coleman seconded the motion and it was carried.

Recommended Action: Adopt the Resolution granting the Use Permit to allow the establishment of a general clerical office with modification to Condition CDD-3 and 4 to recognize the mental health clinic (permitted use).

Motion: Commissioner Marshall.

Second: Vice Chair Coleman.

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

Noes: None.

Absent: NA

Abstained: NA

5. Development Permit Application 08-009 (continued from October 14 and November 12, 2008)

Appellant – Dr. John Gannon

This application is an appeal of Staff's approval 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 Pat Beck.

Recommended Action: Continue to the Planning Commission meeting of January 13, 2009.

Motion: Vice Chair Coleman.

Second: Commissioner Long.

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

Noes: None.

Absent: None.

Abstained: NA

COMMISSIONERS' COMMENTS:

Report from City Council Representatives – Commissioner Marshall covers the City Council meeting for the seating of the new Council following the election and Commissioner Blum asks Mayor Pro Tem Nicolls about the filling of the Council position and Planning Commissioner. City Attorney speaks to the process and deadline.

Commissioner Long speaks to the November meeting and Council decided that the variance was not required for the Foremaster project.

Other Commissioners' Comments

Commissioner Nielson asks when there will be a joint meeting with the City Council.

Commissioner Marshall welcomes Cassandra Mesa to the Commission meeting and hopes they will see more of her with future projects.

Commissioner Blum asks about the Beach Front Lodge and Hilton. City Attorney speaks to contract negotiations on the Beach Front Lodge and Interim Director Beck speaks to discussions with Hilton. Bruce Buckingham, Economic Development Specialist also discusses the project status.

Commissioner Coleman suggests updates from Economic Development when appropriate.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Interim Director Beck discusses the PC report to the City Council in January (Commissioner Blum to present), the 2009 Planning Commission Meeting Schedule with adjustment for September meeting to Wednesday, September 9; status of Requests for Proposals for the Land Use Element, Housing Element, and Longbranch Demonstration project; possible budget cuts, and future discussions with the Commission and City Council on streamlining the city's processes.

STAFF COMMENTS

Bruce Buckingham, Economic Development Specialist suggests that if the Commission hears that people are having problems with the process that they refer people to him for assistance.

ADJOURNMENT at 8:30.

/s/
CHAIR BLUM

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

(Approved at PC Meeting: January 13, 2009)