



**MEETING MINUTES  
PLANNING COMMISSION  
CITY HALL COUNCIL CHAMBERS  
154 SOUTH EIGHTH STREET  
GROVER BEACH, CALIFORNIA  
TUESDAY, JULY 14, 2009  
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 Marshall.

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

**ABSENT:** None.

**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.*

There was no one was present who wished to comment.

**1. Election of Planning Commission Officers**

Commissioner Marshall nominated Vice-Chair Coleman for Planning Commission Chair and Commissioner Long for Vice Chair. There were no other nominations made. Commissioner Roberson seconded the motion, and was approved with a vote of 7-0-0-0.

**CONSENT ITEMS:**

**2. Approval of Minutes of Planning Commission meetings of April 15, 2008 and June 9, 2009.**

Commissioner Long made motion to approve the minutes, as written; Commissioner Marshall seconded the motion, and it was carried with a vote of 7-0-0-0.

**PUBLIC HEARING ITEMS:**

**3. Development Permit Application No. 09-008  
Applicant – Richard Holley III**

This application is a request for a Use Permit to allow a motorcycle and ATV sales establishment at 971 Griffin Street, Unit E (Assessor Parcel No. 060-545-037) in the Light Manufacturing District (L-M). The project planner is Janet Reese.

**Recommended Action:** Adopt the Resolution granting the Use Permit.

Planner Reese presented the staff report. She indicated that the business will be open by appointment only. She described adjacent uses, and stated that staff is recommending approval of the project.

Chair Blum opened the public hearing. The applicant, Rick Holley, described the proposed use and said it was a small operation.

Commissioner Long asked what kind of repairs would be done on site. Mr. Holley stated that he will be working on motorcycles and ATVs.

No one was present from the public to address the item.

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

#### **4. Development Permit Application No. 09-011**

##### **Applicant – Mike Bergantz**

This application is a request for approval of Site and Architectural Plans and Coastal Development Permit to add an outdoor dining area at 295 West Grand Avenue (Assessor Parcel No. 060-205-018) in the Coastal Visitor Services District (C-C-V). The project planner is Janet Reese.

**Recommended Action:** Adopt the Resolutions approving the Site and Architectural Plans and granting the Coastal Development Permit.

Planner Reese presented the staff report. She described the current uses in the building and previous uses. She indicated that an existing restaurant will be moving to that location. The applicant is also proposing outdoor dining, which is the portion of the project that the Planning Commission is reviewing.

She described the improvements on the site and parking. She stated that a Coastal Development Permit was required, because it is located in a Local Coastal zone. The Coastal Commission has been informed and no comments have been received.

Chair Blum stated that this seems like a good project. Commissioner Coleman asked if there was a tenant ready to occupy the space. Planner Reese indicated that Rudy and Angie's Restaurant will be relocating.

Marcus DePlant spoke representing the project applicant, and stated that he and the property owner are available to answer questions.

Commissioner Roberson asked if the existing trees will be kept. Mr. DePlant indicated that existing trees will be kept.

There was no one was present who wished to comment.

Commissioner Long made the motion to follow staff's recommendation; Roberson seconded the motion and it carried, with a vote of 7-0.

**5. Development Permit Application No. 09-013**

**Applicant – AutoZone**

This application is a request for a time extension for an approved retail commercial development at 1401 West Grand Avenue (Assessor Parcel Nos. 060-246-006, 007, 008, and portion of 013) in the Shopping Center District (C-S). The project planner is Janet Reese.

**Recommended Action:** Adopt the Resolution granting the time extension.

Planner Reese presented the staff report. She gave the background for the project. She stated that they have received one extension of time. She stated that plans have been submitted and are under review and that no MC changes have been made that impact the development

Opened public hearing.

Scott ??, spoke representing the applicant and is available to answer questions.

Marshall asked about time frames, Scott indicated that they will be moving forward as soon as plans are approved.

Closed PH

Commissioner Roberson made the motion to grant the extension; Commissioner Nielsen seconded, all yes.

**6. Development Permit Application No. 09-015**

**Applicant – City of Grover Beach**

This application is a request to review a proposed amendment to the Grover Beach Municipal Code which would add a Mobilehome Park Conversion Process Section. The section would provide for a process that must be followed by owners/developers that are proposing a conversion of an existing Mobilehome Park for other uses. Staff Report presented by City Attorney Martin D. Koczanowicz.

**Recommended Action:** Adopt the Resolution recommending adoption of the new section by the City Council.

City Attorney Koczanowicz stated that there will be no resolution for the Planning Commission to approve. They will be providing input that will be forwarded to the City Council.

Staff was directed by Council to amend the MC to draft a mobilehome conversion ordinance. The draft ordinance is similar to the one that was recently adopted by SLO. It provides a process for owners to change the use of the park to another use, with the exception of individual ownership of mobilehome owners.

State law is applicable, in addition to any amendments. The goal of the proposed amendment is to protect affordable housing and provides protection to mobilehome residents, since the Planning Commission can impose conditions on the change of use. There is a provision that requires a “first right of refusal” for current occupants if the use will continue to be residential.

He described the different components of the proposed ordinance and the process that would be

used to change the uses.

City Attorney Koczanowicz explained that there are exemption provisions. Mitigation measures must be complied with before permits can be issued for the new use. Within 30 days of approval, the process needs to move forward, and is valid for one year. All costs associated with the change and relocation is covered by the applicant. The City is reimbursed for any costs that are part of the process.

The City Council discussion included whether or not a radius of acceptable relocation area should be imposed; and it was decided that 25 miles from the original site was the limit of the relocation.

Blum asked if there has been a study regarding availability of relocations sites within the 25 mile radius. He expressed concern that there may not be sufficient areas to relocate. City Attorney Koczanowicz stated that it was the tenants who asked for the limitations, and based on the initial discussion, this was the direction they wanted to go.

City Attorney Koczanowicz stated that relocation is only one of the mitigation measures, and there are others that could be instituted. Beck stated that there has not been any inventory of available relocation areas. City Attorney Koczanowicz stated that the City Council also discussed imposing qualifications for the relocation specialist. It is proposed to be at the discretion of the Community Development Director.

Commissioner Coleman asked what precipitated this change. City Attorney Koczanowicz indicated that other areas are moving forward, and there is fairly recent state laws that allow the public agencies to adopt their own ordinances that are over and beyond the state law.

Commissioner Roberson asked if the tenants have a say in what happens. City Attorney Koczanowicz indicated that the process has heavy notification requirements, and requires that the owner contact each resident. They will be able to offer public testimony.

Commissioner Roberson asked if they have the right to refuse the action. City Attorney Koczanowicz stated that they have the ability to effect the Planning Commission decision.

Commissioner Nielsen asked if they are given options. City Attorney Koczanowicz stated that there will be opportunities for input regarding mitigation measures.

Commissioner Long asked if the arrangement was between the applicant and each individual tenant. City Attorney Koczanowicz stated that it is possible.

City Attorney Koczanowicz stated that the appraisal is based on fair market value, which is more favorable to the tenants.

Chair Blum opened public hearing.

Jim Erickson, Le Sage resident, provided background from their homeowners association. He stated that they went before the City Council with their concerns. He stated that there was not sufficient notification. He stated that he compared the draft ordinance to San Luis Obispo and stated that there was direction given in the San Luis Obispo ordinance that the park residents should be consulted and have input.

He stated that San Luis Obispo has a 20 mile radius for their relocation, which he stated was more favorable. Regarding the relocation specialist, he stated that the wording should be that the director must require a relocation specialist.

Commissioner Marshall asked if there was a definition of the relocation specialist. City Attorney Koczanowicz stated that the discretion is given to the director to approve someone for that position. This process is not very common, so it would have to be someone with sufficient expertise.

Commissioner Coleman asked about the 9 months residency restriction; Mr. Erickson stated that mobile home law has a 9 month residency requirement.

Commissioner Blum asked what the optimal radius for relocation would be. Mr. Erickson stated that there aren't any appropriate parks that have the same amenities and space within the allowed radius.

Mr. Erickson stated that they are seeking protection.

Commissioner Marshall, asked about notification. City Attorney Koczanowicz stated that it will be a fully noticed Public Hearing for the City Council and they will attempt to notify every resident of the mobilehome parks. He stated that tentatively it could move forward in August.

Tom Baker, Le Sage resident, stated that the 25 mile radius could be a lot of driving miles. Regarding fair market value, he stated that the park owners might say that it might kill deals, but others ordinances with that provision have gone forward. He stated that fair market value would give them the opportunity to buy-in to the new development.

Dick Giles, president of the Homeowners Association of Le Sage Riviera, also brought up the notification issue. He stated that it is very important to the residents.

He stated that there have been issues dealing with park management in the past. He stated that the ordinance needs to be iron clad and that the City should notify the Homeowners Association about upcoming hearings related to this ordinance. He also wanted language regarding park models to be included.

City Attorney Koczanowicz stated that Park Models are included in State law. Mr. Giles indicated that it would be good to have the terminology included even though it's included in the State law.

Charlotte Giles, Le Sage resident, indicated that she is concerned about notification. She stated that there are a lot of things that need to be addressed and research that needs to be done. Relocation specialist needs to be defined. She asked if they would have the choice of selling or relocation. She stated that blue book pricing is out of the question. She requested that a relocation specialist be required, and not an option.

She suggested that this should not move forward to the City Council at this point, as she would like questions answered before it goes forward.

Interim Director Beck stated that the City Council will be informed of the action of the Planning Commission.

Raymond Long, Le Sage resident, stated that he doesn't want anything to go wrong with their situation. He is only interested in paying the rent and he loves that space and doesn't think that there is any other place that would compare.

Commissioner Long asked when this will be heard before the City Council. City Attorney Koczanowicz indicated that they are planning on August 17<sup>th</sup>.

Commissioner Roberson asked what kind of relocation areas would be available within the 25 mile radius.

Commissioner Coleman stated that she would like the Community Development Director to require relocation specialist and that it should be further defined.

Commissioner Blum asked if there is a process to allow the Home owners to give input on he selection of the relocation specialist.

Alex stated that maybe they should have wording requiring specific actions for the specialist rather than qualifications.

City Attorney Koczanowicz indicated that it is common for the Community Development Director to approve these kinds of things. He also stated that any decision by the Community Development Director can be appealed to the Planning Commission, so it can be addressed before the project moves forward.

The Planning Commission reached consensus to recommend that the Ordinance have the wording "shall" instead of "may" with regard to the relocation specialist.

Commissioner Blum stated that the 25 mile radius be corrected in item 14; "park model recreational vehicle mobile home" be included; "shall" provide a relocation specialist. MDK stated that the wording, even if it is changed to "shall", may not require a recreational specialist.

Roberson suggested that the wording be "shall require" and remove the area related to "as deemed appropriate.

Director Beck addressed the residents that were present letting them know about upcoming public hearings related to the land use element update.

### **COMMISSIONERS' COMMENTS:**

#### **Report from City Council Representatives**

Commissioner Nielsen reviewed the previous City Council meeting.

### **COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Reminders: Joint meeting with Planning Commission, City Council and staff. She asked for specific topics to be discussed at this meeting.

She stated that housing element will probably come before Planning Commission in September.

The Land Use Element should be moving forward with the environmental document during the next week, which will start a 45 day review period. Tentatively, they hope to bring it to the Planning Commission in October.

**STAFF COMMENTS**

**ASSIGNMENT TO ATTEND CITY COUNCIL MEETING(S)**

**ADJOURNMENT: 9:00 p.m.**

/s/  
CHAIR COLEMAN

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

(Approved at PC Meeting: September 09, 2009)