



**MEETING MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, SEPTEMBER 13, 2011
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 Coleman.

PRESENT: Commissioners: Alex, Blum, Coleman, Laferriere, Roberson, Vice Chair Evans and Chair Long.

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.

REGULAR BUSINESS ITEMS:

1. Election of Planning Commission Chair and Vice Chair.

Commissioner Blum nominated Vice Chair Evans to be Chair. Vice Chair Evans asked that his name be withdrawn from consideration. Commissioner Coleman nominated Commissioner Roberson for Chair; Commissioner Evans seconded the nomination. There were no further nominations and the motion was carried, with a unanimous vote. Vice Chair Evans nominated Commissioner Laferriere for the Vice Chair position; Commissioner Coleman seconded the nomination. There were no further nominations, and the motion carried with a unanimous vote.

PUBLIC HEARING ITEMS:

2. Development Permit Application No. 11-013 (continued from August 9, 2011)

Applicant – McHale Sign Company

This Development Permit Application is a request for approval of a Use Permit to construct a new 21 foot high monument sign. The property is located at 684 West Grand Avenue (APN 060-222-014) in the Visitor Services (C-V) District.

Planner Reese gave the background of the site and previous approvals. She stated that the brand had recently changed to Flyers, and the signage had been updated with the new name, but the owner wanted a new monument sign. The West Grand Avenue Master Plan has guidelines for signage, but the Sign Ordinance has not been amended to reflect those guidelines. She stated that staff is recommending denial. She stated that State law requires the pricing to be displayed, so it is exempt from the sign codes. The pricing area is counted related to height but not total square footage.

Chair Long opened the public hearing.

Muhammad Elsayed, applicant, stated that they would like to get approval for the signs so that they are able to advertise both cash and credit pricing. He stated that they want to encourage cash payments by offering a discount. He stated that they have to post the cash and credit pricing. He stated that current sign ordinance allows for 100 square feet of signage but they are only requesting approval for 65 square feet.

Commissioner Coleman asked if there was a reason that they couldn't reduce the height of the sign base in order to lower the overall height. Mr. Elsayed stated that they considered that, but he didn't feel that a reduction was necessary. They want the maximum height that they can get, because visibility has a great impact on their business.

Vice Chair Evans asked if other stores adjacent to the gas station would also need signs. Mr. Elsayed indicated that they plan to utilize all the space on the site, so there will not be any other businesses there.

Chair Long asked if the sign they are requesting is the standard for the Flyers company. Mr. Elsayed indicated that he did not know.

Pat Cory, sign company representative, stated that under California law, gas stations are required to show both cash and credit pricing and it also regulates the size of the pricing to 6 inches. He stated that the West Grand Avenue Master Plan guidelines have not been adopted, and for this business, what the guidelines allow isn't adequate. He stated that this is a typical sign for Flyers. They are not requesting the maximum height or square footage. He indicated that LED technology allows them to make pricing changes from inside, tied into the POS (Point of Sale) system. The sign has dimming system.

Chair Long closed the public hearing.

Commissioner Alex stated that he is struggling with this. He felt the size was too big. The City adopted the West Grand Avenue Master Plan size limitation because they didn't want large signs up and down Grand Avenue. He felt that the base is too tall and obnoxious. However, he doesn't want to limit their business, and wants them to be successful.

Commissioner Evans indicated that he liked this proposal. He stated that the West Grand Avenue Master Plan is the basis for staff recommendations, and feels that this is going to be the beginning of items that might come before them that don't meet the established guidelines. He acknowledged that it is tall, but felt that not allowing the sign would give the Chevron station a competitive advantage just because of the timing of the adoption of the West Grand Avenue Master Plan. Now that there is a good, recognizable, competing station, it would be good for the consumers.

Commissioner Laferriere stated they did approve the West Grand Avenue Master Plan, and he recognizes that there may be some issues with that plan. He sees this as a process, and this is the first breakdown, since it has state mandated pricing for gas stations. He stated that that this is in a transitional zone, and this site has a long history of being a service station. He stated that he wants the business to be successful. He felt that "pedestrian scale" and service stations aren't a good mix. The signs for service stations are meant to be seen by people driving down the street. He stated that the Commission has to apply their judgment. He felt uncomfortable as a Planning Commissioner making exceptions to the approved guidelines and felt that making exceptions may be better handled by the City Council. He asked if the Planning Commission were to oppose Staff's recommendation, would they be making a recommendation to City

Council, or would the Planning Commission make that determination.

Director Buckingham stated that absent further direction from the Council, they were in a difficult position. The Planning Commission could determine that there should be exceptions to the guidelines, and they would need to direct staff to come back with resolutions of approval. They could also recommend an intermediate size. Whatever the decision of the Commission, the applicant has the option to appeal it to the Council.

Commissioner Laferriere stated that if this was a new service station and in the core of downtown, it would be different, but in this area, with an existing business and it being a service station, he doesn't feel the sign guidelines should apply.

Vice Chair Evans asked why the business can't be grandfathered in since they were there prior to the adoption of the guidelines.

Commissioner Coleman stated that upon first review of the project, she was opposed to it, because of the Master Plan. But then, she also wants to support business owners who want to improve their business. She stated that when she went by the site, she would like to see the sign reduced, but doesn't find it as offensive as she first thought. She stated that landscaping could be used to soften the appearance. She understands the reason that they want the sign as it is proposed.

Commissioner Roberson asked how tall the current sign is. Planner Reese stated that it is 10 feet. Commissioner Roberson felt that 12 feet is too small, but 21 feet is too high. She felt that the height could be reduced by decreasing the size of the base.

Commissioner Blum remembered the discussion about signage during the Master Plan hearings. He feels that the sign is too big and wishes that the applicant would have reduced the height of the base. He understands the desire for new sign, but doesn't agree that because Chevron got their signs approved before the adoption of the West Grand Avenue Master Plan that this should be allowed as well. He didn't feel that grandfathering existing businesses is the intent of the Master Plan. Implementing the Master Plan will take time, and provides direction for where they want it to go in the future. He stated that 10 feet high may be small but he feels that the existing sign is almost adequate, if they adjust the sign area and design. He feels that the proposed sign base is too large. He stated that they need to try to honor the Master Plan even in difficult times.

Chair Long asked for clarification about the Zoning Code related to height. Director Buckingham indicated that the Zoning Code gives the Director the ability to approve a sign up to 12 feet in height. Anything greater than that would be under the purview of the Planning Commission, which can approve a sign up to 25 feet in height, or 100 square feet. Staff was trying to weigh the existing zoning code against the guidelines in the Grand Avenue Master Plan. Chair Long state that the findings can be met, but there are the guidelines are in place, even if they haven't been adopted.

Commissioner Blum stated that a smaller sign would still be able to communicate pricing to the consumers. He understands the importance of signs and wants to support the business, but also feels that the Planning Commission should be diligent in implementing the guidelines in the Master Plan.

Commissioner Alex asked why the applicant was requesting 21 feet and not 25 feet.

Chair Long reopened the public hearing.

Mr. Cory stated that they didn't want the sign to get in the way of the palm tree or to remove the tree. They felt that 21 feet was adequate.

Jay Galvin, Nella Oil (Flyers parent company), stated that if the sign is too large it takes detracts from the rest of the site. They tried to compromise but felt that the 21 feet was appropriate for their site.

Commissioner Alex felt that they proposed 21 feet because that is what had been approved at Chevron.

Commissioner Coleman felt that approving Chevron set a precedent. Commissioner Alex stated that it was approved before the Master Plan was adopted.

Commissioner Blum felt that there was a way to redesign the sign by eliminating the large 24 inch digital display of the cash price at the top of the sign and use the shorter, existing base.

Vice Chair Evans stated that the cash price is one of the main reasons for the sign proposal. Commissioner Blum felt that the consumers would still be able to see those prices.

Tom Dwali, Flyers representative, stated that the price sign is integral to the sign; and locals will find those prices. The intent is to be competitive with Chevron, and show lower prices. He stated that they spent a lot of time researching the whole package. Commissioner Coleman asked if the proposed sign is typical for Flyers. Mr. Dwali indicated that it was a little smaller than the typical Flyers sign.

Commissioner Laferriere asked if there was any concern about width or is it just height. He asked if it would be acceptable to make it wider and shorter.

Vice Chair Evans felt that for a gas station, height would be very important.

Commissioner Roberson stated that a lot of signs in the city are very large. On West Grand Avenue, the goal is for people slow down and look around. She didn't feel that the sign needed to be as high as they were proposing, but she did not have an issue with it being wider. She suggested a compromise, possibly allowing it to be 16 feet high.

Commissioner Alex stated that if the Commission will allow it to go over the height in the Master Plan, they might as well go to 21 feet.

Commissioner Laferriere suggested providing some guidance so that the applicant could bring back a proposal with a reduced sign.

Chair Long liked Commissioner Laferriere's idea and suggested that they give the applicant some direction.

Director Buckingham stated that staff didn't want to get into redesigning the sign, since it is very difficult. He stated that the height was the biggest issue, not width or area; the sign needed to be proportional and aesthetically pleasing. They could give direction about maximum height and suggest that the applicant redesign. If the applicant isn't interested in reducing the sign height,

the Commission could deny the project and the applicant could then either redesign or appeal the decision the City Council.

Assistant City Attorney Donaldson stated that precedence hadn't been established with the Chevron sign, since the Master Plan hadn't been adopted yet. If they were to approve this sign at a greater height than allowed in the Master Plan, that would set a precedent, but only for future service stations.

Director Buckingham stated that the intent of the guidelines for pedestrian scale signs in the Master Plan was to prevent pedestrians from being overwhelmed by the signs. If the base were reduced that would bring the sign more in line with that concept. He stated that with traffic at 35 miles per hour, the pricing is probably in excess of what is needed to be legible.

Commissioner Roberson reiterated that staff is recommending denial, and if the Commission votes to deny the project, the applicants have the option of redesigning or appealing to City Council.

Commissioner Roberson made a motion to adopt the resolution denying the Use Permit; Commissioner Blum seconded the motion.

Assistant City Attorney Donaldson stated that any further Commission comments should be made before the vote.

Chair Long stated that they will be coming up against this issue again; there are issues with the guidelines and those need to be taken seriously. He stated that he is comfortable with a 12 foot height, but beyond that, it would have to be addressed on a case by case basis.

Vice Chair Evans stated that they should look at having different guidelines for different types of businesses, while still staying true to the Master Plan, and expanding on it.

Chair Long stated that the guidelines provide decent direction, but the proposed sign doesn't meet the categories that are out there. It might be worth looking into down the road.

Commissioner Laferriere suggested that possibly when they talk about signs sizes, they can calculate it based on average heights, to account for logos and non-square signs to encourage creativity instead of just a big rectangle.

The motion above was carried with a vote of 5-2-0-0, with Commissioner Laferriere and Vice Chair Evans voting no.

3. Development Permit Application No. 11-015

Applicant – Jerry Shaw

This Development Permit Application is a request for approval of Site and Architectural Plans to construct a roof deck on an existing split level home. The property is located at 838 Newport Avenue (APN 060-155-020) in the Single Family Residential (R-1) District.

Planner Janet Reese presented the staff report. She described the site and proposed project. She stated that the Municipal Code requires that roof decks be reviewed by the Planning Commission and also requires roof decks be set back three feet from floor below. Staff is recommending approval of the roof deck.

There were no questions from the Commission. Chair Long opened the public hearing. Jerry Shaw, project designer, was present to answer questions.

There was no one else present who wished to comment.

Commissioner Coleman made motion to adopt the resolution; Commissioner Laferriere seconded the motion, and it was carried with a vote of 7-0-0-0.

4. Development Permit Application No. 11-016

Applicant – Jerry Gambrell, Grover Tool Rental

This Development Permit Application is a request for approval of a Use Permit to allow a vehicle storage area for an existing tool and vehicle rental business. The property is located at 170 North 12th Street (APN 060-241-019) in the Professional Office (C-P) and Shopping Center (C-S) District.

Commissioner Coleman was recused from this item due to her residence being within 500 feet of the project.

Planner Reese presented staff report. She gave the background of Grover Tool Rental, and previous permits for the use and storage at the site. She stated that the applicant is requesting a use permit for vehicle storage and indicated that the current storage area would no longer be utilized. The proposed lot is currently vacant. The northern portion of the site is CP (Professional Office) and the southern is CS (Shopping Center). The Zoning Code allows vehicle rental in the CS zone, but not CP. Because the proposed area isn't visible from Grand Avenue, staff believes the proposed use is consistent. Staff is requiring landscaping to be installed. If complaints about parking are received subsequent to this approval, the Planning Commission could consider revocation of the Use Permit. Staff is recommending that the vehicle storage area only operate if this business is in existence.

Commissioner Laferriere asked about the perimeter fencing. Planner Reese indicated that the fence would go along the northern property line, with the western side open. Staff presumes that the southern portion will be gated.

Commissioner Evans asked if there would be on-street parking allowed if this is approved. Director Buckingham stated that the trucks would be able to park on the street up to 72 hours. The Planning Commission has the option to allow all of the parking to be on-street. As it is conditioned now, they would be providing some off street parking to alleviate the on-street parking issue. Commissioner Evans asked if they could limit the time of the on-street parking to less than 72 hours. Assistant City Attorney Donaldson stated that they could require that no trucks be parked on the street at all, if that was their wish.

Chair Long asked if off street parking was limited to the hours that the business is closed. Planner Reese indicated that it would be utilized on nights, weekends, and holidays. Chair Long asked if the 12th Street entrance would be fenced. Planner Reese indicated that it would be unsecured until the business was open.

Chair Long opened the public hearing.

Jerry Gambrell, applicant and business owner, stated that some of the conditions are excessive. He stated that there is already fencing on three sides, and that he plans on putting a gate on the west side. He objected to the requirement for landscaping inside the fence, since no one can

see it. He also objected to the condition requiring on-site parking at night, due to the difficulty for customers to find the space. He stated that they make every effort to get the trucks off the street as soon as they can. He stated that there have been complaints about the street parking, but that is due to the fact that the shopping center doesn't have enough parking. He stated that they already eliminated trailers. He stated that U-Haul has become an integral part of his business and it would be a hardship if he were not able to continue with that. He stated that the truck rentals also bring additional business to Grover Beach. He is requesting to use the whole site for storage. He is continuing to look for other sites, but hasn't been able to find one, due to zoning conflicts. He stated that it is asking a lot of him to spend a lot of money on improvements, when he is renting month to month and may have to vacate the property.

Chair Long closed the public hearing.

Commissioner Blum expressed support for the project, but indicated that he would be fine with no landscaping behind the fence and just add landscaping on the front. The fencing is fine, as long as the applicant puts up a gate. He also supports allowing trucks to be parked on the whole site.

City Attorney Donaldson stated that they do not have the authority to allow parking in the CP zone.

Commissioner Blum asked why they wouldn't be allowed to have a variance for this use. Director Buckingham stated that he doesn't know how a variance would apply in this case. He stated that they could have processed a General Plan Amendment, but they were trying to expedite this process. One option to consider is that public and private parking lots are a conditionally permitted use, and if the Commission wanted to interpret that parking the trucks isn't storage but is instead a private parking lot, they could make those findings and approve the use as a private parking lot.

Commissioner Roberson agreed with Commissioner Blum. She stated that people dropping off would park on the street. She would prefer putting in a four hour limit during business hours, instead of the off-street parking area.

Commissioner Laferriere appreciated the public testimony. He is disappointed by the drop off area. It would make the area underutilized. He wants to press staff and the City Attorney to get a way to increase the parking. City Attorney Donaldson stated that the Commission cannot authorize the storage of vehicles in that area. He stated that the concept of what "storage" means is flexible—is 3 days storage or is 25 minutes storage. The City would have to respond to complaints of storage in that area.

Chair Long stated that it seems arbitrary and is difficult to condition.

Director Buckingham stated that if the Commission wants to go that way, the Planning Commission can determine that it is a private parking lot, and they could allow parking for a certain time limit.

Commissioner Evans agreed with other Commissioners, and agreed that it is unreasonable to ask him to make upgrades to the properties. He felt they needed to allow him to have as much room as possible off site. He questioned the ability to regulate a shorter on-street parking limit for this one business. City Attorney Donaldson stated that they would make it a condition of approval. Commissioner Evans stated that 24 hours would be a fair compromise.

Commissioner Alex agreed with other Commissioners about supporting local businesses. He supports the determination that it is a private parking lot and allowing trucks to be there for 72 hours. He did not support the addition of interior landscaping.

Chair Long concurred with those comments.

Director Buckingham suggested the following change to Condition 1: strike “southern”, and strike the second sentence. Exhibit A would also need to be modified with those changes. He asked for clarification of the Commission’s desires regarding Condition 4. Commissioner Blum felt that the fencing was adequate.

For Condition 4, Director Buckingham suggested the following wording: “Prior to storing vehicles on the site, the applicant shall install a 6 foot high chain link fence on 12th St. with durable earth-tones slats to obscure visibility to the storage area. The fence along North 12th shall be set back out of the public right of way. The area along North 12th Street behind the sidewalk shall be landscaped and shown on a landscape plan.”

City Attorney Donaldson suggested that on Condition 1 that the northern portion of the site be designated a private parking area.

Commissioner Alex stated that if he chooses not to do gravel, there could be fire danger if grass grows. They should make sure he puts something there to discourage weed growth.

Director Buckingham asked if the Commission was asking for a limitation for on-street parking. Commissioner Blum suggested that the condition refer to “due diligence” rather than a specific time limit.

Commissioner Roberson would like have a limit to allow enforcement of the parking issue.

Chair Long suggested 1 hour. Director Buckingham asked if there were limits after business hours. Commissioner Roberson suggested 36 hours, and the other Commissioners concurred. Director Buckingham stated that they should modify the findings to make it clear that the area within the office professional zone is being considered a parking lot.

Commissioner Blum made motion to adopt the resolution with the changes to the conditions and findings as noted. Commissioner Evans seconded the motion, and it was carried with a vote of 6-0-0-1, with Commissioner Coleman recused.

COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Director Buckingham updated the Commission on the status of the Zoning Code Amendment and Vacation Rentals amendment.

ADJOURNMENT: 8:35 p.m.

/s/
CHAIR LAFERRIERE

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

(Approved at PC Meeting: April 10, 2012)