



**MEETING MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, DECEMBER 9, 2014**

CALL TO ORDER 6:30 p.m.

FLAG SALUTE Commissioner Alex.

ROLL CALL: Commissioners Alex, Rodman, Long, and Chair Laferriere were present. Commissioners Vice Chair Blum was absent.

Staff present: Community Development Director Buckingham and Planner II Reese.

AGENDA REVIEW:

Chair Laferriere stated that due to the absence of one of the Commissioners, a passing motion would require three of the four present. Applicants have the option to request a continuance in order for the project to be presented before all of the members of the Commission.

Action: It was m/s by Commissioner Long/Commissioner Rodman to accept the agenda as presented, and it passed unanimously.

PUBLIC COMMENTS: There was no one present that wished to speak.

CONSENT ITEMS:

1. Approval of Minutes of Planning Commission meeting of September 9, 2014.

Regarding the number of votes needed for a motion to pass, Chair Laferriere stated that the minutes reflect what was stated at the time, but the information conveyed was incorrect. He clarified that a passing motion required a majority of the commission members that were present at the meeting, not a majority of the seated commission.

Action: It was m/s by Commissioner Alex/Commissioner Long to adopt the minutes as presented. The motion passed unanimously.

PUBLIC HEARING ITEMS:

**2. Development Permit 14-18
Applicant – Myles Noyes**

The Planning Commission will consider a Variance to retain a front porch that was constructed within the required front setback without a permit. The property is located at 807 Saratoga Avenue (APN 060-101-024) in the Low Density Residential (R1) Zone.

Planner II Reese presented the staff report.

Commissioner Long inquired what the required minimum front setback was in the 1980's. Planner Reese stated that staff did not have documentation stating the setback, but that the structure did not have a permit to be constructed. Director Buckingham added that staff has been unable to locate zoning regulations prior to about 1994. The issue is that it was illegally constructed. If it had been legally established, then staff would assume that it complied with regulations in effect at the time.

Commissioner Long requested information on the code enforcement process and hearing. Director Buckingham replied that the code enforcement case was opened when someone was interested in purchasing the home and reviewed the permit file. The code enforcement case was placed on hold when a demolition permit was issued to remove the structures. All of the illegally constructed structures were removed, except for the front porch.

Commissioner Rodman requested clarification on the procedure and the number of findings that are required. Planner Reese stated that all four findings are needed to be made in order to grant the variance. Chair Laferriere clarified that although the draft resolution includes three findings that cannot be met, the Commission should review all four and determine which findings they can or cannot not make.

Commissioner Alex requested about the notification process to notify potential buyers of code enforcement issues. Director Buckingham stated that in general, when someone is intending to purchase a property, they come in to review the building permit file. When staff becomes aware of an issue, such as construction without a permit, a code enforcement case is opened, regardless if that individual purchases the property or not. However, in this particular case, there was a letter in the file from prior staff that had identified that the removal of the porch was required. When current staff learned that the porch still existed, a letter was sent to the seller and seller's agent, and included a copy in the building permit file so that anyone looking at the file would be made aware of the issue. He also stated that he had had a meeting with the current owners (i.e., the applicants) and informed them of the outstanding code enforcement issue of the illegal construction, including the front porch, prior to them purchasing the house.

Chair Laferriere opened the public hearing and invited the applicants to speak.

Myles and Cecilia Noyes, Grover Beach residents, thanked staff for disclosing that most of the illegal construction was removed. They previously were in the southeasterly portion of the City where the neighborhood was uniform and understand why things should be one way or another. He stated that they received a copy of the letter addressed to the previous owner, Mr. Hogge, but did not receive formal notification. He stated that a prior owner, Mr. Barber, did all of the illegal work, and when Mr. Hogge purchased the property in 2000, it went through escrow without anyone identifying the illegal construction. When they purchased the property, they understood what needed to be done due to the substandard construction. They also stated that when they identified the examples of other properties with similar situations, they did not understand "vicinity" or that homes on corner lots could be addressed and oriented to the side street. Mr. and Mrs. Noyes distributed to the Commission photos of the ramp and porch structure and stated that the four foot by seven foot porch cannot be rebuilt due to the six-foot depth of the existing ramp. When the home was reroofed, the roofing contractor stated that the porch appears to have been constructed correctly. They stated that that their site is unique due to its elevation as compared to the street because the property is two feet above the sidewalk, and the floor of the house is 18 inches above the property, so the floor is 4 ½ feet above the sidewalk. In addition, the site

is three feet higher than the property to the east and two feet higher than the property to the north. He stated, that although ADA regulations don't apply to residential structures, ADA requires landings at the end of ramps in front of doors are required to be protected from inclement weather.

Commissioner Alex stated that he could not make the first finding, regarding uniqueness due to topography. Mr. Noyes disagreed, stating that the topography is unique for this neighborhood because it is a few feet above adjacent parcels and the public right of way.

Dorothy Avila, Grover Beach resident, attested that a previous owner, Mr. Barber, constructed the unpermitted structures at night, and on holidays and weekends. She inquired why escrow did not tell Mr. Hogge that there was illegal construction, and stated that the current owners should not be penalized for the porch.

Brad Keller, Grover Beach resident, stated the house looks much better now because of the improvements by the Noyes', and that the current owners should not be penalized for the illegal construction. He stated that the City has known about the illegal structures for a number of years, and believes the onus is on the City for not following up. He is concerned with the appearance of the house without a porch.

Chair Laferriere closed the public hearing.

Planner Reese clarified that the ramp and the low wall is not subject to the setback requirements, just the covered porch. Director Buckingham added the only structures allowed in the front setback are structures three feet in height or less such as picket fences, low walls, decks, and ramps.

Chair Laferriere inquired if there was a statute of limitation or timeframe that comes into play. Director Buckingham stated there is not a statute of limitations on illegal construction. There is also no City inspection during real estate transactions to determine if illegal construction has occurred. It is the responsibility of the owner or real estate agent to disclose. Although the porch has curb appeal, State law does not consider the aesthetics of the structure as part of the required findings to grant a variance.

Commissioner Long confirmed that a porch that conforms to the original size of four feet by seven feet could be rebuilt. Director Buckingham stated that even though the porch was removed, staff is supportive of it being rebuilt to replace what was there previously.

Commissioner Alex requested clarification on accessibility requirements. Director Buckingham stated that if for some reason the ramp or landing exceeded the three feet in height in order to serve the building, there is a process called Reasonable Accommodation that can approve an exception. In regards to a covered landing, there are many examples of uncovered landings in commercial developments.

The Commission reviewed the findings and came to the following conclusions:

1. *There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity in the same zone.*
 - The lot is only 100 feet in depth, instead of the City's very common 150 feet, but 100 feet is also not uncommon enough to state that it is unique. The porch has been widened and deepened.

- The topography is similar to other sites.
 - Unique topography could be a reason for a ramp, but not a wider and deeper porch.
2. *Strict compliance with Development Code standards would deprive the subject property of privileges enjoyed by other property in the vicinity and in the same zone.*
 - There are other porches in the current front setback, but this is a modified, larger porch. If the porch was smaller, they would have a small porch, just like neighboring structures.
 - If the original porch size is rebuilt, then the property would not be deprived of having a covered porch.
 3. *Approving the Variance would not constitute a granting of special privilege inconsistent with the limitations on other properties in the same vicinity and zone.*
 - The variance would decrease the front yard setback to provide a larger porch, granting a special privilege.
 4. *The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.*
 - No issue. This finding can be made because porches are permitted.

Action: It was m/s by Commissioner Rodman/Commissioner Long to adopt Resolution No. 14-13. The motion carried on the following roll call vote:

AYES: Commissioners Alex, Long, Rodman, and Chair Laferriere.
 NOES: Commissioners – None.
 ABSENT: Vice Chair Blum.
 ABSTAIN: Commissioners – None.

Resolution No. 14-13: Resolution of the Grover Beach Planning Commission Denying a Variance for Development Permit 14-18 (807 Saratoga Avenue)

3. Development Permit 14-19

Applicant – Camino Media Office Park, LLC

The Planning Commission will consider an amendment to the Master Plan of Grover Business Park. The property is located on Huston between Farroll Road and Highland Drive (APN 060-545-029, 060-545-030, 060-545-031, 060-545-034, 060-545-035, 060-546-001, 060-546-003, 060-546-004, 060-546-005, 060-546-006, 060-546-019, 060-546-020) in the Industrial (I) Zone.

Planner II Reese presented the staff report.

Upon question from Chair Laferriere, Director Buckingham stated that aside from the requested amendment, the resolution includes revisions related to the adoption of the Development Code. For example, terminology used in the Zoning Code has been replaced with Development Code verbiage. Staff did not review or modify development standards or requirements.

Chair Laferriere opened the public hearing and invited the applicant to speak.

Pamela Denny, Nipomo resident, representative of Camino Media Office Park, LLC and S & S Homes, submitted photographs of the neighboring area and the existing improvements on lot F-5, which is currently being used as a storage yard by the property owner. She stated that there is a potential buyer that would like to utilize the lot for a landscape contractor's storage yard.

Commissioner Long inquired if the landscape contractor storage yard use was temporary or permanent. Ms. Denny stated that the current need is for the storage yard, however, in the future, they intend to construct a building consistent with the adopted development standards.

Commissioner Alex requested clarification about the prohibition of development. Ms. Denny stated that they can develop the lot, subject to the approved conditions and standards.

Chair Laferriere stated that while the use is outdoor storage, development would be limited, until they fully develop the site.

Commissioner Alex inquired about existing lot improvements. Ms. Denny stated that the lot is improved with crushed granite.

Chair Laferriere closed the public hearing.

Commissioner Rodman stated that the storage located behind the wall should not be visible from the street.

Commission Long agreed that the wall and fence should screen the equipment adequately.

Commissioner Alex agreed with Commissioners Rodman and Long, but added that he didn't want storage uses in this area, when there is a technology master plan and buildings should be developed in this area. He inquired about the 35 foot height restriction.

Director Buckingham stated that at the time of the Business Park's approval, the Zoning Code limited building height to 25 feet in this area. With the Development Code update, the maximum building height was increased to 40 feet to allow three story buildings. He stated that the City desires investment in this area, and with the installation of fiber optic, and as the other lots develop, land values would increase. By not allowing major investment, the property value would be closer to the land value, and deter reinvestment in the property.

Chair Laferriere stated, Director Buckingham confirmed, and that this particular case is unique, mainly because there are existing improvements and the site is located adjacent to a non-Master Plan site that is used for outdoor storage, but if another similar request was received, it would be discouraged.

Action: It was m/s by Commissioner Long/Commissioner Rodman to adopt Resolution No. 14-14. The motion carried on the following roll call vote:

AYES:	Commissioners Alex, Long, Rodman, and Chair Laferriere.
NOES:	Commissioners – None.
ABSENT:	Vice Chair Blum.
ABSTAIN:	Commissioners – None.

Resolution No. 14-14: Resolution of the Planning Commission of the City of Grover Beach Amending the Grover Business Park Master Plan (Development Permit 14-19)

COMMISSIONERS' COMMENTS

Chair Laferriere stated that the Climate Action Plan was approved and can be implemented. The Commission discussed the Stage III Water Shortage and methods to conserve water.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Community Development Director provided a status of the fiber optic project and funding of the Grover Beach Lodge project.

ADJOURNMENT 8:17 p.m.

/s/

CHAIR LAFERRIERE

/s/

SECRETARY TO THE PLANNING COMMISSION
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: March 10, 2015)