
TO: PLANNING COMMISSION

FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
JANET REESE, PLANNER II

APPLICATION: DEVELOPMENT APPLICATION 13-06

LOCATION: 192 SOUTH 9TH STREET (APN: 060-228-010)

SUBJECT: Request for approval of a Development Permit for a 320 square foot addition and Use Permit to expand an existing food distribution center for the needy from 384 square feet to 704 square feet located at 192 South 9th Street (APN: 060-228-010) in the Central Business (CB) Zone.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Development Permit and Use Permit.

BACKGROUND

Existing Conditions:

The 18,750 square foot lot is developed with two single-story structures and a 30-space parking lot. The site has street improvements (curb, gutter and sidewalk) along the South 9th Street frontage. However, there are no existing street improvements along the Rockaway Avenue frontage. There are existing overhead utilities along the northern property line. In 1998, the Planning Commission approved Use Permit 98-06 to operate the collection, storage, and distribution of food to the needy from the 384 square foot building located at the southwest corner of the site. The Five Cities Christian Women has been operating the use for fifteen years. The Police Chief indicated that there have been no issues associated with the food distribution use. It should be noted that the People's Kitchen did operate from this location previously, but this proposed project is not related to People's Kitchen, which prepares and serves meals.

The larger building closer to South 9th Street consists of 1,000 square feet and is utilized by the Central Coast Baptist Church for various evening and weekend meetings.

Data Summary:

Property Owner/Applicant: Central Coast Baptist Church
General Plan Designation: Central Business – Mixed Use
Zoning: Central Business

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff
- Laferriere Alex Rodman
- Blum Long

Surrounding Zoning & Existing Uses:

- North: Central Business – commercial units, residence behind commercial
- East: Central Business – church
- West: Central Business – commercial units, vacant parcel
- South: High Density Residential – single family residences and a three-unit Planned Unit Development

The Development Code requires additions to non-residential buildings no greater than 1,000 square feet to obtain an Administrative Development Permit to ensure that development and design standards are met that may be needed to avoid or minimize potential negative impacts on the surrounding area. Administrative Development Permits are reviewed by the Community Development Director. However, since the proposed addition is related to the expansion of the use, and the use is required to be reviewed by the Planning Commission, the addition must be reviewed by the Planning Commission under a Development Permit.

DISCUSSION

Use

The applicant is proposing a 320 square foot addition to the existing 384 square foot structure for additional food storage and distribution area. The Development Code does not specifically define a “food distribution” use; however, the Development Code defines “public and quasi-public” uses as follows:

Public and Quasi-Public uses includes public, semi-public, and private schools; government, civic, and community buildings and uses; public utility buildings and uses; museums and libraries; and similar uses.

The Community Development Director has interpreted the proposed uses as a “civic use” as defined in “public and quasi-public” uses. Therefore, the proposed expansion of the use requires approval of a Use Permit. Staff is recommending the existing Use Permit issued in 1998 be rescinded and replaced by this proposed Use Permit.

The existing food distribution center is operated Monday through Friday by the Five Cities Christian Women. The use currently operates from 8:00 a.m. to 10:00 a.m., for inventory and stocking, and from 2:00 p.m. to 4:00 p.m. for food distribution. The center operates with five volunteers in the morning and three volunteers in the afternoon. Recipients do not enter the building, but queue outside. Each household is allowed to pick up food twice a month. The Five Cities Christian Women estimates approximately 35 households pick up food daily. Staff is recommending the hours of operation be allowed between 8:00 a.m. and 5:00 p.m. to accommodate some flexibility in the hours of operation.

Development Standards

The proposed project meets the applicable development standards for the CB Zone as shown below.

Project Statistics Table

	Development Standard	Existing	Proposed
Building A	n/a	1,000 square feet	1,000 square feet
Building B	n/a	384 square feet	704 square feet
Total		1,384 square feet	1,704 square feet
Front Setback (Rockaway Ave.)	10 feet minimum	30 feet	10 feet
Street Side Setback (South 9 th St.)	0 feet minimum	45 feet 6 inches	45 feet 6 inches
Side Setback	0 feet minimum	6 feet	6 feet
Rear Setback	0 feet minimum	25 feet	25 feet
Lot coverage	100% maximum	7.4%	9.1%
Landscaping	5% minimum (937.5 square feet)	15.6% (2921 square feet)	14% (2601 square feet)
Parking Building A	1 parking space per 4 seats <u>or</u> 1 parking space per 30 square feet = 12 parking spaces	30 parking spaces	29 parking spaces
Building B	1 parking space per 1,000 square feet = 1 parking space		

Parking

Building A is utilized by the church for various meetings, mainly in the evenings Monday through Friday and Sunday mornings. Meeting facilities have a parking requirement of one space per four seats, but not less than one per 30 square feet. The building is currently limited to a maximum occupancy of 49 occupants because of Fire Code requirements. Therefore, the parking requirement is calculated on the 49 seats, or 12 parking spaces. The food storage building is classified as similar to a warehouse use; therefore, one parking space is required. The total required parking is 13 spaces and the existing parking consists of 30 spaces.

Design

The project site is located within the West Grand Avenue Master Plan area. The Master Plan provides design guidelines for new development including placement and orientation of buildings. The proposed addition places the building closer to Rockaway Avenue which is consistent with the Master Plan. However, the door would not face Rockaway Avenue as encouraged in the guidelines. The proposed expansion is very small and the site will continue to be under-utilized based on the development standards of the Central Business zone. As a result, staff believes that the site has the potential for much greater development in the future and strict adherence to the guidelines is not necessary until a more significant addition is proposed.

The project has been conditioned to construct street improvements along the Rockaway Avenue frontage (reference Public Works Section). Staff has added condition CDD-3 requiring the installation of landscaping along the Rockaway frontage within the front setback of 10 feet. However, if the Council waives the requirement for street improvements, staff is recommending the condition for landscaping would also be waived. If the improvements are waived, staff is recommending that the existing chain link fence facing south and east would replace the weathered screening slats. As an alternative, the Commission could also consider requiring a wood fence as chain link fences are non-conforming.

Public Works

Development Code Section 5.20.010.B requires all commercial additions to install curb, gutter, sidewalk and street conform. Accordingly, staff has added condition PW-5 requiring street improvements along Rockaway Avenue. However, Development Code Section 5.20.030 does allow the City Council to waive all or a part of the street improvements if in the sole discretion of the Council it would create a substantial hardship. Would be impractical, or would not be in the best interest of the City or the public. The Planning Commission does not have the ability to modify or eliminate the requirements for street improvements. Therefore, once the Planning Commission has taken action on the proposed project, the applicant may file the waiver application and the item will be schedule for an upcoming Council meeting.

Development Code Section 5.40.010.A requires all existing and proposed utilities to be placed underground. Accordingly, staff has added condition PW-4 requiring the undergrounding of the utilities along the northern property line. However, Development Code Section 5.40.040 does allow the City Council to waive all or a part of the utility undergrounding if in the sole discretion of the Council it would create a substantial hardship, would be impractical, or would not be in the best interest of the City or the public. The Planning Commission does not have the ability to modify or eliminate the requirements for utility undergrounding. Therefore, once the Planning Commission has taken action on the proposed project, the applicant may file the waiver application and the item will be schedule for an upcoming Council meeting.

Fire Department

The proposed building addition exceeds 50% of the existing square footage of the structure; however, the total structure would be less than 1,000 square feet. Therefore, fire sprinklers are not required to be installed.

ENVIRONMENTAL REVIEW

The project qualifies for a Class 1 Categorically Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 1 exemption (Section 15301) consists of projects involving additions to existing structures provided that the addition will not exceed 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area is not environmentally sensitive.

ALTERNATIVES

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution approving the Development Permit and Use Permit; or
2. Provide alternative direction to staff; or
3. Direct staff to prepare a resolution denying the project with findings.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Development Permit and Use Permit.

PUBLIC NOTIFICATION

On June 28, 2013, the public hearing notice was mailed to all property owners within 300 feet of the property and posted as required by City code and published in the Times Press Recorder. In addition, the agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Draft Resolution and Exhibit A: Plans

PLANNING COMMISSION RESOLUTION NO. 13-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH,
APPROVING A DEVELOPMENT PERMIT AND USE PERMIT
FOR DEVELOPMENT APPLICATION 13-06 (192 SOUTH 9TH STREET)**

WHEREAS, the Planning Commission for the City of Grover Beach has received for its review and consideration a Staff Report and presentation in connection with Development Application 13-06, requesting approval for a 320 square foot addition and Use Permit to expand an existing food distribution center for the needy from 384 square feet to 704 square feet located at 192 South 9th Street (APN: 060-228-010) in the Central Business (CB) Zone; and

WHEREAS, the notice of Public Hearing was sent to adjoining property owners and advertised in the manner required by law; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1: Existing Facilities; and

WHEREAS, the Planning Commission of the City of Grover Beach has reviewed and considered the Development Application 13-06 at a Public Hearing on July 9, 2013; and

WHEREAS, the Planning Commission for the City of Grover Beach makes the following findings in accordance with Grover Beach Municipal Code (GBMC) Article IX, Section 6.20.060, Development Permit, subject to the Conditions of Approval contained herein:

1. The proposed development is consistent with the General Plan, the Development Code, and other City goals, policies, and standards, as applicable. The project is consistent with the General Plan policies related to the Central Business Mixed Use land use designation. The project has been designed to meet all development standards of the Development Code for the CB Zone. The height and scale of the proposed project is compatible with the existing structures on the site and in the neighborhood. The architectural character, materials and color are compatible with other structures in the neighborhood.
2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The site is a relatively flat 18,750 square foot rectangular lot developed with two non-residential structures and a parking lot with 29 parking spaces. The lot is suitable for an addition based on the lot size, shape and topography.
3. The site's suitability ensures that the type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare. The proposed site can be adequately served by City water and sewer, and all other public utilities. The type, density and intensity of the use are consistent with the CB Zone and continue to represent an under-utilization of the site. The project has been conditioned to meet all applicable Building and Fire Codes to ensure the use will not constitute a hazard to the public interest, health, safety, or welfare.

WHEREAS, the Planning Commission for the City of Grover Beach makes the following findings in accordance with Grover Beach Municipal Code (GBMC) Article IX, Section 6.20.090, Use Permit, subject to the Conditions of Approval contained herein:

1. The proposed development is consistent with the General Plan, the Development Code, and other City goals, policies, and standards, as applicable. The project is consistent with the General Plan policies related to the Central Business Mixed Use land use designation. The project has been designed to meet all development standards of the Development Code for the CB Zone as shown in the staff report. The public/quasi-public use of food distribution and related indoor storage in the Central Business Zone is consistent with the General Plan.
2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The site is a relatively flat 18,750 square foot rectangular lot developed with two non-residential structures and a parking lot. The proposed 320 square foot addition to expand an existing food distribution center for the needy from 384 square feet to 704 square feet combined with the existing 1,000 square foot church related building represent a continued under-utilization of the site . The activities and hours as discussed in the Staff Report also represent a low intensity use compared to other allowed commercial uses in the CB Zone.
3. The type, density, and intensity of use being proposed will not constitute a hazard to the public interest, health, safety, or welfare. The proposed use can be adequately served by City water and sewer, and all other public utilities. The type, density and intensity of the use are consistent with the CB Zone and represent an under-utilization of the site. The proposed use has been conditioned to meet all applicable Building and Fire Codes to ensure the use will not constitute a hazard to the public interest, health, safety, or welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Grover Beach **DOES HEREBY RESCIND** Resolution No. 98-015; and

BE IT FURTHER RESOLVED that the Planning Commission for the City of Grover Beach **DOES HEREBY APPROVE** the Development Permit and Use Permit associated with Development Application 13-06, subject to the following conditions:

CONDITIONS OF APPROVAL:

GENERAL

- G-1. This Development Permit will not take effect until the Applicant and Property Owner sign the Planning Commission Resolution agreeing to the terms and Conditions of Approval. Failure to sign within thirty (30) calendar days of Planning Commission approval shall constitute non-compliance with said conditions resulting in an automatic withdrawal of the approval.
- G-2. Failure to appeal the Planning Commission action or a specific condition imposed as provided in GBMC Article IX, Section 6.30.020 within 10 working days of Planning Commission action shall be deemed as agreement to all conditions of approval.
- G-3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval

of this resolution or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.

- G-4. All notes and specifications as shown on the plans shall be considered Conditions of Approval.
- G-5. The approval granted by this Resolution shall be valid for twenty-four (24) months of the Planning Commission final approval date, and shall expire unless a valid building permit is issued and construction commenced. A request for a time extension shall be submitted to the Community Development Department as provided in GBMC Article IX, Section 6.30.060.
- G-6. The project shall comply with all Federal, State, Local and City codes, regulations, and standards.
- G-7. The hours of construction shall be from 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. Saturday, Sunday, and holidays, in accordance with Municipal Code Section 3120.1.
- G-8. All construction traffic shall access the site utilizing the truck route(s) closest to the site as defined in the City Circulation Element and as approved by the City's Police Department. Violations are subject to citation and fines.
- G-9. All Conditions of Approval shall be provided on a full size drawing sheet as part of the drawing sets. A statement shall also be placed on the above sheet as follows: "The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which it is their usual and customary responsibility to perform, and which are within their authority to perform."

Signed:

Property Owner	Date	
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Contractor	Date	License No.
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Architect	Date	License No.
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Engineer	Date	License No."
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COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes the construction of a 320 square foot addition to an existing 384 square foot one-story, structure to be used for the storage and operation of a food distribution center for the needy in substantial conformance with the project plans attached as Exhibit A. Outdoor storage is not permitted.
- CDD-2. Hours of operation shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday.
- CDD-3. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan in compliance with GBMC Article IX Section 3.30 Landscaping Standards and 3.10.020(F)(4) Screening. The plan shall include new landscaping along the Rockaway Avenue within the ten foot building setback area. However, if the City Council waives the street improvement requirements, the requirement to install landscaping shall also be waived. If the street improvements are waived by the Council, then prior to occupancy, the existing chain link fence facing south and east shall have the screening slats replaced as approved by the Community Development Director.

PUBLIC WORKS DEPARTMENT

- PW-1. Prior to issuance of a building permit, the applicant shall submit a final engineered grading and drainage plan to be approved by the City Engineer.
- PW-2. Temporary dust control shall be employed during all construction. Watering down methods used to control dust shall not erode the soil. Downhill cuts or fill shall be lined with best management practices to control erosion from runoff.
- PW-3. Construction and post-construction Best Management Practices (BMP's) shall be implemented in accordance with an approved erosion and runoff control plan. BMP's shall be in place at all times between October 31st and April 15th except where removal is needed to accommodate daily construction access.
- PW-4. Prior to the final building permit approval, all utility lines shall be located underground, as required by Municipal Code Article IX Section 5.40.
- PW-5. Prior to the final building permit approval, new curb, gutter, sidewalk and street conform shall be installed along the Rockaway Avenue property frontage as required by Municipal Code Article IX Section 5.20. All public improvements shall be installed consistent with City Standards as required by the City Engineer.
- PW-6. Existing curb, gutter, sidewalk and street conform along the South 9th Street property frontage shall be repaired/replaced, as required by Municipal Code Article IX Section 5.20. All public improvements shall be installed consistent with City Standards as required by the City Engineer.
- PW-7. The water meter shall be relocated per City Standard W.4 in conjunction with the installation of the street improvements required in PW-5.

SCHOOL DISTRICTS

SD-1. Prior to issuance of a building permit, the applicant shall submit clearance from the applicable School Districts that school impacts have been mitigated.

The abbreviations reflect the agency and departmental requirements for the conditions stated above:

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| G – General Condition | FD – Five Cities Fire Authority Condition |
| CDD – Community Development Department Condition | APCD – Air Pollution Control District Condition |
| PW – Public Works Condition | SD – School District Condition |

On motion by Commissioner _____, seconded by Commissioner _____, and on the following roll-call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

the foregoing RESOLUTION NO. 13- was **PASSED, APPROVED**, and **ADOPTED** at a Regular Meeting of the City of Grover Beach Planning Commission on this 9th day of June, 2013.

JOHN LAFERRIERE, CHAIR

Attest:

BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
SECRETARY TO THE PLANNING COMMISSION

ACCEPTANCE OF CONDITIONS

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the City Planning Commission.

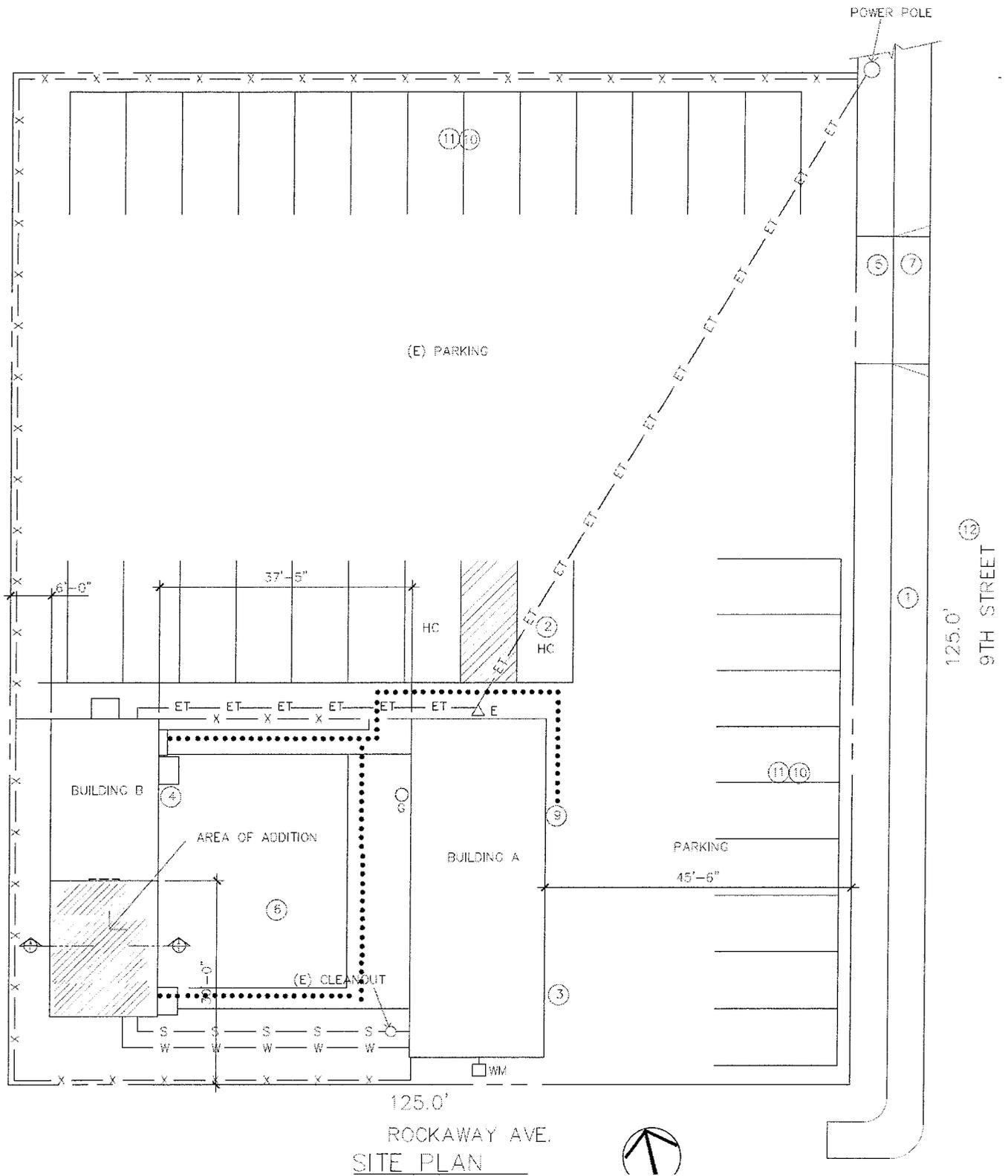
Applicant

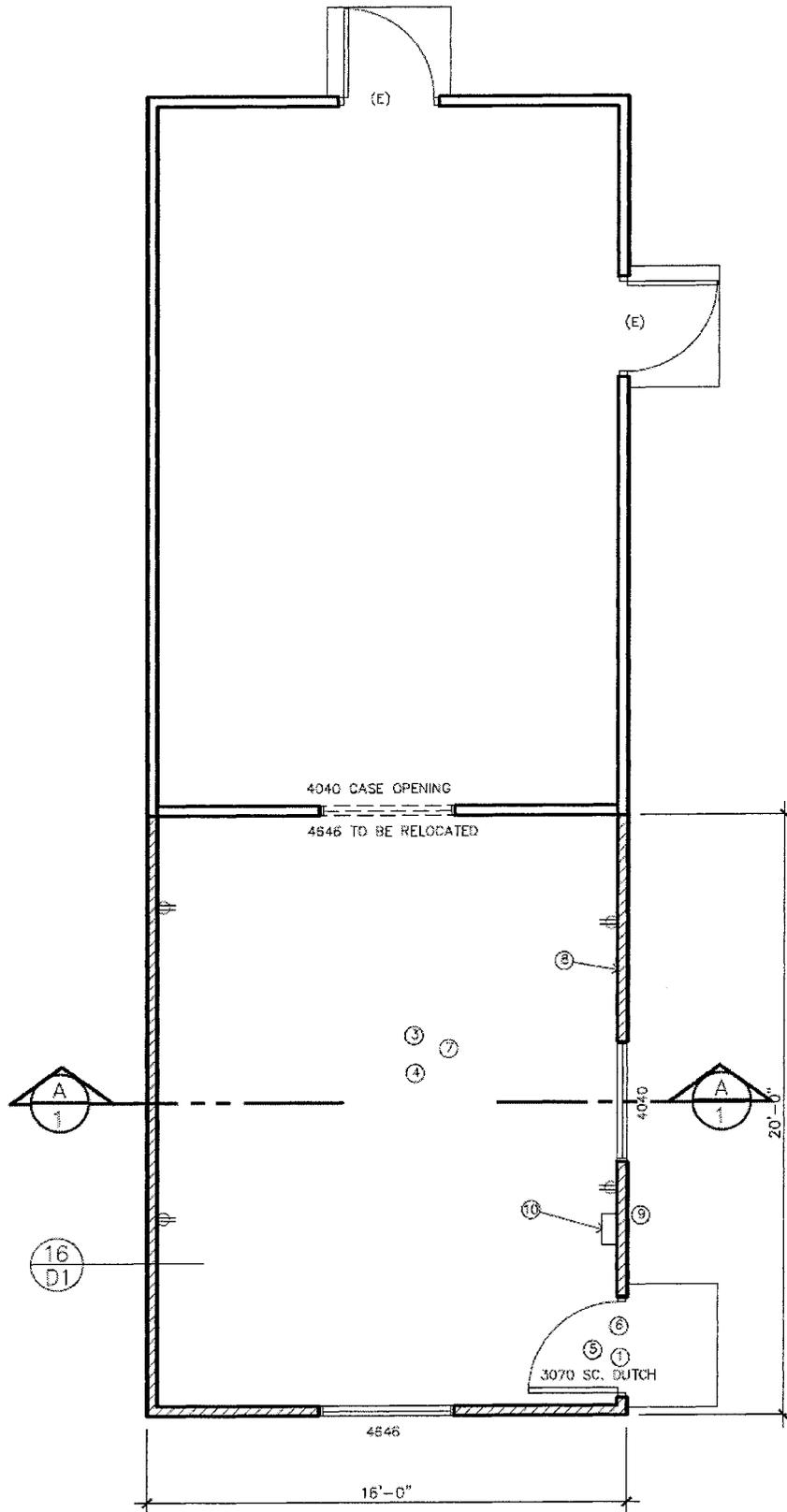
Date

Property Owner or Authorized Agent

Date

EXHIBIT A





F L O O R P L A N