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**TO:** PLANNING COMMISSION

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

**APPLICATION:** DEVELOPMENT PERMIT APPLICATION NUMBER 11-004

**LOCATION:** 862 NORTH 2<sup>ND</sup> STREET (APN 060-491-005)

**SUBJECT:** Consideration of a request for approval of a Coastal Development Permit and Site and Architectural Plans to construct a second story roof deck on a proposed two-story single family residence.

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### RECOMMENDATION

Staff recommends the Planning Commission adopt the resolutions approving the Coastal Development Permit and Site and Architectural Plans.

### BACKGROUND

#### Project Description

The applicant is proposing a 1273 square foot roof deck for a proposed two story 3,316 square foot single family residence with 538 square foot garage.

#### Existing Site Conditions:

The project site is a vacant 7,479 square foot parcel.

#### Project Data Summary:

Owner/Applicant Name: Daryl Johnson, Inc  
General Plan Designation: Low Density Residential  
Zoning: Coastal Single Family Residential (C-R-1)  
Surrounding Land Uses & Zoning: Residential – C-R-1

### DISCUSSION

#### Site and Architectural Plans

The Planning Commission frequently reviews two story homes proposed north of West Grand Avenue in the R-1 or C-R-1 zones. However, if the proposed structure is no more than 15 feet in height from the highest point of natural grade and 25 feet from the lowest natural grade at the building's edge, Architectural Approval is not required. The proposed residence fits these parameters. Therefore, story poles for a view assessment were not required, and the residence is not under the purview of the Planning Commission.

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

- |  |                               |                                     |
|--|-------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> None Identified by Staff | <input type="checkbox"/> Alex | <input type="checkbox"/> Coleman    |
| <input type="checkbox"/> Long                                | <input type="checkbox"/> Blum | <input type="checkbox"/> Laferriere |
| <input type="checkbox"/> Evans                               |                               | <input type="checkbox"/> Roberson   |

However, the proposed roof deck is subject to review and approval by the Planning Commission. The Zoning Ordinance requires the Planning Commission to review proposals for second floor roof decks if located in the R-1 or C-R-1 zoning districts to determine adherence to the development criteria and standards established in the Ordinance.

The Ordinance requires a minimum setback of three (3) feet. The proposed roof deck will be setback five (5) feet from the floor below. The applicant has also provided a section drawing indicating that individuals on the roof deck will not be able to look into the neighbors' first floor windows, as required by the ordinance.

#### Coastal Development Permit

A Coastal Development Permit is also required for the proposed development since the proposed project is within the Coastal Zone. However, it is outside of the appeals jurisdiction. The Coastal Commission has been notified of the proposed project and no comments have been received to date. The site is located in Area 2 of the Local Coastal Plan. In this area, due to the sloping topography, viewsheds are often impacted by new structures. The Local Coastal Plan policy indicates that development should be sited and designed to protect views and the general visual quality.

Based on the proposed building height not exceeding the ministerial requirements of 15 feet from the highest point of natural grade and 25 feet from the lowest natural grade, staff is of the opinion that the findings can be made to approve the Coastal Development Permit.

#### Conclusion

The roof deck setback exceeds the minimum Zoning Code requirement and does not provide view corridors into first floor windows of adjacent properties. Therefore, staff is recommending approval of the project subject to the conditions of approval.

### **ENVIRONMENTAL REVIEW**

The project qualifies for a Class 3 Categorically Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 3 exemption (Section 15303) consists of projects involving construction of limited numbers of new structures, such as a single family residence. The proposed project involves the construction of a roof deck on a new structure.

### **ALTERNATIVES**

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution approving the project; or
2. Approve the project with modifications; or
3. Deny the project with findings.

### **RECOMMENDATION**

Staff recommends the Planning Commission adopt the resolutions approving the Coastal Development Permit and Site and Architectural Plans.

## **PUBLIC NOTIFICATION**

On March 31, 2011, a public hearing notice was mailed to all property owners located within 300 feet of the property and posted as required by City code and published in the Times Press Recorder on April 1, 2011. In addition, the agenda was posted in accordance with the Brown Act.

## **ATTACHMENTS**

1. Resolution 11- (Coastal Development Permit)
2. Resolution 11- (Site and Architectural Plans)
3. Plans

**PLANNING COMMISSION RESOLUTION NO. 11-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH  
GRANTING A COASTAL DEVELOPMENT PERMIT FOR DEVELOPMENT PERMIT  
APPLICATION NO. 11-004 (862 NORTH 2<sup>ND</sup> 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 Permit Application No. 11-004, a proposed second floor roof deck for a proposed two-story single family residence at 862 North 2<sup>nd</sup> Street; 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 has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), Class 3: New Construction or Conversion of Small Structures; and

**WHEREAS**, the Planning Commission of the City of Grover Beach has reviewed and considered Application No. 11-004 at a Public Hearing on April 12, 2011; and

**WHEREAS**, the Planning Commission for the City of Grover Beach makes the following findings in accordance with Municipal Code Part 45 Coastal Development Permit Procedures:

1. The project is located in the Coastal Zone and is a non-appealable development.
2. A public hearing has been conducted in accordance with the Grover Beach Municipal Code (GBMC) Section 9145.7.
3. The project was noticed 10 days prior to the public hearing in the Times Press Recorder, notice was given by first class mail to property owners within three hundred feet, the notice was transmitted to the district office of the California Coastal Commission, and the notice was posted in three places in the City as prescribed by Section 9145.6.
4. The project is consistent with the City of Grover Beach Local Coastal Program.
5. The proposed project is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act. It has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast because the project is not adjacent to the coast and will not inhibit access to the coastal waters and recreation areas.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission for the City of Grover Beach **DOES HEREBY GRANT** a Coastal Development Permit relating to Development Permit Application No. 11-004, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

GENERAL

- G-1. This Coastal Development Permit will not take effect until the Applicant and Property

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Owner sign this Resolution agreeing to the terms and Conditions of Approval. Failure to sign within thirty (30) days 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 Section 9144.12 within five (5) 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.
- G-6. 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	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing RESOLUTION NO. 11-05 was **PASSED, APPROVED, and ADOPTED** at a Regular Meeting of the City of Grover Beach Planning Commission on this 12<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
CHRIS LONG, CHAIR

Attest:

\_\_\_\_\_  
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR  
SECRETARY TO THE PLANNING COMMISSION

Approved as to Form:

\_\_\_\_\_  
MARTIN D. KOCZANOWICZ, CITY ATTORNEY

**ACCEPTANCE OF CONDITIONS**

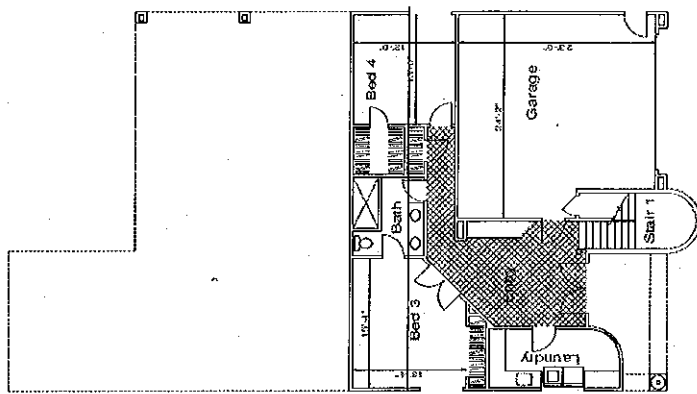
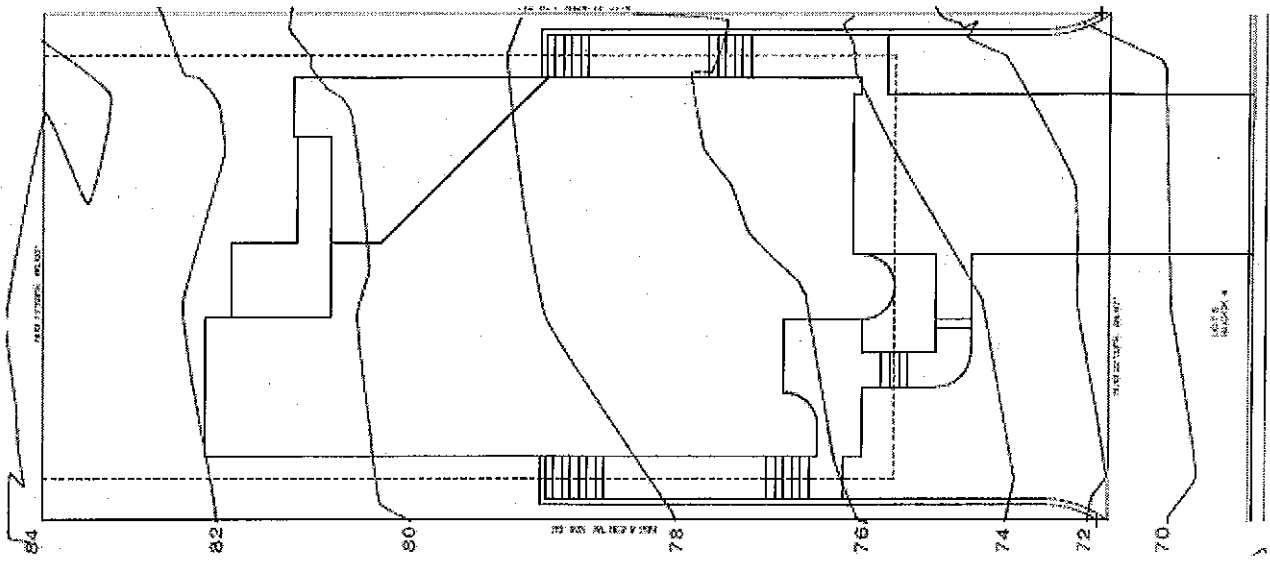
This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant and Property Owner or Authorized Agent. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform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

\_\_\_\_\_  
Applicant

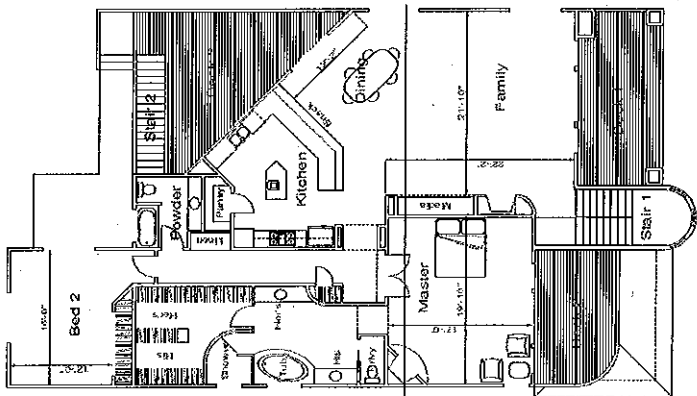
\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner or Authorized Agent

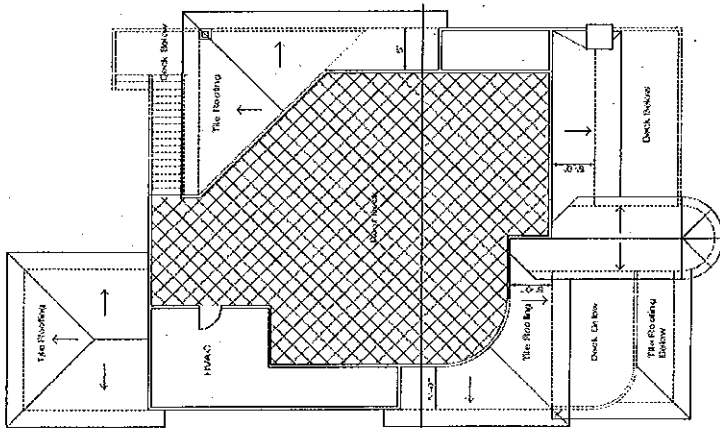
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Date



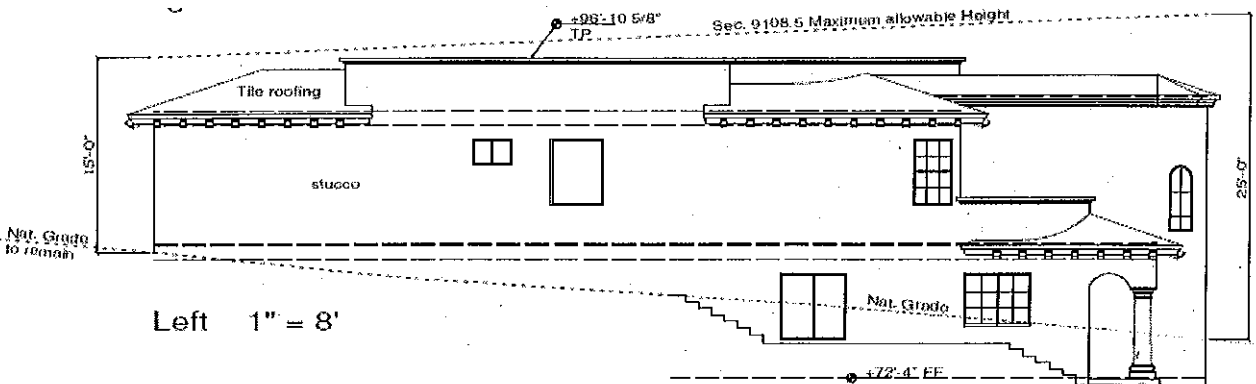
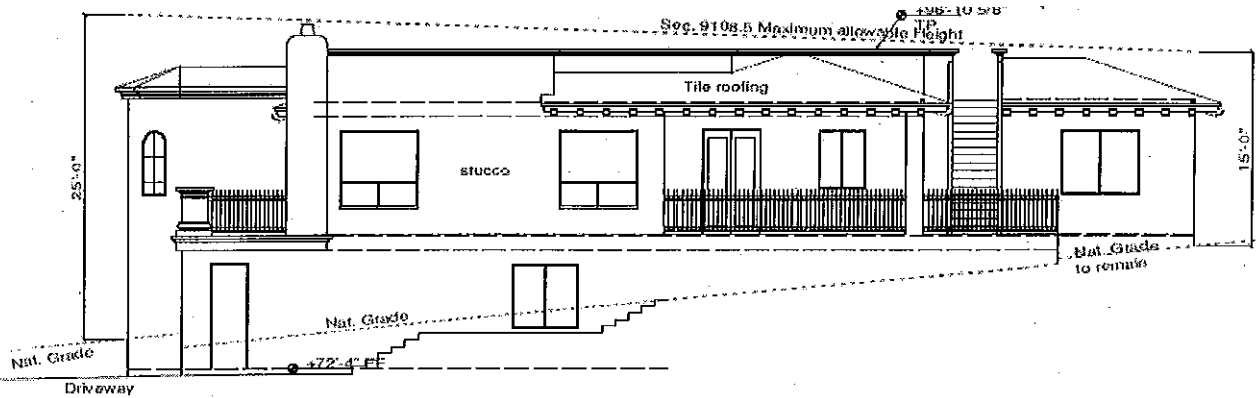
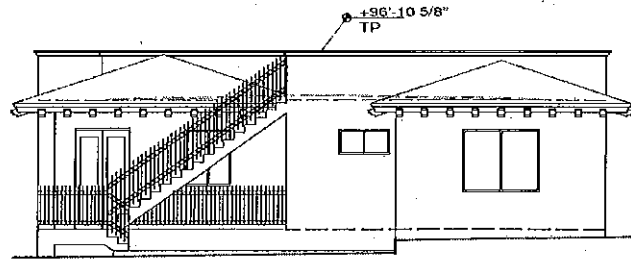
First floor



Second Floor



Roof Deck



Left 1" = 8'



**PLANNING COMMISSION RESOLUTION NO. 11-06**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH  
APPROVING SITE AND ARCHITECTURAL PLANS FOR DEVELOPMENT PERMIT  
APPLICATION NO. 11-004 (862 NORTH 2<sup>ND</sup> 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 Permit Application No. 11-004, a proposed second floor roof deck for a proposed two-story single family residence at 862 North 2<sup>nd</sup> Street; 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 has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), Class 3: New Construction or Conversion of Small Structures; and

**WHEREAS**, the Planning Commission of the City of Grover Beach has reviewed and considered Application No. 11-004 at a Public Hearing on April 12, 2011; and

**WHEREAS**, the Planning Commission for the City of Grover Beach makes the following findings, in accordance with Municipal Code Section 9144.3 Architectural Approval, Subsection (B), subject to the conditions of approval contained herein:

1. That the architectural and general appearance of such buildings or structures and grounds are in keeping with the character of the neighborhood.
2. That the proposed design is not detrimental to the orderly and harmonious development of the City.
3. That the development does not impair the desirability of investment or occupation in the neighborhood.
4. That the proposal is consistent with any architectural guidelines or standards prepared for the area in which the project is located.
5. That the project is consistent with the text and maps of the Grover Beach General Plan and the Zoning Code. The roof deck is setback 5 feet, which exceeds the minimum 3 feet.

**CONDITIONS OF APPROVAL:**

GENERAL

- G-1. This resolution will not take effect until the Applicant and Property Owner sign this Resolution agreeing to the terms and Conditions of Approval. Failure to sign within thirty (30) days 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 Section 9144.12 within five (5) 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. The roof deck shall comply with all Federal, State, and local codes and regulations.
- G-5. All notes and specifications as shown on the plans shall be considered Conditions of Approval.
- G-6. The approval granted by this Resolution shall be valid for twenty-four (24) months of the final approval date, and shall expire unless a valid building permit is issued and construction commenced.
- G-7. 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	
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. Up to five (5) minor changes to the site or development plans may be approved by the Community Development Director or designee. The Community Development Department shall report any minor modifications of the project to the Planning Commission.
- CDD-2. 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.

- CDD-3. The project shall comply with all City codes, regulations, and standards, including building codes.
- CDD-4. The plans submitted for a building permit shall be in substantial conformance with the plans approved by the Planning Commission, and signed by a person qualified under the California Business and Professions Code.
- CDD-5. 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.
- CDD-6. In accordance with Section 9108.11(F) of the Zoning Code, any furnishings utilized on the roof deck shall not exceed the maximum building height, as depicted in Exhibit A.

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

- G – General Condition
- CDD – Community Development Department Condition
- PW – Public Works Condition
- FD – Fire Department Condition
- PD- Police Department Condition

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission for the City of Grover Beach **DOES HEREBY GRANT** Site and Architectural Approval relating to Application No. 11-004.

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

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

the foregoing RESOLUTION NO. 11-06 was **PASSED, APPROVED, and ADOPTED** at a Regular Meeting of the City of Grover Beach Planning Commission on this 12<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
CHRIS LONG, CHAIR

Attest:

\_\_\_\_\_  
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR  
SECRETARY TO THE PLANNING COMMISSION

3-11

Approved as to Form:

\_\_\_\_\_  
MARTIN KOCZANOWICZ, CITY ATTORNEY

**ACCEPTANCE OF CONDITIONS**

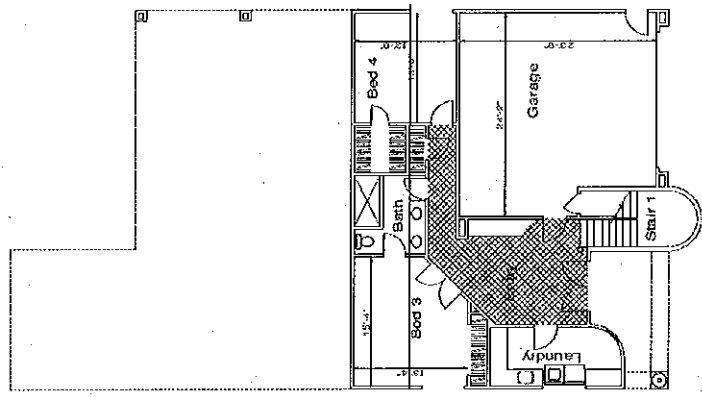
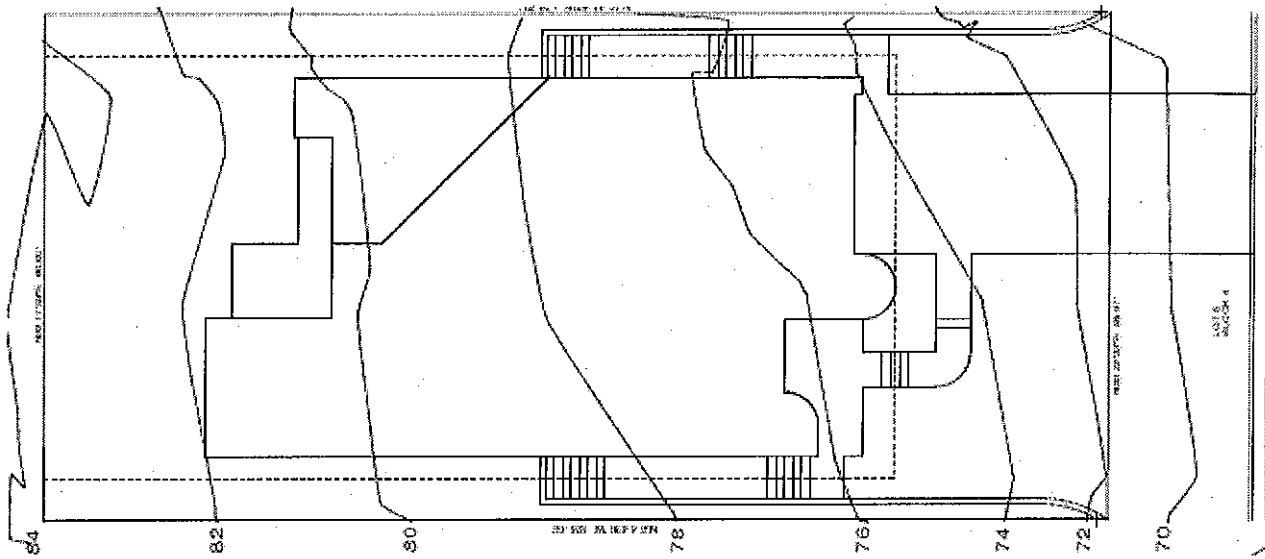
This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant and Property Owner or Authorized Agent. The undersigned hereby acknowledge the approved terms and conditions and agrees to fully conform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

\_\_\_\_\_  
Applicant

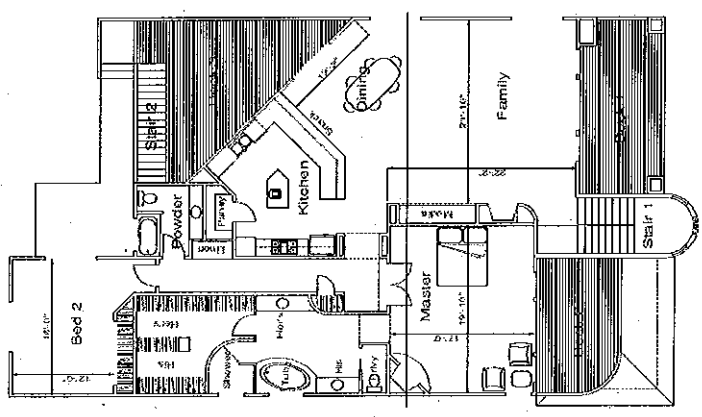
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Date

\_\_\_\_\_  
Property Owner or Authorized Agent

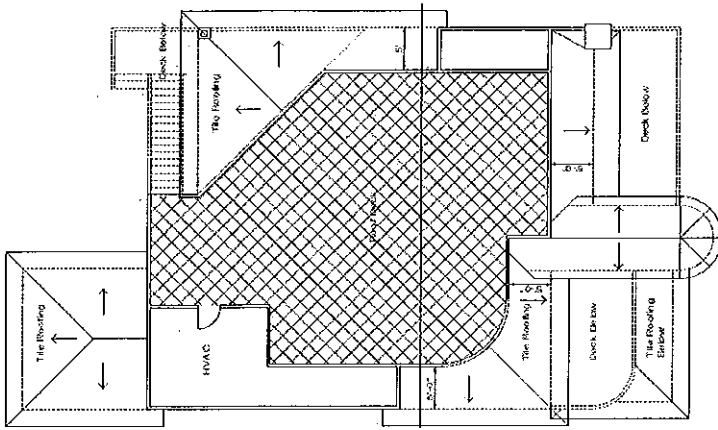
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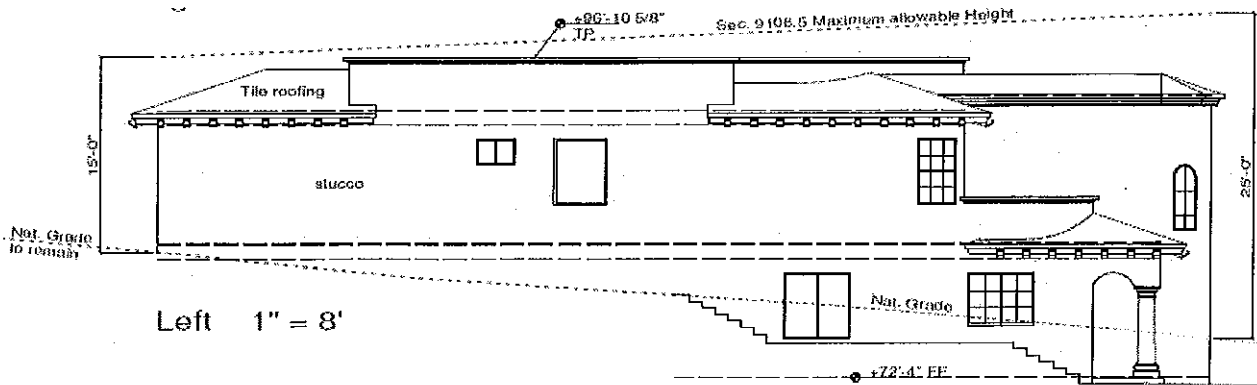
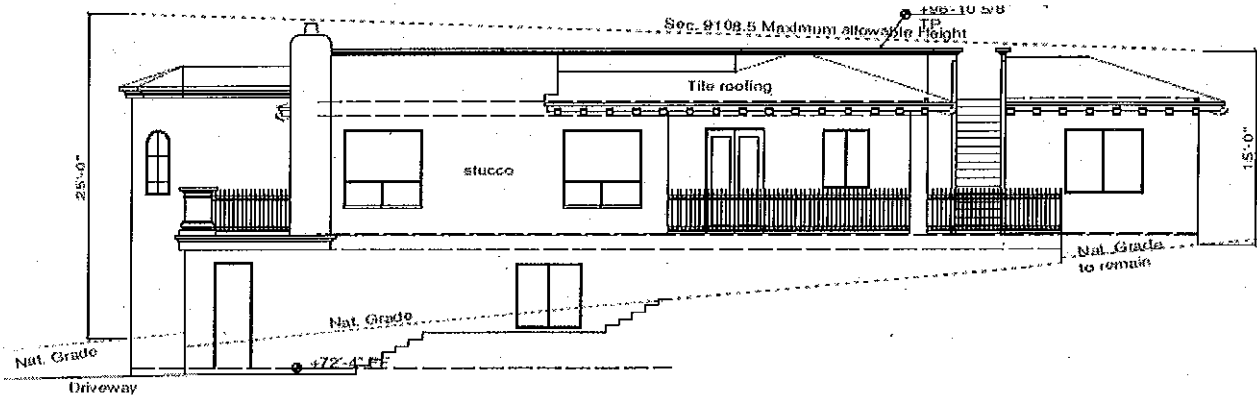
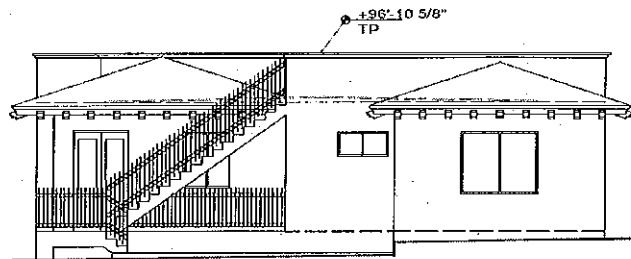
First floor



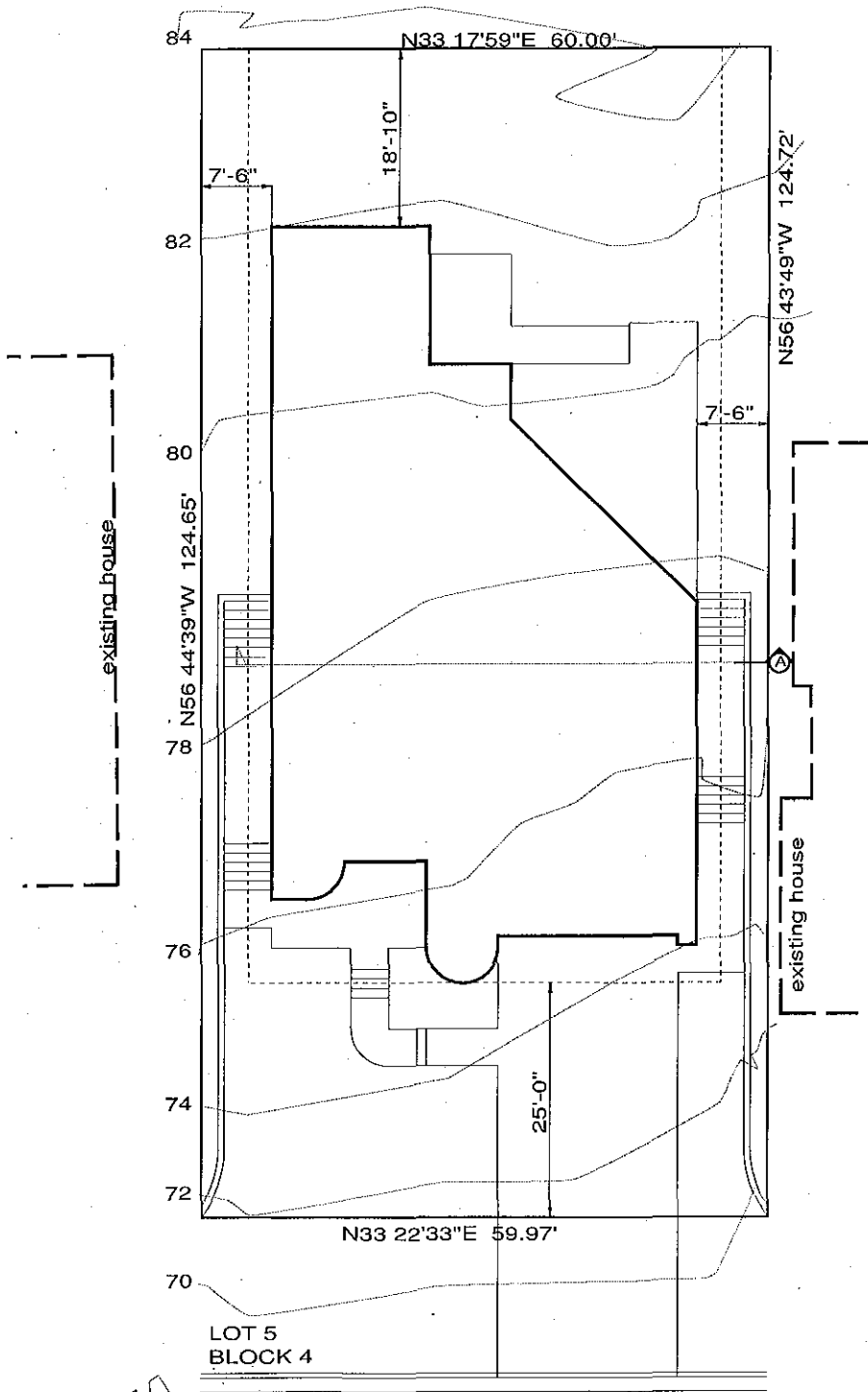
Second Floor



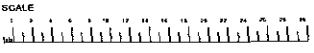
Roof Deck



3-14



Site Plan



Second Street

Lot 5 Block 4 (2nd Street)

Job 11 01 18.2

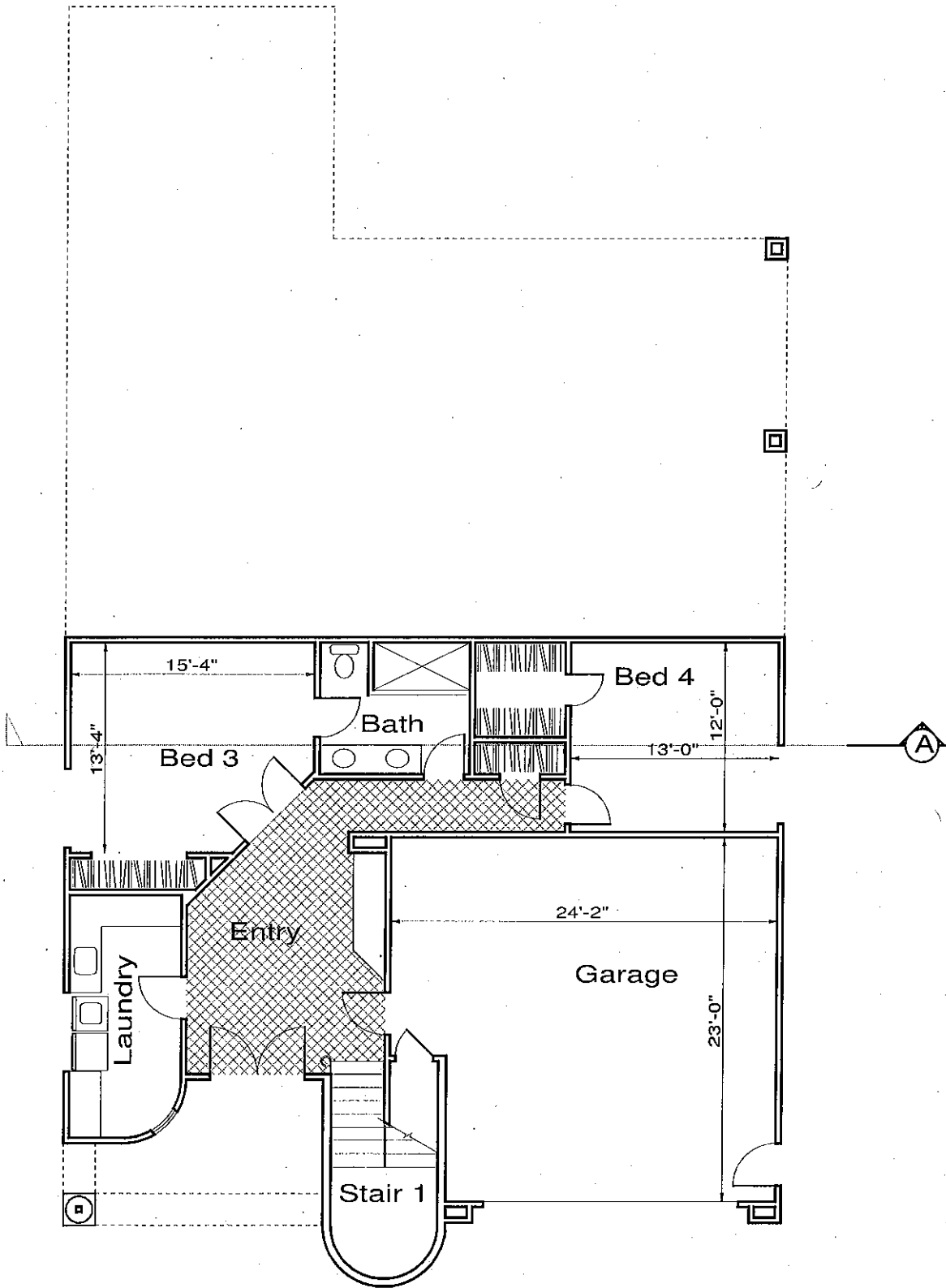
ATECHNICS

Joseph Licastro II, Architect  
 2003-20th Street, Bakersfield, CA 93301  
 JosephLicastro@Bak.RP.Cdm

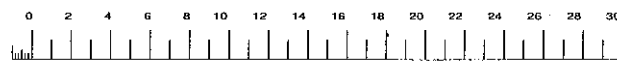
661-327-7385  
 661-326-0421 FAX

3-30-2011

3-15



SCALE



**Lower Floor**  
1010 sq.ft.

Lot 5 Block 4 (2nd Street)

Joseph Licastro II, Architect  
2003 20th Street, Bakersfield, CA 93301  
JosephLicastro@Bak.RR.Com

Job 11.01.18.2

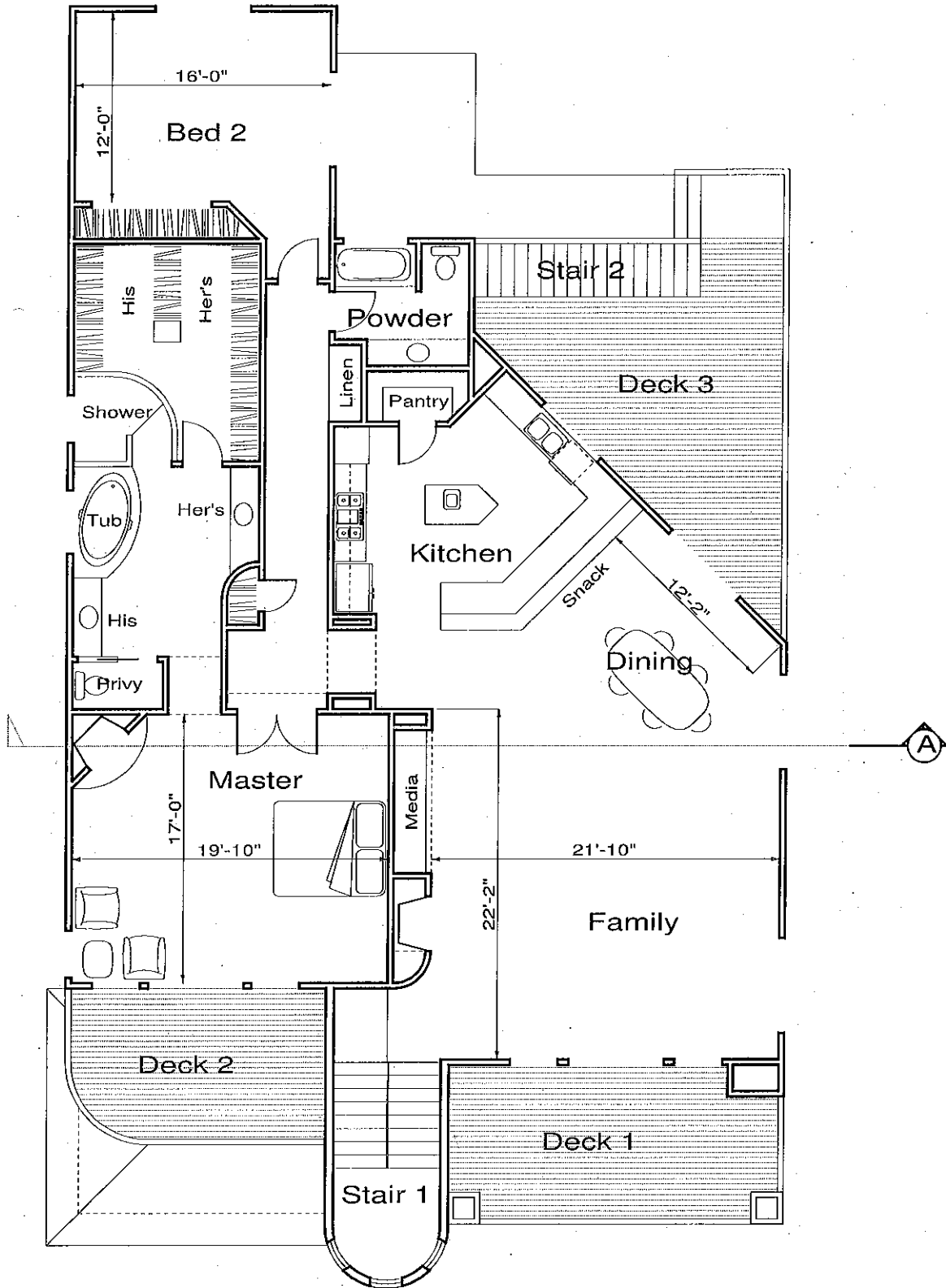
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3-30-2011

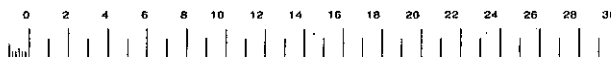
**ARCHITECT**

3-16





SCALE



**Upper Floor**  
2306 sq.ft.

Lot 5 Block 4 (2nd Street)

Joseph Licastro II, Architect  
2003-20th Street, Bakersfield, CA 93301  
JosephLicastro@Bak.RR.Com

Job 11 01 18.2

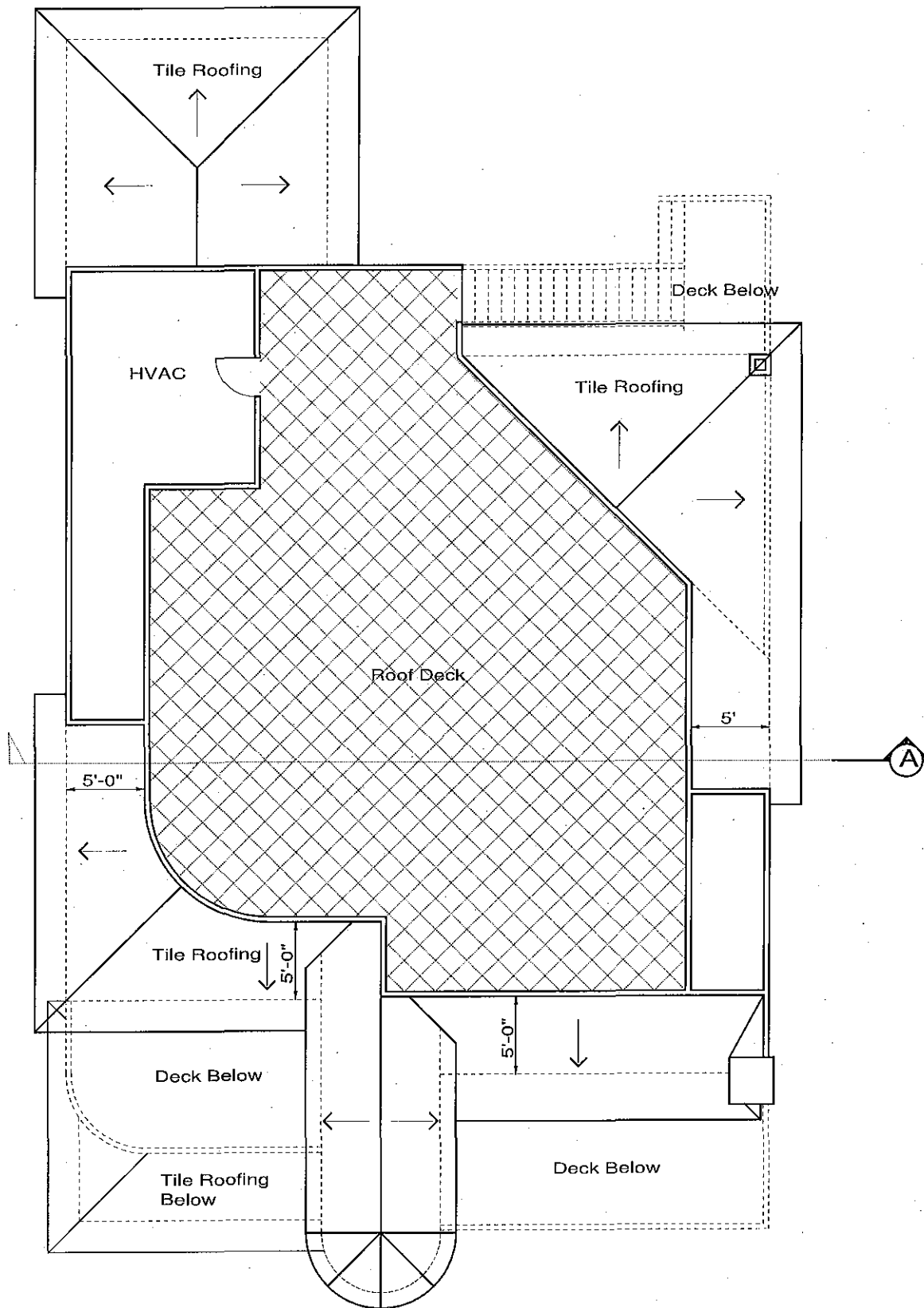
**ARCHITECTONICS**

661-327-7385

661-326-0421 FAX

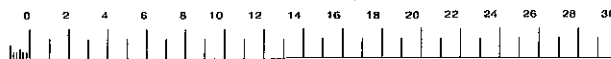
3-30-2011

3-17



**Roof Plan**

SCALE



Lot 5 Block 4 (2nd Street)

Joseph Licastro II, Architect  
 2003 20th Street, Bakersfield, CA 93301  
 JosephLicastro@Bak.RR.Cdm

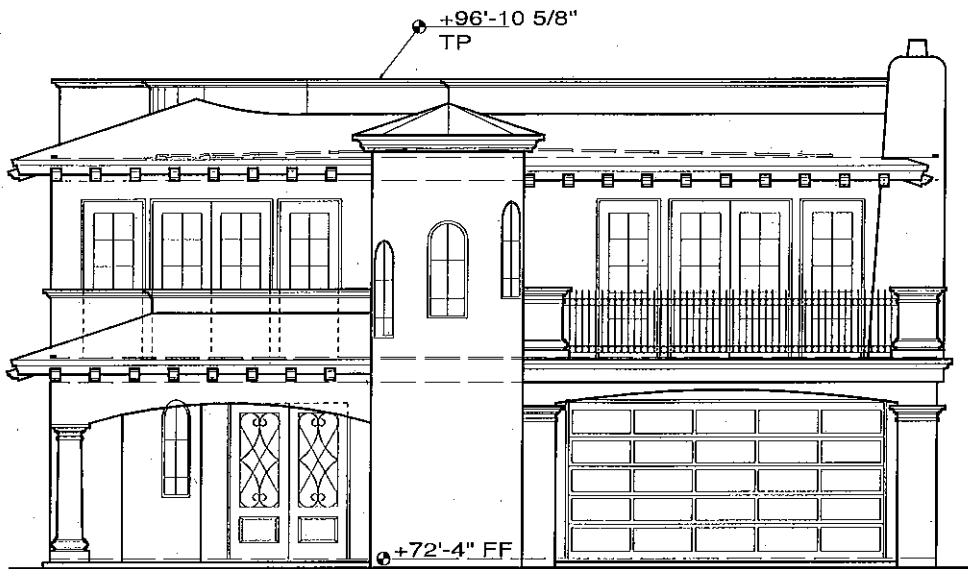
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 661-326-0421 FAX

3-30-2011

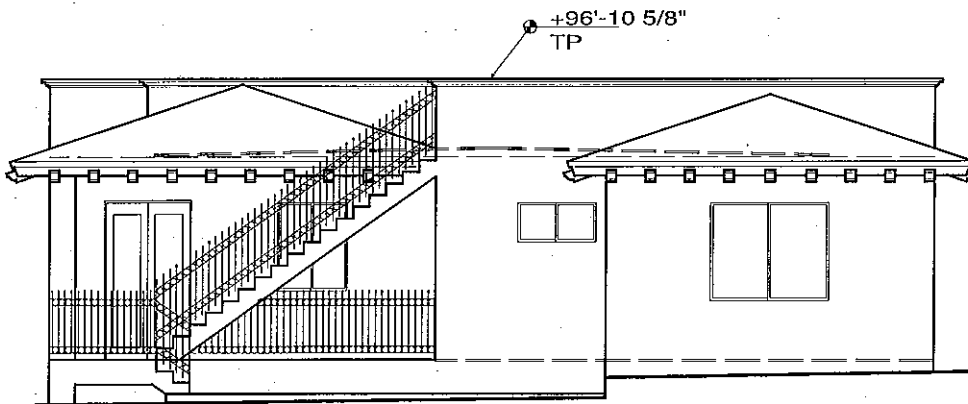
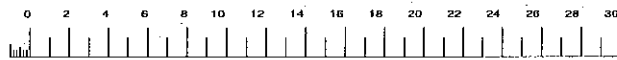
3-18

**ARCHITECTONICS**



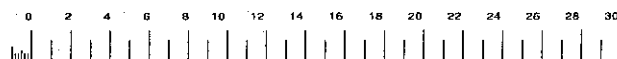
Front

SCALE



Back

SCALE



Lot 5 Block 4 (2nd Street)

Joseph Licastro II, Architect  
 2003 20th Street, Bakersfield, CA 93301  
 JosephLicastro@Bak.RR.COM

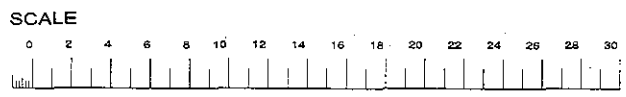
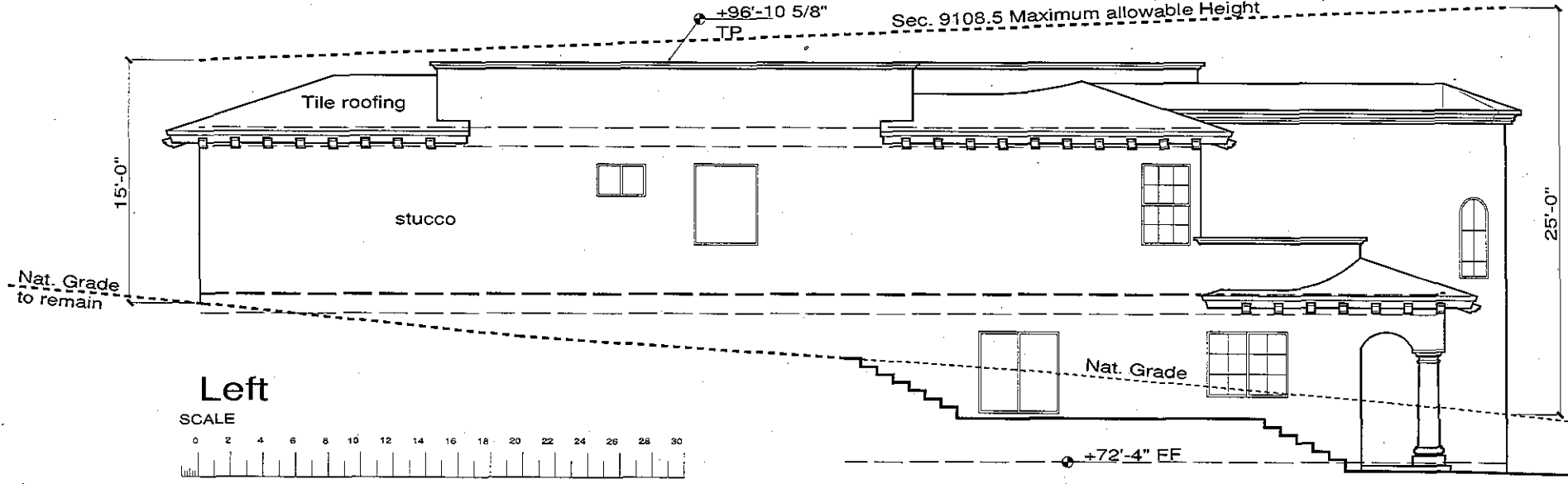
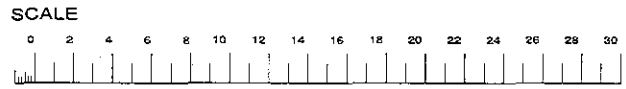
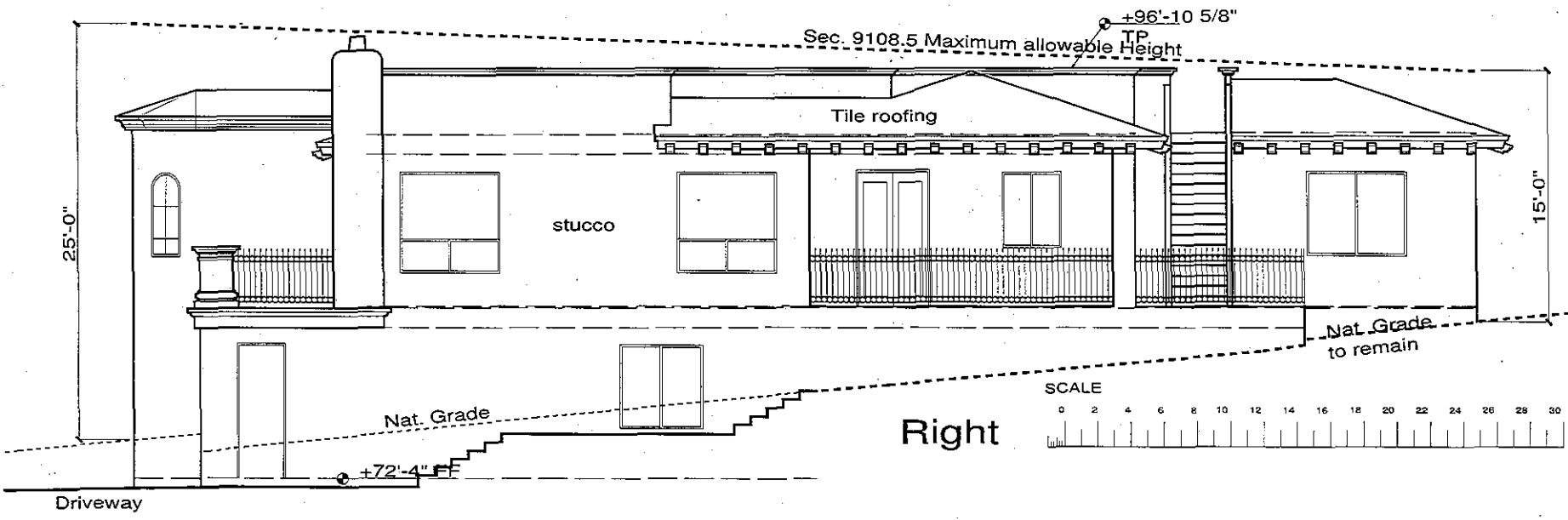
Job 11 01 18.2

661-327-7385  
 661-326-0421 FAX

3-30-2011

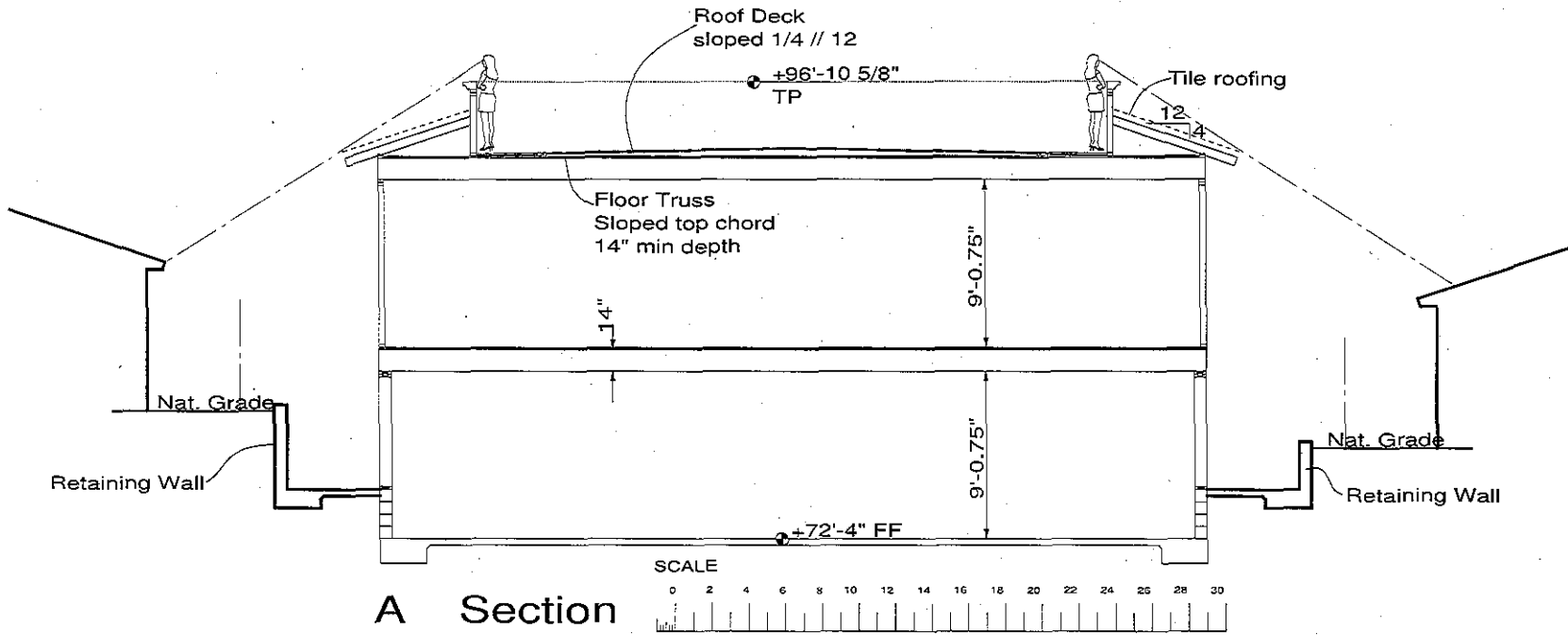
3-19

ARCHITECTONICS



3-20

Job 11.01.18.2  
 of 5 Block 4 (2nd Street)  
 Joseph A. Castro II, Architect  
 2003-20th Street, Bakersfield, CA 93301  
 joseph@castro@Bak.P.R.I.Cdm  
 661-327-7385  
 661-326-0421 FAX  
 3-30-2011



Lot 5 Block 4 (2nd Street)

Joseph Licastro II, Architect  
 2009 20th Street, Bakersfield, CA 93301  
 joseph@licastro@bak.rrl.com

Job 11 01 18.2

661-327-7385  
 661-326-0421 FAX

AAATECHNICALS  
 3-30-2011

8-21