



PLANNING COMMISSION STAFF REPORT

TO: Honorable Chair & Planning Commission **DATE:** June 14, 2017
FROM: Bruce Buckingham, Community Development Director
PREPARED BY: Janet Reese, Planner II
SUBJECT: Development Application 16-36 - Request for a Development Permit to construct a seven-unit multi-family residential project located at 461 South 13th Street.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving Development Application 16-36.

BACKGROUND

Existing Site Conditions

The subject site is a 90-foot x 97-foot, 8,730 square foot parcel that is currently occupied by a 1,140 square foot single-family residence and detached garage that was constructed in 1942. The site is relatively level with a gentle slope from north to south. The site frontage does not have curb, gutter, or sidewalk. The site is served with overhead utilities from a pole located on the west side of South 13th Street.

Data Summary:

Owner: 595S7th LLC

Representative: Alfred Nevis

General Plan Designation: High Density Residential

Zoning: High Density Residential (R3) Zone

Surrounding Zones & Existing Uses: High Density Residential (R3)

North: multifamily residential development

South: single family residence

East: multifamily residential development

West: single family residence

Project Description

The applicant is proposing to construct a seven-unit multi-family residential project. The proposed building is a three-story structure in a U-shaped configuration with a height of 31 feet 11.16 inches as measured from average natural grade. The ground level includes one one-bedroom accessible unit, 10 parking spaces, a trash enclosure, landscaping, and common open space, which includes a picnic table and barbecue. The second floor includes two one-bedroom units and one two-bedroom unit. The third floor includes one one-bedroom unit and two two-bedroom units. All units are 875 square feet in size (reference Exhibit A of Attachment 1).

The ground level parking is open and would be partially visible from South 13th Street. Landscaping is proposed in the 15 foot front setback to screen the western most parking spaces. The building exterior would be a combination of stucco and reclaimed wood

rainscreen. Deck railings are proposed to be galvanized metal railing.

The applicant is proposing one low-income rental unit and is applying for the State's Affordable Housing Density Bonus. The density bonus allows for a 27.5 percent bonus at the low-income level (80% of the median income for San Luis Obispo County) for an additional two units (eight units maximum). The applicant is proposing seven units.

DISCUSSION

General Plan Consistency

The General Plan Land Use Element has three policies (LU-3.1, 20.8, and 20.9) that apply to this project. These policies are reiterated in Development Code Section 2.20.050.B and C.

LU-3.1 Compatible infill development. *Housing built within an existing neighborhood should be compatible in scale and in character with that neighborhood. Where neighborhoods are primarily single story, two-story housing may be permitted but should be designed to respect the privacy of surrounding residences. All multifamily development and large group-living facilities should be compatible with nearby, lower density development.*

- a. Architectural Character: New buildings should respect existing buildings where they contribute to neighborhood architectural character, in terms of size, spacing, and variety.*
- b. Privacy and Solar Access: New buildings should be designed to respect the privacy and solar access of neighboring buildings and outdoor areas, particularly where multistory buildings or additions may overlook backyards of adjacent dwellings.*
- c. Compatible Color and Materials: New buildings should employ a palette of building materials and colors that complements existing development where they contribute to neighborhood architectural character.*

The existing neighborhood consists of single-family and multi-family residential buildings, one to two stories in height. The architectural character of the neighborhood is eclectic, with a range of styles, size, and spacing.

The proposed building is the first three-story building in the surrounding area with a height of almost 32 feet, but the area does have several two-story multi-family residential buildings that are approximately 20-25 feet in height; therefore, the proposed project is not substantially higher than several buildings in the neighborhood. As a result of differing grade levels between lots and building styles, the proposed project's height would be approximately six feet higher than the adjacent two story triplex to the north, approximately 22 feet higher than the single story dwelling to the south, and approximately 14 feet higher than the two story four unit multi-family residential project to the east. The policy indicates that new projects "*should*" be compatible in scale with the neighborhood, but *should* is not mandatory and the Planning Commission makes the determination of whether the project is consistent with the policy.

The proposed decks would be oriented to the west towards the street for the units located along South 13th Street, or to the south for the rear units, towards the development's common open space. It does not appear that the proposed decks and windows would exactly align with adjacent windows and decks. The privacy of the adjacent properties would not be significantly affected because the decks would not be in the line of sight of the windows of the existing building.

The proposed contemporary exterior materials (cedar rainscreen, corrugated metal, smooth stucco siding, and galvanized metal railing) would be compatible with existing surrounding structures. For the stair and deck railings, the elevations indicate cable-style, but the color and material board indicates chain-link style. Staff has added a condition that the railings be cable-

style galvanized metal, consistent with the elevation plans. Therefore, staff believes that the project meets the intent of the policy and is compatible in-fill project with the neighborhood.

LU-20.8 Qualities desired in residential development. Residential projects should provide:

- a. Privacy, for occupants and neighbors of the project;
- b. Adequate usable outdoor area, sheltered from noise and prevailing winds, and oriented to receive light and sunshine;
- c. Use of natural ventilation, sunlight, and shade to make indoor and outdoor spaces comfortable with minimum mechanical support;
- d. Pleasant views from and toward the project;
- e. Security and safety;
- f. Separate paths for vehicles and for people, and bike paths along collector streets;
- g. Adequate parking and space;
- h. Noise and visual separation from adjacent roads and commercial uses;
- i. Design elements that facilitate neighborhood interaction, such as front porches, front yards along streets, entryways facing public walkways, and building design; and orientation to minimize the prominence of the garage door.

The proposed project design addresses most of the above desired qualities of residential development. For example, an outdoor barbeque area is proposed. Therefore, staff believes the project is consistent with this policy.

LU-20.9 Building height of residential infill development. The height of residential infill projects should be consistent with that of surrounding residential structures, and incorporate features to protect existing views and privacy where reasonable. Where greater height is desired, an infill structure should set back the upper floors from the edge of the first story to reduce impacts on adjacent properties.

As discussed above, the proposed project would be 31 feet 11.16 inches in height, slightly under the 32 foot maximum height for the R3 zone. The surrounding residential areas have a mix of single and multi-family residential buildings of varying heights. The proposed project does not have upper floors that are setback but instead the easterly 28 feet of the building footprint has an increased setback of 22 feet along the south and north property lines, excluding staircases. The policy indicates that where greater height is desired new projects “*should*” set back upper floors from the edge of the first story to reduce impacts on adjacent properties, but *should* is not mandatory and the Planning Commission makes the determination of whether the project is consistent with the policy. As previously discussed, the building is taller than adjacent buildings but the area does have several two-story multi-family residential buildings that are approximately 20-25 feet in height; therefore, the proposed project is not substantially higher than several buildings in the neighborhood and has an increased setback for the eastern portion of the building. Staff believes that the project design meets the intent of the policy.

Affordable Housing Density Bonus

State Government Code Section 65915 (reference Attachment 3), commonly known as the State Affordable Housing Density Bonus Law, allows an applicant of a qualifying affordable housing project to be granted a density bonus and development concessions or incentives based upon a ratio of affordable housing to be provided at a given level of household income (e.g., low-income). The state law requires that the City grant the density bonus request unless specific findings can be made as discussed below.

The applicant is requesting a density bonus in exchange for one low-income rental unit identified as unit 3, a one-bedroom unit. The income limit for a low-income household is up to 80% of the median income for San Luis Obispo County. As of June 2017, the annual income

limit for low-income two person household is \$49,400 and the maximum monthly rent for a one-bedroom unit is \$926 (reference Attachment 4). These figures are updated regularly and the household income limit and rent would be determined at the time the unit is available for occupancy.

The density bonus is based on the maximum allowable residential density allowed by the City's General Plan for the project site. The High Density Residential land use designation allows a maximum of twenty units per acre. The site allows a maximum of 5.578 units, which is normally rounded down to five units per City code, but the State Density Bonus Law requires the density be rounded up. Therefore, the maximum allowable residential density for the site is six units. The applicant is proposing to provide one of the units at the low-income level, or 16.7 percent of the development. This allows the maximum allowable residential density of six units to be increased by 27.5 percent to eight units in exchange for one low-income unit.

State law indicates that the applicant shall receive up to two incentive/concessions in return for constructing the low-income unit. A development incentive is defined by State law as "a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions."

The applicant is seeking one incentive/concession to reduce the number of parking spaces, at a ratio of two spaces for two-bedroom units and one space for a one-bedroom unit, for a total of 10 parking spaces, pursuant to State Government Code Section 65915(p)(1). The State Government Code also identifies that tandem parking spaces may be used to meet the parking requirements. Development Code Section 3.50.020.A requires two uncovered parking spaces per dwelling, plus one space per two dwellings for guest parking, for a total of 17.5 spaces. This incentive would result in a reduction of eight on-site parking spaces.

State Government Code Section 65915 (d)(1) requires that the requested development incentive be granted unless one of the following findings can be made:

- (A) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
- (B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
- (C) The concession or incentive would be contrary to state or federal law.

State Government Code Section 65589.5 defines a "specific, adverse impact" as "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions. Staff does not find any evidence that supports making the above findings. Therefore, State law requires that the Planning Commission approve the requested density bonus and development incentive.

Staff has included a condition of approval requiring the applicant to enter into an Affordable Housing Agreement, prior to issuance of a building permit (reference Attachment 1, Condition CDD-4).

Development Standards

The project site is in the High Density Residential (R3) Zone. The R3 Zone is intended for small lot single family dwelling developments and multi family dwelling developments up to 20 units per acre. In order to achieve the higher densities in the R3 Zone, the maximum height is 32 feet in order to accommodate three story buildings, as compared to the R2 Zone with a maximum density of 9 units per acre and a maximum height of 25 feet to accommodate two story buildings. R3 Zones are typically located along streets with higher traffic volumes, such as South 13th Street (designated as a collector street in the City's Circulation Elements) or adjacent to commercial zones as a transition to lower density residential zones.

The proposed project complies with the development standards for the High Density Residential Zone as shown and discussed below.

High Density Residential Development Standards Table 2.3	Requirement	Proposed
Front Setback	15 feet	15 feet
Side Setback	5 feet	5 feet
Rear Setback	10 feet	10 feet
Building Height (from average natural grade)	32 feet	31 feet, 11.16 inches
Lot Coverage	Maximum 60%	41%
Density	Maximum 8 units pursuant to Gov't Code Section 65915 (5 units allowed by City)	7 units
Landscaping	20%	34%
Parking ratio	10 spaces pursuant to Gov't Code Section 65915(p)(1)	10 spaces

The multi-family residential project is also subject to the development standards set forth in Chapter 4.10.120 of the Development Code. The project complies with these development standards, as outlined in the table below.

Multi-Family Development Standards (4.10.120)	Requirement	Proposed
Front Setback Pavement	Max. 50% hardscape in front yard setback	The majority of the front yard setback would be landscaped.
Parking Location	Outside of front or side street setback areas	Complies
Private Open Space	120 square feet for 1-bedroom ground floor unit 72 square feet for 1-bedroom above ground floor units 84 square feet for 2-bedroom above ground floor units	Ground Floor unit: 1,101 square feet Second & Third Floor units: 165 square feet
Common Open Space	As determined by Planning Commission	1 picnic table and 1 barbeque

Public Works Department

Development Code Section 5.20 requires new multi-family residential project to install street improvements along the frontage of properties up to the centerline of the right of way. As part of the K-14 Street Project, plans have been developed for South 13th Street, and the project was awarded on May 15, 2017. The project is anticipated to be approximately one year in duration, but the schedule is not yet known. The project has been conditioned to coordinate with the City project and install frontage improvements consistent with the proposed plan line.

Development Code Section 5.50 requires new construction to retain all drainage on-site. The project plans indicate the construction of an underground retention system beneath the driveway that will retain all runoff on-site consistent with City Standards.

Development Code Section 5.40 requires new construction underground all existing overhead utilities or pay an in-lieu fee adopted by the City Council. In addition, the Code requires all overhead service lines be placed underground. However, because the does not have a pole or lines located along the site frontage, the project is not eligible to pay the in-lieu fee. The project has been conditioned to comply with this requirement by undergrounding all of its utility lines.

Conclusion

Staff believes that the proposed project is consistent with the General Plan and Development Code as discussed in the staff report. Therefore, staff recommends approval of the project subject to the conditions of approval.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the CEQA Guidelines for Infill Development Projects.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. Except as allowed by State Government Code 65915 for exceeding the maximum density and reducing the number of parking spaces in exchange for the provision of a low income rental unit, the project complies with the City's General Plan and Development Code.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The proposed site is 0.20 acres in size, and surrounded by residential development.
- (c) The project site has no value as habitat for endangered, rare or threatened species. The site is currently developed with a single family dwelling and garage and is not habitat to endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. As a result of State Government Code Section 65915, the project site could be developed with a maximum of eight dwelling units versus the seven units proposed. All stormwater run-off generated by the development would be retained on-site in a below grade basin.
- (e) The site can be adequately served by all required utilities and public services. The site is currently served by all utilities (12 inch water main line and 8 inch sewer main line) and public services.

ALTERNATIVES

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution approving Development Application 16-36; or
2. Provide alternative direction to staff; or
3. Direct staff to prepare a resolution denying the project with findings.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act. A copy of this staff report and the meeting agenda was provided to the property owner. On June 2, 2017, the public hearing notice was published in The Tribune, posted on the subject property, and mailed to property owners within 300 feet of the subject property. A letter was received from Guy Ober, property owner of 435 South 13th Street, the property to the north of the subject site.

ATTACHMENTS

1. Draft Resolution
Exhibit A – Project Plans (full-sized under separate cover)
2. Vicinity Map
3. State Affordable Housing Density Bonus Law
4. Affordable Housing Standards dated June 2017
5. Email from Guy Ober

PLANNING COMMISSION RESOLUTION NO. 17-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH,
APPROVING DEVELOPMENT APPLICATION 16-36 FOR A DEVELOPMENT PERMIT
(461 SOUTH 13TH 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 16-36, requesting approval for a Development Permit to construct a seven unit multi-family residential project located at 461 South 13th Street (APN 060-297-017) in the High Density Residential (R3) 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), pursuant to Section 15332 of the CEQA Guidelines (“Infill Development Projects”); and

WHEREAS, the Planning Commission of the City of Grover Beach has reviewed and considered Development Application 16-36 at a Public Hearing on June 14, 2017; 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(F), 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 proposed project is consistent with Land Use Element policies regarding infill development because the project has been designed to not significantly affect the privacy of the adjacent properties, the building height is not substantially higher than several buildings in the neighborhood, and the materials and color of the proposed project is compatible with other existing dwellings in the neighborhood.
2. The subject site is physically suitable in terms of design, location, operating characteristics, shape, size, and topography. The site is currently developed with a single family residence and garage. The site would be developed with a seven-unit multi-family residential project. The project has been designed to meet all development standards of the High Density Residential Zone and the State Affordable Housing Density Bonus Law (State Government Code Section 65915). The site location, lot size, and topography of the proposed residential project are suitable for the development of a multi-family residential project.
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 site is currently served by City water, sewer, and all other public utilities. The use, density, and intensity of the residential use are consistent with the High Density Residential Zone, and the State Affordable Housing Density Bonus Law. The project has been conditioned to meet all applicable Building and Fire Codes to ensure the project 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 APPROVE** Development Application 16-36 for a Development Permit, subject to the following conditions:

CONDITIONS OF APPROVAL:

GENERAL

- G-1. 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 Grover Beach Municipal Code Article IX, Section 6.30.060.
- G-2. 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.
- G-3. All Conditions of Approval shall be provided on a full size sheet as part of the construction plan set. All notes and specifications as shown on the plans shall be considered Conditions of Approval. If there is a conflict between the approve plans and the Conditions of Approval, the Conditions of Approval shall prevail. The project shall comply with all Federal, State, Local and City codes, regulations, and standards. Construction plans shall comply with applicable California Building Codes in effect at the time of submittal.
- G-4. 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. 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.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes construction of a seven unit multi-family residential project in substantial conformance with the project plans attached as Exhibit A.
- CDD-2. Prior to issuance of a grading permit, the applicant shall submit a final landscape plan for review and approval in compliance with GBMC Article IX Section 3.30 Landscaping Standards and the State's Model Landscape Ordinance.

- CDD-3. The 10 parking spaces shall be maintained at all times and not used for any purpose other than the parking of vehicles (i.e. no storage of materials or property, no accessory structures).
- CDD-4. Prior to issuance of a building permit, the applicant shall enter into an Affordable Housing Agreement as approved by the City Attorney. This Agreement shall specify the location of the one one-bedroom low-income unit.
- CDD-5. Deck railings shall be comprised of cable-style galvanized metal, consistent with the elevation plans.

FIRE DEPARTMENT

- FD-1. Installation of a NFPA 13R Fire Protection System is required and shall be installed in accordance with adopted building and fire codes in effect at the time of submittal. Plans shall be submitted to the City and Five Cities Fire Authority for review and approval prior to installation.
- FD-2. A dedicated water service, 2" minimum, must be supplied for the Fire Protection System – to be calculated and approved by Fire Protection Engineer.
- FD-3. Riser must have a water flow alarm with a dedicated electrical circuit and an approved lock on device installed.
- FD-4. Fire sprinkler riser must be installed inside in a fire rated protective enclosure.
- FD-5. Riser room(s) must be posted with signage, RED in color, with letters 1" minimum in height, stating: FIRE SPRINKLER RISER.
- FD-6. Fire Department Connection location will be determined during plan review.
- FD-7. Fire extinguishers shall be located within 75 feet of all exits on each floor and be installed in a protective enclosure.
- FD-8. Ceiling mounted Exit signs (RED in color) with battery back-up, and emergency lighting, will be placed at each Exit on each floor and in stairwells, indicating direction of egress.
- FD-9. Smoke detectors and Carbon Monoxide Detectors shall be installed in all sleeping areas and in corridors leading to the sleeping areas and be electrically interconnected with battery back-up.
- FD-10. Gas meters must be labeled with unit(s) served.
- FD-11. Electrical panels must be labeled with unit(s) served and circuit breakers must be labeled.
- FD-12. Address number shall be Arabic numerals or Alphabet Letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch.

FD-13. Five Cities Fire Authority shall be contacted to do a rough fire sprinkler inspection prior to the installation of insulation/drywall and then a final fire sprinkler inspection upon completion.

PUBLIC WORKS DEPARTMENT/CITY ENGINEER

- PW/CE-1. Prior to the issuance of a building permit, the applicant shall submit Public Improvement Plans depicting all the proposed road and utility improvements required by applicable City standards. The plans to be approved by the City Engineer shall, at a minimum, include the following:
- A. Street reconstruction to be a minimum of 3" minimum A.C. pavement over 6" Class II aggregate base to the centerline of the street.
 - B. Construct concrete curb, gutter and sidewalk for project frontage. The future plan-line for South 13th Street is 16 feet, measured from the centerline of the road to the proposed face of curb.
 - C. The new concrete approach shall meet City standards, including ADA sidewalk accessibility, and minimum and maximum grades to new garages.
 - D. New utility connections to meet City standards for material, size and grades.
 - E. The public improvements, including abandonments, shall be completed and accepted prior to issuance of a Certificate of Occupancy. All public improvements shall be installed consistent with City standards, as required by the City Engineer.
- PW/CE-2. To the extent practicable and without delaying either project, Applicant and the City should make efforts to coordinate any street, curb and gutter improvements to be constructed by the Applicant with the Street Rehabilitation project being conducted by the City in order to avoid disturbing a new street surface.
- PW/CE-3. Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other professionals licensed in the State of California.
- PW/CE-4. Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies and signatures from applicable public utilities.
- PW/CE-5. Domestic water and fire laterals, including meters, shall serve the project subject to the approval of the Public Works Department. The applicant is responsible for determining if there is adequate water flow to support the required fire sprinkler systems. The City may be contacted to obtain available water flow information. The required calculations for submittal must support domestic use, landscaping, and fire sprinklers.
- PW/CE-6. A new 6" sanitary sewer lateral shall service the project; materials and grade are subject to the approval of the City Engineer.
- PW/CE-7. Proposed trash and recycling collection enclosures, including truck circulation, will be reviewed by the South County Sanitation District, and subject to the

approval of the Community Development Director.

- PW/CE-8. Prior to issuance of a building permit, an engineered grading and drainage plan shall be submitted for approval and the following is required:
- A. A soils and geotechnical report.
 - B. Show all existing and proposed easements, including setbacks.
 - C. Provide sufficient detail for the adjoining properties to the extent of representing adjacent grades and existing drainage patterns (on-site drainage conditions, grade change between adjoining lots, adjacent structures, etc.).
 - D. All storm water generated by the proposed project shall be collected and retained on the lot as required by Development Code 5.50.080.
- PW/CE-9. Prior to issuance of building permit, the applicant shall comply with Municipal Code Article IX Development Code, Chapter 5.60 Stormwater Construction and Post Construction Management. This will require submittal of an Erosion Control Plan utilizing best management practices and a Water Pollution Control Plan. The submittal and recordation of the following will be required (consult with Architect or Civil Engineer):
- A. Post Construction Stormwater Management System Operations & Maintenance plan, checklist and maintenance agreement is due prior to final inspection.
- PW/CE-10. Prior to issuance of a Certificate of Occupancy, all required public improvements shall be completed and accepted by the City Engineer.
- PW/CE-11. Prior to issuance of a Certificate of Occupancy, the existing overhead utilities serving the project shall be undergrounded from across the street, as required by Municipal Code Article IX Section 5.40 and the Council adopted Interim Undergrounding Policy.
- PW/CE-12. Prior to issuance of a Certificate of Occupancy, all plan checking and inspection fees shall be paid.
- PW/CE-13. Prior to construction commencing, construction plans shall be approved and applicable permits issued. Grading will require a Grading Permit unless grading activity is proposed as part of the development of a structure. Work in the public right-of-way will require an Encroachment Permit.

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

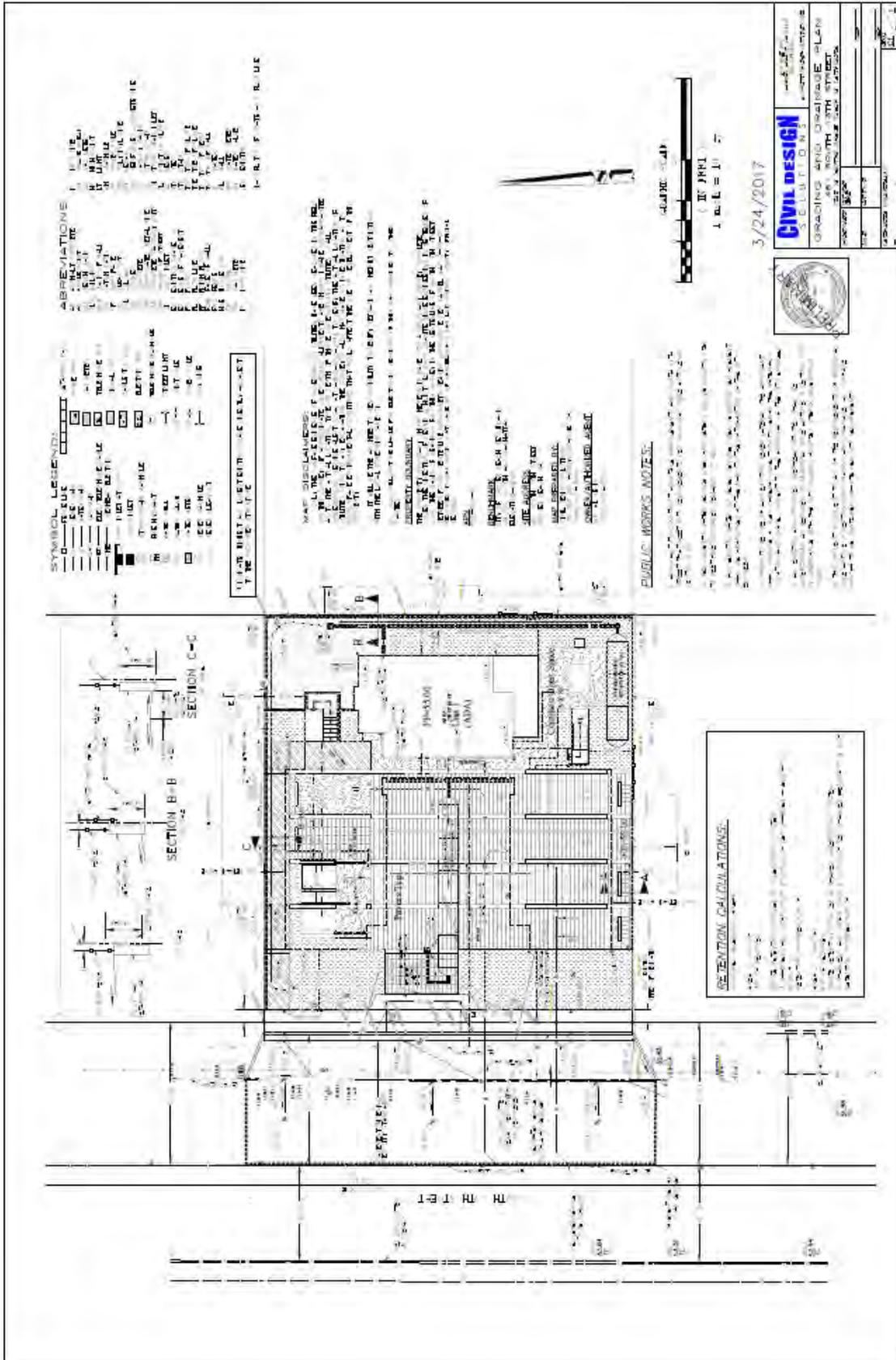
AYES: Commissioners –
NOES: Commissioners –
ABSENT: Commissioners –
ABSTAIN: Commissioners –
RECUSED: Commissioners –

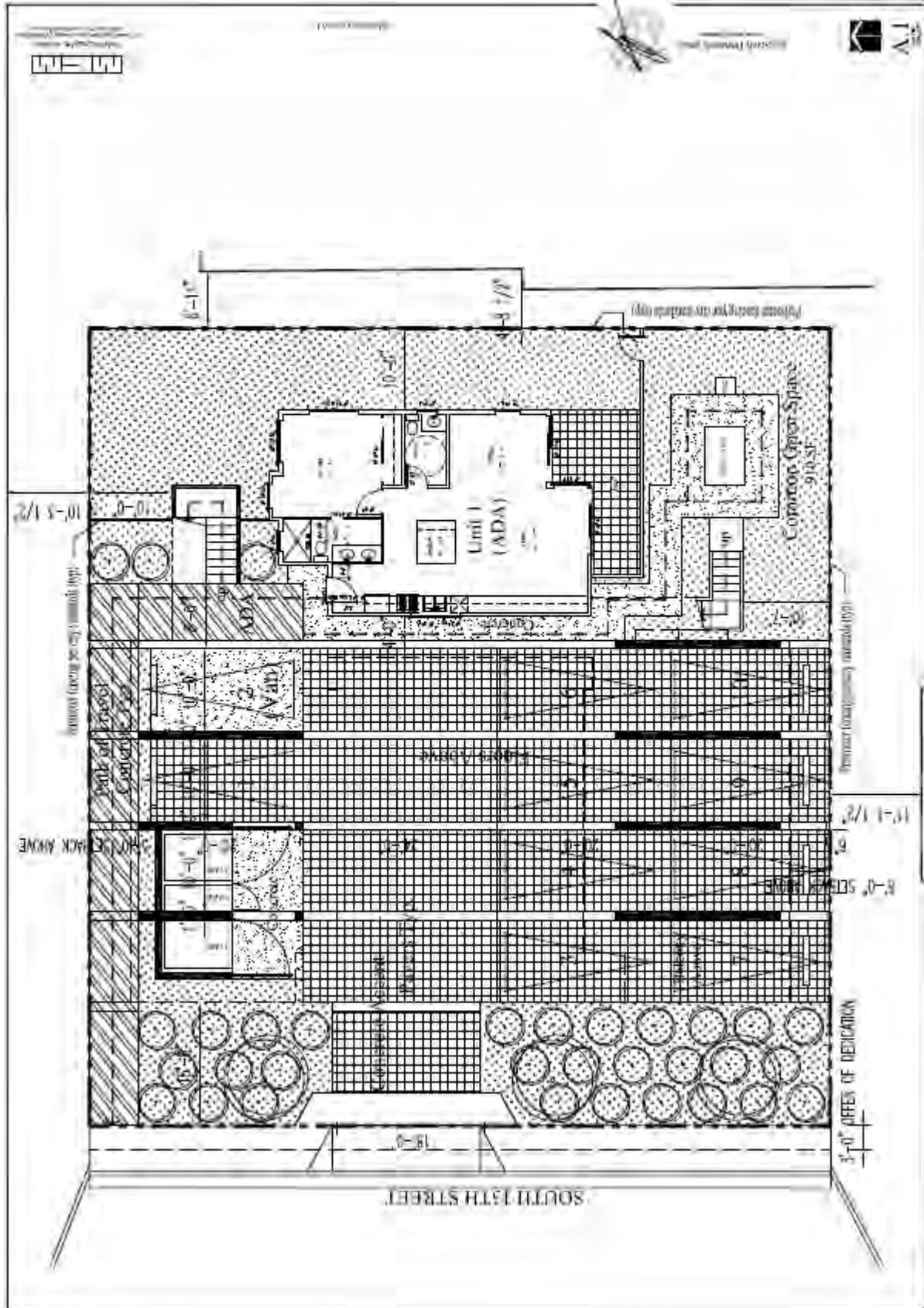
the foregoing RESOLUTION NO. 17- was **PASSED, APPROVED**, and **ADOPTED** at a Regular Meeting of the City of Grover Beach Planning Commission on this 14th day of June, 2017.

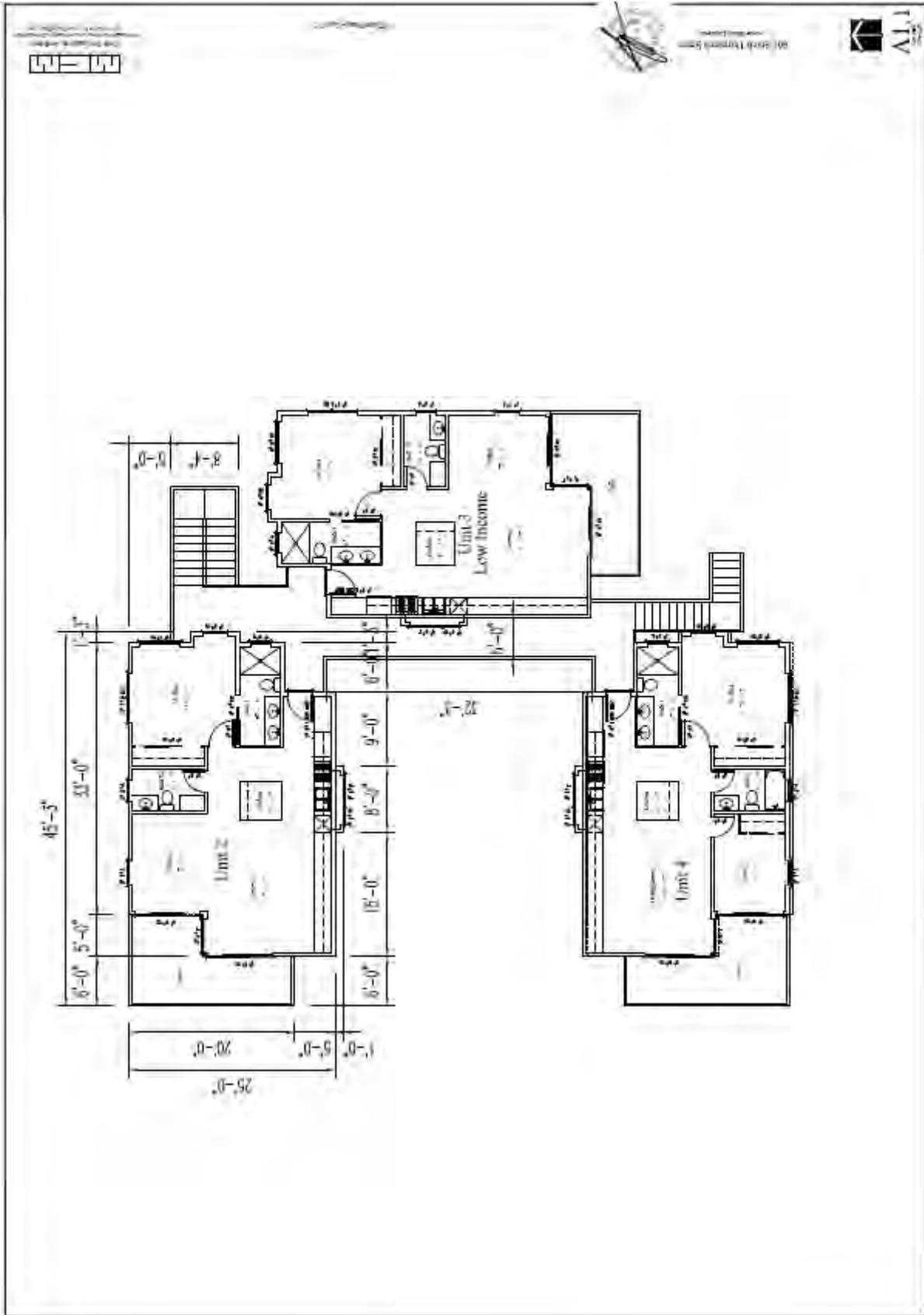
JOHN LAFERRIERE, CHAIR

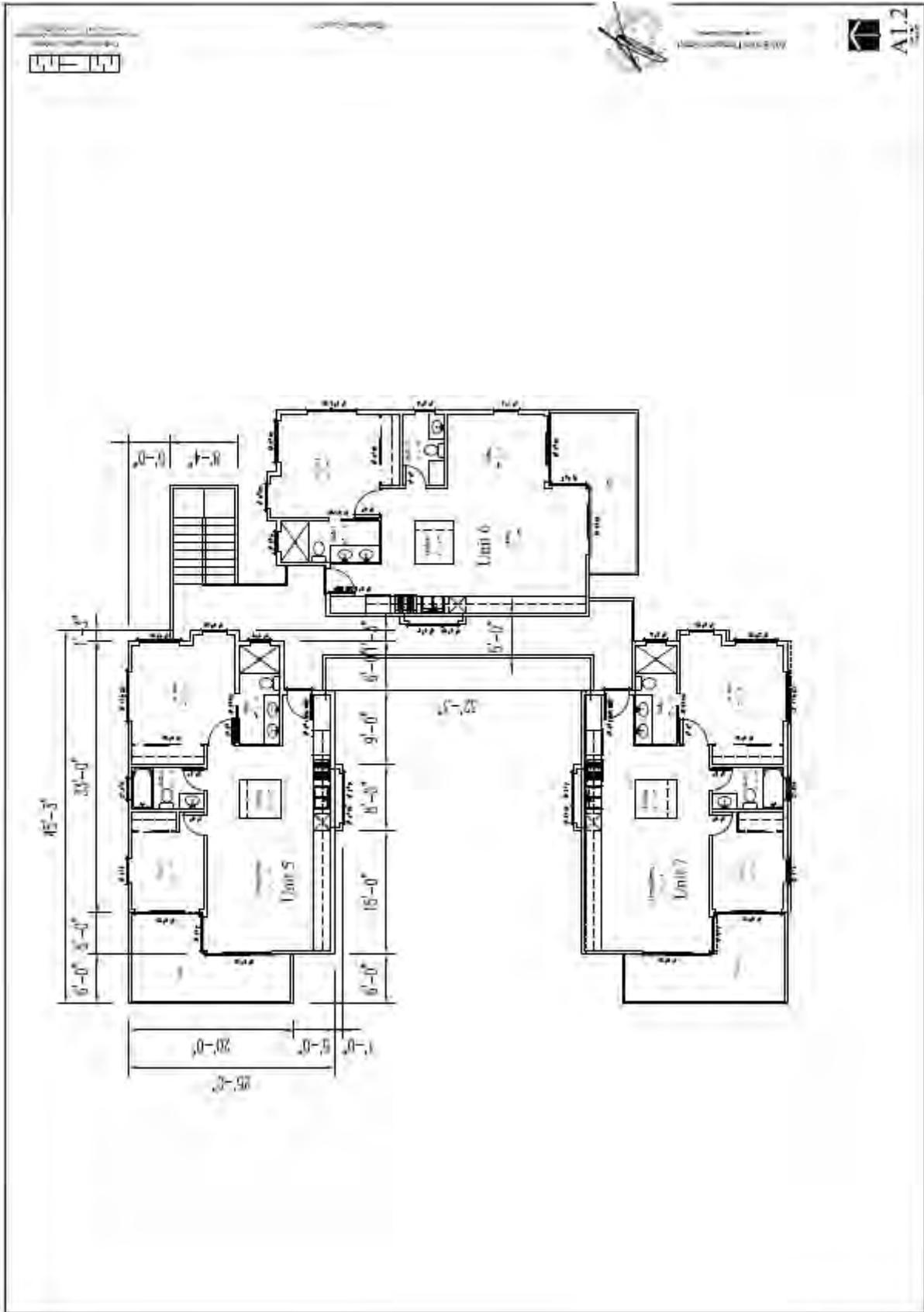
Attest:

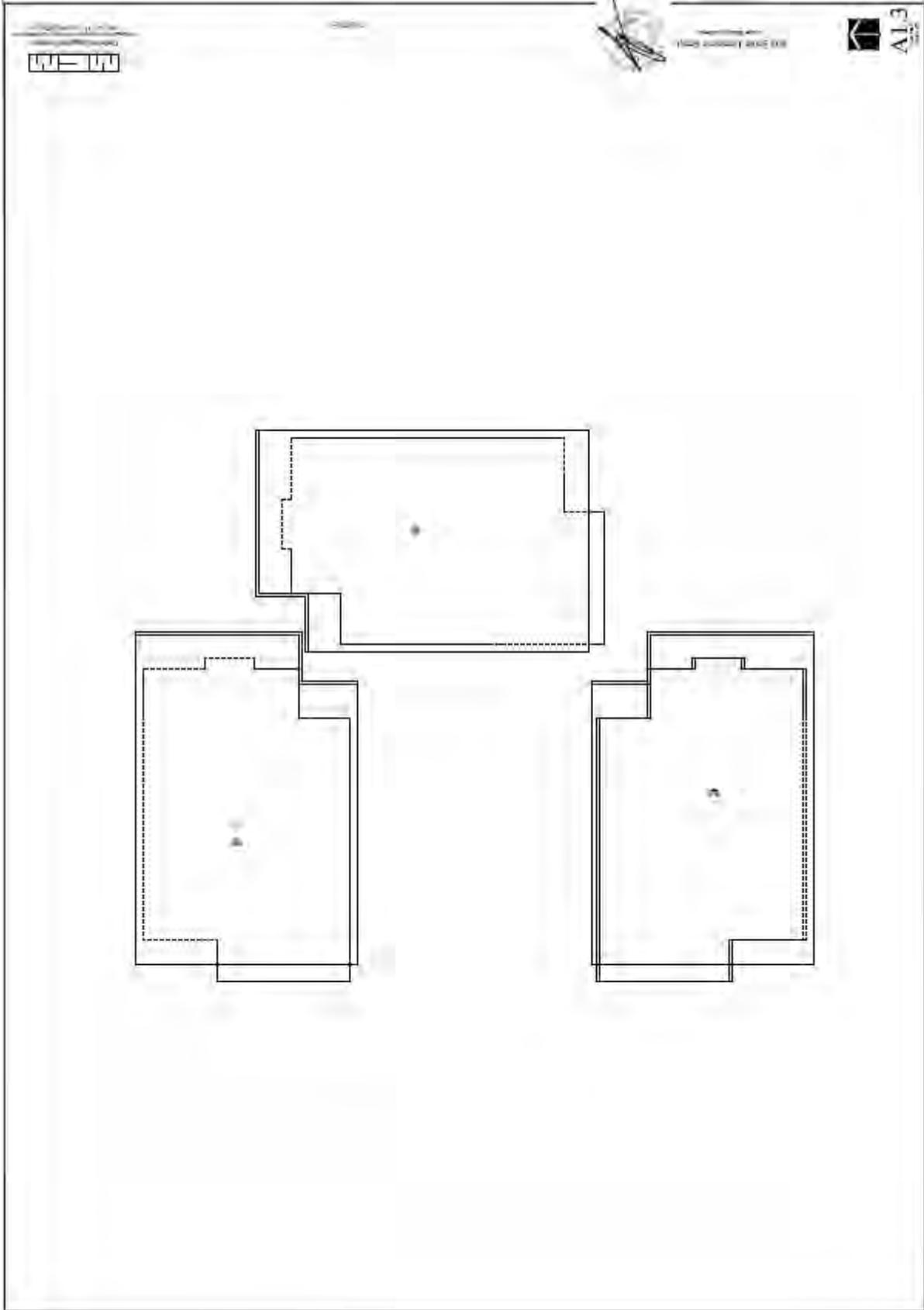
BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
SECRETARY TO THE PLANNING COMMISSION



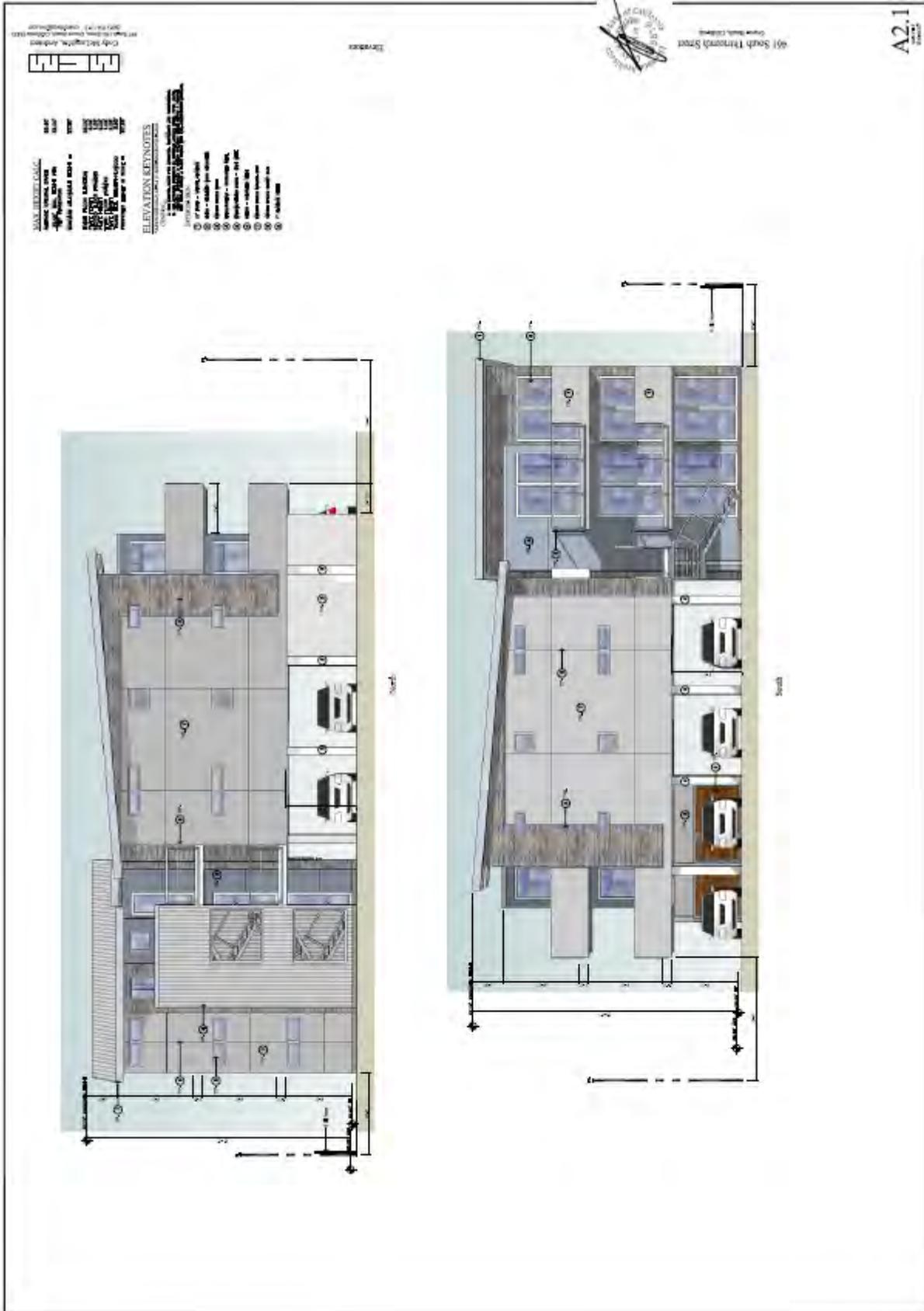




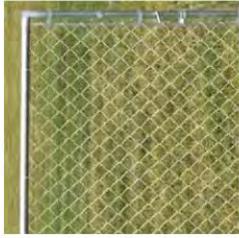












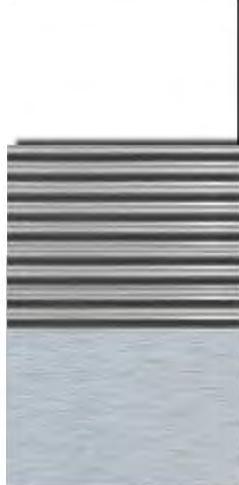
Guardrail - Galvanized Metal



Stucco - Stormy Blue
Stucco - Natural Grey
Stucco - White



Siding - Reclaimed Wood Rainscreen

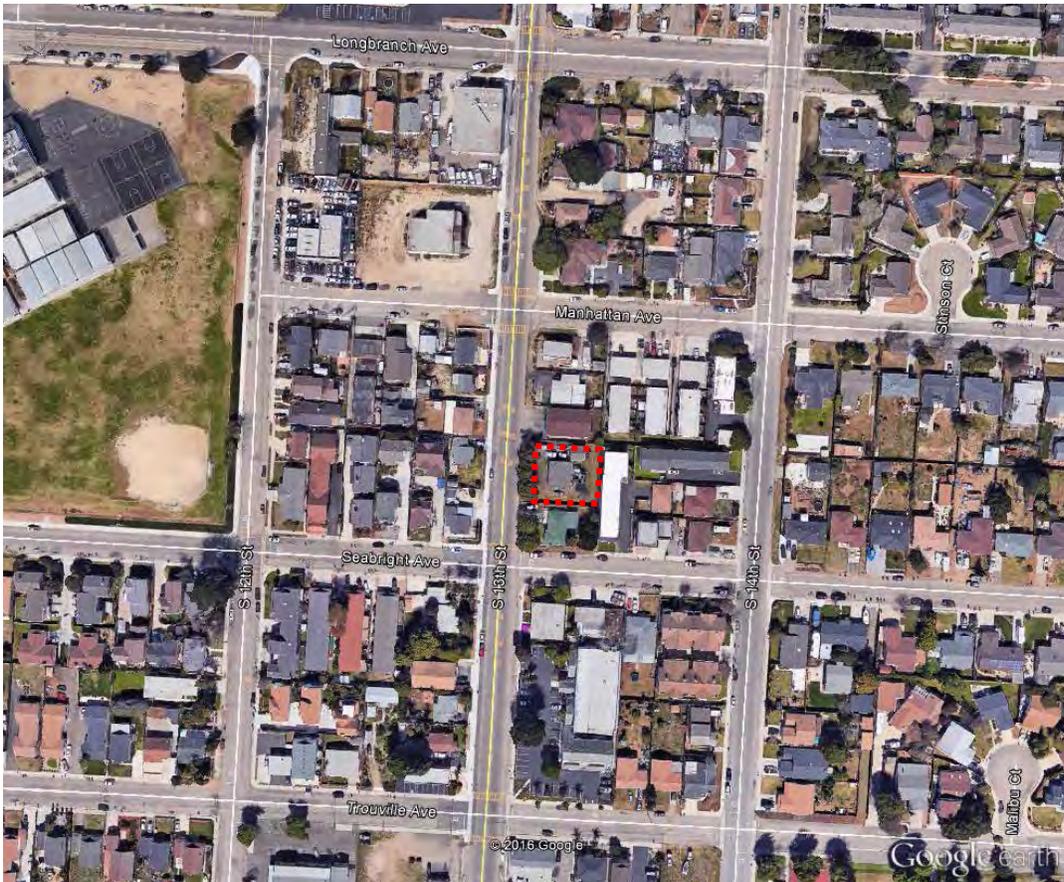


Roofing/ Siding - Corrugated Metal
Windows /Doors - Milgard White

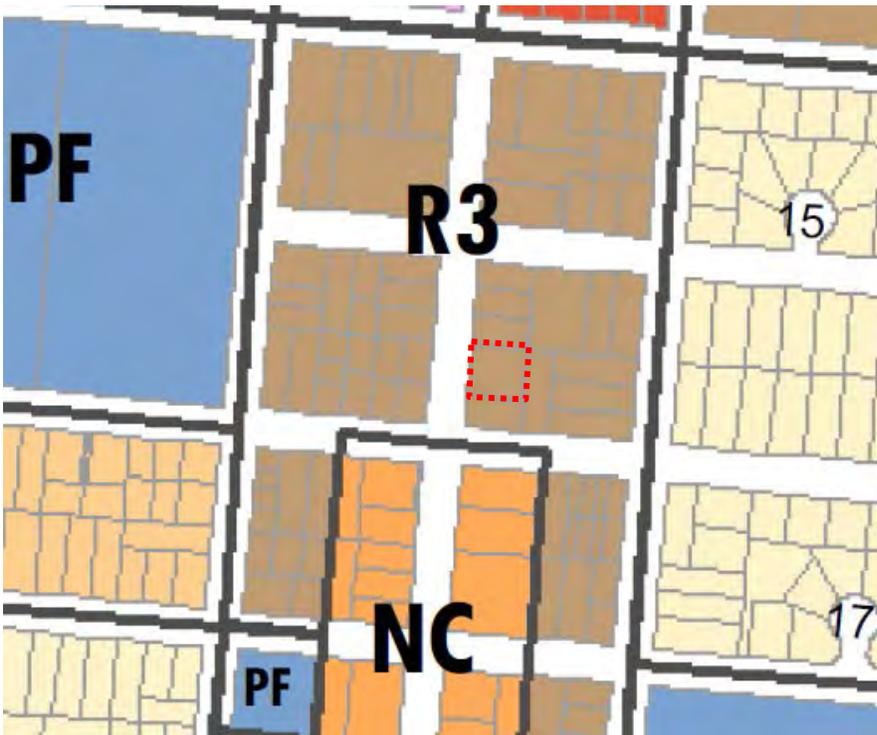


461 South Thirteenth Street
Grover Beach, California

461 South 13th Street



Vicinity Map



Zoning Map

State of California

GOVERNMENT CODE

Section 65915

65915. (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with Section 65943.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age

requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), or (E) of paragraph (1).

(3) For the purposes of this section, “total units” or “total dwelling units” does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller’s proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment

assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded

affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city

and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section, that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a

development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. An applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney’s fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(f) For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26

32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(4) "Child care facility," as used in this section, means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density

allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2) and (3), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: two onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

(2) Notwithstanding paragraph (1), if a development includes the maximum percentage of low-income or very low income units provided for in paragraphs (1) and (2) of subdivision (f) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

(A) If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

(B) If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(C) If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, the ratio shall not exceed 0.3 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

(Amended by Stats. 2016, Ch. 761, Sec. 1.7. (AB 2556) Effective January 1, 2017.)



Affordable Housing Standards

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

County Government Center San Luis Obispo, California 93408 Telephone (805) 781-5600

This bulletin summarizes the county's affordable housing standards including maximum household incomes, home purchase prices and rents. It applies to new projects in both the Coastal and Inland portions of the County.

Income limits:

The state defines family income groups as follows: **"Extremely Low Income"** is defined by Health and Safety Code Section 50106 as 30% of county median income; **"Very Low Income"** is defined by Health and Safety Code Section 50105 as 50% of county median income; **"Lower Income"** is defined by Health and Safety Code Section 50079.5 as 80% of county median income; **"Moderate Income"** is defined by Health and Safety Code Section 50093 as 120% of county median income; **"Workforce"** is defined by Title 22 of the County Code as 160% of county median income. The following income limits are effective as of May 24, 2016.

Persons in Household	Extremely Low Income	Very Low Income	Low Income	Median Income	Moderate Income	Workforce
1	\$16,250	\$27,000	\$43,200	\$53,950	\$64,750	\$86,320
2	\$18,550	\$30,850	\$49,400	\$61,700	\$74,000	\$98,720
3	\$20,850	\$34,700	\$55,550	\$69,400	\$83,250	\$111,040
4	\$24,250	\$38,550	\$61,700	\$77,100	\$92,500	\$123,360
5	\$28,410	\$41,650	\$66,650	\$83,250	\$99,900	\$133,200
6	\$32,570	\$44,750	\$71,600	\$89,450	\$107,300	\$143,120
7	\$36,730	\$47,850	\$76,550	\$95,600	\$114,700	\$152,960
8	\$40,890	\$50,900	\$81,450	\$101,750	\$122,100	\$162,800

Sample maximum sales prices: (see footnotes)

Unit Size (Bedrooms)	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Workforce
Studio	\$39,000	\$81,000	\$123,000	\$245,000	\$342,000
1	\$48,000	\$96,000	\$144,000	\$283,000	\$395,000
2	\$57,000	\$111,000	\$165,000	\$322,000	\$447,000
3	\$66,000	\$126,000	\$186,000	\$360,000	\$499,000
4	\$73,000	\$138,000	\$202,000	\$390,000	\$541,000

Note 1: Homeowner association due (HOA) assumption per month is 150.00

Note 2: Mortgage financing assumed at a fixed rate for 30 years (per HSH Associates) is 4.01%

Note 3: Prices shown are preliminary estimates and may be revised. Round to the nearest 1000th.

Note 4: Actual sales price limits will be determined by the County on a case-by-case basis.

Maximum rents: (see footnotes)

Unit Size (Bedrooms)	Extremely Low Income	Very Low Income	Low Income	Moderate Income	Workforce
Studio	\$405	\$674	\$809	\$1,484	\$2,023
1	\$463	\$771	\$926	\$1,697	\$2,314
2	\$521	\$868	\$1,041	\$1,909	\$2,603
3	\$578	\$964	\$1,157	\$2,120	\$2,891
4	\$624	\$1,041	\$1,249	\$2,289	\$3,122

Note 1: These rent limits include allowances for utilities as determined by the Housing Authority of the City of San Luis Obispo (805-543-4478).

Note 2: Rent limits are updated when the State issues its annual update to median incomes, generally in April of each year.

From: Janet Reese
To: "guy ober"
Cc: [Wanda Cebulla](#); [Craig Smith](#); [Tim Schenberg](#); [Jeff Chamberlain](#); [Matthew Bronson](#); [Bruce A. Buckingham](#)
Subject: RE: Development Application 16-36 461 S 13th
Date: Tuesday, June 6, 2017 9:58:00 AM

Good Morning Mr. Ober,

Thank you for your questions.

1. The compatibility of the proposed project will be discussed in the staff report, which will be posted on the website on Friday.
2. The proposed height is 31 feet and 11.16 inches.
3. The project is requesting a density bonus in exchange for providing a low income unit as provided for under State Government Code Section 65915. The State Code requires that all fractional density calculations are rounded up to the next whole number.
4. The project has proposed the number of parking spaces required under State Government Code Section 65915.

Please let me know if you have additional questions regarding this matter.

Janet Reese
Planner II
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-----Original Message-----

From: guy ober [<mailto:porscheGuy51@sbcglobal.net>]
Sent: Monday, June 5, 2017 10:31 PM
To: Janet Reese; Matthew Bronson
Cc: Wanda Cebulla; Craig Smith; Tim Schenberg; Jeff Chamberlain
Subject: Development Application 16-36 461 S 13th

To: Janet Reese - Planner II

From: Guy Ober - Owner of 435 S. 13th St. (A triplex).

Ms. Reese,

I received my notice of a public hearing re: DA 16-36. I have some items that I would like addressed about the proposed project.

1. A three story building would be out of place in a neighborhood of one and two story residential properties and not in keeping with stated goals of Grover Beach Development Codes. Section 2.20.50 page 2-11 paragraph 'B'.

2. The height limit is 32 feet. Is this project going to exceed 32'? Three stories high? What does the proposed building plan state?

3. The density for R3 is 20 units per acre. The lot is app 10,000 sq.ft. Using your code book states that for calculating the lot extends to the middle of the street. Lets use an additional 2,000 sq.ft. i.e.: 12,000 sq feet (.28 acres) equals 5.6 units. per acre. Based on the graph the applicant can round up if

the partial ends in .9. This means 5 units . Allowed extra density is 27.5%. $5 \times 1.275 = 6.375$. Meaning they can put in 6 units with the extra bonus for low income unit.

4. Parking, the big one. Legally, 10 is allowed. Reality, not near enough so once again cars parked all over the neighborhood. The reality is the one bedroom units will probably house a couple (with 2 cars) The two bedroom units at least 2 and probably 3. Actual real car count: 12 - 17cars needing space to park every night. Plus no guest spots.

I know from experience that my tenants use the two spots in front of their single car garage. The two guest spots we provide is often used.

I understand the owner of 461 S 13th needs to build as many units as possible to make his investment work. I agree. However we still need to stay in the frame work of city Code limits.

My wife and I will be at the meeting on the 14th of June .

We look forward to your reply.

Thank you for your work .

Guy and Alice Ober
805 550 0474

136 Pine Street.
Arroyo Grande, CA