



**MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, JANUARY 9, 2007
6:30 P.M.**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a City meeting, please contact the City Clerk's Office (473-4568) at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

CALL TO ORDER: 6:30 p.m.

FLAG SALUTE: Commissioner Snow.

PRESENT: Commissioners: Bright, Luce, Snow, Versaw, and Chair Marshall.

ABSENT: Commissioners: Keith and Peterson.

Staff: City Attorney Martin Koczanowicz
Community Development Director George Hansen
Planner III Ray Hetherington
Planner I Erin McGranahan
Planning/Building Technician Cassandra Mesa
Administrative Secretary Lorrie Toles

INTRODUCTIONS:

PUBLIC COMMENTS: *At this point of the meeting, members of the public may bring up any items within the jurisdiction of the Planning Commission that are not on the agenda. Please limit your comments to three (3) minutes. The Planning Commission will listen to all comments; however, in compliance with the Brown Act, the Commission cannot act on items not on the agenda.*

There was no one present who wished to comment.

CORRESPONDENCE: Director Hansen stated that there was a report submitted from Commissioner Keith for the Commission's review, from a technical review team that reports to the California Coastal Commission. No action is required.

CONSENT AGENDA:

The following routine items listed below are scheduled for consideration as a group. The recommendations for each item are noted in parentheses. A member of the audience may speak on any items listed on the Consent Agenda. Any Planning Commissioner or Staff may request that an item be withdrawn from the Consent Agenda to allow for full discussion.

- 1) **Approval of Minutes of Planning Commission meeting of October 10, 2006 (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)**

Commissioner Versaw noted a missing word on Page 5, Item 6, second paragraph should read "Director Hansen stated that there are some issues with the project." Commissioner Snow made the motion to approve with the amendment as noted. Commissioner Bright seconded the motion, and it was carried.

PUBLIC HEARING ITEMS:

2) Development Permit Application No. 06-044

Applicant – Wayne Gerbich

This Development Permit Application is a request for approval of Site and Architectural Plans to allow for the construction of a two-story single family residence. The subject property is generally located at 321 North 8th Street and is more specifically described at Assessor Parcel Number 060-153-033. Currently, the property is zoned Single Family Residential (R-1). The project planner is Erin McGranahan.

Planner Erin McGranahan presented the staff report. Architectural approval is needed because the project is in an R-1 zone north of Grand Avenue, and exceeds 15 feet in height from the average natural grade. She stated that the project contains a semi-subterranean garage. Since more than 50 percent of the garage is below ground level, it is not considered a story when reviewing proposed building heights. A view analysis was completed according to the Municipal Code. Story poles were erected and confirmed by an engineer. Staff has determined that views will not be substantially or needlessly affected.

Planner McGranahan stated that there is a correction to Resolution 07-003. The first line should read: "Whereas, the Planning Commission for the City of Grover Beach has received for its review..."

Staff recommends that the Planning Commission adopt Resolution 07-003, with the noted change, granting approval of site and architectural plans for the development.

Referring to Condition SWP-1, Commissioner Versaw stated that she thought in the past that language was included required erosion control to be done "in accordance with best management practices." She felt that the wording should be included, because the way it is worded now is too vague. She proposed the language "Temporary drainage and erosion control measures in accordance with best management practices shall be in place on the construction site during the months of November through April." The other Commissioners concurred with the addition.

Commissioner Versaw expressed concern with the height of the building. She asked if the garage was included in the calculations for the building height. Planner McGranahan stated the height is calculated from the average natural grade, so anything below the average would not be part of the calculation. Commissioner Versaw asked if the calculation for the height of this building, which is just under the maximum allowable height, includes the garage. Planner McGranahan stated that the 25 feet is from the average natural grade.

Director Hansen stated that the Building Code specifies that if more than 50 percent of the floor is below natural grade, it is not considered as a floor.

Commissioner Versaw stated that she is concerned about the overall building height being reasonable. She wanted to be clear if there is a story that is that is not included as part of the calculation.

City Attorney Koczanowicz stated that the height calculation is done from the average natural grade, irrespective of the garage existing or not existing.

Chair Marshall asked for clarification regarding the garage. Director Hansen stated that according to the Uniform Building Code, when a garage is 50 percent below the natural grade, as long as the difference between the first floor and the garage is six feet or less, it is considered a basement.

Commissioner Versaw stated that staff is saying that the building conforms to the zoning code. What the applicant is asking for is architectural approval. This allows the Planning Commission's discretion, so she is trying to find out how high the building actually is.

City Attorney Koczanowicz stated that whatever portion of the garage is above the median grade is calculated in the height of the building.

Chair Marshall stated that there are a lot of utility poles, and asked if the applicant was aware that they would have to underground the wires, and if there was an assessment district set up for those undergrounding costs.

Planner McGranahan stated that it is her understanding that a single-family residence is only required to underground what is on-site, from the pole to the house.

Chair Marshall opened the public hearing.

Wayne Gerbich, 321 N. 8th Street, project applicant, stated that he built the house next door and utilities are all underground and stubbed up and it is ready to go. He has already discussed this with PG&E. He stated that one of his big problems right now is the curb, gutter and sidewalks that he has to install, and that it is expensive.

He stated that for the subterranean garage, it couldn't have any services like water or sewer in the garage. He is trying to make this a nicer neighborhood.

Commissioner Bright stated that she really liked the subterranean garage and it is a nice project.

Commissioner Versaw stated that the scope of the home seems huge compared to the rest of the neighborhood. One thing that bothers her is the height. She asked if fill dirt had been deposited on this site, because it seems higher than the adjacent lots. Mr. Gerbich stated that there was no dirt added.

Chair Marshall asked if any one from the public wished to speak on the item, and seeing none, closed the public hearing.

Director Hansen followed up on the underground utility requirements. He stated that a new single-family residence is exempt from undergrounding if no utility poles exist on the property. This project will have to comply.

Commissioner Bright made the motion to adopt Resolution 07-003, with the amendments as noted, Commissioner Snow seconded the motion, and it was carried with a vote of 4-1-0-2, with Commissioner Versaw voting no, and Commissioner Peterson and Vice Chair Keith absent.

**3) Development Permit Application No. 06-052
Applicant – Joshua Hibbard**

This Development Permit Application is a request for approval of a Coastal Development

Permit and a Use Permit to allow for a tattoo parlor and art gallery as a conditional use in an existing commercial building, located in the Coastal Visitor Services (C-C-V) Zoning District. The subject property is generally located at 201 West Grand Avenue and is more specifically described as Assessor Parcel Number 060-205-018. The project planner is Cassandra Mesa.

Cassandra Mesa presented the staff report. The use permit is needed because this use is not defined in the Municipal Code as a permitted use. The zoning ordinance allows the Planning Commission to make a determination of undefined uses. The Coastal Development Permit is required because the proposed project is in the Local Coastal Zone. The project is outside of the appeal jurisdiction of the Coastal Commission. The Coastal Commission has been notified of the project and no comments had been received. The project will have a tattoo parlor, body piercing and an art gallery.

Staff made corrections to the two resolutions, changing the wording to "...the Planning Commission of the City of Grover Beach has received for its review and consideration..."

Staff has no recommendation, but should the Planning Commission support the proposed use, Staff recommends that the Planning Commission adopt the two provided resolutions with associated findings and recommended conditions of approval.

Commissioner Versaw asked why staff had not made a recommendation. Director Hansen stated that they discussed this at staff level and since it is not a permitted use, and the applicant followed the process for determination, staff felt that if the Commission were to approve the use, they would add the recommended conditions contained in the resolution. Commissioner Versaw stated that usually there is a staff recommendation, and that there should be some guidance from staff to the panel.

Director Hansen stated that the Planning Commission had taken a previous action on a similar request in the Shopping Center zone, and approved it. Based on that review, staff could possibly make a recommendation in support of the project.

Commissioner Versaw stated that the staff report refers to this application as a "proposed project," and a Coastal Development Permit is required, and that is confusing, since all they are doing is approving a specific use for that area.

Planning Technician Mesa stated that it is required because they are in a coastal zone. Commissioner Versaw stated that it isn't a project, it's a use permit.

Director Hansen stated that it was the uniqueness of the request that caused staff to look at it as a land use change/project. If it were outright permitted, they would still notify the Coastal Commission as to the change in activity. Any time that there is a new proposed land use that is not set forth in the Coastal Zone, this process must be followed.

City Attorney Koczanowicz recommended that if the Planning Commission is considering granting the use permit that a condition be added that requires that all operations in connection with this permit be in compliance with any applicable State laws.

Commissioner Bright stated that she was on the panel that approved the existing tattoo parlor in Grover Beach, and that to her knowledge, there have not been any negative impacts on the City. She asked if staff was aware of any negative impacts. Director Hansen stated that during staff

review, the subject was discussed with the Police Department, and there was no indication that there were any issues with the previously approved project.

Chair Marshall asked if this use conflicted with the Grand Avenue Redevelopment area. Director Hansen stated that he could not think of any conflict with the land use. The primary focus of the Redevelopment Agency is to address blight and affordable housing. If the Commission wanted to defer action on the project, he could look into it further. Chair Marshall stated that in the visioning process, car lots were addressed as undesirable for that area. He didn't think that tattoo parlors specifically came up. He asked if this falls within the visioning guidelines, and if there was anything in the visioning effort that would preclude approval of this project. Director Hansen stated that in his recollection, nothing in the visioning process addressed this particular activity.

Commissioner Snow asked why this activity was not listed in the Municipal Code. Commissioner Bright stated that she looked at the activity as a visitor service, since people would come to Grover Beach to have their tattoo done.

Commissioner Snow asked what the process would be to have a use added to the list of permitted uses. Director Hansen stated that the Planning Commission could take an action and make a recommendation to amend the ordinance to define that activity. It would then go to the City Council for review. Currently, the ordinance is set up so that the Planning Commission makes the determination about undefined activities. The Visioning Process recommended commercial activities that are beach/visitor service oriented.

Chair Marshall opened the public hearing. Joshua Hibbard, project applicant, stated that they are relocating the business to the Grover Beach area from Bakersfield, because Bakersfield does not fit his style of business. They found that Grover Beach has a good art community that is better suited to his needs. They are really excited about the art gallery, because it will make the tattoo art available to people who may not want a tattoo themselves. He presented his portfolio with examples of his work. He stated that this is a nice area and the building is perfect for what they want to do.

Mr. Hibbard stated that they will not be catering to drop-in tattoo clients. They would set appointments and do larger scale pieces. He stated that they do consultations and design the tattoo based on the client's wishes.

Commissioner Versaw asked if this activity was geared toward visitors or residents. Mr. Hibbard stated that it is for both. He stated that his current clients already come to the coast, and would come here for a few days to get something done. He stated that they will have smaller works done as well, that just isn't what they are catering to. Some of the larger tattoos would require multiple visits which would bring visitors to the area.

Commissioner Versaw stated that she appreciated the quality of work that he does, and she is not opposed to the business. She asked if he had looked at any other sites in the City other than the gateway of the city. Mr. Hibbard stated that they looked at two other places that were next to each other at a former gas station. He stated that the class and quality of business that he is proposing would not have worked at that location. He stated that the image that they are going for is an art gallery.

Commissioner Luce asked if the building was going to be improved. Mr. Hibbard stated that the inside is beautiful and they will be putting in new flooring. They had thought about changing the exterior appearance, but they don't know what is allowed to be changed. At this time, there are

no plans to upgrade the exterior.

Commissioner Snow asked if they should address signage and window treatments. Director Hansen stated that it is an existing facility. If they replace the current sign, the proposed replacement would require staff review.

Chair Marshall asked if there were age limits on who could come into the business and expressed concern about possible complaints if nudity was displayed in the windows.

Mr. Hibbard stated that it is illegal to tattoo someone who is under 18 according to State law. He stated that their policy requires people to be 16 and over for piercing without parental consent. He stated that you shouldn't be able to see any of the art displayed from the street. He stated that they don't deal with children. They will have a reception area in the front, so people can't just wander through.

City Attorney Koczanowicz stated that there are provisions that deal with lewd or pornographic materials being viewed from the street. With regard to a photograph containing nudity shown as artwork, that would not be an area that they could legislate or control.

Mr. Hibbard clarified that there are not huge windows that you would be able to see inside the building if you were just going by.

Commissioner Luce stated that she had initially been concerned about the location of the business, but is less concerned after hearing the type of business he is planning.

Mr. Hibbard stated that a lot of his clients are through referrals. He has strict policies regarding alcohol and drug use in the shop and he will not work on people who are under the influence.

Commissioner Snow stated that regarding health and safety, he has a concern about the one small bathroom with five work stations and an art gallery and also about the size of the sterile room. His real concern isn't about the business or how he conducts the business, but about health and safety issues that are inside the building.

Director Hansen stated that when the applicant applies for a business license, the Fire Department and Building Inspector verify that the proposed activity can meet minimum standards for providing restroom facilities and to be sure it is safe. Commissioner Snow stated that one toilet and one sink seems inadequate for the kinds of activities that will occur, and also the disposal of medical waste.

Mr. Hibbard stated that those issues are regulated by the Health Department, who would inspect the business to give them a permit. Commissioner Snow stated that if the Commission approves this project, he wants to make sure that they follow that process. Director Hansen stated that they would have to obtain the health department license before a business license was issued.

Mr. Hibbard stated that there is a big open area and a lot fewer people than you would think. There are four suggested booths, but at the current time, he is the only tattoo artist.

John Koepf, owner of Beach Place, stated that there is a larger issue before the Commission than the art and gallery. The bigger issue is the direction that they want this neighborhood to go. He stated that neighborhoods are created with a lot of effort and are lost with little things like this. He stated that the area contains a lot of nice projects in the surrounding area, and a lot of people will have to drive by that tattoo parlor. He stated that the adjacent bar area has kept the

Police Department busy. That is the nature of that property. They are trying hard to build up the gateway to the city, why put a tattoo parlor there, when there are so many cheap, low-cost commercial rentals in other areas of the town. He stated that this business is not visitor-serving and it is not a permitted use. No one in the visioning process suggested that a tattoo parlor would be a good addition. He stated that they should improve the neighborhood and plan for the future, and that that is the Planning Commission's job. He stated that this type of business would devalue his property that is across the street.

Mr. Hibbard stated there are tattoo parlors that are not a positive addition to an area, but that there are some that are, and his business would be a positive addition.

Chair Marshall asked Mr. Hibbard would be willing to look at other properties in Grover Beach along Grand Avenue that would work for this business, since there are a lot of vacant buildings. Mr. Hibbard stated that one concern with other properties was being too close to the existing tattoo parlor, which he was trying to avoid. He also didn't find anything with the space he needed to have the art gallery, which is very important to him. The proposed site is already set up with different rooms so they wouldn't have to do any construction.

Chair Marshall closed the public hearing.

Commissioner Versaw stated that when she read the findings for the project, finding #3 stated that the tattoo parlor as designed and conditioned would not be injurious or detrimental to the property or improvements in the neighborhood. Although she advocates that people should be able to have the business that they want and she believes that Mr. Hibbard is honest about the kind of operation they will have, she cannot support this business at the gateway to the City. She thinks that there are better places for the business.

Director Hansen stated that a continuance might be appropriate to help the applicant research other sites that might be available.

Commissioner Luce asked how long the building had been vacant. Mr. Hibbard stated that it had been vacant for one year. Commissioner Luce stated that having vacant buildings would be worse than having this business. She has mixed feelings about it. She likes the building because you can't see into it. She stated that the fact that it is a custom parlor with an art gallery makes it a lot better. She stated that there are a lot of different types of uses in that area.

Commissioner Bright stated that she does not have a problem with the proposed business. She stated that it is part of a beach community. What the applicant presents is not something she would be embarrassed to have in Grover Beach.

Commissioner Snow stated that he has issues with the health and safety aspect and also that it isn't on the approved list of allowed uses. Chair Marshall clarified that tattoo parlors are not on the approved list for any zones.

Chair Marshall stated that this is a tough decision. He agrees with Commissioner Versaw that this is the gateway, but he also agrees with Commissioners Luce and Bright, that this is someone's business and it isn't a bad business. Commissioner Versaw stated that there are other locations that could be considered. Chair Marshall asked why it shouldn't be at this location.

Commissioner Snow stated that he would support and make a motion to continue the item to allow the applicant the time to explore other site options.

Commissioner Versaw seconded the motion.

City Attorney Koczanowicz stated that it would be appropriate to find out if the applicant wanted to continue the item.

Mr. Hibbard stated that it is difficult finding sites because of the stigma related to his type of business. Chair Marshall asked if he would be willing to work with staff to find alternate locations. Mr. Hibbard stated that he would be willing to, but believes it isn't fair to make him do that.

City Attorney Koczanowicz stated that his options are to ask the Planning Commission to make a decision on the project, and whatever that decision is, can be appealed to the City Council; or he can continue the item and talk to staff to see if there are other places that would be suitable for the business. If there weren't any, he could come back before the Commission. If there were some other sites, he could withdraw the application and reapply for the new location.

Commissioner Luce asked if he had already looked. He stated that he had done that and had not found any sites that met his needs. He is anxious to get out of his current living situation. Another 30 days would be an issue for him.

City Attorney Koczanowicz stated that it would not be appropriate to continue the item if the applicant did not agree to the continuance, unless there is something that the Planning Commission needs from staff to make their decision.

Commissioner Bright asked if he would have to start completely over again and pay additional fees if there was a different site being considered. City Attorney Koczanowicz stated that that was correct because of the staff work required to evaluate a new site and prepare it for the Commission.

Commissioner Bright asked if it were continued, staff would still be going through the same evaluation. Mr. Koczanowicz stated that if it is continued, a decision would be made at the staff level depending on the amount of work involved. Staff could not guarantee that no other fees would be incurred if the project completely changed.

Mr. Hibbard asked if they had an issue with a tattoo parlor anywhere in the City or just at this specific location. Commissioner Versaw stated that it was specifically this location that she objected to. She stated that they are trying to build an image for the City that is more in line with the proposed convention center and Beach Place. In her mind, the kind of people that they want to attract to the City would be put off by the business or not patronize it. If it were down the block further, she would feel differently.

Mr. Hibbard stated that he isn't sure how to answer the question regarding the continuance, since if he agrees, he'll be giving up the building he wants.

City Attorney Koczanowicz stated that in that instance, he recommended that the Planning Commission take action on the project as it is before them.

Commissioner Snow withdrew his motion.

Commissioner Versaw stated that there were two Commissioners absent, and if he agreed to a continuance that may allow some different perspectives. There have been applicants that have asked for continuances so that they could have the whole panel present.

Mr. Hibbard stated that he preferred to have the Commission vote on the item at this hearing. He stated that it is such an awesome business that he wants to bring, and he can't imagine any negative impact he could have.

Commissioner Bright made the motion to adopt Resolutions 07-001 and 07-002 with the modifications suggested by staff including the requirement to comply with all state laws.

Commissioner Luce seconded, and it was carried with a vote of 3-2-2-0.

WORKSHOP:

Review and Discussion on draft City Density Bonus Ordinance for Affordable Housing.

Director Hansen stated that staff prepared a document that emulated and mirrored the state ordinance. The effort was to be consistent with the housing strategy which was to bring this document before the Commission. Since that draft, staff has had a chance to revise and rethink the proposal. They tried to make it more succinct and more discernable. The draft attempts to accomplish three goals: First, to implement one of the components of the City's affordable housing strategy. The second is to implement provisions of the state government code, section 65915 (formerly SB435, Density Bonus Law); and three, increase affordable housing opportunities by affording incentives that do not meet the state threshold of five residential units.

Commissioner Versaw stated that when the document talked about moderate income units, it referred to condo units or PUDs, but she thought that low and very low income units could be condos and PUDs as well. Director Hansen stated that in most cases, she would be correct. There could also be an apartment complex. She stated that the staff report was very specific about moderate only, and that didn't make sense. Director Hansen stated that the reason it was drafted the way it is because the majority of the projects that have been brought to the Planning Commission have been with the intent of providing first time home buyers an opportunity and based on the economic analysis, in order to provide the moderate unit, the market rate units had to be a certain size. Staff has not had any rental projects proposed like that. The majority have been small single family projects on small lots and that is what this is attempting to address to alleviate.

Commissioner Versaw stated that the draft shows that the parking requirement for four or more bedroom units requires 2.5 parking spaces, but later it says that the number would be rounded up. She stated that the wording should be corrected to reflect that.

Commissioner Versaw brought up the issue of parking in the side yard setback and tandem parking. Director Hansen stated that it is City policy to not allow parking in the front or side yard setbacks. Commissioner Versaw stated that the Commission needs to decide what they want to do with that. Possibly it could be an incentive for the affordable units only.

Director Hansen asked for clarification if she was suggesting only a certain level of affordability be allowed that incentive. Commissioner Versaw asked that staff come back with a suggestion related to that issue.

Regarding Air Quality, Commissioner Versaw stated that the wording provided indicates that "in some cases a parking study may be required". She stated that the onus should be on the developer to that any parking reduction will not be detrimental.

City Manager Koczanowicz stated that that provision is out; the same system that is in place now will apply. He stated that they will evaluate that wording.

Commissioner Versaw stated that the draft indicates that we are going to allow the reduction the minimum building setbacks up to 20 percent, and the reduction of the open space up to 20 percent. She suggested that there should also be a reduced minimum lot size to some minimum criteria. She stated that they should define the areas rather than say “up to”, and be consistent. Director Hansen stated that they will take a look at that for the next draft.

Director Hansen stated that they will work on the next revision and schedule another workshop.

ADJOURNMENT: 8:37 p.m.

/s/
CHAIR MARSHALL

/s/
SECRETARY TO THE PLANNING COMMISSION
GEORGE HANSEN, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: March 13, 2007)