



**MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, FEBRUARY 13, 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.

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

ABSENT: Commissioner: 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:

Director Hansen stated that staff pulled Item 3, Hilton Gardens Inn, from the agenda. It will be required to be re-advertising at a future date. Further, staff is requesting that the Planning Commission hold a special Public Hearing on February 26, 2007, at 6:30 p.m., to hear the proposed Hilton project. Vice Chair Keith asked for a follow up the following day to be sent to the Commission, to allow time for Commissioners to check their calendars.

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:

REGULAR BUSINESS:

- 1) **Approval of Minutes of Planning Commission meeting of November 14, 2006 (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)**

Commissioner Bright made the motion to approve the minutes as presented; Commissioner Snow seconded the motion and it was carried.

- 2) Rescission of two adopted Planning Commission Resolutions related to two separate projects heard at the December 12, 2006, Planning Commission Meeting.**
 - 2a. Rescission of Resolution No. 06-080, regarding the Mitigated Negative Declaration for Development Application No. 05-025 (Pacific Coast Hotel).**
 - 2b. Rescission of Resolution No. 06-082, regarding Development Application No. 06-034 (Hilton Garden Inn).**

City Attorney Koczanowicz stated that on December 12, 2006, as part of the General Development Plan for two projects, staff also presented the Commission with resolutions related to recommend adoption of the negative declaration of the two projects. At the meeting, there was discussion at that meeting about whether that action was necessary or appropriate, in connection with the approval process for the General Development Plan. Staff has determined that that action was not necessary, and is recommending the rescission of the adopted resolutions. That can be done individually or done as a voice vote.

Commissioner Bright asked why the rescission was being recommended. City Attorney Koczanowicz stated that the General Development Plan is not a project under CEQA guidelines, and did not require an action. The specific plan and project were not before the Commission, and therefore, a review of the negative declaration would have been limited to the document to the extent that it was in the agenda packet, therefore, for clarity, staff recommends that the Planning Commission rescind those actions.

Commissioner Versaw stated that one of the things that she discussed at that meeting was that they should not be voting on the item because they had not reviewed it and the findings said that they had reviewed it. She stated that for the benefit of the panel learning from this experience, she asked the City Attorney to address it.

City Attorney Koczanowicz stated that the Planning Commission is charged with the knowledge and review of any items that is part of the administrative record, whether or not it has been discussed by staff. Commissioner Versaw stated that it is very important that this error not be repeated. The panel should never vote on something where they have not met the criteria established in the findings.

City Manager Bob Perrault addressed the Commission. He stated that if the Commission is at any point unclear as to the action they are taking; if they feel that there is a resolution that conflicts, feel free to call that out, as Commissioner Versaw did. They need to look at that very closely, and if they aren't comfortable with it, they need to rely on staff's direction, but if they aren't comfortable with staff's direction, they have the right to state that and take another action if that is what their conscience directs them to do.

Vice Chair Keith made the motion to adopt staff's recommendation on items 2a and 2b. Commissioner Bright seconded the motion and it was carried.

PUBLIC HEARING ITEMS:

3) Development Permit Application No. 06-034

Applicant –American Properties Management Company

This Development Permit Application involves a request for approval of a Specific Development Plan, a Coastal Development Permit, Site/Architectural Plans to allow for development of a 74,732 square foot hotel facility. The applicants are proposing a one- and three-story building complex, with 134 hotel rooms, a guest dining area, meeting rooms, an outdoor pool area, and site improvements with surface parking and landscaping. The application review also involves consideration of a Mitigated Negative Declaration to meet the project's environmental requirements. The subject property is generally located at 950 El Camino Real, on the south side of the roadway easterly of North Fourth Street, and is more specifically described as a portion of Assessor Parcel No. 060-011-036. Currently, the property is zoned Coastal Planned Commercial (C-P-C). The Planning Commission action is to provide a recommendation on the permit application and its components to the City Council. The project planner is Ray Hetherington.

This item was removed from the agenda.

4) Development Permit Application No. 05-066

Applicant-Brian James, Property Owner

This Development Permit Application is a request for approval of Architectural Approval, Use Permit, Tentative Tract Map and one development concession to allow for the construction of a six unit, three story condominium project. The subject project is generally located at 192 N. 7th Street, the northwest corner of North 7th Street and Ramona Avenue, and is more specifically described as Assessor Parcel No. 060-224-001. Currently, the property is zoned Multiple residential (R-3). The Planning Commission action is to provide a recommendation on the permit application and its components to the City Council. The project planner is Erin McGranahan.

Vice Chair Keith asked if a property he owns at 519 Ramona is in conflict with this project. After consulting a map, City Attorney Koczanowicz stated that the property was well outside of the 500 foot radius.

Planner Erin McGranahan presented the staff report. The proposal is for two detached buildings each containing three units. Each unit is proposed to be 3 stories. Each unit has a two-car garage and deck. The project meets all requirements for residential common area development.

This project is allowed one development concession for the provision of one moderate income restricted unit. The concession requested is to allow an increase in the maximum floor area ratio between the second and first floors as outlined in the staff report. Staff is recommending approval of this incentive. As required, the applicant has provided a financial analysis showing the need for the incentive. The square footages used to calculate project feasibility in the analysis include the garages.

With the application of State parking standards, the project meets parking requirements by providing 12 covered spaces (one 2-car garage per unit).

Unit D is proposed as a deed restricted unit for moderate income households and will be restricted for 45 years, since the project is in the Redevelopment Agency Area of the City.

Staff is recommending approval of all components of the project.

Chair Marshall indicated that Parcel 1 is not clearly identified on the tentative map. Planner McGranahan stated that it had been discussed with City Engineer Jim Garing, and noted that this will be corrected and verified before the review of the final map.

Chair Marshall asked if the tentative map should clearly identify drainage and easements. City Engineer Jim Garing stated that that is something that can be a condition of the tentative map. Staff would ensure that those items were on the final map.

Chair Marshall opened the public hearing and invited the applicant to address the Commission.

John Mack, architect, spoke representing the applicant, Brian James. He described the challenging process of designing the project. The goal was to design a project that would compliment the neighborhood and to have all of the units be comparable in design and square footage, including the affordable unit. He discussed specific elements of the design, including decorative paving of the driveway. He indicated that one of the biggest challenges was drainage, and they worked with Engineering to design underground drainage. They used different elements to keep the visual scale down, including utilizing hip roofs.

Vice Chair Keith complimented the architectural elevations of the project.

Commissioner Versaw asked the project was designed so that the upper floors were larger than the bottom floor. Mr. Mack stated that one reason was the 24 foot driveway, and the back up space needed to access the garage. There is also a six foot cross flow from Ramona to 7th, so the bottom floor really looks like a basement and is partially set into the ground. It would not be appropriate for living space.

Commissioner Versaw asked if all guest parking would be on-street parking. Mr. Mack stated that that was correct.

Chair Marshall stated that the west elevation shows Ramona Avenue and the two buildings. There is a 13.5 ft. clearance in the drive aisle, and the staff report indicated that it was for the Fire Department access. By doing that, the garage ceiling was raised, which raised the overall height of the building. From Ramona, the building is about 35 feet above the roadway, and on the southerly property line, it is about 58 feet from the adjacent property. He also noted that there was only 13 feet between windows on the upper floor. If they moved the overhang to the other side, they could lower the 13 feet which would help a little bit with the height, and would give a little more separation between buildings. He asked if there was anything the applicant could do to lower the building.

Mr. Mack stated that regarding the distance between the buildings, all of the windows that face the other windows are smaller windows, and some will be opaque.

Regarding the fire lane, he stated that he asked the Fire Department if they would actually be driving a fire truck up the driveway, since they are on a corner lot. He was told that that would likely not happen, but that it is governed by Municipal Code that required that alleys and common driveways be maintained as fire lanes. He stated that he would love to lower the height of the building, but that would require modification of the Municipal Code.

Chair Marshall asked if he thought about moving the overhang to the property line side. Mr. Mack stated that because of setback requirements, he could not have overhang on the other side more than 20 percent.

Planner McGranahan stated that even if he could do that, it would leave the decks overhanging the property line.

Mr. Mack stated that they are already digging the building in, and they are concerned with drainage issues and having garages flooded. The project is designed is so that if the drainage system fails, the water would go out to the street and not flood the garage. Chair Marshall stated that he thought there were other ways to achieve that and still lower the building.

Mr. Mack stated that Chair Marshall was making good suggestions, but he stated that he believed that as designed, they are within the design standards in the development code. He stated that they are not asking for a variance to exceed the allowed 40 feet height.

Commissioner Versaw asked if the applicant had any other suggestions for lowering the building.

Mr. Mack stated that he would like to see the fire access driveway requirement to be removed. He doesn't think it is necessary and it would lower the garages to 8 feet instead of 13 feet.

Chair Marshall asked for public comment.

Gary Edmunds, Grover Beach resident, stated that the architecture is improved over what he saw when it was first submitted last year. He likes the idea of lowering the building. He stated that since fire sprinklers are required, the fire trucks don't need to access the driveway. He suggested making the bottom floor completely subterranean and offered other design suggestions. He stated that the concrete work and design were good.

Chair Marshall closed the public hearing.

Commissioner Versaw stated that from the previous discussion, it seems that the Municipal Code doesn't make sense as it relates to the fire lane issue, and because of that, they have to add five feet to the building. She stated that it is something that should be considered. Chair Marshall stated that there may be other vehicles that need access. He stated that he thinks there is room to lower the building, and he would like that since this is in a transitional area. Director Hanson clarified that the area is zoned R-3 on both the north and south sides of the project.

Commissioner Snow asked if the Commission made a recommendation to the Council but they did not want to accept the recommendation, would the project have to go through the Planning Commission again.

City Attorney Koczanowicz stated that once it is before City Council, the Council can take action on the project, either as recommended or amend conditions.

Planner Hetherington stated that he didn't think that a variance could be approved for the Municipal Code like you can for zoning regulations. Director Hansen stated that the fire lane requirement is established by both the Building and Safety Code and the Fire Code.

Commissioner Versaw stated that they could make a generic recommendation that the project be lowered without making a recommendation as to how that would be accomplished.

Director Hansen suggested that if the Commission wanted to recommend that the building be lowered that they add the specific conditions to the resolutions.

Vice Chair Keith stated that there are more things to consider with the Fire Code than relate to this specific project. Considering that this project is in conformance with regard to height, he wondered if the Commission should add the kinds of recommendations or restrictions that are being discussed. The issues related to fire lanes and Fire Codes should be a discussion for another time.

Commissioner Versaw stated that the issue is whether, as a panel, they want to recommend the project as designed or recommend a project that is not as high.

Chair Marshall stated that he sees options for lowering the building three feet without changing the building.

Director Hansen stated that the Planning Commission cannot recommend a variance from the Building Code. Also, if the Commission is recommending a design change, they may want to continue the project to allow it to be redesigned or make a recommendation. Before it goes to City Council, the applicant has to present the revised plans to the Planning Commission for review.

City Attorney Koczanowicz stated that the options that Director Hansen outlined would only be appropriate if the applicant agreed to the changes. The Planning Commission could also not recommend the project for approval in the current form. Then, the applicant could make their case before the City Council. He stated that if they are going to recommend a design change or conditions, he would recommend that the project comes back before the Commission, or that they impose specific conditions.

Commissioner Versaw stated that they make design recommendations frequently, asking applicants to make changes, and they don't ask for the project to be brought back before them. She asked if it was the scope of the change that was at issue.

City Attorney Koczanowicz stated that if a change can be stated in a condition of approval, then it can be added. However, based on discussions on this project, there does not appear to be a specific condition. If the condition were that the grading be lowered, that would be a definitive condition. Anything that would require design changes, such as drainage issues, staff would recommend that it be brought back for Planning Commission review.

Vice Chair Keith brought up the additional time and cost for redesigning the drainage system, and stated that the Commission can not determine what impact there may be to the drainage system if the grading were to be lowered. He has a concern about causing this applicant the inconvenience, when these items should be addressed at a higher level and not when the applicant has met the conditions. It might be more appropriate to have a workshop to talk about height issues or other design issues.

Commissioner Bright stated that she likes the project but the massiveness along with the height seems out of place in the neighborhood. She stated that the project is within the parameters of the requirements, so she is torn.

Commissioner Luce stated that she likes the project. She agreed with Commissioner Keith's comments.

Chair Marshall stated that the height is an issue for him. He sees room where it could have been lowered, where staff could have worked with the applicant to come up with ways to lower the project. Right now it is on paper, so it is the time to address the issues. He believes that variances could have been made, allowing separations between home owners. He believes that it fits in the neighborhood on the Ramona/Grand Avenue block, but not north of Ramona.

Commissioner Luce asked if there was a reason that lowering the building wasn't discussed before the project was presented to the Commission, since staff is aware that height has been an issue in the past.

Director Hansen stated that the applicant worked closely with staff, and they made a number of suggestions, and the result was an improved project. He stated that if the Planning Commission wishes to make changes, they need to direct those changes, and the applicant could work with staff to bring those back for the Commission's review.

Vice Chair Keith re-stated his opinion that he believes it is an attractive project. He is concerned about trying to modify the project and how it may impact so many other components of the project that they may not be aware of. He stated that this is a neighborhood in transition and a lot of the housing in the area will be changing. As it changes, concepts can be applied to the projects, but doing it at this time is not appropriate.

Chair Marshall agreed with Vice Chair Keith that it is an attractive project, and stated that in the future, they need to look at the whole picture, in order to improve projects.

Vice Chair Keith made a motion to approve the resolutions according to staff recommendations, with the amendments to identify lot number 1 to the parcel map, and define the easements on the parcel map. Commissioner Luce seconded the motion, and it was carried with a vote of 6-0-1-0 with Commissioner Peterson absent.

**5) Development Permit Application No. 06-022
Applicant- Mike Allshouse, Property Owner**

This Development Permit Application is a request for approval of Architectural Approval, Use Permit and Tentative Tract to allow for the construction of a five unit, two story condominium project. The subject project is generally located at 267/269 N. 14th Street, and is more specifically described as Assessor Parcel No. 060-174-042. Currently, the property is zoned Multiple residential (R-3). The Planning Commission action is to provide a recommendation on the permit application and its components to the City Council. The project planner is Erin McGranahan.

Erin McGranahan presented the staff report. The site currently has two existing residential structures that will be demolished as a part of this project. Surrounding uses include single and multiple family residences and Planned Unit Developments. Each of the proposed units have two floors of living space; however, Units C and D also have basements, which includes two-car subterranean garages and living area. The building heights, from average natural grade, range from 20.8 feet to 27.41 feet. As designed, the project satisfies all City development standards with respect to on-site parking, private open space, unit size and ratio of first floors to second floors. Staff is recommending approval of the project.

Commissioner Versaw stated that the project description refers to it as a two-story when it should be described as a 2 and 3-story. She stated that the heights of the buildings make it a non-issue, because it is a low enough profile that it doesn't bother her, but it seems disingenuous to say it is a two-story project, when it is three stories. The reason she is concerned is because it will hurt the credibility of the City when a three story building is built and the description only says two stories.

Chair Marshall stated that the decks on Units D and E go up to the property line. Planner McGranahan stated that they aren't decks, they are more of a wooden patio at grade.

Chair Marshall requested that all staff reports use a consistent statistic table.

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

Eddie Herrera spoke on behalf of the applicant, Mike Allshouse, who was also present. Addressing the two-story issue, he stated that the natural grade goes up about a half a flight of stairs from the back to the front of the site. By the building code definitions, the bottom floors meet the definition of a basement. He stated that they worked with the existing grade to give the sense of a single family residence, as opposed to a three-story structure. They used architectural features to enhance the horizontal lines. He described the use of the side yards and driveways. He stated that he tried to create curb appeal by orienting the entrances out.

Commissioner Bright asked for clarification about the heights of the individual units. Mr. Herrera stated that the two-unit buildings were 30 feet 6 inches from natural grade and the detached units averaged 22 feet 3 inches.

Commissioner Keith complimented the design of the elevations.

Chair Marshall asked if the decks were built off of the second level. Mr. Herrera stated that they were. Chair Marshall asked if City ordinance required a three-foot setback for a deck.

Director Hansen clarified that the decks are the same as pavers and are only slightly above finished grade.

Chair Marshall expressed concern that adjacent property owners will be losing privacy. Mr. Herrera clarified that the deck will only be about 3 feet above the neighboring grade, after grading is completed to even out some of the area. He stated that there is also a fence proposed between the properties.

Chair Marshall expressed concern about Units C and D accessing their garages since there are no internal access doors. If the power goes out, residents would not be able to access the garage. He suggested conditioning the project to add doors or some other access to the garages.

Mr. Herrera stated that the back of the garage backs up into the retaining wall, so there cannot be doors accessing the backyard.

Mr. Hansen stated that there are garage doors that have access doors in them that could address Chair Marshall's concerns.

Chair Marshall expressed concern about the fact that the guest parking for Unit D is underneath Unit E. He stated that if someone were to buy Unit E, they may assume that they have a two car garage and two guest parking spaces. Mr. Herrera stated that they configured the spaces and garages this way to provide greater back-out space. He stated that they also can assign the parking spaces. Chair Marshall stated that he wanted a condition added stating that the guest parking space underneath Unit E is clearly marked as guest parking for Unit D.

Chair Marshall stated that overall, he liked the project. He stated that it would be nice if the driveway area were pervious surface or textured concrete. Mr. Herrera stated that the guest parking spaces will be concrete pavers. The drive aisle is proposed to be concrete.

Mr. Herrera asked about the possibility of the Municipal Code changing to allow flexibility in the setbacks. Director Hansen stated that staff is working on a PD Overlay for the Municipal Code that would have some flexibility if certain design criteria were met.

Chair Marshall asked for public comment.

April Brassfield, neighborhood resident, stated that she has noticed a lot of development in that area. She stated that she thought that two-story was the highest that could be built in residential areas, but she sees developments that appear taller. She stated that it is frightening when she hears plans refer to 40 foot heights. She asked what the maximum height is for the area.

Director Hansen stated that in the R-3 zone, the height limit is 40 feet. In the single-family zone, the limit is 15 feet outright, but that can go higher with a use permit approved by the Planning Commission. In the R-2 zone, is 25 feet and can go up to 35 with a discretionary permit.

Ms. Brassfield also stated that parking was a concern, but that it looked like it had been addressed adequately.

Mr. Allshouse, referring to the previously-mentioned PD overlay, asked, if and when that overlay is incorporated, their project could be changed to a PUD. Director Hansen stated that the direction they are going is to afford that latitude in the density bonus law, which would allow a concession to do that if there are four or less units. He stated that at this point the minimum lot size is not going to change.

Gary Edmunds, Grover Beach Resident, discussed another city's requirements for decorative driveways and he liked that idea.

Chair Marshall closed the public hearing.

Commissioner Versaw asked for clarification about additional conditions that were discussed. Chair Marshall stated that there were a couple that he would like added: The guest parking identification for Unit D. He would also like to see textured or colored pavement for the drive aisle, pervious would be ideal. He would like a requirement that the tentative map call out easements and drainage. He would also like to have something done regarding garage access. He also mentioned the privacy issue with the deck.

Director Hansen stated that as designed, and with the addition of a 3 foot fence, he does not think there is an issue. However, if the owners came back and wanted to add additional height to the fence, that could be an issue. He suggested a condition that the fence not exceed 3 feet in height on the interior side.

Commissioner Bright made the motion to adopt staff's recommendations, with the previously mentioned amendments. Commissioner Versaw seconded the motion, and it was carried with a vote of 6-0-1-0, with Commissioner Peterson absent.

**6) Development Permit Application No. 06-043
Applicant-Cathy Talavera, Property Owner**

This Development Permit Application is a request for approval of Architectural Approval to allow for the construction of a 331 square foot room addition to an existing Duplex Residence. The subject project is generally located at 1295 Driftwood, and is more specifically described as Assessor Parcel No. 060-652-008. Currently, the property is zoned Duplex residential (R-2-D-#2). The project planner is Cassandra Mesa.

Cassandra Mesa presented the staff report. She stated that a new condition of approval has been added to Resolution 07-004, to reference the original tract condition. The condition reads as follows: CDD-9 “The project shall also be subject to all project conditions of approval for Resolution 84-26.”

The proposal is for the construction of a 331 sq. ft. room addition in the rear yard of the existing duplex, which will be attached to the main residence by a breezeway, which will be open on two sides. Because it is open on two sides, the breezeway does not constitute additional square footage. The room will be open and contain a toilet, sink and tub, which will be handicap accessible. Staff recommends approval of site and architectural plans subject to the recommended conditions of approval.

Commissioner Versaw stated that it appears that the addition is being built where the existing slope is for drainage. Ms. Mesa stated that a drainage basin has been added to the side of the yard which addresses that issue.

Chair Marshall asked when a breezeway would count as additional square footage. Planner Hetherington stated that if there are three sides (i.e. top, bottom and a side), then it counts as additional square footage.

Chair Marshall opened the public hearing and asked the applicant or representative to come forward.

Paul Davis, contractor, spoke representing Cathy Talavera, the project applicant. He stated that they are trying to create a room to allow the applicant to take care of a parent who is elderly and handicapped. The room was designed so it looks the same as the rest of the duplex. Cathy Talavera thanked staff for their assistance.

Chair Marshall asked for public comment; there was no one present who wished to comment, and the public hearing was closed.

Commissioner Bright made the motion to approve the project, as presented by staff; Commissioner Snow seconded the motion, and it was carried with a vote of 6-0-1-0, with Commissioner Peterson absent.

ADJOURNMENT: 8:59 p.m.

/s/
CHAIR MARSHALL

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

(Approved at PC Meeting: April 10, 2007)