
PLANNING COMMISSION MINUTES

City Hall Council Chambers
154 South Eighth Street

Grover Beach, CA
Tuesday, March 9, 2004
6:30 p.m.

CALLED TO ORDER at 6:30 p.m. by Chair Mires

FLAG SALUTE : by Commissioner Versaw

ROLL CALL: Present: Commissioners Barnett, Conroy, Leon, Maturra, Versaw, Chair Mires
Absent: Commissioner Calmenson

STAFF PRESENT: Susan Zaleschuk, Assistant Community Development Director
Jake Raper, Community Development Director
Martin Koczanowicz, City Attorney
Jennifer Tremayne, Recording Secretary
Eric Muzzy, Planning Intern

PUBLIC COMMENTS: Kurt Berger, P.O. Box 381 Pismo Beach, recounted events at the City Council meeting where an appeal of his project was considered, and expressed his concerns about the manner and nature of the process.

COMMISSIONERS- COMMENTS:

1. **Report from Council Representatives**: Commissioner Versaw reported on the City Council meeting of March 1, 2004.
2. **Other Commissioners- comments**: Commission Conroy announced that he would be leaving the Planning Commission and moving to Nipomo . He stated that his last meeting would be the meeting in April.

STAFF COMMENTS:

3. Assistant Director Zaleschuk thanked Commissioner Conroy for his participation on the Planning Commission. She introduced Julie Hawkins, the new Assistant Planner to the Community Development Department to the Commission and members of the public.

Ms. Zaleschuk informed the Planning Commission of a number of *special* meetings that would need to be held to consider the Circulation Element Update, the Ramona Specific Plan, View Study Ordinance, Coastal View Workshop, the Visioning process for the downtown area and the Land Use Element Update.

CORRESPONDENCE: The Commission received correspondence from Steve Otto and Helen McIver, regarding the Second Dwelling Unit Ordinance, that would be considered tonight on the agenda.

CONSENT AGENDA:

City Attorney Koczanowicz requested an amendment to page two of the minutes, seventh paragraph, to read:

AMr. Koczanowicz cautioned the Planning Commission not to impose conditions without making the necessary findings on the impacts, as there was no mechanism to reinforce that with a legal mandate.®

On Motion by Commissioner Leon with the above amendment, seconded by Commissioner Matsuura and carried unanimously by voice vote, with Commissioner Calmenson absent.

4. Approval of the minutes of February 10, 2004.

PUBLIC HEARING ITEMS:

5. **Application #04-004, , David Henry, 720 Seabright Avenue (APN 060-279-023)**

A request for a Use Permit, Architectural Approval, and Tentative Parcel Map to construct a 2-unit Planned Unit Development at 720 Seabright Avenue in the Duplex District (R-2 Zone).

Assistant Director Zaleschuk gave the Staff Report. She referred to the comments in a letter received from the Air Pollution Control District, and on their recommendation, stated that a new Condition of Approval #28 should be added to the Resolution, Conditions for Use Permit, that should read: A roof decks shall be recessed a minimum of 5 feet on all sides from the building edges.®

Commissioner Versaw asked Staff why the building was allowed to exceed 25 feet in height.

Ms. Zaleschuk stated that the height of the building could be increased to a maximum of 35 feet subject to approval of a Use Permit from the Planning Commission. She stated that the R-2 Zone was not subject to the same view impact findings that are required in the R-1 Zone.

Commissioner Versaw stated that it would be helpful in the future to include that information in the Staff Report.

Chair Mires opened the Public Hearing.

Ron Cebulla, architect of the project, stated that the Planned Unit Development would enhance the neighborhood.

Chair Mires closed the Public Hearing.

Commissioner Matsuura was in favor of the design of the Planned Unit Development. He asked Mr. Cebulla how he felt about the proposed additional Condition of Approval with the recession of the roof decks.

Chair Mires reopened the Public Hearing.

Mr. Cebulla stated that he did not have a problem with the decks being recessed 5 feet.

Commissioner Versaw asked Staff what kind of information they gave to people at the counter about roof decks. Ms. Zaleschuk stated that the public were told that roof decks are a sensitive issue and to carefully design them.

Commissioner Versaw reiterated her statement that she was not in favor of roof decks.

Commissioner Conroy stated that he did not like the exterior spiral staircase, but stated that the property was being used at its highest potential.

Commissioner Leon believed that the project could be designed to mitigate most of the problems, and still include the stairwell in the design. He stated that it was important to have a range of guidelines for roof decks, but stated that this project met all the criteria in the Zoning Ordinance.

Chair Mires stated that the project was designed carefully to utilize lots that do not have a lot of ground surface for tenants to enjoy an outside area, and he would be disposed towards the establishment of balconies and roof decks.

Resolution No. 04-13 was approved on motion by Commissioner Leon with the additional Condition of Approval #28 regarding recessing roof decks, seconded by Commissioner Versaw, and on the following roll-call vote to wit:

AYES: Commissioners Leon, Versaw, Barnett, Conroy, Matsuura, Chair Mires
NOES: None
ABSENT: Commissioner Calmenson
ABSTAIN: None

Resolution #04-013 was adopted this 9th day of March, 2004.

6. **Application #04-010, D.C. Cycles, 191 South Oak Park Boulevard (APN 060-309-002)**

A request for a Use Permit to allow a motorcycle sale with repairs business at 191 South Oak Park Boulevard in the Shopping Center District (C-S Zone). Assistant Director Zaleschuk gave the Staff Report.

Commissioner Versaw referred to a letter from a resident who complained about noise and pollution caused by the motorcycles, and to the language in Condition of Approval No. 13 in the Resolution, that stated that the Use Permit shall be reviewed by the Planning Commission, and is subject to revocation, if any complaints are received by the City pertaining to the operation of the proposed use.® Commissioner Versaw was concerned that there already was a problem, and that it did not make sense to potentially revoke the Use Permit in the future if there are complaints, when a complaint was already received.

Ms. Zaleschuk stated that it was discovered by other staff that D.C. Cycles did not have a Use Permit. She explained that when a business owner applies to the City for a Business Tax Certificate, Staff identifies the type of business, and zoning is noted, and the owner is informed whether they are required to have a Use Permit or not. She stated that the Business Tax Certificate is not regulatory, however, and Staff could not disapprove of a business. The Code Enforcement Officer can enforce zoning regulations once the business opened.

Commissioner Versaw referred to Condition of Approval #9 and requested that a phrase be added to that condition to read: that the existing structure for the proposed use shall be inspected by the Building Inspector and brought up to current building code requirements with respect to fire and life safety issues, and ADA standards, if required, *before the Use Permit is issued.*®

Chair Mires opened the Public Hearing.

Brad Forde, 170 West Grand Avenue, Suite 203, owner of the property, stated that he

purchased the property to move more towards commercial services. He stated that he picked his tenants very carefully, and the tenants complied with parking, landscaping and trash enclosures.

Commissioner Versaw asked the Applicant if the motorcycles were test driven up and down Oak Park Boulevard.

Dexter Cho, 191 South Oak Park Boulevard, Applicant of the project, did not believe that it was his motorcycles that the complaint was referring to.

Commissioner Versaw asked Mr. Cho whether he would consider a prohibition of test driving motorcycles on Oak Park. Mr. Cho responded that it was necessary for egress and ingress purposes.

Chair Mires closed the Public Hearing.

Commissioner Leon stated that the nature of the business of repairs would require that the motorcycle be test driven, and it was a fact that motorcycles were not always as quiet as cars. He stated that the ingress and egress was necessary in this case, and he was glad to see the transition and changing use.

Commissioner Matsuura was aware of the quality of Mr. Forde-s dealings with his tenants. He stated that he did not believe a motorcycle noise was necessarily always coming from the same place.

Chair Mires commended Mr. Cho for his clean and good quality merchandise.

Resolution No. 04-014 was approved on motion by Commissioner Leon, with the modification to Condition of Approval #9, seconded by Commissioner Versaw, and on the following roll-call vote to wit:

AYES:	Commissioners Leon, Versaw, Barnett, Conroy, Matsuura Chair Mires
NOES:	None
ABSENT:	Commissioner Calmenson
ABSTAIN:	None

Resolution #04-014 was adopted this 9th day of March, 2004.

REGULAR BUSINESS

7. Application #04-009, John Mack, 1338 Newport Avenue (APN 060-173-003)

A request for Architectural Approval to construct a two-story single family residence at 1338 Newport Avenue in the Single Family Residential District (R-1 Zone). Planning Intern Eric Muzzy gave the Staff Report. He stated that there is a roof deck proposed, and that a Condition of Approval would be added that the roof deck be recessed.

Commissioner Versaw stated that there was nothing in the Staff Report that addressed the retention basin which was significant on this property. She stated that it should be included as a Condition of Approval that the City Engineer ascertains that the retention basin is adequate so that drainage is not an issue. Commissioner Versaw also stated that there was no mention of curb, gutter and sidewalk, and her understanding was that is how the City got started on improving the streets. She liked the design of the project, but stated that the stairwell was only there to accommodate the roof deck and made it look like a third-story.

Ms. Zaleschuk stated that there is a standard formula that is required for retention basins, and the project is usually referred to the City Engineer if the retention basins appear to be too small or it is hard to calculate the formula. She stated that in this case the retention basin was large. With regard to the curb, gutter and sidewalk, Ms. Zaleschuk stated that is a standard City requirement whether it was included in the Conditions of Approval or not.

Commissioner Leon asked Staff whether it would be the applicant-s responsibility to trim the Oak Tree because the canopy was in the public right-of-way. Ms. Zaleschuk stated that the tree canopy would not need to be trimmed unless it was below a specific height.

Chair Mires opened the Public Hearing.

John Mack, Architect of the project, stated he did meet with the City Engineer and received his design for the street, but the drawing did not show where the sidewalk was. He stated that he was trying to work with the City regarding the installation of the sidewalk, or not, because of the location of the tree. Mr. Mack stated that the retention basin was in the back and it did meet the City requirements. He also stated that he had designed the roof deck to try and accommodate all the comments and concerns that had been expressed by the Commission in the past about roof decks.

Commissioner Versaw commended Mr. Mack for his design of the roof deck.

Chair Mires closed the Public Hearing.

Commissioner Matsuura commended Mr. Mack-s effort in developing a roof deck system essentially based on comments and previous decisions that had been made. He stated that this project would be an enhancement to the surrounding area.

Commissioner Versaw urged the City Council to move forward with developing standards for roof decks.

Resolution No. 04-016 was approved on motion by Commissioner Conroy, seconded by Commissioner Barnett with the additional Condition of Approval that states Athe project shall comply with all City zoning regulations, standards, and codes, and on the following roll-call vote to wit:

AYES: Commissioners Conroy, Barnett, Matsuura, Versaw, Chair Mires
NOES: Commissioner Leon
ABSENT: Commissioner Calmenson
ABSTAIN: None

Resolution #04-016 was adopted this 9th day of March, 2004.

Chair Mires adjourned the meeting for a short break and reconvened at 8:10 p.m.

8. **Application #04-014, Michele Cossey, 684 Park View Avenue (APN 060-536-006)**

A request for Architectural Approval to construct a second-story addition to an existing single family residence at 684 Park View Avenue in the Single Family Residential District (R-1 Zone). Assistant Director Zaleschuk gave the Staff Report.

Commissioner Versaw asked Staff how Staff would know whether or not the height and

setbacks are in conformance to what was approved. Ms. Zaleschuk stated that Staff has assurance that the forms and height are in conformance, since they are required to be set and inspected during the construction of the project, and the City receives a certification from a licensed surveyor that they are correct.

Chair Mires opened the Public Hearing.

Steve Cossey, Applicant of the project, stated that the reason for the addition was to increase the living area.

Penny Sandman, Designer of the project, stated that she tried to mitigate the view impacts by using a hip-roof design and stepping down the height towards the front of the building.

Arlene Rassum, 691 Charles Street, stated that the proposed project would take away her view of Avila.

Chair Mires closed the Public Hearing.

Commissioner Conroy stated that losing a view was always a sensitive issue, but he liked the design of the project.

Commissioner Versaw stated that the colors were a little overwhelming and asked the Applicant if she would be willing to change the colors.

Michele Cossey agreed that the colors could be more subdued.

Ms. Zaleschuk stated that Condition of Approval #14 states: Athat a color board and list of colors and materials shall be submitted to and approved by the Community Development Director in compliance with the colors and materials approved by the Planning Commission, prior to issuance of a building permit.@

Mr. Koczanowicz stated that there was no need to amend the Condition of Approval

Commissioner Versaw requested that landscape plans should be considered when a project was brought to the Commission because it could be used to mitigate some design issues.

Resolution No. 04-017 was approved on motion by Commissioner Conroy, seconded by Commissioner Leon, and on the following roll-call vote to wit:

AYES: Commissioners Conroy, Leon, Barnett, Matsuura, Versaw, Chair Mires
NOES: None
ABSENT: Commissioner Calmenson
ABSTAIN: None

Resolution #04-017 was adopted this 9th day of March, 2004.

9. **Application #04-012, Matt Cebulla, 830 Rockaway Avenue (APN 060-229-012)**

A request for Architectural Approval to construct a two-story single family residence at 830 Rockaway Avenue in the Multiple Residential District (R-3 Zone). Assistant Director Zaleschuk gave the Staff Report. Commissioner Versaw was concerned regarding the nonconforming sideyard setback. Staff noted that the Applicant would be required to obtain approval of a Use Permit for this issue.

Mr. Koczanowicz stated that the project could be conditioned that the Applicant follows up with a Use Permit for the nonconforming use, since the addition did not fall in the setback.

Or the Commission could reject the project and consider the Architectural Approval and Use Permit at the same time.

Commissioner Versaw was concerned because a nonconforming property was supposed to be brought into compliance. Ms. Zaleschuk stated that the addition did not increase the issue of nonconformity.

Chair Mires opened the Public Hearing.

Ron Cebulla, architect of the project, came to the podium.

Mark Trejo, 830 Rockaway Avenue, believed that this project would improve the City.

John Shoals, 1181 Encinitas Court, asked about the legal noticing requirements for the project.

Mr. Raper stated that the Planning Commission could either (1) review and approve the Architectural Approval subject to the submittal and approval of a Use Permit, which the Applicant would have to apply for and receive approval of at some future date, prior to the Architectural Approval becoming effective; or (2) refer the project back to Staff and have the Applicant submit a Use Permit and the Planning Commission consider both the Architectural Approval and Use Permit at the same time.

Resolution No. 04-018 was approved on motion by Commissioner Conroy, subject to Option 1 above, seconded by Commissioner Barnett, and on the following roll-call vote to wit:

AYES: Commissioners Conroy, Barnett, Matsuura, Versaw, Leon, Chair Mires
NOES: None
ABSENT: Commissioner Calmenson
ABSTAIN: None

Resolution #04-018 was adopted this 9th day of March, 2004.

10. **Application #04-016, City of Grover Beach**

The Planning Commission considered the proposed Zoning Ordinance Text Amendment to Section 9137.22, Second Residential Dwelling Units in the R-1 Zone, in the City of Grover Beach Zoning Ordinance. Community Development Director Raper gave the Staff Report.

The Commissioner received and discussed the report.

Chair Mires opened the Public Hearing.

Bob McCarthy, 548 Atlantic City Avenue, referred to Exhibit A, Section 9137.22 (B) (8), and stated that parking should be open and not closed; enclosing it would make it too restrictive and costly especially for the long narrow lots.

Mike Compton, 593 Brighton Avenue, was concerned that if too many restrictions on the second dwelling unit criteria were imposed, it would not become affordable. He expressed concern about parking restrictions and color and design. He stated that it was good to have separate looking buildings so that nothing would look the same.

Penny Sandman, 1365 Saratoga Avenue, was in favor of continuing this item so that the public could have more input, and interest in finding out how other Cities are dealing with this issue.

Chair Mires closed the Public Hearing.

Mr. Raper referred to the two letters of correspondence received raising questions about this issue.

Commissioner Versaw was concerned about what this proposal would do to the R-1 Zone.

Mr. Raper encouraged the Commission to move forward with the Resolution by modifying the relevant sections. He stated that there were time constraints with State Law . He stated that Staff had received the first application by Mr. Otto, and wanted to proceed with processing this application.

The Planning Commission went through the criteria and made the following changes:

SECONDARY DWELLING UNIT ORDINANCE - GENERAL PROVISIONS, CONDITIONS,
AND CRITERIA

- (B) Criteria: The second unit , may be established upon meeting the following criteria and approval of a Second Dwelling Unit Site Plan Application:
- (2) Acceptance of a Second Dwelling Unit Site Plan application, the existing single-family residential unit must be *an owner occupant of the existing unit of at least one of the units.*
 - (4) The second unit can either be attached to the existing dwelling and located within the living area of the existing dwelling, or detached from the existing dwelling. The total living area of floor space for a detached second dwelling unit shall not exceed 1,200 square feet. *The floor area of the proposed attached second dwelling unit shall not exceed 30% of the existing living area..*
 - (8) Off-Street Parking requirement for the second dwelling unit shall be one parking space *per bedroom, not to exceed 2 parking spaces.*
 - (b) Tandem parking is *permitted.*
 - (9) The second dwelling unit structure shall clearly subordinate *in size and appearance* to the single-family dwelling unit.
 - (11) Coverage shall not exceed *50%.*
 - (12) The second dwelling unit shall be of the same color, material, and architectural design as the existing single family dwelling *or improvement over the primary residence.*

Commissioner Versaw stated that she would abstain from the motion because she wished to have more input from the public before voting.

On motion by Commissioner Leon with the above changes, seconded by Commissioner Barnett, and on the following roll-call vote to wit:

AYES: Commissioners Leon, Barnett, Matsuura, Conroy, Chair Mires
NOES: None

ABSENT: Commissioner Calmenson
ABSTAIN: Commissioner Versaw

Resolution #04-019 was adopted this 9th day of March, 2004.

PUBLIC COMMENTS:

Commissioner Matsuura was concerned about the statement made by Mr. Wendler at the beginning of the meeting, and at what point do the Commission protect themselves. Mr. Koczanowicz stated that Staff could agendaize that item for a future meeting so that the Commission could discuss it formally.

ADJOURNMENT was at 10:30 p.m. to the next Regular Planning Commission meeting on **Tuesday, April 13, 2004**, at 6:30 p.m.

ATTEST:

CHAIR MIRES

SECRETARY TO THE PLANNING COMMISSION

[March9.min]