



**MINUTES  
PLANNING COMMISSION  
CITY HALL COUNCIL CHAMBERS  
154 SOUTH EIGHTH STREET  
GROVER BEACH, CALIFORNIA  
TUESDAY, JULY 10, 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:** Vice Chair Keith

**PRESENT:** Commissioners: Luce, Peterson, Snow, Vice Chair Keith, and Chair Marshall.

**ABSENT:** None.

**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:**

**REGULAR BUSINESS:**

**1) Election of Planning Commission Officers**

City Attorney Koczanowicz stated that they should select the new Chair and Vice Chair for the upcoming year by nomination and consensus.

Commissioner Snow nominated Vice Chair Keith to be the new Chair and Commissioner Peterson to be the Vice Chair. Commissioner Luce seconded the motion, and it the motion was carried.

Chair Keith took over as Chair of this meeting.

**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 Any Planning Commissioner or Staff may request that an item be withdrawn from the Consent Agenda to allow for full discussion.*

- 2) Approval of Minutes of Planning Commission meeting of April 10, 2007.**  
**(Recommendation:** Staff recommends the Planning Commission approve the minutes as submitted.) **Action:** Commissioner Marshall made the motion to approve the minutes as written; Vice Chair Peterson seconded the motion and it was carried.

**PUBLIC HEARING ITEMS:**

**3) Development Permit Application No. 07-006  
Applicant – Craig Cornett, Property Owner**

This Application is a request for approval of a Use Permit and Site and Architectural Plans for the construction of a second story master bedroom addition with an accompanying patio deck and a separate roof deck to an existing non-conforming single family residence. The subject property is located at 604 Ocean View Avenue (Assessor Parcel No. 060-534-001) and is zoned Single Family Residential (R-1). The project planner is Cassandra Mesa.

Planning/Building Technician Cassandra Mesa presented the staff report. A use permit is necessary because it is a legal non-conforming structure. She stated that the proposed addition is in keeping with current development standards and is not an expansion of the non-conformity. A view analysis was required and has been conducted. The R-1 zoning district limits the height of structures to an average of 25 feet above natural grade. The addition is proposed at a height of 23 feet, 2 inches above natural grade. Story poles were erected and a view impact analysis was completed and while some views may be affected, it was found that overall, views would not be needlessly or substantially impacted. Staff recommends approval of the project with the necessary findings and recommended conditions of approval.

Commissioner Marshall asked if there were curb/gutter and sidewalks required for the project. Planner Mesa stated that since the addition is less than 40% of the existing residence, it was not required.

Doug Faner represented the applicant and was available for questions.

Commissioner Marshall asked about the spiral staircase. Mr. Faner stated that the staircase is partially visible from the street, but it is partially set in. He stated that since it was a split-level, the garage is about five feet lower and the overall height is lower than it would have been. He stated that they matched the existing windows and treatments to the existing house.

Commissioner Luce asked about the roof deck and privacy for the adjacent yards. Mr. Faner stated that the roof deck complies with the three foot setback requirement, and they are about 20 feet from the roof deck to the neighboring property line.

There was no one from the public who wished to comment and the hearing was closed.

Commissioner Snow indicated that he had no issues with the project. Vice Chair Peterson made the motion to accept staff's recommendation. Commissioner Luce seconded the motion, and it was carried with a vote of 5-0.

**4) Development Permit Application No. 06-037  
Applicant – Richard Coscia, Property Owner**

This Application is a request for approval of Site and Architectural Plans and a Coastal Development Permit for a proposed one-story single family residence. The subject property is located at 819 Pacifica (Assessor Parcel No. 060-491-055) and is zoned Coastal Planned Single Family Residential (C-P-R-1). The project planner is Cassandra Mesa.

Planning Technician Cassandra Mesa presented the staff report. Architectural approval is needed because the original subdivision conditions required Planning Commission approval of all single-family detached dwellings. Review of site and architectural plans is also necessary to ensure that

the project meets all City standards and requirements and is in keeping with the surrounding community. Staff recommends approval by making the necessary findings with staff recommended conditions of approval.

Chair Keith asked if the applicant wanted to address the Commission. The applicant did not desire to address the Commission.

Chair Keith asked if there was any public comment, and seeing none, closed the public hearing.

Commissioner Marshall moved for Staff's recommendation. Commissioner Luce seconded the motion, and it was carried with a vote of 5-0.

**5) Development Permit Application No. 07-015  
Applicant – Brewster Enterprise, Contractor/Applicant**

This Application is a request for approval of Site and Architectural Plans for the construction of a detached accessory structure to be utilized as an arts and crafts room. The subject property is located at 1664 Laguna Court (Assessor Parcel No. 060-031-030) and is zoned Residential Agriculture (R-A). The project planner is Cassandra Mesa.

Planning Technician Cassandra Mesa presented the staff report. She stated that the structure is proposed to be in the rear yard of the residence. Approval of the site and architectural plans is required because the original conditions of approval for the existing residence requires that any changes to the existing site or development plans be approved by the Planning Commission. Staff recommends approval of the project with the associated findings and conditions of approval.

Chair Keith asked if the applicant wanted to comment or members of the public wanted to comment. Seeing none, the public hearing was closed.

Commissioner Snow asked if there would be water service to the structure and about the lack of windows.

Jerry Brewster spoke for the owners, and stated that there is no water service inside the structure. It will be sprinklered, as required. It will be a workroom. Commissioner Snow stated that he would have thought for an art room, that more light would be desired. Mr. Brewster stated that the height was restricted so they couldn't add more windows or higher windows.

Commissioner Marshall asked for clarification about the use of the room. Mr. Brewster stated that it will be a quilting/sewing room.

Commissioner Snow made the motion to accept staff's recommendation. Vice Chair Peterson seconded the motion, and it was carried with a vote of 5-0.

**6) Development Permit Application No. 07-020  
Applicant – Ron's Nursery, Inc**

This Application is a request for approval of a Use Permit for the sale of bottled wine for off-site consumption. The subject property is located at 1207 South 13<sup>th</sup> Street (Assessor Parcel No. 060-565-002) and is zoned Residential Agriculture (R-A). The project planner is Janet Reese.

Planner Reese presented the staff report. She stated that the request is to sell bottled wine. It is proposed as an incidental activity to the main use, which is a retail nursery. Since the sale of

alcoholic beverages is not listed as a permitted use for the R-A zoning district, review and consideration of a Use Permit is necessary. They are proposing a retail display of bottled wine within the indoor gift area. The bottles may also be included in gift baskets. Staff is of the opinion that the proposed sale of bottled wine is compatible with the nursery's gift area as an incidental activity. It should be noted that this request is for the sale only and not on-site consumption. In addition to the standard findings for a Use Permit, the Planning Commission would also need to make a finding of public convenience or necessity, because the sale of alcohol goes through the Department of Alcoholic Beverage Control. As part of that process, ABC verifies that there is a license available in the census tract. Based on the information from ABC, there are available licenses within the census tract. Because San Luis Obispo County is under a moratorium for new licenses, the City must provide a finding of public convenience or necessity in order for the license to be issued. Staff is of the opinion that the proposed sale as an incidental use would be convenient for patrons who wish to include a bottle of wine with a gift that they are purchasing. Staff is recommending approval of the application.

Commissioner Snow asked about the process after Planning Commission approval. Planner Reese stated that the applicant makes an application to the ABC. City Attorney Koczanowicz clarified that the local agency approval is a component of the ABC application, so this is a prerequisite for application for the ABC license.

Chair Keith asked if the applicant wanted to address the Commission. The applicant did not wish to address the Commission. Chair Keith asked for public comment, and seeing none, closed the public hearing.

Vice Chair Peterson stated that she is excited about this addition. Commissioner Snow stated that he liked the project.

Commissioner Snow made the motion to accept staff's recommendation, Commissioner Peterson seconded the motion and it was carried with a vote of 5-0.

**7) Density Bonus Ordinance  
Applicant – City of Grover Beach Staff**

Planning Commission consideration of a proposed Ordinance Amendment adding Part 49 "Housing Density Bonuses and Concessions/Incentives" Section to the Municipal Code implementing State Density Bonus law and the City proposed Density Bonus and Concessions/Incentives Section designed to address proposed housing projects that do not meet the State threshold of five residential units but propose one or more affordable units.

George Hansen presented the staff report. He stated that it is exciting to bring this forward. There are two options to present to the Planning Commission, both of which are consistent with State law.

One of the options requires a request for a density bonus in order to qualify for incentives/concessions. The second option does not require the application of a density bonus in order to ask for incentives/concessions. Both options contain a second component which is designed for projects with less than five units. This component outlines what incentive options developers would have to choose from and how many incentives would be available, depending on how many units were provided and what level of affordability.

The State has made the interpretation that Cities cannot require a project to apply for a density bonus to be eligible for incentives. Attachment B requires the request for a density bonus. Attachment C does not require the request. That is the only difference between the two options.

City Attorney Koczanowicz stated that the State statute clearly says that in order to be eligible for incentives and concessions, you must apply for a density bonus. If a project meets that requirement, the city is obligated to provide the concessions or development incentives. Attachment B follows that statute that you must request the density bonus. The letter included as Attachment D was written to a developer in another city who was requesting concessions but not the density bonus. The letter from the state indicates that the spirit of the statute is that one does not need to apply for the density bonus to request incentives. It is not a mandate, but is the Housing Department's interpretation of the statute.

Staff presented both possibilities, both interpretations. It is up to the Planning Commission to make the recommendation to City Council of their preferred option. State law only applies to projects that are five units or greater. If a project has fewer units, there is no requirement to provide them with any incentives, even if they provide affordable housing. In order to encourage affordable housing, this ordinance proposes that even on a four-unit project, a developer can ask for certain incentives and concessions, based on the list provided. This goes beyond what the State law mandates. Staff prefers to not force people to increase to a more dense project in order to get incentives.

Commissioner Marshall asked which proposal staff recommends. Director Hansen stated that one of the goals of this ordinance is to promote affordable housing. By eliminating barriers, more opportunities are provided. The issue is if you require an applicant to request a density bonus, they then have to spend the extra time and money to invest in trying to figure out how to design the project to get an extra unit. He stated that if the goal is to provide more affordable housing opportunities, he wouldn't think they would want to require a request for a density bonus.

City Attorney Koczanowicz stated that Attachment C would provide the City with more control regarding the number and types of concessions that can be requested.

Chair Keith asked what the different scenarios would be if someone came in with a 4-unit proposal vs. a 5-unit proposal. Director Hansen stated that the State law would apply to the 5-unit project. On the 4-unit project, they would be afforded concessions based on the number and level of affordability of units. The big difference, in the second component for 4 or less units is that they cannot request an increase in height.

City Attorney Koczanowicz stated that the 4-unit project in Chair Keith's example is outside of State law, and the Planning Commission can limit the number and types of concessions. For the 5-unit project, the difference is that with Attachment B, a five unit project without a density bonus request would not be eligible for concessions or incentives. Most of the parcels in the City, in general, are more suitable for four-unit development rather than five units. Developers were adding a unit to a project to become eligible for concessions/incentives. Staff is hoping that by providing a 4-unit incentive, it will eliminate those developments that add a unit just to become eligible. If the literal reading of the statute is put in place, then basically they would have to request a density bonus, which means that on an 8,000 sq. ft. parcel, the allowed density is 7 units. Planner Reese clarified that if they are on a corner lot, it calculates to 7-8 units. City Attorney Koczanowicz stated that a project would have to propose 9 units to qualify for the bonus, which would allow them to request State incentives. With the State interpretation, as long as they provided an affordable unit, they would be able to request any of the incentives available, without the City being able to control what they ask for, including height, second story coverage, parking, and the City could not say no, absent some stringent circumstances related to things like health and public safety.

City Attorney Koczanowicz stated that staff wanted to ensure that the Planning Commission could clearly see the two different sides. Staff does not have a recommendation because they wanted to allow the Planning Commission to look at the issues and find what they are comfortable with. He believes that both positions are defensible. He stated that with Attachment B, the only way a 5-unit or more project that offers an affordable housing component would be eligible for development concessions and incentives is if they requested a density bonus with the project. Currently, staff has been taking the more liberal approach of not requiring the request of the density bonus and allowing the developers to ask for any incentives they wish, depending on what level of affordable housing is being provided.

Commissioner Marshall asked if Attachment B gives the City more control over what incentives can be asked for, with the downside is that it takes longer for the applicant to get their project processed. City Attorney Koczanowicz stated that the downside to the applicant is that they have to request a density bonus, and if their project does not require a density bonus, then they would not be eligible for incentives. He stated that that option does not promote affordable housing as much as Attachment C.

Director Hansen stated that requesting an additional unit could jeopardize the feasibility of the project.

City Attorney Koczanowicz clarified that the density bonus is applied when more units are proposed than are permitted under the current zoning, not just more units than were being proposed.

Commissioner Luce stated that she supports making it easier for the developers to support provision of low- to moderate-income housing. She would support Option C, which does not require a density bonus.

Commissioner Marshall stated that he doesn't mind having less control. He is looking to staff for direction on what would work best for the City.

City Attorney Koczanowicz stated that if the goal of the adoption of this ordinance is to promote affordable housing, then the better option would be Attachment C. If the goal is to provide the City with more control and not provide unlimited incentives/concessions, then Attachment B would be better. Staff is not in the position to advise which is better; it is up to the Planning Commission to make the recommendation to the City Council.

Commissioner Marshall stated that he feels that Attachment C would be better, to promote affordable housing.

Commissioner Snow stated that most of the frustrations in the past had to do with developers trying to fit too many units on a lot to be eligible for incentives. He would support Attachment C.

City Attorney Koczanowicz stated that the Planning Commission can amend the incentives that are provided for the four units or less component.

Planner Reese clarified that the component for four units and under are identical in both Attachment B and C.

Commissioner Peterson stated that their ability to control projects is limiting because of underlying zoning that allows certain things to occur. Adopting greater control will not necessarily give greater control, practically speaking. She is pro-economic development, and in her

experience, cities that streamline processes and make it easier for people to build are the ones that are thriving. She is also excited about affordable housing and making the community a place that more people can afford to live. She is supportive of Attachment C.

Chair Keith asked for public comment. There was no one present who wished to comment, and the public hearing was closed.

Chair Keith stated that he is also in favor of Attachment C.

Commissioner Peterson made the motion to adopt the resolution with Attachment C, making recommendations to City Council, as noted; Commissioner Luce seconded the motion, and it was carried with a vote of 5-0.

**ADJOURNMENT: 7:50 p.m.**

/s/

CHAIR PETERSON

/s/

SECRETARY TO THE PLANNING COMMISSION  
GEORGE HANSEN, COMMUNITY DEVELOPMENT DIRECTOR

(Approved at PC Meeting: January 8, 2008)