



**MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, AUGUST 14, 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 Marshall

PRESENT: Commissioners: Blum, Coleman, Long, Marshall, Snow, and Vice Chair Peterson.

INTRODUCTIONS: New Planning Commissioners Karl Blum, Laurel Coleman, and Christopher Long

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.*

No one from the public wished to comment.

CORRESPONDENCE: Letters were received from Chair Keith and Commissioner Luce, resigning their positions on the Planning Commission. There was also a letter received by Le Sage Riviera regarding 105 Grand Avenue.

REGULAR BUSINESS:

- 1) **Election of Planning Commission Officers**
Election of New Chair and Vice Chair

Commissioner Marshall nominated Vice Chair Peterson for Chair, and Bill Snow for Vice Chair. Commissioner Blum seconded the motion, and it was carried with a vote of 6-0-0-0.

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 Any Planning Commissioner or Staff may request that an item be withdrawn from the Consent Agenda to allow for full discussion.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 May 8, 2007. (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)**

Commissioner Marshall made a motion to approve the minutes as written. Commissioner Coleman seconded the motion, and it was carried.

PUBLIC HEARING ITEMS:

**3) Development Permit Application No. 07-021
Applicant – Jon and Rosanne Seitz, Property Owners**

This Application is a request for approval of Site and Architectural Plans and a Coastal Development Permit for construction of a new garage, conversion of an existing garage into an art studio, and enclosure of an existing deck. The subject property is located at 350 Estuary Way (Assessor Parcel No. 060-491-059) and is zoned Coastal Planned Single Family Residential (C-P-R-1). The project planner is Janet Reese.

Planner Janet Reese presented the staff report. The proposed project has three components: convert the existing attached two-car garage into an art room or workshop; enclose an existing deck to create a sun room; and construct a detached garage. The art room contains an art sink and bathroom area. As clarified by the applicant, the shower is needed to soak and stretch large water color paper before painting, and when finished, to soak and flatten before framing. The water closet and lavatory are for convenience while using the workshop. Furthermore, the art room will be unconditioned space. The sun room is located on the second level of the existing house near the north end of the dwelling. The proposed detached garage is 22x42 feet in size, with a tool storage area, for a total of just over 1,000 sq. ft. In addition, there is an attic access door on the east side of the garage. The attic is intended for storage use. Onsite stormwater retention is proposed in two separate basins. The project site is in the local coastal zone, outside of the appeals jurisdiction. The Coastal Commission has been notified of the project, and no comments have been received.

There is a correction on Attachment A, the architectural approval resolution. Condition CDD-4 should be changed to read “approved by the Planning Commission” rather than “City Council”.

Staff is recommending approval of the project, with the change noted above.

Commissioner Marshall asked about the location of the basin in the southwest corner, since it seems to be above an existing home. He expressed concern about possible flooding of the neighbors.

Jim Garing, City Engineer, stated that they will review the plans in more details once the Planning Commission approves the project. He stated that there will be an overflow for the basin, if necessary.

Chair Peterson opened the public hearing and asked if the applicant wanted to address the Commission.

Mark Vasquez, applicant representative, stated that they have looked are in agreement with the conditions and can answer any questions the Commission may have.

There were no members of the public who wished to comment.

Chair Peterson asked for a motion on the project, and after that, there will be Commission discussion.

Commissioner Blum made the motion to approve the project, as recommended, including the change to CDD-4. Commissioner Coleman seconded the motion. There was no further Planning Commission discussion. The project was approved with a vote of 6-0-0-0.

4) **Development Permit Application No. 07-007**

Applicant – Marilyn, Paul, John and Nia Schmidt, Property Owners

This Application is a request for approval of Site and Architectural Plans, a Use Permit, and a Tentative Parcel Map for the construction of a two-story two unit residential planned development. The subject property is located at 745 Trouville Avenue (Assessor Parcel No. 060-279-006) and is zoned Duplex Residential (R-2). The project planner is Janet Reese.

Janet Reese presented the staff report. She stated that the existing duplex is proposed to be demolished, along with the removal of two existing trees. Two lots are planned, each containing a single-family unit with an attached two-car garage and an open guest parking space. Each unit will have three bedrooms and 2.5 baths, living room, dining room, kitchen, laundry facilities a deck and a roof deck. In addition, Unit B will also have an office.

The site is designed with an underground drainage system under the driveway in addition to some surface retention basins in the yard areas of the front unit. With respect to utilities, the electrical, phone and cable are from a pole near the southwest corner of the subject site. The overhead mainlines that the pole is connected to are located across the street. Water and sanitary sewer service at the existing site is adequate for the proposed development. If the current water service is not a 1" service line, it will need to be upgraded as part of the project. The Development Review Committee (DRC) suggested that the surface retention system be eliminated and all onsite drainage be handled by the system under the driveway, to provide more yard area for the front unit. In addition, the committee suggests that the project use 24" box trees instead of 15 gallon trees to replace the existing trees and for the street trees. These suggestions are not part of staff's recommended conditions of approval, but were recommendations from the DRC.

The project meets all requirements for the residential common area development standards. The approval of the tentative parcel map is required to allow for the reconfiguration of the existing parcel into two parcels. The tentative parcel map also includes an access, utility and drainage easement over the driveway area, which also serves as a fire lane. Staff is recommending approval of the project.

Commissioner Long asked if it was common practice when reviewing roof deck designs to do line of sight analysis into the adjacent properties. Planner Reese stated that the City adopted some roof deck guidelines for the R-1 and Coastal R-1 zones that required roof decks to be set back three feet from the walls below, and that is the standard that is used in non-R-1 zones as well. There is no line of sight study done.

Commissioner Marshall asked about the box trees that the DRC recommended. Planner Reese clarified that staff used the standard requirement for 15 gallon trees. She did not include the DRC recommendation as a condition, but is something that the Commission can take into consideration. Commissioner Marshall asked if staff recommended that the condition be changed to what the DRC recommended. Director George Hansen stated that the addition of the box trees at a more mature level would be beneficial and it is a recommended condition by staff.

Commissioner Marshall asked about the drainage basins. Planner Reese stated that the owners indicated that they would look into removing those basins, but she isn't certain what they decided.

Commissioner Marshall asked the City Engineer about the driveway apron, because it appeared to extend beyond the property line. He asked if that impacted the adjacent property. City Engineer Jim Garing stated that it could impact the neighboring property if they also put in a driveway. He stated that it is in the existing right of way, so it is acceptable.

Commissioner Marshall asked about the back-out space for Unit B, the furthest one back. Assuming that the guest spaces are occupied, there is no way to turn around when coming out of the garage so they will have to back out. City Engineer stated that they do not usually comment on that type of thing and there is no City regulation on how far one can back up.

Commissioner Marshall stated that one of the guest spaces only has about 16 feet to back out before hitting landscaping. He asked if there was a minimum back-out allowance required for parking spaces. Planner Reese stated that it was brought up to the applicants, so this may be an issue that would be better addressed by them.

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

Charles Cebulla, project architect, was present to speak on behalf of the applicants.

Commission Long asked about the drainage issue that was brought up regarding the retention basins. Mr. Cebulla stated that they are willing to look at doing that. He stated that it is a tight squeeze, and he thinks that they may be at the maximum size they can achieve on the underground drainage system. The drainage basin that is proposed is minimal, and the area can still be landscaped.

Commissioner Marshall asked about the trees condition. Director Hansen stated that they are requesting to change the requirement for the street trees to be 24" box trees. Mr. Cebulla indicated that it would not be a problem to do that.

Commissioner Marshall stated that he didn't have a problem with the basin in the front yard, but asked if the one in the back yard of Unit A was going to be eliminated. Mr. Cebulla stated that the basin in the back is relatively shallow and doesn't interfere with the backyard being usable space.

Commissioner Marshall asked if he would be willing to utilize pervious pavers to address some drainage issues. Mr. Cebulla stated that they have never been able to get significant credit for that sort of thing. City Engineer Garing indicated that they will always give credit for pervious surfaces to the extent that those surfaces do not have to be counted toward draining to a basin. So, if the applicant wished to put in a pervious driveway of some sort, they would receive credit. It does have to pass the maximum rainfall event of 3.2" an hour. He stated that most of the pervious driveways do that. Mr. Cebulla stated that they would have to balance that against an increase in cost for the driveway. Commissioner Marshall stated that there is increased cost, but there is also community benefit. With more paving, there is more runoff. He stated that he always looks for ways of reducing paving.

Commissioner Marshall asked about the back-up space. He asked if there was adequate room for the guest space on Parcel 2 to back out. Mr. Cebulla stated that it was a tight squeeze. If they widen the area, there isn't enough landscaping. Commissioner Marshall asked staff if they put in some kind of pervious pavers, does that count as landscaping. Director Hansen stated that it would count as landscaping if it were something like grasscrete. Mr. Cebulla stated that they would be willing to put that in the area where they will back up, if it will count as drainage. City Engineer Garing clarified that in general, grasscrete does not qualify because if the grass is planted and becomes infiltrated with silt, then the grasscrete doesn't meet the threshold of 3.2" an hour that is required to receive credit. Pervious pavements do have to be pervious, and once you put the grass in, it won't pass as much water as required for a big storm.

Chair Peterson asked for an explanation of the difference between grasscrete and pervious paving. City Engineer Garing stated that grasscrete is material similar to concrete block that is placed on the ground and it has openings that go through the block, and grass is planted in those openings. He stated that unfortunately, the soil/grass combination does not pass the maximum storm that is required to get credit for pervious paving. Pervious pavements, on the other hand, actually have holes through them that are filled with gravel or other granular materials, and those will pass the maximum storm level.

Commissioner Peterson asked if a pervious paver can count as landscaping. Director Hansen stated that it could, under certain conditions. For example, there could be a patio made entirely of pervious pavers, and that would qualify. He stated that here, they are looking at a dual use; could it be parking and part of a patio, and that depends on how it is designed. If it is designed specifically for parking, then it would not qualify.

Commissioner Marshall stated that he doesn't know that he wants to condition the project to make these changes, but would like staff to work with applicants early in the process to reduce the paved areas.

Mr. Cebulla stated that the discussion has been valuable, providing specific information about pervious paving options. They would be happy to try to find some solutions.

Mr. Cebulla stated that they have tried to maximize the use of the property, and it was a challenging site to design.

Commissioner Marshall stated that he likes the project and some of the amenities.

Director Hansen stated that the designs that are brought to the Planning Commission in most cases meet the minimum standards for parking and circulation. In some cases, staff will make additional recommendations. He stated that if you come across a project that the Commission feels need additional changes, they may suggest those changes.

Commissioner Snow stated that he would like them to look at options for providing more back-out space for the guest spot that was previously discussed. He asked if they should require the applicant to work with staff. Director Hansen stated that if it is the desire of the Planning Commission to require that, then they should incorporate that in the motion. Alternatively, they could condition the project to work out additional options with staff prior to issuance of the building permit.

Chair Peterson expressed concern about the driveway apron issue. Director Hansen stated that those improvements are in the public right of way, not on either of the properties. He stated that it is a standard condition.

Chair Peterson asked if Unit B will be the same in roof design and color as Unit A. Mr. Cebulla stated that it is.

Chair Peterson asked the applicant how deep the drainage basin is. Mr. Cebulla stated that it is about 18 inches. She asked how they will determine if the underground system will be adequate. Mr. Cebulla stated that they have calculate how much run off water that they have to accommodate, and they have to have enough volume to do that. He stated that he doesn't know if they have any leeway in the size of the underground storage.

Chair Peterson asked if he is willing to work with staff on that. Mr. Cebulla stated that he is.

Chair Peterson asked if there were any members of the public who wished to comment on the project. There was no one present who wished to comment, and the public hearing was closed.

Commissioner Marshall made the motion to approve the project. He requested a condition removing the rear yard basin, and that the applicant will work with staff to minimize drainage impacts. His motion also included the change to the tree condition. City Attorney Koczanowicz stated that the Planning Commission should include language that addresses the circumstance where the drainage basin in the back cannot be removed. Commissioner Marshall stated that it was his preference that if the basin was not removed, the project could not move forward.

Commissioner Coleman seconded the motion.

Commissioner Marshall asked the City Engineer if it is reasonable to remove the basin in the back yard. City Engineer Garing stated that Basin 2 is 76+ cubic feet, so it is a very small basin. The total storage required is about 1,700 cubic feet, so Basin 2 is only about 5 percent of the total storage. He stated that it seems reasonable to remove that basin.

Commissioner Blum stated that he thinks it is reasonable to ask them to try to make the change, but he doesn't think that it should be a project-killer if it turns out to be not feasible to remove the basin. He stated that if that is the choice that they made with their architect, then that is something that they can live with.

Commissioner Marshall stated that there have been many conversations about backyard basins in the past. Part of the problem is that a lot of times, it gets filled in anyway and landscaped so it doesn't function as a basin, so they have already lost that capacity. He stated that they also want to provide recreation areas for the residents. He stated that he doesn't feel that this is an unrealistic goal.

Commissioner Long asked if the pervious pavers would satisfy Commissioner Marshall's intent. Commissioner Marshall stated that there are probably other opportunities for additional drainage in other parts of the site.

Chair Peterson asked Commissioner Marshall why he doesn't object to the front yard basin, but only the backyard.

Commissioner Marshall stated that he doesn't see anyone playing in the front yard basin area. He stated that he would prefer no basins at all in PUDs, but he is flexible. The backyard should be a usable yard.

Chair Peterson stated that if, as a Commission, they have said that they don't like basins at all, why don't they get rid of both of them. Commissioner Marshall stated that he'd be willing to amend his motion to require removal of both basins. He stated that there are also cost factors, and he is trying to find a balance.

Chair Peterson asked the City Attorney if the Planning Commission is within their rights to require the applicants to redesign the drainage to exclude the basins, even though basins are allowed according to the Code.

City Attorney Koczanowicz stated that it would be a case-by-case analysis. He stated that compliance with the Code, in and of itself, with regard to retention, is something that is a minimum standard. The project is before the Commission for architectural review, and as part of that review, they have to review the design of the project, use of space and living conditions and make a

decision whether or not it is a project that passes the architectural review. If part of that review is that in this instance, the design of the basins deprives the ability to function in a livable manner, they have the option to deny the project based on that.

Chair Peterson stated that they have two choices, then. They can put the conditions in, as moved by Chair Marshall, or they can deny the project or approve the project.

Director Hansen stated that if they decide on an alternative design, he suggested a condition that reads “Both drainage basins as depicted on the site plans shall be redesigned to provide greater use of the yard space, to the satisfaction of the City Engineer and Community Development Director.”

Commissioner Marshall stated that he can accept the condition that Director Hansen suggested as it relates to the basin in the front yard, but his motion stands on requiring the removal of the basin in the backyard.

Chair Peterson asked if they should remove both basins, and asked for additional input from the Commissioners.

Commissioner Snow asked if they have to vote on the motion that is currently proposed prior to making another motion.

City Attorney Koczanowicz stated that an additional motion can be made prior to the vote, and if it is seconded, then that is the motion that will be voted on first.

Commissioner Snow stated that the applicants have gone through the process already, met with staff. Staff has recommended it the way it is designed. He stated that he does not want to make the project be redesigned because they don't like a basin location. He thinks it is more reasonable to request that staff discuss possibilities for these changes, but leave it up to the Director to decide if the basin has to be there or not.

Chair Peterson stated it was her understanding that the DRC had recommended that all on-site drainage be handled through the underground system.

Commissioner Snow stated that if it gets to a point where the underground system without the basin, then the basin needs to be allowed. To kill the project because of that is not appropriate. He stated that there would have to be a discussion between staff and the applicant at that point. He would prefer to see an amended motion.

Commissioner Coleman stated that she agreed with Commissioner Snow, that she would hate to see the project killed because of this issue.

Commissioner Marshall stated that he can see options for that basin being removed, and wants his motion to stand as is.

Commissioner Long that removal of the basin merits discussion to see if it the drainage can be accommodated sub-surface.

Commissioner Blum stated that this project shouldn't be killed because of the basin. In the same light, staff and the applicant should work together to eliminate as much basin as possible, but if it can't be done, it should not be a project killer.

Chair Peterson asked the City Attorney how they should proceed from here. City Attorney Koczanowicz stated that a second motion could be proposed, and if it is seconded, that motion would be voted on first. If it succeeds, it eliminates the need for the first motion, that motion would be moot. Another option is to vote on the motion that is currently proposed. If the motion fails, then another motion could be made. Another possibility is for the maker of the initial motion can withdraw that motion.

Commissioner Marshall did not withdraw his motion. Commissioner Blum made a motion to approve the project and ask staff and the applicant work together to eliminate as much of the basin as possible, and if it is not feasible to do that, they can move forward with the project. His motion includes CDD-14, "Both drainage basins as depicted on the site plans shall be redesigned to provide for greater use of the yard space, to the satisfaction of the City Engineer and Community Development Director."

Commissioner Coleman seconded the motion.

Director Hansen clarified that a redesign can either be a redesign of the existing basins or removal of one or both of them. Director Hansen stated that they have a lot of area that they could use.

Commissioner Marshall stated that he can't support the motion because it is a redesign of the backyard and not removal of the basin. He just wants the second basin gone.

Commissioner Coleman stated that the new motion allows more flexibility for redesign of both basins.

Chair Peterson stated that the DRC recommended that the basins be removed. Planner Reese stated that during the DRC meeting, they did not do any calculations related to feasibility. It was just a general suggestion.

Chair Peterson stated that she would like to see both basins gone. She is not comfortable with the second motion, because it doesn't remove the basins. She doesn't want to kill the project.

The motion failed on a vote of 3-3-0-0, with Commissioners Long, Marshall and Peterson voting no, and Commissioners Blum, Coleman and Snow voting yes.

Commissioner Marshall stated that if CDD-14 was revised to require removal of the backyard basin and redesign of the rest of the drainage system, he would amend his motion to include that condition.

Director Hansen stated the new wording could be "The proposed drainage basin located in the rear yard of Unit A, identified as Drainage Basin 2, will be eliminated with an alternative drainage system design, subject to the approval of the City Engineer and Community Development Director." Commissioner Coleman modified her second for this change.

The motion was carried on a vote of 5-1-0-0, with Commissioner Peterson voting no.

5) Development Permit Application No. 07-017

Applicant – Dorothy Jess and Howard Brown, Property Owners

This Application is a request for approval of Site and Architectural Plans and Coastal Development Permit for the construction of a two-story addition to an existing single family residence. The subject property is located at 119 Atlantic City Avenue (Assessor Parcel No. 060-075-002) and is zoned Coastal Single Family Residential (C-R-1). The project planner is Janet Reese.

Planner Janet Reese presented the staff report. She stated that subject property has a single family that was built before the City's incorporation. The proposal is to construct a two-story addition behind, and attached to, the existing single-family residence. The proposed addition on the bottom floor would be a two car garage with laundry facilities, a half bath and covered patio. Upstairs is a master suite, kitchen, living room and covered deck. The existing kitchen will be converted into an entry type area. Additionally, there is a new front porch proposed. At this time, the owners propose to paint the addition to match the existing peach color.

As part of the proposed project, above ground basins that are landscaped with drought tolerant vegetation and landscaping are proposed in the front and backyard areas. Fire sprinklers will be installed in the existing and new portion of the building, and curb, gutter and sidewalks will be installed.

Because the project location is north of Grand Avenue, and is in the R-1 zoning district, and is two-stories, a view analysis has been completed. The R-1 district limits building heights to an average of 25 feet above natural grade. The proposed structure will be at 23 ft. 6 inches above natural grade.

As part of the required view analysis, story poles were installed, and confirmed by a surveyor to be set correctly. A view impact analysis was completed, and staff is of the opinion that while there may be some views that are affected, the proposed addition will not needlessly or substantially impact adjacent properties, as the existing neighborhood is developed with other two-story structures.

A coastal development permit was also required because the site is within the local coastal zone, but it is outside of the appeals jurisdiction. The Coastal Commission was notified of the project, and no comment had been received.

Commissioner Blum stated that the house to the west is closer than a five foot setback. He asked if those residents decide to remodel their place, will there be an issue due to this remodel. Planner Reese stated that all of the setback requirements are based on property line. Their proposal would be evaluated based on their own lot, not as it relates to any development on the other lots. To allow something to extend into that sideyard, they would have to come before the Planning Commission.

Commissioner Marshall asked if there is a condition for curb, gutter and sidewalk. Planner Reese stated that it appeared to have been omitted, and they will add the standard wording to the proposed resolution.

Chair Peterson opened the public hearing and asked the applicant or representative to address the Commission.

Jeff Lawrence, spoke representing the applicants and was available to answer any questions.

Chair Peterson stated that she drove around the block, and looked at the story poles, and it looked to her like the view would be really impacted. She asked if they had made any design concessions to mitigate any view impacts.

Mr. Lawrence stated that they have not, but that they did design the project according to City standards and limits.

Chair Peterson asked if there was anything they could do to reduce the height, such as the slope of the roof.

Mr. Lawrence stated that the roof is 3:12. Chair Peterson stated that there is not a lot to do to lower that.

Chair Peterson asked if there was anyone from the public who wished to comment. There was no one present wishing to comment and the public hearing was closed.

Chair Peterson asked for a motion. Commissioner Marshall made the motion to accept staff's recommendation, with the addition of a new condition PWCE-5, with the standard Curb Gutter and Sidewalk condition wording. Commissioner Snow seconded the motion. The motion passed on a vote of 6-0-0-0.

**6) Development Permit Application No. 07-023
Applicant – Robert and Linda McCarthy, Property Owners**

This Application is a request for approval of Site and Architectural Plans to allow the expansion of an existing deck and the addition of a roof deck. The subject property is located at 548 Atlantic City Avenue (Assessor Parcel No. 060-092-020) and is zoned Single Family Residential (R-1). The project planner is Janet Reese.

Planner Reese presented the staff report. She stated that the project site has an existing 2-story single-family residence with an existing deck, which was approved by the Planning Commission in 1996. The current application is to expand the existing deck and add a roof deck. The expansion of the existing deck will match the design of the current deck railing. The proposed roof deck proposes a design that matches the existing deck railing on the east side and a glass railing framed in wood on the south and west sides. The roof deck will be approximately 24.5 ft. from the westerly property line and 48 ft. from the southerly property line. Access to the roof deck will be from the eastern edge of the existing deck. As originally designed, the stairs include a landing after the first couple of steps, a 180 degree turn and then the remainder of the stairs go up to the deck. The applicant has since submitted a revised elevation, depicting stairs without the landing and the turn, which is attachment 8. Staff feels the second design is more visually sensitive, and the applicant feels that it is less complicated to construct.

Staff is recommending approval of the site and architectural plans.

Commissioner Marshall asked for clarification about which stair design was being recommended by staff. Planner Reese stated that the second design with no landing is the recommended design, and that is also the preferred design of the applicant.

Planner Reese stated that the design meets all roof deck requirements. The deck below is considered a story, and the roof deck is set back three feet from that.

Chair Peterson asked if the applicant would come forward.

Robert McCarthy, applicant, stated that he is happy with the help from staff. He is available for any questions.

Chair Peterson asked what materials they would be using for the deck. Mr. McCarthy stated that they will be using redwood.

Chair Peterson asked if there was anyone from the public who wished to comment. There was no one present who wished to comment and the hearing was closed.

Commissioner Long made a motion to approve the project according to staff's recommendation; Commissioner Snow seconded the motion and it was carried with a vote of 6-0-0-0.

7) Development Permit Application No. 07-025

Applicant – Tamara Kandah, Business Owner (The Sand Dollar)

This Application is a request for approval of a Use Permit to allow for live music in conjunction with an established bar. The subject property is located at 483 West Grand Avenue (Assessor Parcel No. 060-214-009) and is zoned Visitor Services (C-V). The project planner is Janet Reese.

Planner Reese presented the staff report. She stated that the application is to allow live music on an ongoing basis on the subject site, which is the Sand Dollar, formerly the King of Clubs. That establishment received Planning Commission approval for their use as a bar in March of 2005. The project site is located within the Visitor Services zone, which is intended for tourist-dependent and oriented retail and service businesses. Staff is of the opinion that with the recommended conditions of approval, live music events are consistent with the intents and purpose of the district. Live music attracts both local and tourist-related customers. Live music has been allowed at this location on a temporary basis, via temporary use permits in the past. Staff consulted with the Police Chief, and the City has not received any noise complaints for that site within the last year during any live music events. Staff is recommending granting of the use permit.

Commissioner Marshall asked if the Police and Fire Departments were fine with this. Planner Reese stated that the Police Department wanted the same conditions that were placed on the other live music permits that had been recently approved. Fire Department placed their conditions on the permit as well.

Chair Peterson opened the public hearing and asked if the applicant was present. No one came forward representing the applicant. Chair Peterson asked if there was anyone else from the public who wished to comment. There was no one present who wished to comment, and the hearing was closed.

Commissioner Long made the motion to grant the use permit according to staff's recommendations. Commissioner Coleman seconded the motion. There was no further discussion of the item. Motion was passed on a vote of 6-0-0-0.

8) Development Permit Application No. 05-025

Applicant – IGIT, Inc., Property Owner

This Application is a request for approval of an application to allow for the construction of a 29,189 square retail commercial/condominium hotel development. The applicant proposes development of a two and three-story building complex, comprised of 20 condominium hotel units, 2,855 square feet of visitor serving commercial space, a 37 space underground parking garage, and site landscaping. The subject property is generally located at 105 West Grand Avenue, at the northwest corner of West Grand Avenue and State Highway 1. The property is located in the City's coastal zone and is zoned Coastal Planned Commercial (C-P-C). Planning Commission action is to consider a recommendation to the City Council. The project planner is Ray Hetherington.

Community Development Director Hansen stated that the City Council had referred the project back to the Planning Commission to review the new proposed Site and Architectural Plans, the noise impacts to two of the balconies of the hotel units, and adequacy of the proposed buffer between the project and Meadow Creek. He clarified that the Planning Commission will be acting on the whole project. He stated that they will be reconfirming the original actions taken by the Planning Commission, and also reviewing the revised architectural plans.

Director Hansen presented a letter received from representatives from the LeSage Mobile Home Park.

Ray Hetherington presented the staff report, including the biological report information, a letter addressing the noise issue with two balconies, and a report about the buffer zone between the proposed project and Meadow Creek.

Director Hansen indicated that staff believed that the intent of the City Council was to have the Planning Commission review the habitat plan. He stated that more work could be done to improve the design of the project, including spanning the staircase across the corner, and add detailing to the building, such as a bas relief design element to one elevation, tile roof. He stated that the applicants have made changes to address some of the Planning Commission's concerns.

George Garcia spoke representing the applicant. He presented the project, describing different aspects of the project. He related the project's history and background, including design and density changes, and stated that they received a lot of input from City staff and met with the Coastal Commission early in the process to get their input as well.

He stated that they have provided more than the required amount of parking, which is partially subterranean.

He described the area between the property and Meadow Creek, indicating that it was not an easement, but was the "flag" portion of the property to the north.

He stated that they provided a public access view as part of the building design, with possibly a lounge and seating.

The tower serves multiple purposes. It houses the elevator and stairs, and at the top, there is a level area with panoramic views which will be available to the public. He stated that they added some stone elements to lower the visual mass of the building. They applied stone to the vertical elements that were previously stucco.

He addressed the north elevation. He pointed out that the area on the front is on the property line with zero setback, so there is limited ability to add features. They attempted to make a collage of features that are contained in other elements of the project. He showed the color palette, and indicated that they were using a lot of beach-oriented elements, including stone, sandstone. He stated that these materials will be similar to features that will be used on the new bridge. They have proposed a copper roof with wood siding.

Regarding the noise issue related to the two balconies, he stated that the balconies are not required for the hotel, but they felt that they would be appropriate to add. He stated that they are reticent to add Plexiglas to the balconies because if they do it for some of the balconies, they

should use it on all of them which would detract from the overall views. Regarding the noise issue, he stated that it only applied to the two balconies, and the patrons would have the choice of whether to use the balconies during high traffic times. They feel that after the review by the consultant, they feel it is appropriate to leave the balconies as designed.

Mr. Garcia presented a computer animation of the proposed project, as presented in May and described some of the changes made to the project since then, including additional detailing and use of wood.

He summarized the changes that had been made, including the articulation of the north wall, reducing the multi-story appearance by adding more stone work on the west and south, and looking at adding an alternate entry feature. Those issues had been discussed at the last Planning Commission meeting, and changes were subsequently presented to the City Council, who then wanted the Planning Commission's input on the specific changes. Regarding the north elevation, they feel that adding anything to that elevation such as a relief, would not fit into the building design. Regarding the entry feature, one of the concerns was how the outdoor space would function for a possible outdoor café. They envision the corner area to be a small coffee place, which would be pedestrian friendly, and be utilized by the public and hotel patrons. They made a change eliminating the wall that was facing the intersection and opened it up with a staircase, with an opportunity for signage and a water feature and outdoor seating.

He stated that there is a lot of benefit to the project, including bed tax. He stated that there were discussions about condo-hotel uses. There are restrictions in place that were previously approved regarding the maximum amount of use for the owners.

Chair Peterson asked if there was going to be a presentation by the biologist. Mr. Garcia stated that there would be a brief presentation. He clarified that when they presented to the City Council, there was discussion about particular items that they wanted the Planning Commission to see and items that they wanted to come back to the City Council. One of those items was the habitat restoration plan. The original staff report had a condition that required them to provide a final habitat restoration plan, final landscape plan. The City Council wanted to see that final plan before acting on the project. It was the applicant's interpretation that this was not required to be presented to the Planning Commission, but had to be presented to the City Council. Before it goes back to Council, that plan will be completed.

Chair Peterson suggested that the Commission ask questions of the applicant regarding the design that was presented, and follow that with the other elements of the project.

Commissioner Coleman stated that the revised plans have some significant improvements. She had questions about the landscaping on the west end of the building. Mr. Garcia stated that the plan that was presented was what they intended, and incorporates the suggestions made in the habitat report. Commissioner Coleman asked if they planned to add any larger trees to the landscaping plan. Mr. Garcia stated that in addition to the restorative nature of the plans, they have the retention basin, so in that area, they are limited to the types of plantings shown. They are planning on having taller shrubs next to the building. There are trees proposed along PCH and Grand Avenue sides of the project.

Commissioner Long complimented the design of the building, and he likes what was done with the suggestions that had been made. He stated that he is still not satisfied with the look of the north wall. Regarding the landscaping, he asked if they are only landscaping to the property line. Mr. Garcia stated that that was correct, and stated that there is a proposal to work with the neighboring property owner, but he will leave that for the biologist's presentation.

Commissioner Long asked if the new bridge will have an impact. Mr. Garcia stated that he didn't think so and suggested that the City Engineer address that issue.

Commissioner Blum asked if the retail uses had been incorporated into the parking requirements. Mr. Garcia stated that the parking issue was discussed at the Council level. He stated that he would like to see parallel parking on Grand, but they will work with Public Works for an ultimate solution.

Commissioner Blum asked about the cost of doing a bas relief or mural for the north wall. Mr. Garcia stated that they have already increased the cost by adding the detailing that they have already done. He stated that the City doesn't have a public art requirement, but in cities that do, it can add a significant amount to the project cost.

Commissioner Marshall stated that he liked the project when it was originally submitted, and the changes that were made have added to it. The north wall elevation is improved and looks artistic and that it meets the intent. He thinks a mural wouldn't look right. Regarding the noise, he supports leaving the balconies as they are. Regarding the restoration plan, he doesn't recall looking at those types of plans. Director Hansen stated that preliminary plans are usually what are presented to the Commission, with the final plans submitted later in the process.

Commissioner Marshall asked if it was the intent of the City Council to have the Planning Commission review the restoration plan. Director Hansen stated that that was staff's interpretation. City Attorney Koczanowicz stated that he believes that with the conditions that were put in front of them that weren't seen by the planning Commission were intended by the Council to be reviewed by the Commission, including the restoration plan. The discussion was there, though it may not have been included in the motion.

Commissioner Marshall asked about the sidewalk on Highway 1, and he would like to see it on the plans. He also wanted to see the stairs be a little bit wider, but he understands where the applicant is coming from. If they could widen it just a little bit he would feel better about it.

Vice Chair Snow stated that he liked the stone pillar effect on the back with cantilevered beams across the top. He would like there to be some continuation of that theme along the east side, to have the same feeling or effect. He likes the design with the staircase with the water feature. The north wall is improved. He asked Director Hansen for clarification regarding his suggestion about window treatments. Director Hansen stated that he suggested that they continue the use of the wood elements and integrated into the elevations.

Chair Peterson asked about the noise. She asked if it would be an issue that would affect approval by the Coastal Commission. City Attorney Koczanowicz stated that he believes that as long as the findings before the Commission and City Council are made that all reasonable steps have been taken to minimize the effects of excessive noise in those areas and a waiver is issued, then that is where the review stops.

Chair Peterson asked the biologist to make their presentation.

Mr. Garcia responded regarding the habitat restoration plan, he stated that they interpreted that they wanted to see it, but not that the Planning Commission would need to review it. They would not have presented to the Planning Commission if they had thought they were supposed to present that. Regarding sidewalks, he stated that they had a discussion with Caltrans. They cannot require sidewalks, but made a recommendation to the City to require that sidewalks be

built. He stated that sidewalks will be built on PCH. He presented different designs for the sidewalks. Regarding the entry stairs, if the stairs are extended, that would impact the outdoor seating for the café. The entry to the project should be at the intersection. If the staircase is further to the north, it could create some problems.

Commissioner Marshall asked Director Hansen which sidewalk design staff would prefer. Director Hansen stated that the serpentine design would compliment the project more than the linear design. Commissioner Marshall asked Mr. Garcia what his preference was. Mr. Garcia stated that the linear sidewalk works better. Commissioner Marshall stated that he preferred the straight sidewalk.

Commissioner Marshall stated that if they doubled the width of the staircase, and mirror it on the other side of the sign, it would be adequate to welcome pedestrians. Director Hansen stated if that change were made, the water element would have to be adjusted as well so that it divides the stairwell and encourages access on both sides. Director Hansen stated that it would impact the outdoor seating, but not by much.

Mr. Garcia stated that by adding the stairs, they will lose outside seating.

Commissioner Marshall stated that if the water feature/sign were gone, it might open up the area. Chair Peterson asked if it would be possible to move the stairs to the left a little bit. Mr. Garcia stated that it would impact the required handicap ramp. Director Hansen stated that the ramp could be pushed back more to the west. The stairwell can be wrapped around to open it up more.

Daniel Meade, with Althouse and Meade, is the project biologist who prepared the biological report for the project. He stated that normally, they coordinate those plans with the final landscape design. The reason for that is because it is a very specific document; it specifies exactly what plants are there, the species, the treatments, monitoring requirements and timetables. It is very unusual to prepare a restoration plan at this stage. They were not aware that the document was expected at this meeting. This project has a very simple restoration plan. They also had some elements that they were hoping to resolve before the plan was completed. One of those elements was what to do with the property between the project site and the creek. They made a couple of suggestions to the owners that would provide native plants but would still allow access. They have not received a response yet.

With respect to the creek setback, the Grover Beach Coastal Plan specifies the setback is a minimum of 50 feet or a setback that is determined to be appropriate. The purpose of the setback is to protect and enhance existing habitat and also to provide an improvement for water filtration. This project accomplishes both of those purposes. There is additional habitat that will be created on the property and will be an enhancement, because there is nothing there now. There is not a lot of native habitat in that location. This will provide an adequate buffer to protect the channel of Meadow Creek. There are no concerns about protected species in that location.

According to the Coastal Plan, there is some flexibility in the way the setbacks are calculated. A 50 foot setback is calculated differently in different locations. Different cities measure from different areas. The issue is does the setback protect the resource and does it enhance the habitat and does the project improve the water filtration of the site. The way this project is designed, it does that.

Commissioner Marshall stated that he didn't feel like he got enough direction from City Council in order to review a restoration plan. Mr. Meade stated that the restoration plan is designed to

provide assurance that the project will succeed and be monitored.

City Attorney Koczanowicz stated that the analysis that needs to be performed is whether or not the restoration plan serves its purpose. Unlike a lot of landscape plans, this one serves an additional purpose to protect the habitat in the existing area as well as ensure that there is proper refiltration of water to support the stream. In some instances, this could be incorporated into the environmental document, where there would be a mitigation measure and monitoring plan. Just like any other area where environmental issues are reviewed, there is a certain level of review performed by the governing body to ensure that the plan is sufficient. Whether that is performed at the Planning Commission level or at the City Council level will be determined by the Planning Commission.

Chair Peterson asked if this particular plan would be relevant to the state or the Coastal Commission. City Attorney Koczanowicz stated that he believed it would be, unlike the noise issue that was discussed earlier. This issue will be closer to the areas that they are looking at. Director Hansen stated that their primary focus is on habitat preservation and restoration and water quality.

Chair Peterson asked if the project would receive less resistance from the State if it was shown that the governing bodies took this seriously and reviewed this element of the project and possibly shorten the timeframe. City Attorney Koczanowicz stated that with any project, the more detailed the analysis and evaluation provides for a more defensible project if an appeal were to occur.

Mr. Meade stated that the restoration plan is usually done in conjunction with the landscaping plan and that the monitoring times are usually decided by staff.

Commission Marshall asked if the City Council is asking for a final landscaping plan prior to project approval.

City Attorney Koczanowicz stated that a final landscape plan is necessarily equivalent to a final restoration plan or proposed restoration plan.

Commissioner Blum stated that if the Council made an error because of not understanding the way the landscape plan and habitat preservation plans mesh, then he doesn't see that it is an issue for the Planning Commission to address but that they can approve the project with the understanding that the plan would be presented to the City Council.

Chair Peterson stated that this project had been sent back to them for architectural review, which includes landscaping. She stated that in her estimation, the Council's concern is that they are performing due diligence.

Commissioner Long stated that the habitat plan is a separate plan from the landscaping and he doesn't feel that it should be in their purview to review the restoration plan.

Chair Peterson asked if it were possible to prepare the report within a few weeks. Mr. Meade stated that they are already working on the report. If they had known it was necessary, they would have had it completed already.

Ron Perkins, project applicant, stated that they plan on the report being complete for City Council's approval for consideration. He feels that it is unfair at this point to be asked to provide that. He stated that the environmental document was circulated to Fish and Game and State

Parks and no one had a requirement for the formal restoration plan. He stated that he hopes the project will be approved, and he feels that they did a thorough job on this project. He stated that they are trying to show due diligence by incorporating the suggestions from the last Planning Commission meeting, on their own, and he feels that it is a better project now.

City Attorney Koczanowicz stated that the City Council deliberated this project on July 16, 2007. On July 23, 2007, staff received a letter from Mr. Garcia stating that they expected to submit the completed plan to Community Development shortly.

Chair Peterson invited public comment.

Joyce Ward, Grover Beach resident, stated that she talks to people about putting the beach back in Grover. The problem areas of this project as presented are the industrial-type wall that will face the north end, which will be four times the height of this room. The creek is an issue and parking for the shops isn't addressed. There is also noise from the trains as well as from traffic. All of these problems are because they are trying to shoehorn this project onto a piece of property that is inappropriate. The Commission has a lot of responsibility because whatever is sitting on this lot will be there forever and will impact the whole thing. If you look at Santa Barbara's beach entrance, it's low key and invites people in, and doesn't block it. She hopes that they are building things that will enhance the quality of life. She asked who does this support. She stated that all of the problems would disappear if it were on a lot big enough to hold it. She stated that this is a small beach town and we are trying to fit too many large buildings on smaller lots. She stated that if there was a low-key promenade as an entrance to the beach, it would be more appropriate and encourage more people to visit. She hopes that the Commission will take these things into account.

Melinda Jones, Grover Beach resident, stated that she has spent several years participating in the City's visioning process and has been following projects that have been approved since that time, with some degree of dismay. She keeps waiting for things to get codified from those meetings. The citizenry at those meetings were very clearly in favor of a more beach-like flavor, something pedestrian-friendly, low to mid-height buildings, avoiding a big city look, preserving the views. She is happy to say that the revised plan is far better than the earlier renditions and has a lot of positive features, though there are still problem areas. On the positive side, the tower is reminiscent of a lifeguard tower; also the increase in wood is good, and the public access is positive. The north wall is still too massive and heavy. There has got to be a way to open it up. It looks too busy and too industrial. She feels that if they got rid of a few units, some of these issues could be addressed. She is happy to hear that there is going to be a sidewalk. Also, if the staircase were widened it would be more open. She stated that Green Build techniques were not mentioned for this project.

Mike Wilson, Grover Beach resident, stated that clearly, this area has required commercial use. He applauded that there has been open space created and there are venues and areas that are common grounds where people can come and sit. However, he has concerns with massing. The massing is at the front of the building, instead of at the back. If it were massed at the back, it would have less of an impact and would alleviate some of the noise issues as well. Regarding architecture, he discussed the visioning project. He hopes that something will come from that visioning project. One of the things was California Coastal, similar to Asilomar, which is designed with wood and beams and posts. He stated that this is a very elegant project, but there is nothing in it that speaks to the fact that this is a coastal area. This is a major footprint and will be a major entrance to the City. He hopes that the Commission will consider some of these things. He stated that there was very clear intention from the Council that all of the information would be presented to the Planning Commission before going back to the City Council.

City Attorney Koczanowicz stated that the Planning Commission should make the determination whether the meeting will continue past 11:00 p.m. Chair Peterson indicated that they would hear the last public speaker, and then make the determination.

Doug Le Sage, owner of the adjacent property, stated that it was his father's vision and the company's vision to develop the beachfront, but that didn't happen. He stated that he concurred with the previous two speakers. He stated that they did a good job of revising the project. The aspect of joining with the upcoming beach lodge, there has to be an overall picture. The overall planning for the property is what was envisioned and now it is being sectioned off.

Chair Peterson closed the public hearing. She asked for input on whether to continue the meeting past 11:00 p.m. Commissioner Long made the motion to continue past 11:00 p.m., Commissioner Marshall seconded the motion, and it carried with all Commissioners voting yes.

Chair Peterson asked if anyone was ready to make a motion on the project or for more discussion. Commissioner Marshall commented on Mr. Le Sage's comment about the Beach Front Lodge, and asked if there was a design for that project yet. Director Hansen indicated that there was not. He stated that there is a recommendation in the RFP that references Asilomar Conference Center/Lodge as well as the Fess Parker Inn in Santa Barbara. Director Hansen stated that the Beach Front Lodge could go up to three stories.

Commissioner Marshall stated that it is hard to compare the two projects since there isn't a design yet for the Beach Front Lodge. Director Hansen stated that it is difficult to have a project meet standards that haven't been developed yet, but on the other hand, staff discussed early in the process that there were certain design elements that should be considered because of the specialness of the project and because it is a major focal point. Commissioner Marshall stated that because of the way the site is situated, he doesn't mind the massing being along PCH, since there is so much traffic there. He likes that coming from the beach you see a more layered elevation.

Director Hansen stated that there have been references made to the train station and adjacent projects, and they are all built on the lot line and are three stories. This site deserves the kind of attention that is above and beyond what is normally seen.

Vice Chair Snow stated that they have made a lot of improvements to the project. He asked how many sides of the building have a zero lot line. Director Hansen stated that the north elevation is the only one. Vice Chair Snow stated that it is a nice project, but agreed with the comments that stated that it is crammed into a small space.

Commissioner Marshall stated that they need to make a determination whether they have a complete project submittal, according to the City Council's direction. Chair Peterson stated that they should clarify what they want from the applicant, and then ask them if they would be willing to come back in a couple of weeks with responses to the Commissioners comments and questions.

Commissioner Long stated that the applicants were asked to make changes to the project, and those have been made. He stated that this may not be the best location, because the mass of the project. He stated that it is a good design but isn't sure it is right for that location.

Commissioner Blum stated that he really likes the project and the applicants have done a great

job of adapting to recommendations without being mandated to make those changes. He stated that the north wall is big, but it's not necessarily massive. He stated that this applicant has gone through numerous hoops, and different directors. He has a concern about scrutinizing projects for so long. He thinks this project meets a lot of needs. He doesn't see how wrapping the stairs would help, and would remove seating. Regarding the habitat restoration plan, he stated that he isn't sure what constraints they would put on the applicant by making them wait another two weeks. He likes this plan and can appreciate the numerous changes that have been made.

Chair Peterson stated that she would like to see the stairs come around a little bit, if it were possible, to draw people in and create a pedestrian effect. She would like to see the applicant work with staff to come up with a design solution for that. She stated that they need to be cognizant of the design of the surrounding areas and one of the findings that has to be made is that the project is in keeping with the character of the neighborhood and that the project has been designed to be consistent with and complimentary to the beach neighborhood. She stated that they can't ask them to design a building based on another building that isn't built yet, but there are other things in the area, including the train station and Beach Place and it can be designed consistent with those projects. She is not confident that the project and architecture are in keeping with the character of the neighborhood. She wondered if a tile roof would be considered to tie it into the other buildings in the area. She stated that there were still some areas on the building elevations that could use an additional buttress or additional stonework. There are areas where there is wood trim, and she would like to revisit those issues and work with staff. Those are the things that she would like addressed to make the necessary findings. She stated if they put forward a better plan, then it will move more quickly through the process. She stated that she feels that it is important to address the habitat restoration plan up front. Her suggestion is to ask staff to work with the applicant on some of the suggestions, and come back with responses and the restoration plan in two weeks.

City Attorney Koczanowicz stated that it is his recommendation that before a motion is initiated that would send the project back for further changes that the applicant be asked if they are willing to have the continuation or would prefer that the Commission vote on the project as presented.

Chair Peterson asked the applicant if they were willing to have a continuance to work with staff on some modifications and complete the restoration plan at a special meeting in two weeks.

Mr. Perkins stated that it is their intention to do what the Commission would like, and if that is what the majority wants, they will do it. He stated that he would appreciate having the special meeting. He stated that if that is the main concern, they will come back with it. He stated that he would prefer, however, that the Commission act on the project at this meeting. The project has been in development since 2005.

Chair Peterson stated that it may be worth looking at the whole tower location issue in order to open up the corner, but she doesn't have a good solution for that.

Commissioner Marshall made the motion to approve staff's recommendation for approval, with an added condition to add a detached sidewalk along Highway 1. He stated that regarding the restoration plan, he wouldn't know what he was looking at in order to approve it. He also wanted to amend it to have the applicant work with staff to change the staircase to open it up a little bit. Commissioner Coleman seconded the motion.

Chair Peterson asked if there was any discussion.

Commissioner Marshall asked if there were concerns that Chair Peterson would like addressed in the motion. Chair Peterson stated that her concern about the motion is that this is what was done the last time the Commission heard this project. It was approved and changes were made that the City Council then referred back to the Commission since they hadn't reviewed the changes.

Director Hansen suggested that the Planning Commission act on the project tonight without making any open-ended recommendations that they have not reviewed.

Commissioner Blum asked if the reason the City Council kicked this back to the Planning Commission was because based on recommendations, they made changes. Mr. Perkins clarified that they volunteered to make changes; they were not conditioned to do so. Commissioner Blum asked if they make a suggestion for the staircase, if it would come back to the Commission again. He asked if a specific condition were added, would it get kicked back again. Director Hansen stated that if it were a very small part of the landscape plan, it probably would not.

He stated that based on the presentation this evening, they could decide that the restoration plan should be approved by the City Council. He stated that another option would be to continue the project for two weeks to allow time for the issues to be addressed. He mentioned that the next City Council meeting will be September 17, so if there was a continuance for two weeks, the project would not lose any time.

Commissioner Marshall stated that his motion could stand. He stated that the Council provided vague direction with regard to the Habitat Restoration plan, and he does not feel qualified to act on that.

City Attorney Koczanowicz stated that due to the fact that the restoration plan was not included in the motion that the City Council made, staff is capable of relaying any information to the Council related to that. He concurred with Director Hansen that they move the item forward and vote on it in its current form or with specific changes that the applicant understands.

Commissioner Marshall indicated that his motion would stand with the specific recommendation to change the staircase and take the center section out and add three feet. He stated that the wall obstructs that staircase. Director Hansen asked for clarification if they were asking that the wall with the water feature be removed. Commissioner Marshall stated that that was correct. He stated that the water feature was also important. It was suggested that the staircase be extended and the water feature run down the middle. Mr. Garcia asked that the Commission clarify if their intent was to have the applicant add three feet of stair to the north side of the water feature element wall. Commissioner Marshall suggested that there be a minimum of three feet on either side of the water feature, and that the water feature flow down on both sides.

Commissioner Marshall revised his motion to incorporate those changes, and Commissioner Coleman affirmed her second of the motion. The motion failed with a vote of 3-3 (Commissioners Blum, Coleman and Marshall voting yes and Commissioner Long, Vice Chair Snow and Chair Peterson voting no).

City Attorney Koczanowicz stated that they can attempt another motion. If that also did not pass, then it would automatically move forward to the City Council with no action from the Planning Commission.

Commissioner Blum stated that if the sticking point is the entry way, then maybe they should take two weeks to allow changes to be made, rather than trying to approve it now.

Commissioner Snow made the motion to continue the item for two weeks. Commissioner Blum seconded the motion. City Attorney Koczanowicz stated that before they move forward, they should provide specific direction to staff and the applicant for what should be accomplished.

Chair Peterson stated that the reason that she voted no was because she still does not feel that she can make the findings that it is in keeping with the neighborhood, or that it is compatible with existing and planned projects. For her to be able to make those findings, she needs more staircases and would direct staff to work with the applicant on the stairs and also maybe the tower and the roof and more stone and details. She stated that she feels comfortable leaving this in the Director's hands. Director Hansen clarified that she was suggesting that the item be continued to August 28, and that they address the issues that she outlined including the buttress, relocation of the tower, adjustment of the entry and some other details. Chair Peterson stated that that was correct and that she was looking for some small areas with stucco that could be tweaked.

Director Hansen suggested that the movement of the tower not be considered. Chair Peterson stated that that would be acceptable. Commissioner Marshall asked for clarification and stated that they need to be more specific.

Vice Chair Snow stated that the issue he is wrestling with is that he would like more time to review the plans. He stated that there are still issues left unresolved and he would like to take the time to resolve those issues that staff had raised. They did not have enough time to review a project of this scope. Commissioner Marshall stated that he didn't necessarily agree with staffs suggested changes. He stated that he likes the project.

Vice Chair Snow reiterated his motion that the item be continued for two weeks, allowing staff time to work on issues related to the staircase, and the applicant to finish the report, so a complete project can be presented to the City Council. Vice Chair Snow referred to the discussion in the staff report about staff recommended changes. Chair Peterson asked for a second.

Mr. Perkins suggested that the Commission continue the item for two weeks to allow them time to work on the specific design suggestions from the Planning Commission.

Chair Peterson stated that the staff report made some good suggestions. Commissioner Marshall disagreed with some of the staff suggested changes. Commissioner Blum stated that the only thing that they have been asked to amend was adding three feet to the staircase and put the water treatment on both sides of the wall.

City Attorney Koczanowicz stated that even if a continuance is granted and the majority of the Commissioners agree on what changes should be incorporated, approval is not guaranteed. To the extent that the majority of the Commissioners can give direction as to what changes they would like to see. Individual changes from each Commissioner create a situation that isn't conducive to responding to the Commission. He asked that the majority of the Commission have consensus on what changes they would like, and they can be incorporated.

Chair Peterson stated that it seems that Vice Chair Snow needs more time to review the project, Commissioner Marshall is happy with the project, and her issues had been outlined.

Commissioner Blum stated that while he is happy with the project as presented, if there is consensus on adding three feet to the staircase and adjusting the water feature, he is fine with that. The applicants have done a good job. Regarding the finding of being consistent with the area, he pointed out that hopefully soon there will be changes in the area so this area could be trend setting. He stated that he feels it would be a great addition to the City.

Chair Peterson asked Commissioner Long what he would like to see to approve the project. He stated that the entry staircase is one issue and extend the wood trim and stone features.

Director Hansen suggested that if the project is continued, that the applicant be directed to open up the entry steps, provide water features, clarify the wood trim on the windows and complete the restoration plan.

Vice Chair Snow withdrew his motion. The issue that he is dealing with is that he doesn't feel that this is the project for this project at this time. He stated that it is a good design but not for that location. The changes suggested won't change his view of that.

Commissioner Marshall made his original motion to accept staff's recommendation, with the addition of a condition for a detached sidewalk and to extend the staircase to a minimum 6 feet wide with three feet on either side of a center wall with a water feature. Commissioner Blum seconded the motion and it was carried with a vote of 4-2, with Commissioners Coleman, Blum, Marshall and Chair Peterson voting yes and Commissioners Snow and Long voting no.

After the vote, Chair Peterson stated that she thought she was voting for a continuance, not to move the project forward.

City Attorney Koczanowicz stated that whoever was on the prevailing "yes" side can make a motion for reconsideration of the motion.

Chair Peterson made a motion for reconsideration and Commissioner Coleman seconded the motion, and it was carried.

Commissioner Marshall reiterated that his motion was to accept staff's recommendation to approve all of the resolutions addition of a condition for a detached sidewalk and to extend the staircase to a minimum 6 feet wide with three feet on either side of a center wall with a water feature. Commissioner Blum reiterated his second of the motion. The motion was carried with a vote of 4-2-0-0 with Commissioners Peterson and Snow voting no and Commissioners Coleman, Long, Marshall and Blum voting yes.

/s/
CHAIR PETERSON

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

(Approved at PC Meeting: May 13, 2008)