



**MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, SEPTEMBER 13, 2005
6:30 P.M.**

CALL TO ORDER: 6:31 p.m.

FLAG SALUTE: Commissioner Peterson

ROLL CALL: Present: Commissioners Bright, Keith, Luce, Peterson,
Vice Chair Marshall and Chair Versaw

Absent: Commissioner Barnett

Staff: Planner III Pay Hetherington
Planner I Sean Nicholas
Interim Community Development Director George Hansen
Interim City Manager Richard Warne
City Attorney Martin Koczanowicz
Administrative Secretary Sharon Chernoff

PUBLIC COMMENTS: None.

PRESENTATIONS: None.

STAFF COMMENTS: Community Development Director George Hansen indicated the Community Development Department received a Letter of Resignation from Commissioner Jacquleen Barnett, citing family obligations. Mr. Hansen further indicated that Staff has initiated the application process in order to fill the vacant position.

Mr. Hansen also noted he had received a special request from the applicants of Item #8. Due to medical issues with family, they request that Item #8 be considered first.

Mr. Hansen introduced the new interim City Manager for Grover Beach, Richard Warne.

CORRESPONDENCE: Announcement read by Chair Versaw regarding the 4th Annual Fall Skate Classic on Saturday, September 17, 2005 presented by the City of Grover Beach Parks & Recreation Department.

CONSENT AGENDA:

- 1) Approval of minutes of Regular Planning Commission meetings of August 9, 2005 (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)**

A correction to the August 9, 2005 minutes was noted by Vice Chair Marshall. On Page 4, in the paragraph beginning "Chair Versaw liked the design..." The second sentence, "She the incorrect Tentative Tract Map wasn't an issue..." is a incomplete sentence. Chair Versaw indicated that the missing word was 'said', and the sentence should read: "She said the incorrect Tentative Tract was not an issue..."

Chair Versaw indicated a second correction in Commissioners' Comments. "Vice Chair Marshall watched the Council Meeting" should be corrected to read: "Vice Chair Marshall attended the City of Grover Beach City Council Meeting".

On a motion from Commissioner Bright to approve the August 9, 2005 Minutes with the above described corrections, seconded by Commissioner Peterson, and on consensus vote, the corrected Minutes were unanimously approved.

Pursuant to the request of the Applicant, the Planning Commission addressed Item #8 of the Agenda:

- 8) Clarification of Condition of Approval for Architectural Approval and Use Permit,**

Application No. 05-013, Jerry McLaughlin, 744 Seabright (APN 060-209-024)

A request for clarification of an amendment to Conditions of Approval PW-8 for Architectural Approval and Use Permit, Resolution 05-059, adopted at the June 14, 2005 Planning Commission Meeting, which relates to the drainage system requirement for the project application.

Planner III Ray Hetherington presented the staff report. He noted that the project is a two story two unit detached single family residential project. The Planning Commission granted Architectural approval, Use Permit Approval and a Tentative Parcel Map approval for the proposed project. One of the items discussed at the June 14th, 2005 meeting was project drainage. The applicant proposed a combination of underground infiltration and above-ground ponds on-site. At that meeting, it was indicated by one of the commissioners that it might be more appropriate to have all the drainage handled by infiltration, and eliminate the ponds. The motion was made to approve the project per staff recommendation, with both types of drainage. The applicant subsequently approached staff and indicated there was an issue in converting all the drainage to underground infiltration, and it was concluded that clarification regarding the terms of approval was required.

In the past, projects have been approved with either underground, or above ground, or a combination of the two. It is not unusual to have a combination of the two types of drainage. Clarification is being sought regarding PW-8, and whether the intention was to approve underground, above ground drainage, or a combination of the two, as submitted.

Commissioner Luce inquired as to why the Planning Commission didn't concur with the City Engineer recommendation, and Vice Chair Marshall indicated that it was probably due to his comments. He indicated that he considered PUD projects as having limited yard space, and if there are kids in these houses, there's limited yard space for them to enjoy. He further indicated he had driven past the project, and the flat yard lends itself to an underground drainage system. It's more expensive to engineer underground drainage rather than just dig a hole, but he feels strongly about habitable homes for families, and with this type of density, provision should be made for the occupants' use, not for the contractor.

It was indicated by the City Attorney Martin Koczanowicz that the applicant is not agreeable to accepting this condition. Inasmuch as the City Engineer approved the project based on the submittal information, the City Attorney recommended that in order to allow the applicant to move forward with the process, that the project either be approved as presented, or denied. If denied, the applicant should be advised of his right to appeal this decision to the City Council.

Chair Versaw clarified that this advice was applicable only because the Planning Commission had initially approved the project with the existing condition. The Planning Commission always has the right to question the staff's calculation, and the Commission would not normally have to deny the entire project. The City Attorney continued that any type of major re-design or reconstruction of the project during the hearing is generally not advisable. Rather than imposing conditions that are not agreeable to the Applicant and thus creating a project which is then neither the staff's project nor the applicant's project. Chair Versaw responded that the role of the Planning Commission is to condition projects as they see fit, even if it is not agreeable to the applicant, if the Planning Commission believes it is in the best interest of the project and the community.

City Attorney Martin Koczanowicz concurred that it is the role of the Planning Commission to Evaluate projects with regard to architectural review and use permits and issue conditions, and agree or disagree with conditions that are proposed. He indicated he was dealing more with the process than the function: if what's before you is not acceptable, if the applicant is not in agreement with the conditions, it is cleaner to deny the project rather than impose conditions. Once the project is denied, the reason will be inherent from the minutes, and the City Council will either uphold the denial or overrule your decision and approve the project as submitted.

Chair Versaw then indicated that in her experience, when conditions were imposed, the applicant usually accepted the conditions. There were also times when the conditions were not accepted, and the applicant filed an appeal with City Council.

Chair Versaw opened the public hearing, and asked the applicant to step forward and state name and address for the record.

Applicant Jerry McLaughlin thanked the commission for their consideration, and indicated that they hoped to save time by avoiding the re-design of the drainage system, and that they hoped the basin would be sufficient.

Commissioner Peterson clarified that the original drainage system proposed by the applicant was all above-ground, with basins. Commissioner Keith commented that often the basin drainage systems failed, whereas underground drainage systems were better in the long run, and more

difficult to defeat. Commissioner Bright requested further information regarding the basins. The applicant responded that this project involved three (3) basins: Basin #3 was designed with a volume of 334 cubic feet; Basin #2 has a volume 276 cubic feet; and Basin #1, located in the rear, 558 square feet. When asked how deep the basins were, the applicant was unable to respond, and Planner Ray Hetherington indicated that they all appeared to be approximately 2 feet deep.

Chair Versaw then closed the public hearing. Commissioner Luce commented that there are standards the City Engineer uses, and then the Planning Commission appears to reject the recommendations. It seems unfair to the applicant not to indicate to them ahead of time what the Planning Commission would require. Chair Versaw responded that she would prefer to address this issue outside of the meeting, but the bottom line was the Planning Commission can question what staff recommends, and to try to make a better project, and ask if this particular design works here. In the case of a PUD, with no open space for example, the Planning Commission is within their purview and actually has a community obligation to question whether or not a ponding basin or a lawn is an appropriate application.

Commissioner Luce indicated that she felt the Planning Commission's role was to approve or deny, not to re-design. Vice Chair Marshall commented that he appreciated Commissioner Keith's comments, and agreed that the low areas of Grover Beach have potential flooding issues, and in high density projects such as this, appropriate underground drainage is worth the cost to the applicant in terms of community benefit. Vice Chair Marshall did not feel that the Planning Commission was imposing an undue burden on the applicant to require underground drainage. Commissioner Peterson indicated that she would like to explore the above ground/below ground drainage issue with the City Engineer, and have the Planning Commission gain a better understanding of this important issue. Chair Versaw commented that she felt that underground drainage was a better design, and she agreed with Commissioner Keith that basins do fill in. She feels that the project should not be denied because of an error on the part of the Planning Commission.

City Attorney Martin Koczanowicz pointed out that staff was looking for a clarification from the Planning Commission of the action that was taken. In order to clarify, the Planning Commission should impose the underground drainage, so the applicant knows what the Planning Commission requires of the project.

On a motion from Commissioner Luce, seconded by Commissioner Bright, to approve the project based on the original drainage plan which consisted of 3 above ground basins, and on the following roll-call vote, to wit:

AYES: Commissioners Bright, Luce, Keith, Peterson and Chair Versaw
NOES: Vice Chair Marshall
ABSENT: None
ABSTAIN: None

The foregoing Resolution No. 05-059 was adopted on the 13th day of September, 2005,

Commissioner Keith commented that his vote was contrary to his opinion. However, one more above ground basin is not going to put this community over the edge with regard to percolation and water retention. He further indicated comments of staff should be relied upon, and underground systems are the standard, and that's what we should do. A standard should be set, in order to avoid burdening another family and other citizens with this difficulty.

City Attorney Koczanowicz indicated that the mechanism for setting such a standard, should the Planning Commission wish, is to initiate a zoning ordinance amendment requiring underground drainage systems as a development standard for the city. That would require a Zoning Ordinance Amendment. A good interim step, as suggested by the Community Development Director, would be some kind of workshop.

Community Development Director George Hansen suggested an educational workshop directed by the City Engineer addressing the options available in site design. Mr. Hansen also suggested landscape architectural elements can be incorporated that not only provide for occupant use and are esthetically pleasing, but addresses drainage. Incorporating drainage into landscaping elements, such as landscaping a drainage facility that moves water from one place to another can be turned into a multi-use recreational facility. He suggested setting up an educational workshop to illustrate the challenges involved with the various type of approaches.

Chair Versaw indicated that she felt the Planning Commissioners' job is to use discretion and judgment on behalf of the community to make decisions on a case-by-case basis. She indicated she was not adverse to above ground ponding basins if there is reason to believe there is adequate

drainage and other landscaping elements. In this particular case, she did not feel that there was any place left for play. Every case is different. Sometimes above ground is fine, sometimes underground should be required. Each project should be considered on its own merit, thus, a workshop to establish a rule seems shortsighted.

Community Development Director Hansen responded that he was not suggesting that the Planning Commission come up with a rule, rather Commissioners be afforded an opportunity to broaden their perspective and foundation for other options. Mr. Hansen suggested a workshop with a landscape architect other than staff come in and take a situation similar to this, and present options that are real, and financially feasible, which may result in something everyone can be proud of, not just a typical basin.

PUBLIC HEARING ITEMS:

3) Architectural Approval, Use Permit, and Tentative Parcel Map – Application No. 05-030, Michael Armenta, 851 Seabright Avenue, APN 060-282-009

A request to grant a Use Permit, Architectural Approval, and Tentative Parcel Map approval (to re-subdivide two existing parcels into four lots, with one residential unit on each lot) in a residential planned development. Total combined land area of existing two lots is 15,000 square feet. The project site is located on Seabright Avenue in the Duplex Residential (R-2) Zone.

Planner III Ray Hetherington presented the staff report. The proposed project is four residential units, two units in the front, two units in the back. The two front units are two-story, and comprise 1,750 square feet of living area, and each unit will have a 180 square foot deck. Maximum height of these units is 24'5" feet. The two rear units are two-story and also include a roof deck. The rear units will be in excess of 25' in height, but the Use Permit will allow 35', so if the Use Permit is granted, the height may be increased. All units will have two-car garages and one guest space per unit. An easement will provide access and utilities to the rear units. The project will require Covenants, Conditions and Restrictions (CC&Rs) to provide for common maintenance in all four properties. owners. This project is exempt from the California Environmental Quality Act because of its size; it consists of a parcel map of 4 units or less. However, parcel maps are subject to approval by the Planning Commission.

With respect to project development, the primary issue addressed in the report is the location of the required off-street guest parking spaces for the two front units. Parking in required yard areas has been an issue, as an interpretation of the definition of a yard. In this project, guest parking for the front units is partially in an area perceived as a yard. The secondary part of this issue deals with a design issue: since the parking proposed in the required front yard of the front unit, staff has recommended moving the building forward on the lot, and re-locating the guest parking behind the unit. This is a design issue and not related to the yard issue. Staff has discussed this with the applicant and suggested a re-design, but the applicant expressed their preference to leave the project the way it was for the Planning Commission.

Staff recommends adoption of Resolution 05-082 for the Use Permit and Architectural Approval, and Resolution 05-083 for the Tentative Parcel Map with the suggested redesign.

Commissioner Bright questioned whether the guest parking relocated to the rear of the front units would be in a setback area. Planner Hetherington responded that since the project created four lots, the guest parking for the front units would be located in the rear yards. Rear yard parking is more desirable but more importantly, satisfies the order. Commissioner Bright commented that it was her understanding that required parking is not allowed in the setback. She asked if the guest space is required parking, and Planner Hetherington responded yes.

Commissioner Keith indicated there was some previous discussion regarding the parking of recreational vehicles, boats and perhaps passenger vehicles parking in side yards. On this project there doesn't appear to be room in the side yards, but this might be a possibility for future projects. Community Development Director Hansen responded that currently recreational vehicles and boats are allowed in the required yard areas, but the issue here is required guest parking located in a required yard. He further pointed out that the configuration of the design essentially creates two flag lots in the rear, through the easement over a single driveway. Commissioner Keith indicated that he had not realized that RVs and boats were allowed to park in side yards. Chair Versaw added that such parking was allowed only with certain stipulations. Commissioner Keith indicated that he remembered a fairly recent discussion of parking passenger cars in the side yard.

City Attorney Koczanowicz indicated that during the last Planning Commission meeting there was discussion and what staff interpreted as direction to initiate a process of clarifying the issue of required parking. Currently the zoning ordinance provides that there shall be no structures of any sort in the setbacks and side yards. The historical interpretation of that has been that parking

spaces are not permitted in that area, since the spirit of the ordinance is that area would remain open. Although there was discussion of an educational workshop to see what direction on that issue the Planning Commission would recommend to the City Council currently, and for many years, the policy has been that the City does not permit a design incorporating required parking in the setback areas.

Commissioner Keith responded that Chair Versaw had indicated earlier, it was better to have more options than fewer, and that a workshop dealing with this issue would be a good idea. Commissioner Peterson asked what criteria or requirements would determine whether the Use Permit would be granted for the height exception. Planner Hetherington responded that the granting of the Use Permit was at the discretion of the Planning Commission, based on the project. In this case, it is the roof deck that requires the height exception. Planner Hetherington responded to Commissioner Bright's query regarding the relocation of the guest parking from the front of the unit to the rear of the unit, he clarified that the space between the building and the lot line is a building separation area, and not a designated yard. Commissioner Bright asked if this area would not be in a setback area, and Planner Hetherington responded it was not.

Vice Chair Marshall requested clarification of some conditions of approval, specifically CDD-17, 05-082, Architectural Approval, which he felt conflicted with PW-4. City Attorney Koczanowicz responded that they are not a conflict. Vice Chair Marshall pointed out that PW-3 indicated units 3, 4, 5 and 6, whereas it should be designating Parcels 1, 2, 3 and 4, as indicated on the tentative map.

City Attorney Koczanowicz pointed out that the site plan refers to A, B, C and D, but they agreed that the designation of PW-4 as 3, 4, 5, and 6 was an error. Vice Chair Marshall then requested information regarding the easement width. He asked if 20 feet was the City standard, and Planner Hetherington responded that due to Fire Department requirements, 16 feet is the minimum. The driveway for this project is 16 feet wide at the street, widening to 25 feet wide at the garages. Vice Chair Marshall then asked about the width of the easement. Planner Nicholas responded that the City of Grover Beach Fire Department has reviewed the plans, and commented accordingly. Vice Chair expressed his concerns regarding the viability of a 16 foot wide driveway, and suggested a condition regarding turning templates to assure that the driveways are workable.

Planner Hetherington pointed out that the driveways are 25 feet wide at the garages. He further noted that the easement is 18 feet wide. Vice Chair Marshall again indicated his concern regarding the driveways, and suggested that in future, turning template studies should be required. City Attorney Koczanowicz indicated that the 16 foot driveway is per City standards. Vice Chair Marshall again indicated his concern with the 16 foot driveway, and Planner Hetherington responded that it appeared that Vice Chair Marshall's concern was not the width of the driveway, but the turning movement involved.

Chair Versaw asked Planner Hetherington if staff was aware of the North Grover Beach roof deck ordinance. She noted that the ordinance required a 5 foot recess, and this project design shows a 3 foot recess. She asked staff to review this ordinance with regard to why it is applicable only to North Grover Beach. Why is there separate treatment in North and South Grover Beach with reference to an issue as direct as privacy? City Attorney Koczanowicz advised that the City Council changed the Planning Commission recommendation to three feet for all residential zones. Chair Versaw further noted that the oil and sand drainage system sounds like a great idea, but who maintains it? Should maintenance of such a system be a condition of the project? City Attorney Koczanowicz responded that the property owners through the CC&Rs are required to maintain their facility. Chair Versaw then indicated that PW-6 is missing something: An engineered drainage plan shall be approved prior to issuance of a building permit, but by whom? Planner Hetherington replied that the approval would be by the City Engineer and/or the Director of Community Development. Lastly, she asked if any discussion had been conducted with the applicant regarding architectural relief. The project seemed stark, and she specifically alluded to Lot D, north and west elevation. Planner Hetherington responded that was no discussion regarding this issue, but agreed that the elevations contained only stucco and windows.

Chair Versaw opened the public hearing and invited the applicant to step forward and state name and address for the record.

Michael Amenta indicated he and his parents had purchased the property and designed the project for family use; his parents would live in one rear unit, and he in the other rear unit. They have designed around requirements, modeling the project on previous projects routinely approved by the Planning Commission. He indicated that rear parking was unattractive to the applicants, stating they had proposed a fence to mask the parking from the street. With regard to architectural relief, he stated that a four house development to the west would butt up against this project, so the architectural interest would be the front of this project. The applicant proceeded to point out to many

site amenities incorporated into their design.

Commissioner Keith pointed out that the rear units were 4 feet higher than the 25 foot structures in the front, and asked for the reason. Applicant responded the 4 feet was to accommodate the roof decks of the rear units. Applicant's architect, Aaron Gannage, responded to Commissioner Keith's question by stating that the additional height was required for ducting and the surface of the roof deck. City Attorney Koczanowicz interjected that the roof deck ordinance is not only applicable to North Grover Beach. It is also applicable city-wide to any R-1 or CR-1 zone project. The Planning Commission has the authority to allow exceptions to the 5 foot setback. Chair Versaw indicated that roof decks are a privacy issue. The rear units are higher than the front units and also overlook the backyards of adjoining properties. She indicated that she felt strongly about privacy issues, and asked the applicant if he would be willing to take the roof decks to the 5 foot setbacks. The applicant responded that he would appreciate not being burdened at this time by a re-design, and indicated that the roof decks overlook roofs, not backyards. Chair Versaw then asked the applicant if he would be willing to provide architectural relief for Lot B: East, West and North elevations, and Lot C: East, West and North elevations. She indicated that the elevations were stark, and felt the project could be improved by architectural relief in these areas. The applicant responded that the windows have relief in the form of their border, and that this project was designed for his family. The applicant indicated his preference to have the project passed the way it was designed.

Vice Chair Marshall indicated that Unit A looks like Unit D, Unit B looks like Unit C, and asked the applicant what he intended to do in order to avoid monotony of design. The applicant replied that the units of every 4 house PUD he has seen in the city mirror each other because of the setback. To implement variation would reduce the living space, and the homes are only 1,700 square feet now. Vice Chair Marshall responded that the units are 30 feet tall, and indicated that projects should avoid monotony in design, and should be compatible to the neighborhood. The applicant responded by pointing out several surrounding two-story PUD projects in the immediate neighborhood. Vice Chair Marshall indicated his agreement with Chair Versaw regarding architectural relief, and the applicant architect Aaron Gannage indicated several architectural features such as the pop-out kitchen windows and 2 inch stucco window borders. Architect Gannage further indicated that he was designing for the clients, not for the neighbors. The applicant added that the neighbors' backyard was 10 feet of slope with ground cover.

Chair Versaw then closed the public hearing, and opened to discussion by the Planning Commission.

City Attorney Koczanowicz at this point indicated that the roof deck ordinance originally drafted by the Planning Commission called for 5 foot to 10 foot setbacks, later amended to 3 foot setbacks by the City Council.

Commissioner Luce stated that she felt the applicant worked hard to comply with Planning Commission, and she felt the project should be approved as it is. Commissioner Bright indicated That although it was a lovely project, she had a problem with the required parking, and wondered why setbacks are required if cars are going to be parked within the setbacks. Based on the parking within the setbacks, she was inclined to deny the project unless the parking was addressed. Commissioner Keith indicated his agreement with Commissioner Bright with reference to the parking and felt the parking should be moved behind the units. He further indicated his concern with the roof deck, but did not find the project's roof deck objectionable, and had no reason to object to the project, and would be inclined to vote in favor of the project. Commissioner Peterson acknowledged the effort and work the applicant had put into the project, and her appreciation for that, but agreed the guest parking should be moved from the front to the back of the unit. Vice Chair Marshall concurred in his concern regarding the parking, and indicated that he did not feel the proposed four foot fence was the solution. His concern regarding the height are a city-wide concern, but felt that the parking should be moved.

Planner Hetherington responded by reiterating that moving the building forward on the lot would create adequate parking in the rear.

Commissioner Versaw expressed her concern regarding the parking, and more so since every Vote of the Planning Commission sets a precedent, and if this front yard setback was approved, it would be difficult to deny other similar projects. She also expressed concern regarding the height and the roof decks.

Commissioner Keith stated the design measures proposed had not been agreed to by the applicant, and if the project is denied, the applicant has the option to either appeal the Planning Commission decision to City Council, or redesign the project. Before making a motion, the question is, will the applicant be willing to move the parking?

City Attorney Koczanowicz advised the Planning Commission that they have the authority to make their decision regardless of the applicant's willingness. The applicant has the option to appeal or re-design.

Vice Chair Marshall indicated his concern over access as set forth in the Tentative Parcel Map. Planner Hetherington indicated that the problematic access had been addressed on the advice of City Engineer Jim Garing by means of a blanket easement.

The applicant indicated his willingness to move the parking.

On motion by Commissioner Keith to approve with staff recommendations, and with the following conditions: changes applied to PW-3, PW-6 and CDD-11, and the agreed upon relocation of the guest parking removed from the setback, and placed at the rear of the front units, seconded by Commissioner Bright, and on the following roll-call vote, to wit:

AYES: Commissioners Bright, Keith, Luce, Peterson, Vice Chair Marshall.
NOES: Chair Versaw.
ABSENT: None.
ABSTAIN: None.

The foregoing Resolution Nos. 05-082 and 05-083 was adopted on the 13th day of September, 2005, conditionally approving the project.

4) CONTINUED FROM THE REGULAR MEETING OF AUGUST 9, 2005 – Use Permit, Architectural Approval and Environmental Determination Application No.02-025, Thor Ourston, 978 Griffin Street (APN 060-544-008)

A request to adopt a Mitigated Negative Declaration and grant a Use Permit and Architectural Approval to contract a 16, 525 square foot industrial building for metal fabrication and warehousing, and creating a cul-de-sac at the end of Huber Street with an emergency access easement in the Light Manufacturing (L-M) Zone. This application was continued, at the request of staff, to the Regular meeting of September 13, 2005. Planner Hetherington presented the staff report.

Planner Hetherington began his report, but the report was interrupted by City Attorney Koczanowicz who advised the Planning Commission that since this is a continuance, they could dispense with the staff report and move to the public hearing.

Chair Versaw opened the public hearing.

There was no public comment.

Chair Versaw closed the public hearing.

On motion by Commissioner Peterson to table this item for continuance to the Planning Commission Meeting of November 8, 2005, seconded by Commissioner Bright, and on the following voice vote, to wit:

AYES: Commissioners Bright, Keith, Luce, Peterson, Vice Chair Marshall and Chair Versaw.
NOES: None.
ABSENT: None.
ABSTAIN: None.

At this juncture, Commissioner Keith absented himself from the meeting.

REGULAR BUSINESS:

5) CONTINUED FROM THE SPECIAL MEETING OF AUGUST 23, 2005 – Architectural Approval, Application No. 05-018, Ed Grimshaw, 490 Ramona Ave, APN No. 060-214-011.

Request to construct a two-car garage and second story apartment in the Multiple Family (R-3) Zone. Planner III Ray Hetherington presented the staff report.

Planner Hetherington stated that this project had been continued from the last meeting, proposing the construction of a two-story structure with a two car garage on the first floor and a residential unit on the second floor, in conjunction with an existing single family residence. This project was discussed at the last meeting, and there were a number of issues related to this application, including parking in a setback for a second unit. There was a consensus of the

Planning Commission to allow the applicant an opportunity to redesign, addressing the issues discussed. The applicant has now chosen to modify the application so that this application is now a request for a secondary unit, which requires one less parking space. Further, secondary units are now subject to administrative review only, by State law. Requirements of the second unit ordinance sets forth a condition that if the owner does not reside at the property, one of the units must be deed-restricted as affordable property, as a moderate income unit and the applicant has agreed. As a result, Staff recommends that this matter be received and filed with the previous application, and processed administratively.

Vice Chair Marshall question Planner Hetherington regarding the staff determination with reference to tandem parking space. Planner Hetherington replied that no determination has been made for this project.

City Attorney Koczanowicz advised the Planning Commission that although the commissioners could certainly give their thoughts, the project is outside the purview of the Planning Commission. Vice Chair Marshall responded that his concern was not the tandem parking, but the drainage basin, which was deep, with no access, and cut into open space.

Commissioner Peterson asked about the Home Occupation Rule, Part 42, which stated that The area used for such occupation shall not exceed ¼ of the floor area of the main residence, and/or second dwelling unit, and in no case shall exceed 500 square feet. Is this ruling applicable to this project? Planner Hetherington indicated that this would apply in the event that an application was made for home occupation. Commissioner Peterson then requested a definition of the term 'home occupation.' Planner Hetherington explained that home occupations are occupations governed by city zoning ordinance that allow minimal occupations conducted from the home. Commissioner Bright expressed her concerns regarding the drainage basin, and indicated that she was looking forward to the drainage workshop.

Community Development Director George Hansen responded to Vice Chair Marshall's earlier question regarding tandem parking by explaining the secondary unit ordinance, adopted by the City pursuant to State law to increase housing opportunities, allows tandem parking to occur on a site-by-site basis, reviewed by staff. The state is attempting to enhance housing opportunities by providing administrative approval over the counter, rather than Planning Commission approval.

No action required of the Planning Commission, this matter was received and filed.

6) Architectural Approval, Application No. 05-006, Van Parkinson, 338 North 6th Street (APN 060-151-023)

A request to grant Architectural Approval to construct a 1,951 square foot single family residence in the Single Family Residential (R-1) Zone. Acting Planner I Sean Nicholas presented the staff report.

Acting Planner I Sean Nicholas indicated the applicant is requesting Architectural Approval for a new single family residence in the Single Family Residential Zone, and that this matter was noticed to come before the Planning Commission on September 13, 2005. However, after the he noticing occurred, Staff discovered that the applicant had not erected the story poles requested by staff. This request was made in order to fully assess the visual impact of this project to the surrounding neighbors. Staff recommends that the Planning Commission continue this agenda item until the October 11, 2005 Planning Commission Meeting, so the applicant will have time to erect the story poles and allow for visual impact assessment.

On motion by Commissioner Bright to continue this item until the Planning Commission Meeting on October 11th, 2005, seconded by Vice Chair Marshall, following voice vote, to wit:

AYES: Commissioners Bright, Luce, Peterson, Vice Chair Marshall and Chair Versaw
NOES: None
ABSENT: Commissioner Keith
ABSTAIN: None

7) Architectural Approval and Coastal Development Permit Application No. 05-004, Manford and Anita Shower, 867 North 6th Street (APN 060-501-023 & 060-501-024)

A request to grant an Architectural Approval and Coastal Development Permit to construct a 2,082 square foot addition to an existing single family residence in the Single Family Residential District (R-1) and Coastal Residential Single Family Residential District (C-R-1). Acting Planner I Sean Nicholas presented the staff report.

Planner Nicholas reported the project seeks to be allowed 25 foot from the natural grade, and with Planning Commission approval the height can reach 25 feet, matching the height of the existing structure. The existing home is approximately 3,618 square feet, and the addition, including the stairs and deck is approximately 2,082 square feet. While the addition is 58% of the existing structure, per City Council Ordinance 04-014 pertaining to the installation of curb, gutter and sidewalks, with the multipliers contained in the ordinance, the proposed square footage is reduced to below the 40% threshold.

The applicant initially submitted a building permit application on December 15, 2004 and was one of the projects to apply in late December order to avoid having to install fire sprinklers per City Ordinance 04-011. After the applicant had submitted, he was informed that Architectural Approval would be required. The project is categorically exempt from CEQA, and has been publicly noticed.

Staff recommends that the Planning Commission grant Architectural Approval and the Coastal Development Permit, as requested in Application #04-004 by adopting Resolution 05-080, making the necessary findings with the appropriate conditions of approval.

Commissioner Peterson indicated her concern with the height of the addition. She asked why the applicant felt is necessary to go to the maximum height. Planner Nicholas responded the height was an architectural decision, to match the existing residence.

Vice Chair Marshall remarked upon CCD-15, which he indicated seemed too specific. Planner Nicholas indicated that these items were included in error, as "boiler plate". Vice Chair Marshall then noted a drainage basin on the plans, and asked if the application was required to install a drainage basin. Planner Nicholas replied that any drainage on the plan would have been pursuant to the City Engineer's recommendation and to City standards.

Commissioner Luce had a question regarding Page 2 of the report, with reference to the view impact assessment. Planner Nicholas responded that the view impact assessment has been conducted by staff, and due to significant landscaping at the front of the site and the height level of surrounding structures, it was determined that no significant impact would occur. Commissioner Luce then sought clarification regarding the fence on the site, and was advised by Planner Nicholas the fence was located on another lot, and not the site. Commissioner Luce Inquired regarding CDD-8, the seasonal grading restrictions, and Planner Nicholas indicated the requirement is consistent with City Ordinance.

Chair Versaw referred to a previous discussion with Planner Nicholas regarding CDD-16. Planner Nicholas responded that CDD-16 was an example of staff proactivity regarding the physical attachment of the addition to the existing structure. Chair Versaw went on to remark this project had a history, and it was important to understand that history as germane to conversations regarding curb, gutter and sidewalk and the percentage figure quoted.

Community Development Director Hansen explained that the applicants filed in 2004 to avoid being required to install full curbs and gutters and fire sprinklers, and because the applicant met the deadline, only Architectural Review is required. In future, when we go through our due diligence that related historical information will be included in Staff reports.

Chair Versaw questioned the staff calculations, and Planner Nicholas explained the calculations.

Chair Versaw opened the public hearing.

Applicant's Architect Paul Reinhardt addressed the Planning Commission. He indicated that the project had previously been before the Commission, dealing with a previous request regarding water lines, power poles, curbs and gutters, and at that time the calculations utilized one method, and then there was an adjustment in the language of how to do the calculations, whereupon we revised the plan and submitted it in December (2004). Revised plans were submitted to Planning and Building at the same time, and it's taken this long to get here. The building height is a two-story building designed to match the existing residence. The lot is a sloped lot, therefore the back of the property gives the structure a taller face than it normally would. The garage has 8 foot ceiling, and the house 9 foot ceilings. The roof slope of the addition matches the roof slope of the existing house.

The basin was required by the City Engineer and sized to the new square footage only.

The existing residence is a Mission stucco style with a Spanish red tile roof, and the roof material was submitted to match the existing tile roof. The applicants request CDD-15 be eliminated as recommended by staff. Square footage calculations are at 39%. The applicant and architect feel that

the project is consistent with the character of the neighborhood. A roof connects the existing residence with the addition.

Vice Chair Marshall questioned the slope of the driveway toward the adjacent vacant parcel, and how the drainage would be addressed. Applicant's Architect responded that drainage water will be collected and sent to the basin, by means of a collection pipe and catch basin.

There was no public comment.

Chair Versaw closed the public hearing.

Commissioner Luce indicated that she saw no reason the project should not be approved. Commissioner Bright sought clarification regarding CDD-15. Planner Nicholas indicated Staff error, and City Attorney Koczanowicz indicated that the condition as written did not preclude the roofing proposed by the applicant. Vice Chair Marshall indicated that he felt CDD-15 as drafted gave the applicant conditions that allowed other roofing materials. Applicant Anita Shower asserted that the roofing tile proposed matched the roofing tile of the existing house, and will be exactly the same tile. Vice Chair Marshall indicated his satisfaction. Chair Versaw noted this was a point of clarification, and worth discussion. The applicant has indicated the selected tile, but under the conditions as written, could change their mind and use any the material indicated in the condition. By limiting the condition to what is agreed upon, the Commission is making sure the condition will be what the Planning Commission has determined.

Applicant's Architect Paul Reinhardt noted that CDD-15 condition included random tab composition shingle, an asphalt shingle, not ceramic tile or clay. He indicated his preference that the condition contain the type of roofing material proposed.

City Attorney Koczanowicz pointed out the standard condition which read "the roof material shall be shake, tile, or 345 pound or better composition shingle". Chair Versaw concurred her understanding of that criteria as standard. Commissioner Peterson indicated that since the applicant had indicated the roofing material of choice, and staff indicated an accidental inclusion of other roofing types as a staff error, the error should be eliminated.

On motion by Commissioner Peterson Bright to accept as recommended by staff with the correction of CDD-15, seconded by Vice Chair Marshall, following roll call vote, to wit:

AYES: Commissioners Bright, Peterson, Vice Chair Marshall and Chair Versaw
NOES: Commissioner Luce
ABSENT: Commissioner Keith
ABSTAIN: None

The foregoing Resolution No. 05-080 was adopted on the 13th day of September, 2005, recommending conditional approval of the project.

COMMISSIONERS' COMMENTS:

Report from Council Representatives: Chair Versaw pointed out that recently resigned Commissioner Barnett had been assigned as Council Representative for the month of October, so a re-assignment would be necessary. Community Development Director George Hansen read the current assignment, and based on the removal from the rotation of Commissioner Barnett, the new assignment would be as follows: October 2005 – Commissioner Bright; November 2005 – Commissioner Keith; December 2005 – Commissioner Luce and January 2006 – Vice Chair Marshall.

Chair Versaw attended the September 6th City Council Meeting, and reported high interest in the staff report on code enforcement of The People's Kitchen. The City Council passed an interim emergency ordinance establishing a moratorium of medical marijuana dispensaries, and the Perkins project approved by Planning Commission on a 4-to-1 vote. There was also a Special City Council Meeting on September 12, 2005, where staff received an additional 4 hour holiday period, and a discussion ensued regarding option available for the refinancing of the Redevelopment Agency debt.

PUBLIC COMMENTS: None.

ASSIGNMENT TO ATTEND CITY COUNCIL MEETING(S):

Commissioner Bright is scheduled to attend the City Council meetings for the month of October.

ADJOURNMENT: 8:55 PM

/s/ CHAIR VERSAW

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