



**MINUTES
PLANNING COMMISSION
CITY HALL COUNCIL CHAMBERS
154 SOUTH EIGHTH STREET
GROVER BEACH, CALIFORNIA
TUESDAY, NOVEMBER 8, 2005
6:30 P.M.**

CALL TO ORDER: 6:30 p.m.

FLAG SALUTE: Vice Chair Marshall

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

Absent: Commissioner Luce

Staff: City Attorney Martin Koczanowicz
Community Development Director George Hansen
Planner III Ray Hetherington
Planner I Sean Nicholas
Planner I Janet Reese
Planning Intern Lorie Ingan
Administrative Secretary Sharon Chernoff

PUBLIC COMMENTS: None.

CORRESPONDENCE: Copy of Response Letter from Community Development Director George Hansen to Neuman letter dated November 3, 2005, opposing Item #8 of the Agenda; Memorandum from staff in response to questions from Vice Chair Marshall and Chair Versaw with reference to Agenda items.

CONSENT AGENDA:

- 1) **Approval of minutes of Special Planning Commission meeting of August 23, 2005. (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)** On a motion by Commissioner Peterson, seconded by Commissioner Keith, by voice vote, to accept as written.
- 2) **Approval of minutes of Regular Planning Commission meeting of October 11, 2005 (Recommendation: Staff recommends the Planning Commission approve the minutes as submitted.)** On a motion by Commissioner Bright, seconded by Vice Chair Marshall, by voice vote, to accept as written.

PUBLIC HEARING ITEMS:

3) CONTINUED FROM THE REGULAR MEETING OF SEPTEMBER 13, 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, grant Use Permit and Architectural Approval to construct a 16,525 square foot industrial building in the Light Manufacturing (L-M) Zone.

This application was continued, at the request of staff, from the regular meeting of September 13, 2005. On the advice of City Attorney Martin Koczanowicz, the staff report was waived by Chair Versaw, who then opened the public hearing for comments, and there being no public comment, this item was continued until the next regular Planning Commission meeting on December 13, 2005.

4) Use Permit, Application No. 05-050, Sign Craft, Inc., 150 South Fifth Street, APN 060-215-008; 060-215-009

A request for Use Permit for five (5) new wall signs and to refurbish the existing roof-mounted sign on the Grover Beach Inn. Planner Janet Reese presented the staff report.

The Grover Beach Inn has been approved by the Redevelopment Agency for participation in the Façade Improvement Program, and the signage was included in the Program approval. Directing the Commissioners' attention to Exhibit F, Planner Reese pointed out that 135 South Fifth is on the east side of Fifth Street, and 150 South Fifth Street is on the west side of Fifth Street. At 135 South Fifth Street, Signs A and B are replacing existing signs, whereas at 150 South Fifth Street, Sign D is a replacement sign, and Sign E is a new sign, and will be located on a currently vacant side of the building. Sign S is an existing roof sign ("Motel") that will be expanded to state the new name, "Grover Beach Inn". This project is categorically exempt from CEQA, and was noticed in accordance with the Brown Act. Staff recommends granting use permit by adopting Resolution No. 05-086, making the necessary findings with the recommended conditions of approval.

Vice Chair Marshall questioned the condition regarding asbestos, and Planner Reese responded that she had included that condition in the event the roofing contained asbestos material. City Attorney Koczanowicz suggested alternative wording in the event that asbestos was discovered in the roofing material.

Chair Versaw then inquired regarding the size of the new sign in comparison to the old sign, and noting that the sign is "certified to accept neon and other electrical components," Chair Versaw asked if neon was to be incorporated in the new sign. Planner Reese responded that the current existing sign did not use neon, but the replacement sign did utilize neon. Chair Versaw replied that the current sign is a neon sign. Inasmuch as the applicant was not available to answer questions, and no one in the audience wished to speak regarding this project, on a motion

by Commissioner Bright, seconded by Commissioner Keith, to adopt Resolution No. 05-086, and on the following roll-call vote, to wit:

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

The foregoing Resolution No. 05-086 was adopted on the 8th day of November, 2005.

Subsequent to the vote, Chair Versaw posed a procedural question regarding the order in which the commissioner's names had been called. She indicated that she understood that her name was always called last, lest her vote influence other commissioners. Commissioner Keith responded that in his experience, the first name called on a roll call vote would be the commissioner who made the motion, and the second name, the commissioner who seconded the motion, then standard roll call, with the Chair being last called. Chair Versaw concurred that was her recollection as well, and indicated that would be the procedure in future.

5) Architectural Approval, Application No. 05-040, Calvin Bace, 347 North Eleventh Street, APN 060-163-021

A request for Architectural Approval and an application to demolish existing residence and garage, and reconstruct a single family residence and attached second dwelling unit in the R-1 Single Family Residential Zone, north of Grand Avenue. Planner Sean Nicholas presented the staff report.

Planner Nicholas indicated the project was 23 feet 6 inches at its highest point, and is below the 25 foot height maximum allowed. Story poles were erected on October 24th in order to evaluate and assess the visual impact of the project. Some views will be impacted, but none will be substantially or needlessly blocked. This project also has an attached second dwelling unit and meets all requirements set forth in the Second Dwelling Unit Ordinance adopted by the City. The large rear yard basin meets engineering standards as approved by the City Engineer, and the applicant is happy with the usefulness of the area. This project is categorically exempt from CEQA, and has been noticed in accordance with the Brown Act. Staff recommends the Planning Commission grant architectural approval by adopting Resolution No. 05-087, making the necessary findings with the recommended conditions of approval.

Vice Chair Marshall commented regarding condition SWP-2, and indicated that he would prefer a statement setting forth that gutters and downspouts be directed toward the on-site retention, above-ground or underground.

Commissioner Keith indicated that although the plans called for four (4) one-car garages, he was unable to determine their location from the plans. Planner Nicholas, using transparencies, indicated the location of the four garages for the Planning Commissioners. When Planner Nicholas located the fourth garage near the staircase, Commissioner Keith asked the size of that garage, which he did not feel was sufficient to house an automobile.

Commissioner Peterson questioned the four single car garages, and Planner Nicholas responded the best person to answer that question would be the Applicant.

Chair Versaw then alluded to a question she had posed to staff earlier that day via email regarding the difference between a duplex and two individual houses connected by a roof. Inasmuch as staff had prepared a written response, Chair Versaw urged the other commissioners to review the staff response. She went on to state that she would prefer the entire back yard landscape was not a drainage basin. Chair Versaw then opened the public hearing, and invited the applicant to come forward.

Applicant Calvin Bace stepped forward and indicated he and his family of four were looking forward to a home larger than the current 650 square foot residence.

Commissioner Keith indicated his concern with the dimensions of the two car garage and hoped that the City requirements were satisfied by the garages shown on the plan. The applicant responded that the fourth garage on the plans was actually a “motorcycle garage” or utility/workshop area rather than an automobile garage, and that the fourth parking place is in front of the front porch. Again, Commissioner Keith sought clarification from staff as to the required size of the two car garage, and Planner Nicholas replied that the size of a standard two-car garage is 20 feet by 20 feet, and that the parking provided on the plan met the City requirements.

Commissioner Bright expressed her concern regarding the drainage basin area, and the applicant responded that he and his family were looking forward to the large open green space, which they intended to utilize for sports activities. Commissioner Bright repeated her concern about large drainage basins as a landscape element.

Commissioner Peterson requested further clarification regarding what appeared to be three garages across the front of the house on the plans. The applicant indicated that the one on the right is a utility garage, for motorcycles and bicycles. Commissioner Peterson then inquired why he had chosen to use two single car garages rather than one two-car garage. The applicant replied the reason he had made that choice was because he required a stair step of 16-18” in the foundation to keep beneath the height restrictions.

Vice Chair Marshall commented upon the expansive amount of concrete in the front yard, and indicated his hope that the applicant would consider “breaking up” the concrete with other elements. He also requested additional information regarding the slope. The applicant replied that the uphill slope is to be 3:1, landscaped; and subsequent to construction, his plans are to build tiered decorative retaining walls. Vice Chair Marshall then indicated that he as a planning commissioner is not as concerned regarding single family homes as he is with Planned Unit Developments (PUDs). The applicant indicated that as far as the drainage situation was concerned, he has never seen water standing on this property due to remarkable percolation. He feels that drainage is not an issue on this property, as it was at his previous residence on Mentone, but he chose the larger retention basin, should drainage become an issue.

Chair Versaw then addressed the issue of owner occupancy. The applicant responded that the larger unit will be the residence of his nuclear family, with either his college-age son or his parents occupying the other unit. Interim Community Development Director George Hansen pointed out that either of the two units may be occupied by the owner, and Chair Versaw indicated that she was aware of this.

Patrick Burke, 1034 Newport, had questions regarding the construction of a second dwelling unit in a single family residential zone, and then indicated that the staff report regarding the view impact is incorrect. He indicated that he had 150 degrees of view, and this project will eliminate probably 20 degrees of his view. He felt that the project is extremely tall. Chair Versaw requested that staff explain the “needlessly and substantially” phrase for Mr. Burke. Planner Nicholas replied that in evaluating and assessing view impact in terms of obstruction, “Needlessly and substantially” blocked would be equivalent to 35% - 50% obstruction, which is admittedly a subjective judgement. Mr. Burke invited staff to visit his home at the above address, and bring a protractor, as he felt that more than 35% of his view is compromised by the proposed project.

Gary Edmunds, 340 North Seventh Street, expressed his opinion that this project is not commensurate with his idea of an “R-1” project, but more like he would think of an “R-2” or “R-3” project. Chair Versaw pointed out that the second dwelling unit was pursuant to California law, and was not only allowed, but in some cases mandated in the R-1 zoning district.

Eugenia German, 1070 Newport, indicated that she was a neighbor of Mr. Burke, who owned a beautiful two story home with an ocean view, and if his view was impacted by this project, she was concerned about the view impact to her home, which is only one story. She indicated that it was difficult to assess the potential obstruction when you are only looking at the project on paper. If one is not able to build a second story, one gradually becomes blocked in. It is very different for the people whose view is being obstructed.

The applicant then returned to the podium to indicate that he understood exactly his neighbors’ concerns, since he himself had been cut off by surrounding two-story residences, especially to the west, and the north. These people who are concerned with their impacted views, are quite a bit above him as the street rises upward, and most of the homes are two story homes or split level homes. He himself is completely blocked to the west, has only a small open view to the south, and nothing to the north. He worked hard not to exceed the City height restrictions, and even sank his foundation to get as low as he could.

Chair Versaw then closed the public hearing and returned the discussion to the planning commission. Vice Chair Marshall commented that this was an issue the planning commission sees over and over. Planner Nicholas explained that view assessments are conducted on site, and in the neighborhood, and until this evening, the only public comment received by staff was from the neighbor to the west, whose concern was not height, but the placement of the project on the lot.

Vice Chair Marshall then commented that he himself had a one-story home, and over the years, his view has disappeared. He then expressed his positive feelings about the project.

Commissioner Peterson agreed that the view impact was a dilemma, but didn't feel that any view was being blocked needlessly, and didn't see any way to alter the project if it was to remain two stories.

Commissioner Keith indicated that Vice Chair Marshall had identified the matter and considering the applause earlier is response to Mrs. German's remarks, his own comments may not prove particularly popular, but the Planning Commission is not a popularity contest. The Planning Commission is an appointed body whose function is to make some determination with reference to suitability, and to find some guidelines about how properties are built, reconstructed or otherwise configured within a neighborhood. He indicated that he has long held the philosophy that views are not necessarily an inalienable right. Hillside communities, such as Grover Beach is on the north side, have to take that consideration into account. When there are builders, buyers and occupants of two-story structures who don't want another two-story structure built in the neighborhood, it becomes difficult to determine where to draw the line. He indicated that for him, a reasonable line is that we have determined as a city, unreasonable interference of views is something that we take into consideration, and unnecessary blockage of views. While in some degree that is subjective thinking, after thirty years of going around and around with this, that's probably as close of we are going to get to be objective. There is some recourse for those who believe their views have been seriously impacted, we have an appeals body in this community: The City Council. Commissioner Keith went on to say he felt the project would add substance to the community and the neighborhood, and it is designed in accordance to the Ordinance and zoning that have been established, and he felt hard-pressed not to vote in favor.

Chair Versaw responded that she commiserated with those who have view issues, since the ocean view of her own home had been lost by the growth of her neighbors' trees. There are a lot of reasons why we lose our views, and she is aware of the financial impact on her home when the ocean view was lost, but the applicant is within his rights to build the project he has. The Planning Commission has discretionary review here, but there is nothing in this project that does not conform.

Chair Versaw then indicated that a suggestion regarding view shed issues and their management had been made by the previous community development director about two years ago, and she would like to re-visit that. It had to do with second story being only a percentage of the first story. City Attorney Koczanowicz indicated that his recollection was that the item was recommended to the City Council, and the City Council did not act upon it.

There followed a brief discussion regarding conditions connected with SWP-2 which is to read:

"Rain gutters and down spouts shall be provided on all roof areas, and splash boxes provided under downspouts. Runoff shall be directed toward on-site drainage basins."

Chair Versaw inquired whether this would be a generic change, or applicable to this project only. Planner Nicholas replied that it could be added as a general condition of approval for projects of this nature. Rain gutters and downspouts are generally addressed, with reference to either above-ground or below-ground drainage basins, or tailored to the project at hand. City Attorney Koczanowicz recommended that in the event this specific becomes generic, applying to all projects, that drainage “facilities” would be preferable.

On a motion by Vice Chair Marshall, seconded by Commissioner Peterson to adopt Resolution No. 05-087, and on the following roll-call vote, to wit:

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

The foregoing Resolution No. 05-087 was adopted on the 8th day of November, 2005.

6) **Architectural Approval, Tentative Tract Map and Use Permit, Application No. 05-044, Wayne Gerbich, 903 Trouville, APN 060-283-012**

Request for Architectural Approval, Tentative Tract Map and Use Permit approval to construct a two unit single family residential Planned Unit Development in the R-2 Zone. Planner Sean Nicholas presented the staff report.

Planner Nicholas presented the material board to the commissioners for their review, and indicated that with reference to Resolution No 05-088, it had been suggested that curb ramps be added to the conditions of approval. A discussion with the Public Works Superintendent assured him that the Public Works Department reviewed curb ramps as a matter of course, but could be added if the Planning Commission so wished. With reference to the second Resolution, No. 05-089, Findings No. 2 should read “the proposed Tentative Parcel Map for a two unit Planned Unit Development”, not a four unit Planned Unit Development. CDD-10 is unnecessary, was inserted in error, and should be removed. PWCE-4 reads “the applicant shall strike provide...” wherein the word “strike” should be eliminated, leaving the corrected “the applicant shall provide...” Lastly, the project shall be removing 40 square feet from the existing residence, not 400 square feet.

This project has a slightly unique property line because the applicant is using the existing residence as one of the two units proposed, and to meet lot coverage and minimum lot size, this design refinement was necessary. A fence delineating the separation will be constructed before occupancy is allowed. The roof deck, not dimensioned on the plans, meets the roof deck ordinance standards. The roof deck is set back five (5) feet from the edge of the roof, and three (3) feet from the building. The project is categorically exempt from CEQA, and has been noticed in accordance with the Brown Act. Staff recommends that the Planning Commission grant Architectural Approval and Use Permit by adopting Resolution No. 05-088, making the necessary findings and the appropriate conditions of approval, and staff further recommends the approval of the Tentative Parcel Map by adopting Resolution

No. 05-089, making the necessary findings and the appropriate conditions of approval.

Commissioner Peterson inquired why the rear yard setback is 9 feet, 8 inches, and Planner Nicholas responded that the existing residence is non-conforming, and the use permit is for the expansion of the existing non-conforming structure, the setback pre-existing, is not being increased.

Vice Chair Marshall sought clarification regarding the possibility of using the space in front of the garage doors as tandem parking for the guest parking, or would that be considered an encroachment? Planner Nicholas replied that tandem parking was taken on a case-by-case basis in Grover Beach. City Attorney Koczanowicz responded that this project falls under the Planned Unit Development (PUD) standards, and if it encroaches on the setbacks, whether in the front yard or side yard, no structures are allowed, and parking has been determined to be a "structure". Planner Nicholas replied that Part 40 Standards require a 10 foot by 20 foot guest parking space for each of the units.

Chair Versaw requested further clarification regarding the setbacks, and also inquired why a new building must conform with a non-conformance in the old building. Planner Nicholas, through the use of an overhead projector, indicated the various setbacks. Community Development Director George Hansen explained that the irregularity of the configuration of the lot created a situation in which unusual design solutions were needed to comply with lot coverage requirements.

The applicant came forward and indicated that due to the number of headaches he had with this project, he wished that he had just torn the existing residence down and built two new units, but he was thinking he could keep the existing residence and remodel the interior, and have an affordable housing unit.

Vice Chair Marshall and the applicant discussed the guest parking issue, and the applicant expressed his belief that if the guest parking was not required, the new unit would fit better on the property and the retention basins would be able to work better. Vice Chair Marshall responded that this was not a typical Planned Unit Development, with a long narrow driveway to reach the homes in the back; both units face the street, and they look like two separate single family residences, and he didn't understand why this couldn't be tandem parking. Community Development Director George Hansen stated that the PUD ordinance allows flexibility and latitude but also requires guest parking. In this case, the guest parking is a requirement of the ordinance. If the applicant felt providing the guest parking was a hardship, he would have to file for a variance application, and he would have to show a hardship, showing that some one else is enjoying a right that he is being denied. That would be the appropriate process for him to follow. Vice Chair Marshall replied that then guest parking can't be tandem. Mr. Hansen responded that guest parking can be tandem but not in this case, since two separate lots were being created, and each lot required its own guest parking. Vice Chair Marshall then suggested that the guest parking for each unit be in front of the garage of each respective unit, and Mr. Hansen stated that current policy was to keep those yards clear.

City Attorney Koczanowicz cautioned the Planning Commission against making an exception for the sake of this one particular project opens the door for structures in the side yards, front yards and back yards of other projects which may not necessarily have the particular situation of this project. He expressed his concurrence with Mr. Hansen in this respect, that the city must comply with the requirements of the UB standards, and parking places must be provided, unless the applicant wishes to apply for a variance. The current direction that the planning commission, staff and City Council has taken regarding structures in the side yards and front yards is that they are not permitted, and parking is perceived as a structure.

The applicant then requested that the existing residence be exempted from fire sprinklers, to allow the applicant to provide a more affordable unit. Community Development Director responded that all structures must be brought up to current development standards. City current development standards require fire sprinklers.

There being no further public comment, Chair Versaw then closed the public Hearing, and returned the discussion to the Planning Commission.

Commissioner Keith indicated that in light of this particular project, a variance could have worked if the applicant and staff had been more creative, instead of bringing the project forward in this way. He felt this project could have gone forward more successfully, and without such an odd result, by requesting a variance.

Commissioner Peterson indicated that she felt it was the spirit of the law rather than the letter of the law that should be addressed in matters like this project. She stated that she felt it would serve the City better not to have the guest parking, and to have a better project.

Vice Chair Marshall indicated his agreement with his fellow commissioners.

Chair Versaw also indicated concurrence, and added that the role of the Planning Commission was to help Grover Beach create quality projects, to upgrade our City, and to beautify our City to the extent that we can. She indicated the idea of a variance is a good one.

On a motion by Commissioner Keith, seconded by Commissioner Peterson, to approve Use Permit and grant Architectural Approval by adopting Resolution No. 05-088, and approve the two unit tentative parcel map by adopting Resolution No. 05-089, with the elimination of CDD-10 and with the deletion of the word “strike” from PWCE-4, and adding PW-8 as earlier indicated, and on the following roll-call vote, to wit:

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

The foregoing Resolution No. 05-088 and No. 05-089 was adopted on the 8th day of November, 2005.

7) **Architectural Approval, Coastal Development Permit, Tentative Tract Map and Use Permit, Application No. 05-047, Patrick Morrissey, 323 Newport Avenue, APN 060-086-002**

A request for Architectural Approval, Coastal Development Permit, Tentative Tract Map and Use Permit approval for a two-unit planned Unit Development in the C-R-2 Zone. Planner Ray Hetherington presented the staff report.

Commissioner Keith was excused from consideration due to his ownership of property in proximity to the project.

Planner Hetherington referred to points addressed in the staff report. First, drainage design, consisting of two drainage ponds, grass-crete for the guest parking, and a pervious driveway. In response to questions posed earlier, Planner Hetherington indicated the basin slope of the drainage ponds to be 3:1. One of the questions addressed the slope issue, and asked if the 3:1 slope was acceptable, or if the City standard was set at 5:1. After discussion with the City Engineer, Planner Hetherington determined the City standard for private residential development is 3:1. The 5:1 criteria is generally used for tract-wide drainage ponds for larger tracts, generally more accessible to the public, and requiring fencing. With a slope of 3:1, and a water depth of less than two feet, the project requires no fencing, and since the front pond is eighteen inches deep, and the rear pond one foot deep, they are within acceptable standards.

The second issue addressed was view analysis. The project lies within the Coastal Zone, and thus ocean and dune views are considered. Staff determined that the property to be north is two story and not directly affected with reference to views; the property to the east is a two story Planned Unit Development; to the west there is a single story residence; and the homes across the street are single story. The only area assessed for a view analysis was the two-story building to the east. Staff walked the site, and determined that in this area, the views are essentially blocked, with the exception of the street. Due to the circumstances, staff felt that view impact of this project was insignificant.

The last issue is that of the roof decks. This project proposes roof decks on both units. The location of the roof decks for this project are designed such that staff determined the roof decks would not be a significant impact to adjoining properties. The roof decks are depicted on the site plan, and also on Sheet 8.1.0, the roof decks are depicted in the elevations. The access to the roof deck is by means of a spiral staircase from the second floor to the roof deck, and the spiral staircase continues down to the first floor, where it ends on a concrete landing, or patio. Since the concrete staircase landing is shown on the drainage plan, the City Engineer would have included the landing in the drainage evaluation calculations.

This project is categorically exempt from CEQA, and was noticed in accordance with the Brown Act. Staff recommends granting approval of the Use Permit, Architectural design and Coastal Development Permit by adopting Resolution No. 05-092, with a modification to SWP-2, with reference to rain gutters and down spouts appropriately directed to the on-site drainage facilities.

Vice Chair Marshall addressed the issue of the 3:1 side slopes. He indicated his concern with the 3:1 slopes, and stated that he would prefer to see 5:1 slopes. He indicated that he would rather see more useable backyard areas. The applicant responded that he was within the City requirements, and that the plan had been approved by the City Engineer.

Commissioner Peterson requested clarification of the slope for the area located off the spiral staircase landing. She expressed her concern that the area near the landing was flat, and not sloped.

Chair Versaw opened the public hearing, and Gary Edmunds, 340 North Seventh Street, asked if he could see the architectural sheets of the plans. Planner Hetherington briefly reviewed the plan with Mr. Edmunds, and there being no further public commentary, the public hearing session was closed, and the discussion returned to the Planning Commission.

Vice Chair Marshall indicated his preference that the drainage basin be underground, and that the back yard be flat, in order to provide some useable back yard area. Commissioner Bright also indicated her concern regarding the above ground drainage basin, and Commissioner Peterson concurred that she also was concerned regarding the above ground basin, and that the available back yard area should be flat. Chair Versaw inquired regarding the safety of the sloped basin next to the public sidewalk.

There followed some discussion regarding the basin, and it was agreed the inclusion of PW-5 would be a suitable and appropriate compromise.

On a motion by Vice Chair Marshall, seconded by Commissioner Peterson, to grant Architectural Approval, Use Permit and Coastal Development Permit by adopting Resolution No. 05-092 with the inclusion of SWP-3 and PW-5, and to approve the tentative parcel map by adopting Resolution No. 05-093, and on the following roll-call vote, to wit:

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

The foregoing Resolutions No. 05-092 and No. 05-093 were adopted on the 8th day of November, 2005.

8) **Architectural Approval, Application No. 05-054, Cobalt Construction,
545 North Twelfth Street, APN 060-111-016**

A request for Architectural Approval to construct a two-story Single Family Residence in the Single Family Residential Zoning District (R-1), north of Grand Avenue. Planning Intern Lorie Ingan presented the staff report.

The applicant is proposing to build a two story single family residence. This is an existing one story residential unit on the site that will be demolished. The project is located in the R-1, Single Family Residential zone, north of Grand Avenue. In order to construct the two-story residence, the applicant is applying for Architectural Approval. As proposed, the height of the new residence will not exceed the height of 25 feet, which is allowable upon securing Architectural approval.

A view impact assessment is required by municipal code section 9107.5(B). The surrounding neighborhood homes are one- and two-story residential structures and the impact to the neighboring residences was determined not to be significant. Presently there are four or five large palm trees that are on the property directly west of this project site that blocks a majority of the coastal views. To fully assess the impact on the visual aesthetics of the surrounding residences, story poles were erected on October 26, 2005. The story poles have allowed staff to fully assess the visual impacts, and it has been determined that while some views are impacted, no views will be substantially or needlessly blocked. One letter against this project has been received, and staff has visited that home and determined that approximately 20% of the ocean view will be affected by this project, but the property still retains significant views in other directions.

There is a deck on the second floor which extends three feet into the required rear yard setback per Municipal Code 9137.5. The front yard setback requirement is 20 feet, and the applicant is proposing a 17 foot setback for the property. Since the lot is only 50 feet deep, the applicant is asking for this reduced setback pursuant to Municipal Code Section 9107.8, with Planning Commission approval. With the reduced front yard setback at 17 feet the project is in keeping with the surrounding homes and neighborhood. In accordance with City Ordinance 04-014 and 04-016, the proposed single family residence must be equipped with fire sprinklers, and curbs, gutters and sidewalk must be installed. This project is categorically exempt from CEQA, and has been noticed in accordance with the Brown Act.

Staff recommends granting of Architectural Approval by adopting Resolution No. 05-091, making the necessary findings with the appropriate conditions of approval.

Vice Chair Marshall inquired whether the pilasters supporting the gate were less than 3 foot tall, and staff replied that the pilasters are less than 3 feet tall. Commissioner Peterson asked about the undersized lot, and was advised by staff

that the lot was a legal non-conforming lot. Commissioner Keith commented that in his personal experience he had encountered legal non-conforming lots.

Commissioner Keith then discussed the problem of re-located trees blocking the view, and was advised by staff that the obstructive trees were located on an adjoining lot, although two additional palm trees are shown on the landscape plan.

The applicant, Ron Perkins, owner of Cobalt Construction, came forward to explain the project, which he is building for the property owners, the Dunns. Mr. Perkins indicated that although two-stories in height, the project had been designed to complement and blend with the existing neighborhood, and that he, as contractor, was proud of the project, and looked forward to building the project for the Dunns.

The owner Mike Dunn then came forward to reiterate that the project had been designed to be an integral part of the neighborhood. Commissioner Keith requested additional information regarding the palm trees shown on the plans: What height were the new trees, and was their placement such as to avoid further view obstruction? The owner assured the Planning Commission that the new trees would be placed so as to minimize any visual impact on neighboring homes.

Chair Versaw indicated her concern regarding the rear elevation of the residence, and asked if anything could be done to the rear elevation to render it more aesthetically appealing. In response, the designer of the project, Katie Steinberger of KCS Drafting & Design, came forward to discuss the project and possible revisions.

Chair Versaw then opened the public hearing, and there being no further public commentary, the public hearing session was closed.

After a brief discussion, on a motion from Commissioner Keith, seconded by Commissioner Bright, to approve the project with the addition of CDD-15 (curbs, gutters and sidewalks) and PW-4 (on-site retention basin), and grant Architectural Approval by adopting Resolution No. and on the following roll-call vote, to wit:

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

The foregoing Resolutions No. 05-091 was adopted on the 8th day of November, 2005.

Subsequent to the roll call vote, Chair Versaw asked for a show of hands from the audience to indicate interest in the next item, and then adjourned the meeting at 9:10 PM, for five minutes, until 9:15 PM.

The meeting was reconvened at 9:16 PM by Chair Versaw.

9) **Architectural Approval and Use Permit, Application No. 05-012, Gary Schaper, 558 North Sixth Street, APN 060-095-014**

A request for Architectural Approval and Use Permit approval to construct a detached two-story second dwelling unit in the Single Family Residential Zoning District (R-1). Planner Janet Reese presented the staff report.

This application involves a proposal to construct a detached second dwelling on a 11,250 square foot lot. Inasmuch as the proposed second dwelling unit exceeds fifteen (15) feet in height, with an average height of 24 feet 6 inches, measured from natural grade. Since the proposed residence is located north of Grand Avenue, Municipal Code Section 9108.5(B) sets the maximum allowable height for single family residences as “two stories, and at the highest point of the lot at the building’s edge the maximum height shall not exceed fifteen feet, while at the lowest point of the lot at the building’s edge the maximum height shall not exceed twenty-five feet; provided that upon securing Architectural Approval the height may be increased to an average of twenty-five feet”. Additionally, since the proposed site is located north of Grand Avenue, a view impact assessment is required per Municipal Code Section 9107.5. The surrounding homes are one- and two-story residential structures, and The impact of the neighboring residences was determined not to be significant. In order to fully assess the impact on visual aesthetics of the surrounding residences, story poles were erected on October 26, 2005, to allow for a complete assessment by staff. While some views will be impacted by the project, no views will be substantially or needlessly blocked by this project. In addition to Architectural Approval, the proposed project also requires approval of a Use Permit for the legal non-conforming side yard setback. The dwelling is located 2 feet 9 inches from the north property line, instead of the five feet currently required. This project is categorically exempt from CEQA, and has been noticed in accordance with the Brown Act.

Staff recommends the Planning Commission grant Architectural Approval and Use Permit by adopting Resolution No. 05-090 for Application 05-012, by making the necessary findings and recommended Conditions of Approval.

Commissioner Bright inquired regarding the visual impact, Commissioner Keith had questions regarding the detached second dwelling unit, and Chair Versaw sought clarification of the ordinance, to which City Attorney Martin Koczanowicz responded, and the architect, Michael Congdon, came forward to explain the roof design and height.

Chair Versaw then opened the public hearing, at which the following persons spoke against the project:

Dr. Mary Bruggeman, 662 Atlantic City Avenue, Grover Beach
Donna Ortega, 662 Atlantic City Avenue, Grover Beach
Gayle Mather, 641 Saratoga Avenue, Grover Beach
Gary Edmunds, 340 North Seventh, Grover Beach
Beau Sweeney, 650 Atlantic City Avenue, Grover Beach

The following persons spoke for the project:

Terry Schaper (Applicant), 558 North Sixth Street, Grover Beach
Gary Schaper (Applicant), 558 North Sixth Street, Grover Beach
Michael Congdon (Architect), 540 Country Club Drive, San Luis Obispo
Jeff Mather, 641 Saratoga Avenue, Grover Beach

Sharon Brown, 123 Lynne Street, Grover Beach, did not speak in favor of the project, but merely expressed her concerns.

There being no further public commentary, Chair Versaw then closed the public hearing, and returned the discussion to the Planning Commission. After a brief discussion regarding possible solutions to the view impact situation, which had become extremely contentious during the public hearing, it was determined that the best solution was to continue this item to the December 13, 2005 Planning Commission, and allow the applicant time to address the issues brought forward at the public hearing.

On a motion from Commissioner Bright, seconded by Vice Chair Marshall, it was decided to continue this item until the next Planning Commission meeting on December 13, 2005, and passed by a voice vote.

COMMISSIONERS' COMMENTS:

Commissioner Bright reported on the October 17, 2005 City Council Meeting: The main topic of interest to the Planning Commission was regarding the People's Kitchen: During the public hearing at the October 17, 2005 meeting, three persons spoke in favor of the People's Kitchen, and presented a petition in support of its continuance. Further, there was an item in which Bill Nicolls wished to apply for the Planning Commission vacancy, but felt he was precluded from doing so since he serves on the Parks, Recreation and Beautification Commission.

Commission Keith reported on the November 7, 2005 City Council Meeting. The primary item of interest to the Planning Commission was regarding LeSage Mobile Home Park: The LeSage Riviera Homeowners Association, several local realtors, prospective sellers and buyers and residents wrote letters or filed Incident Reports regarding problems encountered in dealings with the management of LeSage Riviera, generally related to the monthly space rents quoted by management in opposition to Grover Beach Section 3996.40.

PUBLIC HEARING:

Chair Versaw opened the public hearing.
There was no public comment.
Chair Versaw close the public hearing.

STAFF COMMENTS:

Minor Modifications Report was presented by Planner Janet Reese. There were no questions or comments.

ASSIGNMENT TO ATTEND CITY COUNCIL MEETING(S):

Commissioner Keith is scheduled to attend the City Council meetings for the month of November.
Commission Luce is scheduled to attend the City Council meetings for the month of December.
Commissioner Peterson is scheduled to attend the City Council meetings for the month of January.

ADJOURNMENT: 10:35 PM

CHAIR VERSAW

SECRETARY TO THE PLANNING COMMISSION
GEORGE HANSEN, COMMUNITY DEVELOPMENT DIRECTOR