

PLANNING COMMISSION MINUTES

City Hall Council Chambers
154 South Eighth Street

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

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

FLAG SALUTE: by Commissioner Versaw

ROLL CALL: Present: Commissioners: Barnett, Matsuura, Marshall, Calmenson, Versaw,
Chair Mires
Absent: Commissioner Leon

STAFF PRESENT: Jake Raper, Community Development Director
Larry Donaldson, Assistant City Attorney
Julie Hawkins, Assistant Planner
Staff Assistant, Sean Nicholas

PUBLIC COMMENTS: None

PRESENTATIONS:

1. Economic Development

Suzanne Bragdon, Economic Development Consultant, gave a presentation regarding economic promotion within the City. The Planning Commissioners were given their own copies of the Final Visioning Report. Ms. Bragdon discussed other programs that the City is involved with including the Buxton Study, the Façade Improvement Program, and a program involving small businesses and Questa College. She also discussed the Beach Front Lodge efforts to date.

2. Code Enforcement

Terry Fibich, Fire Chief, gave a presentation regarding Code Enforcement. Chief Fibich began by handing out some materials to the Commissioners and staff. The City of Arroyo Grande and the City of Grover Beach Fire Departments coordinate Code Enforcement. He then went through the materials he had handed out, including an Incident Report, a Visual Inspection Form, four separate letters sent to property owners regarding the code violation, and a Notice to Abate letter. These forms allow a systematic approach to Code Enforcement keeping the property owner informed of the violation and each step involved.

Discussion occurred among the Planning Commission members and staff about the process and approach to Code Enforcement.

STAFF COMMENTS:

Assistant Planner Julie Hawkins stated that the additional materials handed out to the Planning

Commission were resources for their use. The materials included the latest publication of the League of California Cities Planning Commissioner's Handbook, a handout on procedures regarding public hearings and regular business, and an update on the Commission's assignments to City Council Meetings. She suggested that at the end of regular Planning Commission meetings they could have an educational period and go over chapters of the Planning Commissioner's Handbook. The Commissioner's agreed.

3. Minor Modifications Report: 998 and 1030 Huston St.

Assistant Planner Julie Hawkins gave a report on the Minor Modifications approved by the Community Development Director since the last meeting. The modifications were for projects at Laguna Court, 689 Balboa Street, and 654 Rockaway Avenue.

Commissioner Versaw stated that she was getting nervous about the level of modifications that were being approved at staff level. She wanted to know where the line was to be drawn.

Community Development Director Raper stated that if the Commission felt that any of the modifications were not minor, they could direct the applicants to come back to the Commission, taking additional time and paying the necessary fees.

Commissioner Versaw stated that she did not mind the cases where they were changing colors or windows, but when it was something larger like landscaping or footprints, it should come back to the Commission. She felt that there should be more definitive language as to what a "minor modification" is.

Community Development Director Raper stated that staff would also appreciate more definitive language and could perhaps create a threshold based on past approvals.

Commissioner Calmenson stated that he thought the process was for single modifications, but when there were multiple, it began to "snow ball."

Community Development Director Raper stated that the Commission and staff could have dialogue at the next meeting to create more definitive standards.

CORRESPONDENCE:

Assistant Planner Julie Hawkins stated that the Planning Commissioners had been invited to a presentation by the Cal Poly Graduate planning students regarding a project that they are undergoing in Grover Beach. The first presentation had already passed, but the second and final presentation was scheduled for December 2nd.

The Planning Commission received another letter from a "concerned citizen" regarding traffic on Longbranch Avenue and 13th Street. The letter had been copied to the Police Department as well as the Traffic Committee.

CONSENT AGENDA:

4. Approval of minutes of October 12, 2004

Commissioner Marshall asked about a previous project where there was a discrepancy over parking spaces.

Community Development Director Raper stated that the project was conditioned that each lot provide its own parking space.

Commissioner Versaw reminded Community Development Director Raper that she was concerned about the brevity of the minutes and asked when they could have follow-up discussion. She said that she looked up the definition of minutes in the dictionary and it stated that they were the written record of meetings. She was concerned about the quality of documents available to the public.

Assistant City Attorney Donaldson stated that the audio tapes are the official record and the minutes serve as such when no audio tape is available.

Community Development Director Raper stated that the length and detail of minutes could be discussed at the January Planning Commission meeting.

REGULAR BUSINESS

5. Application # 04-075, Karen Madrid, 742 Manhattan (APN 060-278-001)

A request for a waiver of the requirement to underground utilities. Assistant Planner Julie Hawkins gave the Staff Report. She stated that the City Council had directed staff to require undergrounding when power poles were on the property or directly adjacent, therefore staff was looking to the Planning Commission to determine whether this project would require it or not.

Community Development Director Raper explained that the original ordinance was to exempt all infill projects, however, if there was a utility pole on the property they would be required to underground.

Commissioner Calmenson asked if the first reading of the ordinance had taken place, or if an action had occurred.

Community Development Director Raper stated that those two things had not happened yet.

Chair Mires asked if there was a power pole on this site.

Assistant Planner Hawkins stated that there was a secondary power pole on the site, where the main lines split off to feed that house.

Commissioner Calmenson stated that even if this property undergrounded their utilities, the surrounding properties have the same situation. It would not solve the aesthetic problem.

Community Development Director Raper stated that staff must uphold the ordinance. Even if the applicant's were not informed that they had to underground their utilities, or if it is too costly, those factors cannot be considered hardships. If the Planning Commission determines that there is a hardship, the requirement can be waived.

Chair Mires opened the Public Meeting.

Karen Madrid, Applicant, stated that she was issued her permit, and then three months later was told to underground her utilities. She stated that the line goes across her property to the neighbor's. She has already buried the conduit just in case. She asked why she had to bury her lines when the neighbor's lines are still going to be overhead.

Commissioner Matsuura asked if her neighbors had thoughts of undergrounding their utilities.

Ms. Madrid stated that they are renters and the owner does not intend to add on to the house.

Commissioner Calmenson asked if she had an electrical panel that was set up for underground utilities.

Ms. Madrid stated that they had buried the conduit, but not purchased the panel.

Chair Mires closed the Public Meeting.

Commissioner Calmenson stated that he was in favor of the waiver.

Commissioner Marshall stated that since the conduit was already buried, it would be difficult to decide.

Commissioner Matsuura stated that this case unfairly singles out the property owner and is in favor of the waiver.

Commissioner Versaw stated that they need to abide by the rules. Property owners cannot have special treatment. The undergrounding needs to start somewhere.

Commissioner Barnett stated that she agreed with Commissioner Versaw. Someone has to be the first.

Chair Mires stated that even though the conduit was buried, it does no good since the neighbor's lines are still overhead. He was for the waiver.

Chair Mires called for a motion.

On motion by Commissioner Calmenson to approve the hardship request and waive the requirement to underground utilities, seconded by Commissioner Matsuura, and on the following roll-call vote, to wit:

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

the foregoing Resolution No. 04-073 was adopted on this 9th day of November.

6. Application #04-072, Mike and Shirley Humerian – Burger King, 1775 W. Grand Avenue (APN 060-253-020)

A request for a Municipal Code Interpretation of Temporary Signs permitted, allowing an inflatable, promotional, temporary figure at Burger King at 1775 Grand Avenue. Assistant Planner Julie Hawkins gave the staff report.

Community Development Director Raper stated that the City Attorney had expressed a concern that if the interpretation was given as a temporary sign, then other businesses can have the same entitlement. He stated that staff could come back with a resolution to amend the ordinance to include criteria.

Assistant City Attorney Donaldson stated that the Planning Commission cannot discriminate as to the

message of the temporary sign. He stated that by law, the sign cannot be obscene, but the definition of obscene is vague.

Commissioner Marshall quoted a section of Arroyo Grande's temporary ordinance, stating that they are limited to 42 days.

Assistant Planner Hawkins stated that the definition of a temporary sign in Grover Beach's code is 60 days.

Chair Mires opened the Public Meeting.

Mike Humerian, Applicant, compared his sign to the inflatable shake on top of Carl's Junior in Arroyo Grande that has been up for six months. He said he'd even be happy with 30 days because it boosts his sales. He stated that the inflatable figure is installed professionally.

Commissioner Calmenson asked if Burger King is looking to do this as an on going advertising alternative.

Mr. Humerian stated that it would probably occur two times per year.

Chair Mires closed the Public Meeting.

Commissioner Barnett stated that she is not against Sponge Bob, but she is worried about the ramifications.

Commissioner Marshall asked if it could be conditioned.

Commissioner Versaw asked how fast staff could get an ordinance in place.

Community Development Director Raper stated that they could bring a resolution of intent, create an ordinance for January, then have the readings in February and adoption 30 days later.

Commissioner Marshall asked if all inflatable figures would require Planning Commission approval until and ordinance was in place.

Assistant City Attorney Donaldson stated that yes, they could all go to Planning Commission, but they cannot violate 1st Amendment rights.

Chair Mires called for a motion.

On a motion by Commissioner Marshall to render an interpretation that an inflatable sign is a temporary sign for promotional activities, seconded by Commissioner Matsuura, and on the following roll-call vote, to wit:

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

the foregoing Resolution No. 04-074 was adopted on this 9th day of November, 2004.

7. Application #04-073, Rich Halverson, 1039 Ritchie Road (APN 060-014-056)

A request for Architectural Approval to construct a new 2,583 square foot single family home on a ½ acre in the Single Family (R-1) Zoning District. Chair Mires and Commissioner Versaw had a conflict of interest and stepped down for the item. Commissioner Calmenson facilitated the item. Staff Assistant Sean Nicholas gave the staff report. He highlighted the landscape plan where it showed landscaping outside of the property lines into a common drive easement. He said that the project could be conditioned so that no landscaping or development would be permitted outside of the property lines.

Commissioner Marshall noted that Condition of Approval CDD #8 required the planting of oak trees, but he did not see any on the plan. Also, he questioned the wording of Condition of Approval PW #6 regarding the drainage system. He also suggested striking Condition of Approval SWP #2 because it was contradictory to PW #6.

Commissioner Calmenson opened the Public Hearing.

Rich Halverson, Applicant that the neighbors share an easement and thought that having plants would be nicer than a strip of dirt.

Lyndon Mckaly, Neighbor, stated that there is a 40 foot easement for access.

Community Development Director Raper stated that since it is an easement over private property, it is not something that the city can enforce. It should be worked out among property owners.

Commissioner Calmenson called for a motion.

On motion by Commissioner Matsuura to approve Architectural Approval as amended by staff, seconded by Commissioner Barnett, and on the following roll-call vote, to wit:

AYES: Commissioners Matsuura, Barnett, Marshall, Calmenson
NOES: None
ABSENT: Commissioners Leon, Versaw, and Chair Mires
ABSTAIN: None

the foregoing Resolution No. 04-075 was adopted as modified on this 9th day of November.

PUBLIC HEARING ITEMS:

8. Application #04-044, Zeb and Lena Graves, 1263 Mentone Avenue (APN 060-275-014)

A request for an Environmental Determination, General Plan Amendment and Rezone of the property at 1263 Mentone Avenue from the Neighborhood Commercial (C-N) Land Use Designation and Zoning District to the High Density Residential Land Use Designation and Multiple Residential (R-3) Zoning District. Assistant Planner Julie Hawkins will give the staff report and requested that the item be continued to the next public meeting due to a procedural error in the noticing requirement.

Commissioner Versaw stated that she would not be able to attend the meeting on the 16th and wished to note that the proposal would be taking away a potential revenue property from the city.

Commissioner Marshall noted that the Assessor Parcel Number was wrong on the staff report.

Chair Mires opened the Public Hearing and continued the item to the Special Planning Commission meeting of November 16, 2004.

9. Application #04-058, Rosa Artega, 1642 Nice Avenue (APN 060-369-007)

A request for a Use Permit to expand a non-conforming structure in the Single Family Residential (R-1) Zoning District. Staff Assistant Sean Nicholas gave the staff report.

Commissioner Marshall stated that the site plan did not match the Assessor Parcel Map.

Commissioner Versaw was not comfortable with the fireplace so close to the property line. She wanted to know why the construction had taken place without a permit.

Chair Mires opened the Public Hearing.

No one came forward to speak.

Chair Mires closed the Public Hearing.

Commissioner Versaw expressed concern that the applicants were not at the hearing and she could not ask them questions.

Commissioners Marshall and Matsuura expressed the same concern.

Assistant Planner Hawkins stated that the applicants had previously been at the meeting, but had left before their item was heard.

Commissioners Marshall and Matsuura stated that knowing that the applicants had been in attendance changed their concern about the project.

Commissioner Mires called for a motion.

On motion by Commissioner Marshall to approve the Use Permit as recommended by staff, seconded by Commissioner Matsuura, and on the following roll-call vote, to wit:

AYES: Commissioners Marshall, Matsuura, Chair Mires
NOES: Commissioners Barnett and Versaw
ABSENT: Commissioners Leon and Calmenson
ABSTAIN: None

the foregoing Resolution No. 04-078 was adopted on this 9th day of November, 2004.

10. Application #04-062, Paul Bischoff, 1547 Brighton Avenue (APN 060-175-047)

A request for a Use Permit, Architectural Approval, and Tentative Parcel Map to construct a four unit Planned Unit Development at 1547 Brighton Avenue in the Duplex Residential (R-2) Zoning District. Assistant Planner Julie Hawkins gave the staff report. She highlighted that the project proposal included three of the four units to be three stories at a height of 32 feet, nine inches. This proposal was designed around the large oak tree in the middle of the lot.

Commissioner Marshall was concerned with the lot lines drawn for each individual lot, specifically one that appeared to be a flag lot. Also, the structures did not appear to meet the setbacks of the individual lots.

Assistant Planner Hawkins explained that historically, the setbacks were addressed for the original lot as a whole, not for the new individual lots.

Commissioner Versaw was concerned that the Commission may be approving something while knowing that it is wrong.

Community Development Director Raper stated that the precedent had been set. If it is changed now, there will be many non-conforming projects that have been permitted.

Commissioner Versaw asked when it could be changed.

Community Development Director Raper stated that the practice could be changed when the subdivision ordinance is updated in a few months.

Commissioner Versaw noted that the project needed to be conditioned to have a shared maintenance agreement for the driveway and the drainage areas. She went on to say that the architecture was sub-par and she could not support Architectural Approval.

Commissioner Barnett felt that the project looked very “cookie-cutter.”

Chair Mires opened the Public Hearing.

Paul Bischoff, Applicant, commented that the reason for the three story design was to preserve the oak tree on the site. He said that in order to make the project pencil out, he needed four units, and in order to keep the tree, and maintain his lot coverage maximum, he needed to go up.

Commissioner Marshall was concerned that the project would block the sunlight to the surrounding properties.

Commissioner Matsuura asked if the applicant would put up view poles.

Mr. Bischoff stated that since he is located in R-2 he did not think he had to worry about blocking views, but it sounded like he might have to erect poles.

Elaina Schomburg, 1522 Brighton Avenue, spoke about her concerns relating to traffic, noise, density, and timing of construction.

Tom Smith, North 16th Street, spoke about issue relating to community standards and the impact on the existing neighborhood.

William Davies, 1505 Jefferson Rd, San Luis Obispo, stated that he was opposed to a three story building.

John Penero, 1620 Brighton, said that this type of development is a mistake and the three story building on Ramona is an eyesore. They degrade property values and cast shadows.

Jerry Rolf, 1342 Newport, stated that he won't see the sunlight because of the height. He felt that it was a “cookie-cutter” design and they were sparing the oak tree but harming the residents.

Mike Amenza, Oceano, stated that the only way he could afford to live here is through PUD living. He supported the project.

John Wysong, 1660 Brighton, stated that Grover Beach has been the thorn in his side and he was

concerned about the priorities of the city. He said the project would disgrace the area. There would be too much parking in the streets.

Larry Versaw, 1041 Margarita, stated that the property lines that are drawn with the PUD will be considered "real" property lines. Asked if granting a variance would solve the problem.

Community Development Director Raper stated that the precedent had been set and a variance cannot be granted on a new project.

Jerry Rolf, 1342 Newport, returned to the podium to state that he didn't feel property owners were given enough notice of projects before the public hearings. Chair Mires stated that he was allowed to speak again out of courtesy, but to please make it brief.

John Wysong, 1660 Brighton, returned to the podium. Chair Mires said he had one minute to speak. He stated that he didn't receive a notice of the project proposed at 1527 Brighton, next to the subject property, yet he received one for this hearing. He felt there were other developments in town that the Planning Commissioners could look at that constituted good planning.

Mr. Bischoff stated that he was not a land baron, that he was a part of the community, trying to make affordable housing. He is trying to work within the code.

Chair Mires closed the Public Hearing.

Commissioner Marshall stated that he was in opposition of the three story buildings because they were not in the character with the existing neighborhood.

Commissioner Matsuura wished to see the applicant work with staff to find a compromise.

Commissioner Versaw suggested the project be continued.

Commissioner Barnett agreed.

Chair Mires stated that he thought the applicant did a good job protecting the tree. He asked the Commission for a consensus to continue the project.

The project was continued to the next regular meeting of December 14, 2004.

11. Application # 04-074, Cobalt Construction, 105 W. Grand Avenue (APN 060-201-009)

A request for a Coastal Development Permit to implement an erosion control plan on a vacant lot recently cleared of weeds and other invasive, non-native vegetation in the Coastal Planned Commercial (C-P-C) Zoning District. Assistant Planner Julie Hawkins will give the staff report.

Commissioner Marshall asked to add Condition of Approval CDD #3 stating that the notes on the plans will serve as conditions of approval. He also mentioned that it appeared that the silt fence was damaged. The Applicant should be contacted to repair it.

Chair Mires opened the Public Hearing.

No one came forward to speak on the project.

Chair Mires closed the Public Hearing.

Chair Mires called for a motion.

On motion by Commissioner Matsuura to approve the Coastal Development Permit as recommended by staff, seconded by Commissioner Versaw, and on the following roll-call vote, to wit:

AYES: Commissioners Matsuura, Versaw, Barnett, Marshall, and Chair Mires
NOES: None
ABSENT: Commissioners Leon and Calmenson
ABSTAIN: None

the foregoing Resolution No. 04-080 as modified was adopted on this 9th day of November.

COMMISSIONER'S COMMENTS:

Chair Mires reported on the City Council Meeting of October 18, 2004. He also reported that he attended the Cal Poly graduate student presentations and recommended attendance to the December 2nd presentation.

The Planning Commission directed staff to bring a resolution back to them initiating an ordinance amendment regarding temporary signs.

Assistant Planner Hawkins assigned chapter's 1 and 2 for reading assignments out of the Planning Commissioner's Handbook.

Commissioner Matsuura is scheduled to attend the City Council meetings in December.

Community Development Director Raper stated that the View Shed Ordinance has been sent to an Ad Hoc committee for review.

ADJOURNMENT was at 11:01p.m. to the Special Planning Commission Meeting on **Tuesday, November 16, 2004**, at 6:30 p.m.

CHAIR MIRES

SECRETARY TO THE PLANNING COMMISSION
JAKE RAPER, JR., AICP, COMMUNITY DEVELOPMENT DIRECTOR