

**MINUTES
SPECIAL CITY COUNCIL MEETING
MONDAY, JANUARY 26, 2009**

CALL TO ORDER Mayor Shoals called the meeting to order at 6:30 p.m. in the City Hall Council Chambers, 154 South Eighth Street, Grover Beach, California.

MOMENT OF SILENCE

FLAG SALUTE The flag salute was led by Nina Maxine Thiesmeyer, a 9-year-old, 3rd grade student at Grover Heights Elementary School.

At this time, Nina Thiesmeyer's father, Erik Thiesmeyer, a Chief Warrant Officer in the Army Reserve and a Grover Beach resident, stated that, as a pilot in Iraq, he had the privilege of flying the U.S. flag on Veterans Day over the city of Mosul in the Ninawa Province of northern Iraq. He presented the City with the flag and a commemorative plaque, expressing his thanks to all veterans and to the City. Mayor Shoals received the items on behalf of the City, and the Council thanked Chief Warrant Officer Thiesmeyer for his service to our country.

ROLL CALL

City Council: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals were present.

City Staff: City Manager Perrault, City Attorney Koczanowicz, City Clerk McMahon, Administrative Services Director Chapman, Interim Community Development Director Beck, Police Chief Copsey, Fire Chief Hubert, Battalion Chief Heath, Economic Development Specialist Buckingham, and Recreation Coordinator Jenny Main were also present.

Also present was City Engineer Garing.

AGENDA REVIEW

City Manager Perrault requested that the Closed Session items that were scheduled for discussion on this agenda be continued to the next Regular City Council meeting on February 2, 2009.

Action: Upon unanimous consensus, the Council adopted the agenda as amended.

CEREMONIAL CALENDAR

1. Certificates of Appreciation to California Polytechnic State University Recreation Administration Class Students for Assisting with Coordinating the City of Grover Beach Annual Tree Lighting Event.

Mayor Shoals was joined by Recreation Coordinator Main in presenting Certificates of Appreciation to the following student volunteers from the REC 210 - Recreation Parks and Tourism Administration class: Michael C. Bartlett, Megan Oliver, Alex J. Biller, Trevor Bateson, and Melissa Klefman.

PUBLIC COMMUNICATIONS The Mayor opened the floor to any member of the public for comment on items of interest which were within the jurisdiction of the City Council, but were not listed on the agenda.

A. Adam Hill, San Luis Obispo County 3rd District Supervisor, announced that he would be holding office hours in the South County area to meet with local residents.

In reference to Agenda Item No. 8, Supervisor Hill stated that the Board of Supervisors welcomed the City's input regarding the Los Osos Community Services District's Sewer System Project, commented on costs to complete the sewer project, and offered to meet with City representatives to further discuss the project.

PUBLIC HEARINGS

Prior to discussion of Public Hearing Item No. 2, Council Member Peterson declared a conflict of interest, stating that she had previously deliberated on the project as a former member of the Planning Commission. She then stepped down from the dais and left the Council Chambers. Mayor Pro Tem Nicolls declared a conflict of interest, due to his residence being within 300 feet of the project site. He then stepped down from the dais and left the Council Chambers.

2. **Appeal of Planning Commission Decision on November 12, 2008 to Approve Site and Architectural Plans and Grant a Coastal Development Permit for a Two-Story, Single-Family Residence with a Roof Deck.** Appellant: Anita Shower; Project Site: 883 North 6th Street (APN. 060-501-026); Project Applicants: Doug and Sue Shollenbarger.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Interim Community Development Director Beck stated that she would be presenting the report on behalf of Planner II Reese, who was absent due to a family illness.

Interim Community Development Director Beck reviewed the appeal and the issues raised by the Appellant at the Planning Commission meeting regarding the legal status of the lot, impacts to a neighboring oak tree, and neighborhood compatibility. Interim Community Development Director Beck provided an overview of the project: a proposed two-story, single family residential project with a garage and lift to provide parking for a second automobile, a second floor deck at the rear of the dwelling, and a roof deck. She then reviewed the 30 ft. x 125 ft. project site with proposed retention basin for on-site drainage, fire sprinklers, and curb, gutter, and sidewalk improvements. She also reviewed the City's requirements for architectural approval of projects in nonconforming lots located north of West Grand Avenue, and noted that the Applicant had erected story poles for an assessment of views as part of the review process.

Interim Community Development Director Beck summarized discussions held at the Planning Commission meeting, the Commission's concurrence with staff that views would not be substantially or needlessly obstructed, and that the proposed project's unique design was compatible within the neighborhood because of the existing mix of architectural styles. The Commission therefore approved the Site and Architectural Plans and granted the Coastal Development Permit.

In reference to materials addressed to the Council from the Appellant and received prior to the City Council meeting, Community Development Director Beck stated that the materials referenced requirements applicable to projects on lots that were 25 feet wide. Those requirements were, however, not applicable to the Applicant's proposed project, which would be located on a 30 foot wide lot.

Upon question, City Attorney Koczanowicz explained that the project site was located on a legal, non-conforming lot which was created prior to the establishment of minimum lot size requirements in the City. The objections raised by the Appellant cited Municipal Code sections that were applicable to lots that were 25 feet wide or smaller, which did not apply to the Applicant's lot. Further, the City Engineer and Interim Community Development Director had reviewed the project application, and it was within the Director's authority to grant "exceptions" to City Standards, which were not the same as a "variance". He also noted that a "lot merger" would not be applicable in this situation, since the lot was not less than 25 feet wide.

Brief discussion was held regarding the proposed project and its unique parking design.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter.

The following persons spoke in favor of granting the appeal:

- Anita Showers, Appellant, Grover Beach, stated that her appeal was on behalf of the residents of North 6th Street, from Oceanview Avenue to Charles Street, as well as the residents of Grandview Drive. She reviewed the documents submitted in her appeal,

commented on the project's detrimental effects to an oak tree located on her property, and also referenced specific zoning regulations regarding the development of non-conforming lots.

- Mr. F. Frost, resident of Grandview Drive, Grover Beach, objected to the project's design, stating it would decrease property values in the neighborhood and negatively impact the views from his property.
- Gene Bello, resident of North 6th Street, Grover Beach, objected to allowing development of a single-family home on a lot that was significantly narrower than the rest of the neighborhood. He then distributed copies of a Grant Deed recorded in 1979 regarding the project site and the adjacent vacant lot, stating that both lots were intended to be developed as one single property.

The following persons spoke *against* granting the appeal:

- Bardhyll Nushi, representative for Applicants Doug and Sue Shollenbarger, described the project design and high-end cost of proposed building materials, the unique configuration of the project site, the stacked parking garage design to accommodate the narrow width of the home, and the cantilevered deck and foundation footings to preserve the root system of the nearby oak tree. He also confirmed that the home would be the primary residence for the Shollenbargers. He submitted photos to the Council depicting the excavation and construction of a retaining wall and fence, stating that it was constructed by the Appellant two years earlier on her property, and that the oak tree would incur more damage from the retaining wall and fence than from his clients' proposed residential project and landscape wall.
- Doug Shollenbarger, Applicant, Grover Beach, commented on the estimated high-end costs for building materials, offered to submit data from a realtor regarding the home's projected value when construction was completed, and stated that it would be of comparable value to the homes in the surrounding neighborhood.

There were no further comments received, and the Mayor closed the Public Hearing.

Brief discussion was held regarding requirements for a lot merger that were not applicable in this situation, the project review process conducted to date by staff and the Planning Commission, and potential consequences and legal challenges that might result from the Council's decision. Additional discussion was held regarding a request received in 2006 from the project site's previous property owners, which was denied by the Council, for a lot line adjustment in order to reconfigure the lots and develop two homes of comparable size.

Council Member Bright acknowledged the good faith efforts by the Applicants to meet all of the development requirements within the constraints of a narrow lot, including proposing an innovative garage design. However, she objected to the finding that the home would be compatible with the character of the neighborhood and questioned how the lot was ever deemed suitable for development.

Action: It was m/s by Council Member Mires/Mayor Shoals to adopt the Resolution to uphold the Planning Commission's decision on November 12, 2008. The motion failed on the following roll call vote:

AYES: Council Members Mires and Mayor Shoals.
NOES: Council Member Bright.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.
RECUSED: Council Member Peterson and Mayor Pro Tem Nicolls (due to conflicts of interest).

City Attorney Koczanowicz stated that adoption of a Resolution required a minimum of three affirmative votes and the 2-1 vote would be considered a non-action, and therefore the Planning Commission's decision stands. The administrative process was over and either party had the same remedy as if the Council's action was a denial of the appeal.

At this time, Council Member Peterson and Mayor Pro Tem Nicolls returned to the dais.

Recess: Upon consensus of the City Council, the meeting recessed at 7:58 p.m.
Reconvene: At 8:10 p.m., the meeting reconvened with all Council Members present.

3. Request to Vacate a Portion of Right-of-Way on Longbranch Avenue (Between 5th Street and 6th Street) and South 5th Street (Between Longbranch Avenue and Manhattan Avenue). Applicant: Habitat for Humanity; Project Site: 506 Longbranch Avenue.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. Interim Community Development Director Beck reviewed the request to vacate a portion of right-of-way in order to develop a four-unit affordable housing project. She stated that, when the request was received in December 2008, the Council set the public hearing for January 20, 2009. That meeting date, however, was cancelled and the hearing was rescheduled to this evening. She clarified that, although costs incurred to consider such requests were usually the responsibility of the applicant, the City's agreement with Habitat for Humanity called for shared project costs. She then reviewed the standard 52 foot width of "local streets", according to the City's 2005 Circulation Element, and pointed out that South 5th Street was 70 feet wide and Longbranch Avenue was 84 feet wide. Therefore, approving the request would result in street widths which still exceeded the minimum standard.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter.

Karl Lee, property owner near 6th and Longbranch Avenue, Grover Beach, objected to the request and asked that the City, instead, develop a uniform policy for all streets so that he could pursue development of his property.

Penny Rappa, Habitat for Humanity, spoke in support of the request.

There were no further public comments received.

Brief discussion was held regarding the difficulty of establishing a citywide policy for narrowing all streets due to the current diversity in street widths and inconsistent development of curb, gutter, and sidewalk improvements. Additional discussion was held regarding the planned development of a demonstration project to narrow the street width on Longbranch Avenue, from 4th Street to 16th Street, and subsequently identifying another street to narrow, such as Newport Avenue.

Action: It was m/s by Council Members Bright/Mires to adopt Resolution No. 09-06 approving the vacation of the easterly six (6) feet of South 5th Street and the southerly four (4) feet of Longbranch Avenue. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

Resolution No. 09-06: A Resolution of the City Council of the City of Grover Beach, California, to Vacate an Unused Portion of the Easterly Side of 5th Street Between Longbranch Avenue and Manhattan Avenue, Reducing the Total Width From 70 Feet to 64 Feet and the Southerly Side of Longbranch Avenue Between 5th Street and 6th Street, Reducing the Total Width From 84 Feet to 80 Feet.

4. Amendment to Grover Beach Municipal Code Section 9137.9 Relating to Curb, Gutter and Sidewalk.

Mayor Shoals read the title to the foregoing item, declared the Public Hearing open, and deferred to staff for a report. City Manager Perrault reviewed the Council's previous direction on July 21, 2008, regarding proposed amendments to the City's regulations for curb, gutter, and sidewalk improvements. He then recommended continuing this matter to

the City Council meeting of February 17, 2009 in order to provide staff with additional time to ensure that the proposed amendments adequately incorporated the Council's direction.

Upon request, City Engineer Garing reviewed existing requirements of the City's Zoning Regulations related to curb, gutter, and sidewalk installations and street conforms. City Manager Perrault described the Pavement Management System that was utilized to categorize streets according to condition.

Brief discussion was held regarding the Council's intent of the proposed amendments to: 1) relieve property owners of single-family home remodels/additions of less than 40 percent of the existing home's square footage from the requirement of providing a street conform to the centerline of the street; and 2) clarify that developers of multi-unit and commercial development projects were required to provide adequate street improvements and a street conform, even if curb, gutter and sidewalk improvements already existed.

Mayor Shoals invited comments from those in the audience who wished to be heard on this matter. There were no public comments received at this time.

Further discussion was held regarding the lack of adequate street improvements required for several recently developed multi-unit projects under the City's existing regulations, whether an in-lieu fee program could be a viable alternative so that an entire street segment could be rehabilitated rather than just portions of street frontage, and the potential difficulties with administering a citywide in-lieu fee program.

Action: Upon unanimous consensus, the Council directed staff to further modify the proposed amendments to include items "b" and "c" as presented in the staff report:

- "b) For projects consisting of more than one residential unit or any commercial development, including commercial remodels or additions, the developer be required to provide a street form as wide as necessary to match the existing street at a standard street slope; and in some cases where the existing street condition is determined to be at a pavement condition of less than 60, that the street be constructed all the way to the centerline of the street.
- c) For projects consisting of more than one residential unit or any commercial remodel or addition, the developer be required in cases where the existing street condition is determined to be at a pavement condition less than 60, that the street be reconstructed all the way to the centerline of the street, even though curb, gutter, and sidewalk already exist on the project frontage."

In addition, the Council continued the Public Hearing to the Regular City Council meeting to be held on Tuesday, February 17, 2009.

CONSENT AGENDA

Prior to consideration of the Consent Agenda, Council Member Peterson stated that she would abstain from voting on the Minutes of the Regular City Council Meeting of July 7, 2008 (Agenda Item No. 6), as she was absent from that meeting.

Upon consensus (Council Member Peterson abstaining from Agenda Item No. 6), the Council approved Consent Agenda Items Nos. 5 and 6 as presented.

5. Treasurer's Report for the Period December 30, 2008 - January 22, 2009.

Action: Approved as submitted.

6. Minutes of the City Council Meeting of July 7 2008.

Action: Approved the minutes as submitted (*except* for Council Member Peterson).

REGULAR BUSINESS

7. Consultant Services to Prepare a Study Regarding Joint Dispatch Services.

Mayor Shoals read the title to the foregoing item and deferred to staff for a report. City Manager Perrault reviewed the City's joint cooperative efforts with the City of Arroyo Grande and the Oceano Community Services District for the management and delivery of fire services. In order to develop recommendations for full consolidation of fire services under an independent Joint Powers Authority, further analysis was needed regarding consolidating fire dispatch services. The Fire Oversight Committee and staff therefore recommended participating in a study to identify potential costs associated with consolidated fire dispatch services, including police dispatch for both the Cities of Grover Beach and Arroyo Grande. City Manager Perrault reviewed the Request for Proposal document, which included a variety of options such as consolidation of just fire dispatch

services and permitting other cities to participate in the study, as well as each agency's estimated costs for participating in the study.

Brief discussion was held regarding information to be provided and costs for the study.

Action: It was m/s by Mayor Pro Tem Nicolls/Mayor Shoals to authorize the City's participation in the Joint Dispatch Services Study. The motion carried on the following roll call vote:

AYES: Council Members Bright, Mires, Peterson, Mayor Pro Tem Nicolls, and Mayor Shoals.
NOES: Council Members - None.
ABSENT: Council Members - None.
ABSTAIN: Council Members - None.

PULLED CONSENT AGENDA ITEMS

None at this time.

COUNCIL COMMITTEE REPORTS

Upon unanimous consensus, the Council deferred Council Committee Reports to the next meeting.

CITY COUNCIL MEMBER ITEMS

8. Request from Mayor Pro Tem Nicolls to Consider Sending a Letter to the County Regarding the Los Osos Community Services District's Sewer System Project.

City Manager Perrault reviewed the request from Mayor Pro Tem Nicolls in response to recent actions by the Board of Supervisors to augment funds for the sewer project from the County's street paving fund, and the possible negative impacts that action might have on County residents in general. Mayor Pro Tem Nicolls noted that the Council had sent a similar letter to the Board of Supervisors in February 2006, and he wished to reiterate the City's concerns.

Mayor Shoals suggested that he and Mayor Pro Tem Nicolls meet with County Supervisor Hill to discuss the City's concerns.

Action: Upon unanimous consensus, the Council authorized Mayor Shoals and Mayor Pro Tem Nicolls to meet with County Supervisor Hill to discuss the City's fiscal concerns regarding the Los Osos Community Services District's Sewer System Project.

COUNCIL COMMUNICATIONS

- A. Mayor Shoals requested staff provide information regarding:
- (1) Status of a proposed mobile home park conversion ordinance. City Attorney Koczanowicz stated that he would provide a report at the next Council meeting; and
 - (2) Existing regulations and enforcement regarding smoking near public facilities and parks, and possibly initiating more restrictive local regulations. City Manager Perrault stated that he would research the issue and report back to the Council.
- He also stated that he would forward a complaint to staff regarding barking dogs in a residential area.

CITY MANAGER'S REPORTS AND COMMENTS

City Manager Perrault announced that the next regular Council meeting would be held on Tuesday, February 17, 2009, due to the federal legal holiday observed on Monday, February 16, 2009.

CITY ATTORNEY'S REPORTS AND COMMENTS

None at this time.

CLOSED SESSION

As announced earlier in the meeting under "Agenda Review", the following scheduled Closed Session Items were deferred to the next City Council meeting:

1. **Conference with Real Property Negotiators**

Pursuant to Government Code Section 54956.8

Property: APN 060-205-017
Agency negotiator: City Manager and City Attorney
Negotiating party: Donald H. Marek, Mohr Partners, Inc.
Under negotiation: Acquisition

Property: APN: 060-228-005 & 011
Agency negotiator: City Manager and City Attorney
Negotiating party: Robert E. Hullette
Under negotiation: Acquisition

2. **Conference with Legal Counsel - Pending Litigation**

Pursuant to Government Code Section 54956.9(a)
Sorrell v. City of Grover Beach USDC CV 09 00137 JSL

ADJOURNMENT

There being no further business to come before the City Council, Mayor Shoals adjourned the meeting at 9:07 p.m.

/s/JOHN P. SHOALS, MAYOR

Attest:
/s/DONNA L. McMAHON, CITY CLERK
(Approved at CC Mtg 6/8/09)