

**ACTION MINUTES
MEETING OF THE PLANNING COMMISSION
TUESDAY, FEBRUARY 6, 2018
ARROYO GRANDE COUNCIL CHAMBERS
215 EAST BRANCH STREET
ARROYO GRANDE, CALIFORNIA**

1. CALL TO ORDER

Chair Martin called the Planning Commission meeting to order at 6:00 p.m.

2. ROLL CALL

Planning Commission: Commissioners Frank Schiro, John Mack, Terry Fowler-Payne, Lan George, and Glenn Martin were present.

Staff Present: Community Development Director Teresa McClish, Planning Manager Matt Downing, Associate Planner Kelly Heffernon, City Engineer Robin Dickerson, and Secretary Debbie Weichinger were present.

3. FLAG SALUTE

Commissioner Mack led the flag salute.

4. AGENDA REVIEW

None.

5. COMMUNITY COMMENTS AND SUGGESTIONS

None

6. WRITTEN COMMUNICATIONS

The Commission received the following material after preparation of the agenda:

1. Memo dated February 5, 2018 from Planning Manager Downing regarding Agenda Item 8.a.
2. Memo dated February 6, 2018 from Planning Manager Downing regarding Agenda Item 8.a.
3. A petition regarding Agenda Item 8.a.

7. CONSENT AGENDA

Action: Commissioner George moved, and Commissioner Mack seconded the motion to approve Consent Agenda Item 7.a. recommended course of action. The motion passed on the following roll-call vote:

AYES: George, Mack, Fowler-Payne, Schiro, Martin
NOES: None
ABSENT: None

Action: Commissioner Schiro moved, and Commissioner Fowler-Payne seconded the motion to approve Consent Agenda Item 7.b. with the recommended course of action. The motion passed on the following roll-call vote:

AYES: Schiro, Fowler-Payne, Mack, Martin
NOES: None
ABSENT: None
ABSTAIN: George

8. PUBLIC HEARINGS

8.a. CONSIDERATION OF LOT MERGER 16-001, CONDITIONAL USE PERMIT 16-008, AND MITIGATED NEGATIVE DECLARATION; CONSTRUCTION OF AN APPROXIMATELY 2,650 SQUARE-FOOT FAST-FOOD RESTAURANT WITH DRIVE-THRU; LOCATION – 727 EL CAMINO REAL (WESTERN CORNER OF EL CAMINO REAL, FAEH AVENUE, AND BELL STREET); APPLICANT – ELA FOODS, INC.; REPRESENTATIVE – OASIS ASSOCIATES

Planning Manager Downing presented the staff report and recommended the Commission adopt a Resolution recommending the City Council adopt the Mitigated Negative Declaration and approve Lot Merger 16-001 and the Conditional Use Permit 16-008. Planning Manager Downing, City Engineer Dickerson, and Community Development Director McClish responded to Commission questions regarding a noise study; colors for the block wall; the traffic report; warrants for the traffic signal; the applicant's share for the signal; installation of solar panels; hours of construction discrepancy in the Conditions of Approval and Mitigation Measures; comparison of other drive-thru restaurants in the City; non-audible kiosk; vehicles idling; who is responsible to maintain the odor reducing equipment; impacts to Francisco's Restaurant and Beach Front Auto; and the process for permit parking.

Nick Amirian, Developer, said Popeye's is community oriented; addressed the concerns presented at October 17, 2017 Commission meeting and responded to questions regarding the proposed project.

Carol Florence, Oasis Associates and representative, asked the Planning Commission to approve the project; presented the changes that were made regarding the concerns that the Commission had from the October 17, 2017 meeting; and responded to questions regarding the proposed project.

Chair Martin opened the public hearing for comment. Speaking from the public were: Sandra Bourbon spoke against the project. Val Delaney expressed concern with additional traffic and asked the Commission to read the Transportation Report. Terry Tardiff questioned if there should be a traffic study done on Halcyon, spoke against the project as it is across from her house, complained about the noise from the speaker and the smell. Kim Conroy said he is not opposed to Popeye's but is opposed to the location, expressed concern with property values, asked who will pay for traffic calming, and is concerned with noise. Maureen Herrera asked about conserving water, parking, suggested to flip the project around and is opposed to the project, Lori Hunstad said the project does not fit this site and suggested affordable housing at said site. Patty Welsh said she is not opposed to Popeye's but is opposed to the drive-thru, concerned with loading/unloading, traffic, noise, smell, lights, and delivery times. Richard Bell, International Union of Operating Engineers expressed concern with privacy, excessive traffic, and safety of kids that play on the street and asked the Commission to deny the project. Wayne Allen said the project will create more traffic, concerned with the on and off ramp at Halcyon Road/El Camino Real, and suggested to find another use for this property. Cora Poropat owner/lessor of Beach Front Auto expressed concern with ambulance response time due to additional traffic, said there are already accidents in this area, is not against the business but is opposed to the site. Chris Wheeler just recently purchased his home on Faeh Avenue and is opposed to the project. Hearing no further speakers, Chair Martin closed the public hearing.

Carol Florence clarified the hours of operation, said traffic is always a concern for all cities, this project will bring a fair share of contribution for traffic throughout the City, and responded to questions from the Commission regarding the project.

Commissioner Schiro provided the following comments for the project: suggested a touch screen and no speaker; is in support of the hours of closing at mid night on Friday and Saturday and 10:00 pm Sunday through Thursday; suggested the six foot wall be decorative with stucco and pillars using the same stone with a decorative cap; add a condition for a shared parking agreement; add condition to move the grease trap to the north side of the property and be sized on grease production method; commercial dishwasher should be a gallon or less; suggested waterless urinals; lighting be as low and least impacted as possible for the community; and said the project site is consistent with the General Plan.

Commissioner George provided the following comments for the project: is in support of the alternate plan; would like the parking lot pavement marked clearly; need to mark clear ingress and egress; would like closing hours at 10:00 pm all seven days of the week; likes the wall with the pillars; suggested that an annual maintenance for the exhaust for odor be done; the lighting should go back to the Architectural Review Committee; would like to see solar panels and that the project should be "green" as much as possible; and is concerned with traffic mitigation.

Commissioner Fowler-Payne provided the following comments for the project: is opposed to the project; concerned with safety issues, circulation, and the small children in the neighborhood. Suggested permit parking on both sides of Faeh Avenue and restrict employee parking; feels this is not the best location in the City for Popeye's; and is concerned with both local and freeway traffic.

Commissioner Mack said the architecture is a huge improvement; the site is zoned for this type of use; does not feel there will be competition with the other business; the traffic report is not failing; agrees with Condition of Approval 17, hours need to match; the wall will keep the sound on the other side of the fence; most of the traffic will be on and off freeway; the applicant has addressed the site access; would like to see more than one "No parking" zone sign; should be 10:00 pm cut off.

Director McClish stated the applicant's representative indicated willingness to close drive-thru at 10:00 pm.

Chair Martin concurred with Commissioner Schiro comments.

Action: Chair Martin moved to adopt a resolution entitled "**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE LOT MERGER 16-001 AND CONDITIONAL USE PERMIT 16-008; LOCATED AT 727 EL CAMINO REAL; APPLIED FOR BY ELA FOODS, INC.**" as modified with the following conditions: 1) The project shall comply with the noise ordinance, and an acoustical study shall be completed prior to City Council consideration; 2) Waterless urinals shall be required in the restrooms; 3) The wall along Faeh Avenue shall be decorative or cut block with concrete caps and appropriate landscaping; 4) Condition of Approval 34 shall include the requirement for an annual maintenance report be provided to the City; 5) Street parking on the north side of Faeh Avenue shall be limited to 30 minutes and permit parking shall be required on the south side; 6) Recommends modified drive-thru Alternative #2 presented by the applicant; 7) The applicant shall extend the six foot wall along Faeh Avenue southeast around the curve of the drive-thru; and 8) Parking lot light standards shall be limited to twelve feet (12'). Commissioner Schiro seconded the motion.

Discussion on the motion by the Commission and staff ensued. Following the discussion, the motion was revised as follows: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE LOT MERGER 16-001 AND CONDITIONAL USE PERMIT 16-008; LOCATED AT 727 EL CAMINO REAL; APPLIED FOR BY ELA FOODS, INC.”** as modified with the following conditions: 1) The project shall comply with the noise ordinance, and an acoustical study shall be completed prior to City Council consideration to determine if the ordering kiosk is required to be moved; 2) Waterless urinals shall be required in the restrooms; 3) The wall along Faeh Avenue shall be decorative or cut block with pillar and concrete caps and appropriate landscaping, colored to match the building, and return to the Architectural Review Committee for recommendation on final design to the Community Development Director; 4) Condition of Approval 34 shall clarify that a Level 3 unit with odor control shall be used and include the requirement for an annual maintenance report be provided to the City; 5) Coordinate with the Planning and the Police Departments to evaluate limiting parking on Faeh Avenue to “resident only” with parking permits or other alternative parking schemes (e.g., 30-minute limited parking on the east side of Faeh Avenue, no truck parking etc.); 6) Selected modified drive-thru Alternative #2 presented by the applicant; 7) The applicant shall extend the six foot wall along Faeh Avenue southeast around the curve of the drive-thru; 8) Parking lot light standards shall be limited to twelve feet (12’) in height and lighting schematic/photometric study to minimize light spill and glare and reviewed by the ARC for recommendation of final design to the Community Development Department; 9) mitigation measures NOI -1 shall be modified to reflect contractor hours in Condition of Approval #17 (8:00 am to 5:00 pm Monday through Friday) 10) pre-wire building for solar panels. 11) Operation of the drive-thru shall be limited from 10:00 am to 10:00 pm daily and operation of the interior of the store shall be limited from 10:00 am to 10:00 pm Sunday through Thursday and from 10:00 am to 12:00 am Friday and Saturday; 12) Pavement markings of the parking lot and parking/access areas on the AG 2 parcel shall be reviewed and approved by the City Engineer; 13) Appropriate reciprocal access and parking easements shall be recorded between the subject property and adjacent properties, with parking spaces to remain unassigned; 14) The grease trap shall be located on the north side of the structure and sized in accordance with the “flow size” method; 15) Condition of Approval #55 shall be reworded to replace “as-built plans” with “record drawings”; 16) A warrant analysis shall be completed and provided to the City for review prior to consideration of the project by the City Council; and 17) A solid six foot (6’) fence be included on the western boundary of the project site to allow separation between the two properties. Commissioner Schiro reaffirmed his second of the motion stood.

The motion passed on the following roll call vote:

AYES: Martin, Schiro, George, Mack
NOES: Fowler-Payne
ABSENT: None

The Commission took a break at 9:16 pm and reconvened at 9:25 pm.

- 8.b. CONSIDERATION OF CONDITIONAL USE PERMIT NO. 17-003; MIXED USE DEVELOPMENT INCLUDING AN EXISTING OFFICE BUILDING AND CONSTRUCTION OF TWENTY (20) AFFORDABLE APARTMENT UNITS WITH A COMMUNITY ROOM; LOCATION – 224 AND 236 SOUTH HALCYON ROAD; APPLICANT – HOUSING AUTHORITY OF SAN LUIS OBISPO (HASLO); REPRESENTATIVE – RRM DESIGN GROUP** Associate Planner Heffernon presented the staff report and recommended the Planning Commission adopt a Resolution approving Conditional Use Permit 17-003. Associate Planner

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Heffernon and Community Development Director McClish responded to Commission questions regarding previous City funding; determination of traffic impacts; setbacks; density bonus with combined properties; what happens if the commercial property is sold off; will the fire safety code be met due to the setback; is the City in conformance with housing-related Assembly Bills; is Halcyon Road area in an overlay district requiring more medical uses; is there a limit on future use of the commercial parcel.

On motion by Commissioner George, seconded by Commissioner Schiro, it was moved to continue the meeting past 10:00 pm to 10:30 pm. The motion passed on the following roll call vote:

AYES: George, Schiro, Fowler-Payne, Mack, Martin
NOES: None
ABSENT: None

Ms. Heffernon continued to respond to questions from the Commission regarding guest parking; and how many parking spaces for the office.

Scott Smith, Executive Director, HASLO, provided an overview of the project including the General Plan consistency with the provision of affordable housing, and responded to questions from the Commission regarding the five motorcycle stalls; overall parking strategy; and explained the financial operations of the project.

Scott Martin, Architect, RRM Design Group, presented the project, including a "walk through" simulated video.

On motion by Commissioner Schiro, seconded by Commissioner George it was moved to continue the meeting to 11:00 pm. The motion passed on the following roll call vote:

AYES: Schiro, George, Fowler-Payne, Mack, Martin
NOES: None
ABSENT: None

Chair Martin opened the public hearing for comment. Speaking from the public were: Jeff Smith expressed concern with a giant complex, privacy, Dodson Way is extremely over parked already, the resale value of his home, feels this project will not generate revenue for the City and commercial would be a better fit. Paul Tourdot expressed concern with a three story building/setbacks and the impacts with traffic in this neighborhood. Tara Stilwell said Dodson is narrow when vehicles are parked on both sides of the street, it is already congested without the project, there are parking issues, is concerned with 5' setback, and suggested to rework the layout. Sunday Riecki expressed concern with privacy in her backyard, parking, and traffic. Ms. Valentine expressed concern with privacy to her backyard, traffic, parking, and safety as there are no sidewalks in this area of Dodson Way. Hearing no further speakers, Chair Martin closed the public hearing.

On motion by Commissioner Schiro, seconded by Commissioner George, it was moved to continue the meeting to 11:30 pm. The motion passed on the following roll call vote:

AYES: Schiro, George, Fowler-Payne, Martin
NOES: Mack
ABSENT: None

Commissioner Fowler-Payne provided the following comments on the proposed project: is concerned with the traffic and parking.

Commissioner Mack provided the following comments on the proposed project: there needs to be a traffic evaluation done on the project; concerned with the project as it looks into the backyards of adjacent homes; and is not prepared to make a decision tonight.

Commissioner Schiro provided the following comments on the proposed project: based on recent State legislation, if the project is denied, staff would have to give justification through strict findings to the State.

Chair Martin suggested having the City Attorney present for this item.

Community Development Director McClish suggested upon hearing concerns, including parking and potential sight distance issues on Dodson Way, and due to the later hour, that the Commission may want to continue the item.

Action: Commissioner Martin moved to continue this item to a date certain of March 6, 2018. Commissioner Mack seconded the motion. The motion passed on the following roll call vote:

AYES: Martin, Mack, Fowler-Payne, George, Schiro
NOES: None
ABSENT: None

- 8.c. **CONTINUED CONSIDERATION OF DEVELOPMENT CODE AMENDMENT 17-004; AMENDMENTS TO TITLE 16 OF THE ARROYO GRANDE MUNICIPAL CODE REGARDING EXEMPT SIGNS; LOCATION – CITYWIDE; APPLICANT – CITY OF ARROYO GRANDE**
Community Development Director McClish stated that this item is requiring additional internal review and staff is requesting that the Planning Commission continue the public hearing to a date uncertain

Chair Martin made a motion to continue this item to a date uncertain. Commissioner Mack seconded the motion. The motion passed on the following roll call vote:

AYES: Martin, Mack, Schiro, Fowler-Payne, George
NOES: None
ABSENT: None

9. NON-PUBLIC HEARING ITEM

None

10. ADMINISTRATIVE DECISIONS SINCE JANUARY 16, 2018

This is a notice of administrative decision for Minor Use Permits, including any approvals, denials or referrals by the Community Development Director. An administrative decision must be appealed or called up for review by the Planning Commission by a majority vote.

Case No.	Applicant	Address	Description	Action	Planner
ARCH 17-010	Tommy Todd	480 Del Mar	New Single Family Residence	A	K. Heffernon
TUP 17-025	Beach Front Auto	799 El Camino	Car wash fundraiser	A	C. Turner

	Service	Real	for Paulding/Judkins Middle Schools drama program		
PPR 18-001	Wayne Gamble & Stacy Willis	993 Sycamore Drive	Establishment of a new one-bedroom homestay	A	S. Anderson

11. COMMISSION COMMUNICATIONS

None.

12. STAFF COMMUNICATIONS

None.

13. ADJOURNMENT

The meeting adjourned at 11.21 p.m.

ATTEST:

DEBBIE WEICHINGER
SECRETARY TO THE PLANNING COMMISSION
(Approved at PC Meeting _____)

GLENN MARTIN, CHAIR