C-1

MINUTES

San Luis Obispo County Planning Commission

Bob Roos
Doreen Liberto-Blanck
Penny Rappa
Eugene Mehlschau
Sarah Christie

MEETING LOCATION AND SCHEDULE

Regular Planning Commission meetings are held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, on the second and fourth Thursdays of each month. Regular Adjourned Meetings are held when deemed necessary. The Regular Meeting schedule is as follows:

Meeting Begins:	8:45 a.m.		
Morning Recess:	10:00	-	10:15 a.m.
Noon Recess:	12:00	-	1:30 p.m.
Afternoon Recess:	3:00	-	3:15 p.m.

ALL HEARINGS ARE ADVERTISED FOR 8:45 A.M. HOWEVER, HEARINGS GENERALLY PROCEED IN THE ORDER LISTED. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

DRAFT *** DRAFT ***** Wording could change upon approval ***** DRAFT ***** DRAFT**

MEETING DATE: THURSDAY, March 24, 2005

PRESENT: Commissioners Bob Roos, Gene Mehlschau, Penny Rappa, Chairperson Doreen Liberto-Blanck

ABSENT: Commissioner Sarah Christie

STAFF: Pat Beck, Assistant Planning Director
John Euphrat, Long Range Planning
Matt Janssen, Current Planning
Kami Griffin, Planner
Josh LeBombard, Planner
Martha Neder, Planner
James Caruso, Planner
John Nall, Environmental Division
Julie Eliason, Environmental Division

OTHERS: Richard Marshall, Public Works
Jim Orton, County Counsel
Tim McNulty, County Counsel

The meeting is called to order by Chairperson Liberto-Blanck.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of March 24, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Roll Call	
Flag Salute	
PUBLIC COMMENT	Members of the public wishing to address the Commission on matters other than

PERIOD	scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening	Discusses road abandonment issue in Los Osos that was extensively discussed was approved by the Board of Supervisors. States minutes of the Planning Commission meetings were not included for the Board's use. Requests information regarding responsibility for getting minutes into the packets. Further, poses questions regarding status of Estero Area Plan that went to the Coastal Commission.
Emily Coombs	States she lives on Pozo Road. Reads letter into record regarding TDC program. States she represents herself today. States they wish to work toward a community based plan. Requests Planning Commission and Planning Department assistance in establishing such a plan. Discusses a letter to be sent by Santa Margarita Advisory Council regarding same.
Pat Beck	Reminder regarding Planning Commissioner training on April 9, 2005. Paul Crawford and Chris Clark will review legal matters, including CEQA requirements. There will be a lunchtime panel regarding new Commissioners making decisions. The afternoon will include Paul Zocofsky who will discuss Smart Growth issues. Brown Act will be discussed. Passes out handbook to each Commissioner. Discusses some future plans to have design issues and Smart Growth discussed by representatives from Cal-Poly. States Planning Commission minutes have never been included in road abandonment staff reports to the Board, but it may be possible to change that. Estero Area Plan has been discussed, additional materials have been provided to Coastal Commission, and February was the last time contact was made.
Matt Janssen, staff	States the community-wide Habitat Conservation Plan for Los Osos has been in the works for three years. Last month there was a draft, and another should be available in about 6 weeks.
Commissioner Roos	States his feeling Mr. Greening's question was broader than being limited to road abandonment issues.
Pat Beck, Assistant Planning Director	States in other circumstances, background information has been provided, and the Board desires that. States typically, road abandonments have been fairly routine.
Jim Orton, County Counsel	States approved minutes are not available yet.
Commissioner Roos	States he attended a seminar in Sacramento regarding ground water recharge. States he has forwarded some papers from that seminar to the Regional Water Quality Control Board. Gives an example of a method of recharge used in Florida.
Pat Beck, Assistant Planning Director	Further discusses setting up a community-based TDC program.
John Euphrat, Planning Staff	States there is dialog ongoing, and a report will be provided the Commission at its next meeting.
CONSENT AGENDA	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Rappa, carries unanimously, to approve the Consent Agenda as follows: a. Request from **CIPORA AND HANA NOVAK** for a 1st one year time extension for a Vesting Tentative Tract Map to subdivide an existing 5.09 acre parcel into five parcels of approximately one acre each. The project is located at 755 Glenhaven Place, on the north side of Pomeroy Road, approximately 200 feet east of Olympic Way, Nipomo, in the South County Planning Area. Land Use

	Category: Residential Suburban. APN: 091-292-054. **County File No. TRACT 2439/S010057T**. Supervisorial District #4.
1. DANIEL CARSEL, County File No. DRC2004-00048	This being the time set for hearing to consider a request by **DANIEL CARSEL** for a Conditional Use Permit to allow an expansion of an existing senior care facility from 6 to 12 residents. The project will result in the disturbance of approximately 13,564 square feet of a 16.3 acre parcel. The proposed project is within the Agriculture land use category and is located at 4225 Camp 8 Road, at the intersection with Highway 41, approximately 11miles northeast of Atascadero, in the El Pomar/Estrella planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures identified for: Agricultural Resources, Biological Resources, and Public Services. **County File No: DRC2004-00048.** APN: 035-401-018. Supervisorial District: 1. Date Accepted: 9/28/2004.
Josh LeBombard, Staff	Gives the staff report. Displays maps overhead. Recommends approval.
Commissioner Roos	Requests clarification of any comments from other agencies, kit fox mitigation and whether a change has taken place in the methods.
Julie Eliason, Planning Staff	States two options are available at this time regarding kit fox mitigations. Explains mitigation areas, and the reasons these were so designated. States Planning worked together with Fish & Game. Projects of less than 40 acres that fall within a standard mitigation ratio can elect to get a habitat evaluation if they so desire, but can rely on the standard ratio if desired.
Commissioner Roos	Requests further clarification, with staff responding.
Josh LeBombard, staff	States a referral was sent to CDF, and no response had been received by the time the staff report was prepared. However, the response has now been received, and a suggestion made for additional wording for Condition 12. Reads into record. Recommends approval.
Commissioner Liberto-Blanck	Requests clarification of how this project fits into Agriculture land use category, with staff responding.
Discussion takes place	Among Commissioners and staff regarding details of how this project fits into the Agriculture land use category. Staff states Agriculture Commissioner did not have concerns about this project.
Pat Beck, Assistant Planning Director	States a similar project came before the Commission recently. Discusses that project, comparing it to this project.
Further discussion takes place	Among Commissioners and staff regarding differences and similarities of this project to the past project.
Dan Carsel, Applicant	States he has nothing to add, but can answer questions.
Commissioner Roos	Requests information about the type and amount of care being provided.
Dan Carsel, Applicant	States they care for Alzheimers patients. Discusses response times, patient medical directives that are all "do not resuscitate." States they are a licensed, non-medical facility, and if medical care is required, admission to another facility, such as a hospital or skilled nursing facility, would be required. Explains further.
Further questions are answered by applicant	Regarding phases of construction, remodeling anticipated.
Robert Lewin, Fire Marshal, San Luis	States a facility with more than 6 patients has different standards, such as sprinkler installation and two exits from each room. This is discussed in CDF's

Obispo County	March letter, as well as the condition read by Mr. LeBombard.
Dan Carsel, Applicant	States they anticipated these requirements, and all those changes are in place, with no impact being expected on the residents as a result of this project.
Chairperson Liberto-Blanck	Discusses certain aspects of the staff report, requesting some future changes, and states her understanding of specific statements, with staff confirming.
Discussion takes place	Among Commissioners and staff regarding other kinds of information to be included in staff reports.
Robert Lewin, Fire Marshal	States there is a fire station in Creston, but it is only staffed 4 days per week in the daytime. At other times, response times are longer because those hours are covered by volunteers.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries in the absence of Commissioner Christie, to adopt the mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2005-007 granting a Conditional Use Permit to DANIEL CARSEL for the above referenced item, based on the Findings in Exhibit A and subject to the Conditions in Exhibit B, with change to Condition 12 as follows: insert "outlined in their letter dated March 3, 2005. This includes meeting all state licensing requirements for residential care facilities including State Fire Marshal and local fire protection requirements." at the end, adopted.
2. CAMERON REALTY PARTNERS, County File No. D020302V	This being the time set for hearing to consider a request by CAMERON REALTY PARTNERS for a Variance/Coastal Development Permit to allow for grading on slopes over 30 percent and construction of a single family residence including decks and garage and construction of road improvements. Grading occurred under a previous permit and was abandoned resulting in the disturbance of approximately 4,500 square feet of a 9,298 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 2625 Richard Avenue, in the community of Cayucos, in the Estero planning area. APN: 064-201-070. Also to be considered at the hearing will be approval of the Environmental Document prepared for this item. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 27, 2005 for this project. County File No. D020302V. Supervisorial District No. 2. Date Accepted: December 27, 2004.
James Caruso, Project Manager	Gives the staff report. Displays maps overhead. Provides background information. States this project is three lots wide, with single lots in Cayucos being 25 feet wide. Explains need for variance, stating the lot is a steep uphill lot. Discusses geology, road improvements, and neighborhood issues. Recommends approval.
Richard Marshall, Public Works	Clarifies where the required improvement must take place.
Chairperson Liberto-Blanck	Requests clarification regarding whether a bond is required for grading, with staff responding. Further, discusses whether bonds should be required.
Pat Beck, Assistant Director	Requests further information about the results desired, with Commissioner Liberto-Blanck clarifying.
Commissioners and	Discuss problems of grading that is not completed, and what possibilities exist to

staff	deal with them.
Richard Marshall, Public Works	Answers questions regarding drainage.
Commissioner Roos	Further, suggests fire sprinklers being required should be mentioned in Condition 4, with staff agreeing. Discusses further drainage conditions, and whether more distant neighbors will be affected, with Mr. Marshall responding.
Richard Marshall, Public Works	Suggests a change to Condition 15.b.
Scott Simabian, Architect for applicant	States he is an expert on hillside construction. Displays conceptual renderings of the structure proposed. States massing has been minimized. Discusses drainage, which is designed to divert water to the street. Displays elevations. Displays photographs of other projects that also encroach into the setbacks and rights-of-way. Discusses location of a telephone pole and how it affects grading. States some land above is sliding down, but not onto this property. Discusses same. Refers to road improvement plan.
Chairperson Liberto-Blanck	Requests clarification regarding the hillslide, grading on this site and how the characteristics of this site have changed, the new geology report that addresses this site, which is not yet available, with applicant's architect responding. Discussion takes place.
John Nall, Planning Staff, Principal Environmental Specialist	Discusses responsibilities in the Coastal Zone. States the county geologist reviews the required geology report for adequacy, and if inadequate, makes recommendations.
Commissioners and staff	Discuss geology reports, past and present, the initial study and whether it must be updated, the differences between this site and southern sites where hillslides have happened. Questions are posed regarding bedrock in the Cayucos hills. Applicant's architect responds.
Douglas Burton	States he lives on adjacent property to the northwest. States he is encouraged by this development, since the undeveloped, graded property has been unsightly. States he is concerned regarding water and grading. Gives some background. Describes the situation as it affects his property, stating he wishes to be certain his concerns are addressed. States the ground continues to wash downhill and builds up against his home, and he cannot keep up by trying to shovel it out. States he is anxious to have the drainage problem fixed.
Commissioner Roos	Requests clarification of the material that builds up against his home, what it is made up of, with Dr. Burton responding. Further, requests comment on the underground stream in that area.
Discussion takes place	Among Commissioners and Dr. Burton, regarding whether these problems were present prior to grading.
Stewart Tilton	States he is a resident of Cayucos. Distributes photographs to Commissioners. States he is encouraged by the design because it should help a lot with the water. Discusses measures that have been taken already. Discusses history of the slide area. States this lot has erosion. Displays a photograph showing same. States there should be a lot of oversight on geotechnical issues.
Dick Weiss	Neighbor on Obispo Avenue. Gives an explanation of the route the water takes downhill from this site. States he agrees that people should not be able to "walk away" from an incomplete grading project. States the road should be brought down to Oroville Avenue. That condition was put on the project in 2000 and should remain a requirement.

Mary Ann Carnegie, Chairman of Land Use Committee of Cayucos Advisory Group	States they are concerned about the items that have been mentioned, as well as the neighbors wanting a telephone number from the contractor to call when neighbors lives are disrupted due to the construction, such as roads being closed in such a way that access is completely blocked. Discusses past setbacks and buildings that encroach on rights-of-way. States parking in the road is very dangerous but if landscaping is done in the setback, parking must be in the road, which is only 20 feet wide, and so it does not allow emergency vehicles sufficient access. States nothing should be allowed within the setbacks. States until the full geological study has been received and reviewed by all the neighbors the project should be put on hold.
Ed Carnegie	States photographs of soil movement to the south were provided to the Planning Department. States his view of where the soil movement originates. States property to the south has dropped four feet in elevation, there are sheer planes. Without stabilization, properties to the south are in jeopardy. States if you measure the width of the road where it meets Obispo, it is narrower than 20 feet there. Allowing landscaping the right-of-way means parking must be in the road. States his opposition to building anything in the right-of-way.
Scott Simabian	States all the problems mentioned can be dealt with. States he has done a lot of work on hillsides with springs, and explains some of the methods used to deal with the problems. States the geological reports must be received and the recommendations reviewed. States there is presently much built in the right of way.
Commissioner Rappa	Requests clarification of the number of other lots on this street that could be developed, with Mr. Simabian responding.
Commissioner Roos	Requests display of overheads showing location of right-of-way, with Mr. Simabian responding.
Mr. Simabian	Discusses aprons at edges of driveway, location of the utility pole. States the stairway will be at natural grade. Describes location of drainage.
Commissioner Roos	Discusses the absence of a geological report, concerns of the neighbors.
James Caruso, staff	States developers do not wish to invest a lot of money prior to receiving approval to build. Planning staff, however, attempt to gather as much information as possible prior to approval. Much will be provided at the time the Building Permit is applied for. States there are many examples of proposals not working out because problems come up when the designs are attempted. States all the information is public, and in some communities, residents participate often. Gives some examples. States building permits are ministerial, and so despite some advisory councils desiring to weigh in on those, it has been the department's position that public review is not done because the permits are ministerial. Encourages the public to get involved, and gives examples of actions members of the public can take.
Chairperson Liberto-Blanck	States she feels the initial study is inadequate, and until a geology report is submitted and reviewed by the County geologist, Planning Commission cannot take action.
MOTION	Motion by Chairperson Liberto-Blanck, seconded by Commissioner Roos, is discussed. Thereafter, motion maker and second amend their motion, and motion by Chairperson Liberto-Blanck, seconded by Commissioner Roos, carries, in the absence of Commissioner Christie, to continue the above referenced item off calendar, to be readvertised when the initial study has been revised and the geology report has been received and reviewed by the County.
Commissioner Rappa	States there may be a possibility of conflict of interest and therefore she must

departs	recuse herself.
3. Port San Luis Harbor District, County File No. LRP2004-00003	This being the time set for hearing to consider a request by the **PORT SAN LUIS HARBOR DISTRICT** to amend the San Luis Bay Area Plan to incorporate relevant provisions of the recently updated Port Master Plan. Specific requests include changing the Cal Poly Pier land use category from Industrial to Public Facilities, modifying the Urban Reserve Line/Urban Services Line to include parcels near Harbor Terrace subject to long term leases by the Port Harbor District and changing the land use category of these areas from Agriculture to Public Facilities, and reducing the development potential of the Avila Pier. The requested amendments affect the Port San Luis Harbor District properties bound by PG&E Diablo Canyon Nuclear Power Plant on the west, the Irish Hills to the north, Avila Beach on the east, and the southerly ocean area three-mile seaward in the San Luis Bay Planning Area. APN's: various. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The County will consider a Final Environmental Impact Report (FEIR) that was certified by the Board of Commissioners of the Port San Luis Harbor District on April 27, 2004 and a Negative Declaration scheduled for hearing before the Port San Luis Harbor District on March 8, 2005. **County File Number: LRP2004-00003.** Supervisorial District No. 3.
Martha Neder, staff	Gives the staff report. Gives a short history. Displays slides overhead illustrating the property in question, from the lighthouse to the pier, to the Harbor Terrace, the Cal-Poly pier, and Avila Beach and parking lot. States the Local Coastal Plan Amendment is for consideration today. Summarizes major aspects of the request. Describes mapping changes and reasons for the proposed changes. States applicant has proposed changes, which are shown on a handout. Discusses each. States ECOSLO and County Parks are working together for maintenance of Pirates Cove.
Pete Jenny, Parks Manager	States County Parks is not responsible for management of Pirates Cove. States the County does not own the property, though there is an offer of dedication.
Martha Neder, staff	Continues to review changes requested by Harbor District. Recommends the Planning Commission provide recommendation of approval to the Board of Supervisors, with changes proposed.
Commissioner Roos	Requests clarification of details of statement of overriding considerations, with staff responding.
Chairperson Liberto-Blanck	Requests clarification that the Commission is not certifying the EIR nor approving the statement of overriding considerations, because the Harbor District is lead agency.
Tim McNulty, County Counsel	States the EIR has already been certified by the Harbor District, and the County will act as responsible agency, using the certified EIR. However, a statement of overriding considerations must be made, because recommendation for action could result in impacts.
Discussion takes place	Among Commissioners.
David Moran, Crawford, Multari & Clark	States they prepared the EIR and the Statement of Overriding Considerations. When Harbor Terrace projects come forward, the impacts will be mitigated, except for air quality and cumulative traffic impacts. The overriding considerations are that these impacts will be addressed in the future.
Jay Elder, Harbor District Manager	States Class I impacts will occur during future development. These will be addressed with specific development applications. An additional EIR will likely be required, at which time the air quality and traffic impacts will be addressed. At this time, it is unknown what development will be done on Harbor Terrace. When the

	decision has been made, the public will become involved and have an opportunity to comment. States adoption of this general plan amendment will allow development in the future. Introduces Debbie Rudd of RRM Design Group. Compliments and thanks staff. States staff's changes are fine. Traffic conditions must be consistent with the Avila Beach Specific Plan and the Coastal Plan. States the Harbor District is a Special District, the property is public property operated and maintained for public at large. Gives purpose statement, and overview of Harbor District duties. States public interest groups and advisory councils have been consulted, and their concerns met through modifications to the plan. Requests adoption.
Chairperson Liberto-Blanck and Mr. Elder	Discuss long-term leases, methods to minimize impervious surfaces, Best Management Practices being utilized, and the California Centennial Coastal Trail.
Commissioner Mehlschau and Mr. Elder	Discuss the Master Plan, whether mariculture will be allowed in the future, over-night camping, a trail between the hillsides and the ocean, the parts of the area owned by the County, rights-of-way owned by the County, visitor serving uses, that 10% of the facilities will be lower-cost to provide access to lower-income people, timetable for the RV camping and Cabins/Yurts, the Coastal Commission review, financing, design timetable, revenues required to maintain the Port facilities.
Eric Greening	States this plan is excellent, and congratulates the Harbor District. States that regarding runoff, his wish that interior projects tooks as much care as this one. Discusses Hwy 101 impacts. States improvements being discussed are incremental, as opposed to a huge project all at one time. Wonders whether the traffic generated by visitor serving is offset by uses of harbor that would otherwise be on Hwy 101. States that PG&E Steam Generator Replacement Project is in the works, and wonders how the Harbor District will maintain the specifics of their Master Plan in the face of such a project.
Pete Jennings, County Parks	States County Parks welcomes the opportunity to work with other agencies on recreation. This project will be very complicated.
Jay Elder, Harbor District Manager	States the District supports planning recommendations.
Commissioner Roos	States he took a tour of the facilities with Mr. Elder, and it was very interesting. Provides language change for page 3-18 under Project Objectives.
Martha Neder, staff	Gives changes to Planning Area Standards as proposed by applicant, and as revised by staff, to be considered by the Commission.
Jay Elder, Harbor District Manager	Addresses District's request for change on page 3-56, to include Harbor Operations, as the request of Commissioner Roos. States that Harbor Operations are defined by Table O, and these are activities that take place at the Harbor, such as fish, sailing regattas, maintenance and repair of facilities, visitor serving aspects, among others.
Martha Neder, staff	Reads into record the change to page 3-59, with Mr. Elder stating that is acceptable. Further, staff reviews change to page 3-64, with Mr. Elder agreeing.
Jay Elder, Harbor District Manager	States as far as being consistent with the Avila Beach Specific Plan, there are conceptual drawings within the plan that could be problematic in the future. Requests reference to conceptual drawings not being consistent with the Harbor District Master Plan.
John Euphrat, staff	States parking lot concept in the Specific Plan is identified as such.
Commissioner Roos	Requests clarification regarding the recommended action, with staff stating the Harbor District is lead agency.

Tim McNulty, County Counsel	States the Statement of Overriding Considerations is adequate in his view.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, with Commissioner Rappa recused, and in the absence of Commissioner Christie, to recommend to the Board of Supervisors to review and certify the Final Environmental Impact Report, in accordance with the applicable provisions of the California Environmental Impact Report, Public Resources Code Section 21000 et seq., and to adopt the Findings in Exhibits A and B, with modification to V. Statement of Overriding Considerations (p. 3-18), as follows: insert the following in the next to last paragraph of that section: "Additionally, the specific construction project related impacts will be subject to further environmental review when construction proposals are considered in the land use approval process. At that time, project specific benefits can be weighed against expected environmental impacts." and recommend to the Board of Supervisors that the Land Use Element and Coastal Zone Land Use Ordinance of the General Plan be amended as shown in LRP2004-00003 Exhibits C, D and E with the following changes: in Exhibit C, under Avila Beach Urban Area Programs (p. 3-55) delete subparagraph 2. Pirates Cove . . . "; on the following page under new paragraph 4., add subparagraph "e. Harbor Operations"; in paragraph 8. Shoreline Access Improvements – Port San Luis, add "as appropriate" following "public access" in line 2 of the first sentence, and in line 3, delete "State" between "Avila" and "Beach."; under Port San Luis Districtwide Goals and Policies paragraph 2 (p. 3-64) add subparagraph d. to read: "Road Capacity. Please refer to Community-wide Standard #2."; and under Planning Sub-Area Goals and Policies, Beach and Bluffs, in subparagraph 3. delete the second sentence, and replace with: "All new public accessways should connect with existing public access where possible.", adopted.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, in the absence of Commissioners Christie and Rappa, to take into the record all documents submitted today.
ADJOURNMENT	

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission