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MINUTES

San Luis Obispo County Planning Commission

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

MEETING DATE: THURSDAY, APRIL 28, 2005

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.

MEETING DATE: THURSDAY, APRIL 28, 2005

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

PRESENT: Commissioners Bob Roos, Sarah Christie, Gene Mehlschau, Chairperson Doreen Liberto-Blanck

ABSENT: Commissioner Penny Rappa

STAFF: Warren Hoag, Current Planning
Matt Janssen, Current Planning
Josh LeBombard, Planner
Mike Wulkan, Planner
Susan Callado, Planner
Martha Neder, Planner
Kami Griffin, Planner
Kerry Brown, Planner

OTHERS: Richard Marshall, Public Works
Jim Orton, 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 April 28, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

Speaker	Note
Call to order	Commissioner Rappa absent

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Flag Salute	
Public Comment Period	
Eric Greening	Requests information about the physical move of departments. Would like the changes that will result to be made public during staff updates, including where public service locations will be. Suggests making an "express lane" to serve those with simple needs.
Planning Staff Updates	
Warren Hoag, staff	Reminder regarding annual Advisory Committee Workshop this Saturday at the County Library Community Room. Commissioner Roos will be one of the speakers. Chairperson Liberto-Blanck spoke last year. Regarding the Los Osos Habitat Conservation Plan, Matt Janssen will provide a thumb nail sketch on the Habitat Conservation Plan and will discuss the planning department move.
Matt Janssen, staff	States new permit center will be on 2nd Floor old courthouse where tax collector is. A research desk is planned. The Kimball Motors building will house Building Inspectors and Code Enforcement. The existing Board of Supervisors offices will house the Administration part of Planning. The hope is that better customer service will result. A new hearing room will be on 2nd floor. Long Range Planning will occupy the present Board of Supervisors offices. For the balance of this year, Planning Commission will meet in this chambers. The status of the HCP is that our role is being considered. The county has been involved at every step of the process. Los Osos Community Services District website has information. Discussion of our place as co-applicant will center on pros and cons of county participation in that portion of Los Osos not covered by CSD.
Commissioners and staff	Discuss details of the HCP and participants and their roles, as well as progress made to date and status.
Julie Tacker, Los Osos CSD	States they have hired Rincon to do the Environmental Impact Statement, and one consultant is doing the work, and one is doing oversight.
CONSENT AGENDA	
Commissioner Roos	Requests Mr. Marshall provide information regarding item b.
Richard Marshall, Public Works	The tract was improved with requirement to construct to A-1(x). The project is in plan check now.
MOTION	Thereafter, on motion by Commissioner Roos, seconded by Commissioner Mehlschau, and carried, in the absence of Commissioner Rappa, to approve the consent agenda as follows:
	CONSENT AGENDA: a. **TRACT 2024 (S980098U)** request from **VAUGHAN SURVEYS, INC. / GEARHART** for a **4th time extension** for vesting tentative Tract Map 2024 (S980098U) and development plan and cluster subdivision of 5 parcels into 16 clustered lots, ranging in size from approximately 1.0 to 2.0 acres each and one buildable open space parcel of 21.9 acres. Open space easements would cover approximately 21 acres of the site (50 percent of the property). The property is located east of Highway 101 and south of the City of Atascadero, on the east side of Viejo Camino, extending easterly to future Carmel Road, approximately 1/4 mile north of Santa Clara Road, APN: 059-311-004, 005 and APN: 059-061-003, 017 in the Salinas River Planning Area. Supervisorial

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	District 5. b. **TRACT 2492 (S020069U) 1st time extension request** by SUNDANCE ESTATES LLC for a vesting tentative tract map to allow subdivision of an existing 17 acre parcel into a cluster division of 17 parcels. Parcels 1 - 16 range in size from 0.41 acres to 0.62 acres. The open space parcel will contain a 6,000 square foot building site on an approximately 8.7 acre parcel. An adjustment request to the curb, gutter and sidewalk improvements is also a part of the proposed project, in the Residential Suburban Land Use Category. The property is located in the county adjacent to and on the west side of Highway 101, along Rossi Road, south of Vineyard Drive in the community of Templeton, APN: 039-381-047, in the Salinas River Planning Area. County File Number: S020069U/TR 2492. Supervisorial District #1.
1. JAVAD SANI, County File No. SUB2004-00217 / TRACT 2706	This being the time set for hearing to consider a request by **Javad Sani** for a Vesting Tentative Tract Map to subdivide an existing 4.1 acre parcel into five parcels of 37,883, 33,244, 40,646, 34,046, and 22,462 square feet each for the purpose of sale and/or development. The project also consists of the request for an adjustment of road dedication standards. The project was previously approved as TR 2389, which has expired. The majority of work for this project was completed prior to the expiration of the project. The division will create 2 on-site roads. The proposed road names are Roya Avenue and Sara Street. The proposed project is within the Office and Professional land use category and is located at 1315 Las Tablas Road in the community of Templeton, in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the 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, an addendum to Negative Declaration ED00-333 (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on April 7, 2005 for this project. **County File No: SUB2004-00217 / TRACT 2706**, APN: 040-289-016. Supervisorial District 1. Date Accepted: February 6, 2005.
Josh LeBombard, staff	Gives the staff report. Displays maps and photographs overhead. Recommends approval. States cypress trees on the property were removed, though applicant stated the plan was not to remove, but the trees died and had to be removed.
Commissioner Roos	Requests clarification regarding pavement and width of road.
Richard Marshall, Public Works	States new streets would have minimum right-of-way of 50 feet. The Board of Supervisors approved as stated in Condition 1.a. on appeal.
Commissioners and staff	Discuss previous project approval, findings, parking.
Javad Sani, applicant	States when this was originally approved, the road width was 2 15-foot travel lanes and 2 6-foot wide sidewalks. States the offer of dedication is unclear to him. States parking is critical in a medical office. Discusses in detail. Discusses trees, curb & gutter construction, easement. Discusses expiration of the previous permit.
Commissioners and Mr. Sani	Discuss trees, replanting that will be done, conditions.
Robert Peters	Gives his address. Refers to overhead photograph, points out his home, states he

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	represents residents of his street. They want a permanent wall or fence built prior to construction. Gives reasons. Also, they wish minimization of dust, dirt and noise during construction. Displays a petition signed by residents of Eric Lane. Reads into record.
Commissioners and Mr. Peters	Discuss his recollection regarding trees
Richard Burke	States he has previously worked for Dr. Sani, installing a medical system. Discusses his experience and states Commissioners should consider the special needs of a medical clinic. Urges approval.
Robert Peters	States the office buildings on Posada have not been a problem, but one is 2 stories, and the residents would like to avoid 2-story structures that will block light and views from their homes.
Dr. Sani, applicant	Gives background of the area of the project. States he wishes to work with neighbors and he will go along with the requirements of the Commission.
Commissioners and Dr. Sani	Discuss details regarding parking, noise, fence.
Robert Peters	Discusses fences that are presently in place, and desires of the residents in the neighborhood.
Commissioners and Mr. Peters	Discuss options for noise buffer, dust alleviation.
Mr. Sani, applicant	States all improvements are now in place, so the dust problems are behind us.
Commissioners	Request discussion of requirements for landscape and separation between residential and commercial projects, with staff responding.
Robert Peters	Responds to questions from Commissioners regarding the lots that abut the project.
Commissioners, staff and County Counsel	Engage in discussion regarding fencing, bonding, map recordation. County Counsel provides legal requirements, and, regarding fence, recommends adding a condition with a performance agreement and bond to secure it. Provides requirements of Subdivision Map Act. Discusses bonds and requirements of those.
Kami Griffin, staff	Reads new Condition 20.f. into the record. Reads new Condition 22 into the record.
Commissioners and staff	Discuss wording for conditions regarding trees, landscaping, maintenance.
Richard Marshall, Public Works	Discusses previous project and retention of cypress trees, sidewalk construction, curb.
Kami Griffin, staff	Reads Finding L. into record as changed.
Commissioners, staff and Public Works	Discuss lost parking spaces on the street as compared to the gained parking spaces on-site. Discuss new wording for Condition 20.e.
Dr. Sani, applicant	States he will not be developing these lots himself so he cannot specify any numbers. Existing offices have more than required parking, but it is extremely important to have adequate parking and it is nice to have it on site.
Kami Griffin, staff	Reads into record a condition for compensating for lost on-street parking.

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	Condition 20.e. Reads Condition 22 into the record.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, in the absence of Commissioner Rappa, to consider and rely on the previously issued Negative Declaration and addendum, and **RESOLUTION NO. 2005-012**, granting a Vesting Tentative Tract Map to JAVAD SANI for the above referenced item, based on the Findings in Exhibit A with the following changes: change Finding L, to read: "There are special circumstances or conditions affecting the subdivision because there is existing development that limits design alternatives and the adjustment will provide for additional parking spaces on the property without increasing the amount of development that could be allowed on the site."; and subject to the Conditions in Exhibit B, with the following changes: Delete Condition 5; Condition 20.e. Revise as follows: change "parcel 4 and parcel 5" to "parcels 2, 3, 4 and 5" in line 1 and add "in order to compensate for lost on-street parking." at the end of the sentence. Add Condition 20.f. as follows: "At the time lot 3 is developed, fencing and landscaping consistent with the land use ordinance shall be required."; and add Condition 22 as follows: "Prior to map recordation, locally appropriate native trees shall be planted along the street frontage of lots 4 and 5 ranging in size up to 24-inch box pursuant to a plan prepared by a landscape professional which includes maintenance." and subject to Stock Approval Conditions for Subdivisions with Community Water and Sewer, adopted.
2. Fred Roy, County File No. S020296U / TRACT 2536	This being the time set for hearing to consider a request by **FRED ROY** for reconsideration of the road improvement conditions for Tract Map 2536. The request is to eliminate the improvement requirements on Marquita Avenue fronting the property. The project is in the Commercial Retail land use category and is located on Cow Meadow Place on the east side of Highway 101, approximately 500 feet east of Ramada Drive in the community of Templeton, in the Salinas River planning area. **County File No. S020296U / TRACT 2536.** APN's: 040-151-049 and –050. Supervisorial District #1. Date Accepted: December 8, 2004.
Susan Callado, staff	Gives the staff report. Displays maps and photographs overhead.
Commissioners and staff	Discuss options regarding reconsideration applications.
Kami Griffin, staff	Discusses road exception requests generally.
Commissioners, staff and Public Works	Continue discussion regarding roads, speeds, county design standards. States the design speed could be reduced to avoid some problems. Drainage off pavement is discussed. Phasing of recordation of map is considered.
Jim Orton, County Counsel	Provides advice regarding an agreement or bond for road improvements.
Tim Roberts, Civil Engineer, representing applicant	Addresses questions brought up by Commissioners. States the site is unique, and describes. There is an oak woodland, it is steep, there is a major culvert. Explains that project is clustered on the flat area, and refers to aerial view, describing details. States project access is from Cow Meadow. States another land owner down the road had road improvement plans in place and planned to begin improvements soon. States those plans were withdrawn, and there is a hold on those plans. Those plans are not available to applicant. States applicant is willing to bond for the improvement, which will assure the funds are available at the time improvements are put in.

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Jim Orton, County Counsel	Bonding can be submitted but approved public improvement plans must be in place.
Richard Marshall, Public Works	States Public Works cannot give the plans of another professional away to this applicant, because it is a product of the civil engineer and cannot become public until following approval. States the only way a bond amount can be determined is by relying on the work of the previous engineer.
Commissioners, Public Works, Mr. Roberts, County Counsel	Discuss details regarding the plans in Public Works, with Mr. Roberts stressing all his client wishes is for the County to set a bond amount. Remainder parcel is discussed. Whether there is a department policy issue as well is discussed. Discusses plans required to be prepared by subdivider and whether that has been done.
Jim Orton, County Counsel	Discusses some options that could solve the problems being discussed.
Commissioners, County Counsel, Public Works, staff	Continue discussion regarding possibilities, past approvals, planned development on lot 8.
Tim Roberts, Agent	States development adjacent to cul-de-sac is 300 feet from Marquita Road. States development of Lot 8 could be conditioned to improve Marquita Road. Makes a suggestion for a method, and requests staff evaluate. Requests the Commission allow the project to go forward, in two phases if necessary, without requiring Marquita Road improvements at this time.
Commissioners, Public Works, County Counsel, staff	Discuss the matter thoroughly.
Tim Roberts, Agent	States the applicant still prefers a get a bond amount, but the applicant can live with lot 8 being designated a remainder lot and thereby the road improvements postponed until development of that lot.
Richard Marshall, Public Works	States this subdivider will be required to post a bond at the time of the subsequent phase.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Christie, to deny the road exception, based on the Findings in Exhibit A, carries in the absence of Commissioner Rappa.
3. BONAIRE INVESTMENTS / SPRINT, County File No. DRC2004-00008	This being the time set for hearing to consider a request by **BONAIRE INVESTMENTS / SPRINT PCS** for a Development Plan/Coastal Development Permit to allow the construction and operation of an unmanned wireless telecommunications facility consisting of 3 panel antennas within a 50-foot high, 14 inch diameter flagpole, and associated equipment within the basement of an existing building. The project will result in the disturbance of approximately 500 square feet of an approximately 1.7 acre parcel. The project is within the Office & Professional land use category and is located at 1337 Los Osos Valley Road at the intersection of South Bay Boulevard, in the community of Los Osos. The site is in the Estero 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 are proposed to address visual and cultural issues. **County File Number: DRC2004-00008.**

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	Supervisorial District 2. APN: 074-314-011. Date Accepted: February 8, 2005.
Marsha Lee, staff	Makes changes to body of staff report. Gives the staff report. Displays maps and graphics overhead. Discusses health effects and radio frequency issues. Discusses alternative sites. Recommends approval.
Commissioners and staff	Discuss details of the proposal, area plan standards, whether a flag should be flown, community desires, whether other cell carriers will wish similar approvals, co-location of facilities.
Mike Wulkan, staff	Discusses Condition 3.
Tricia Knight, Sprint PCS	States radio frequency engineer is present. States she can answer questions.
Gaurav Kumar, Sprint PCS	Discusses co-location of facilities and how that can be accomplished, what the problems may be. Hypothetical situations are discussed.
Commissioners and Mr. Kumar	Discuss appearance if co-location takes place, and whether it would be preferable to have more poles, or whether more antennas should be placed on the pole, requiring a taller and wider pole. Health effects are discussed. Co-location with other carriers is discussed.
Eric Greening	Discusses page 3-27 regarding health concerns, cumulative impacts of multiple sites on this property, standards being tighter in other countries, Taylor correspondence that mentions a Supreme Court decision. Wonders if a study has been done regarding whether endangered species may be affected by cell sites. Several areas have not been sufficiently explored. Wonders how the site would look with co-location, and if other sites may be available. Urges denial.
Gerd Kanning	Los Osos Valley Road. States his is one of the closest properties. States antennas are about 200 feet from their living/dining room in line with the pole and not below. Co-location would increase the wattage. States the pole should be located elsewhere. Wishes to know standards for antennas to be away from residences. States his family is not below the antenna, but straight in line with it. States he is concerned about interference from the cell tower. Wishes to know what recourse would be after it has been built. Urges denial.
Lee Caulfield	Requests the proposal be rejected, and a moratorium be placed on future cell towers.
Linde Owen, Los Osos	States she has studied towers because of this proposal, and now believes there may be health risks. In Los Osos, this tower will set precedence. Gives Los Osos background of the site. Wonders why Sprint cannot locate on a hill farther from town, when other carriers can. States putting a flag on the pole was opposed by many community residents.
Richard Burke	Los Osos resident. States he is a property rights advocate. Owns property west of the cell site. His property is zoned Office and Professional. States the cell companies approached them, but their idea was turned down because of opposition by neighbors. States the health data is outdated. His major concerns are health, property value, visual impacts. Urges careful evaluation. Discusses disclosure to other tenants. Wonders whether future modifications are possible. Wonders if the county should consider a master cell site.
Leon Van Beurden	Initially, 3 poles were considered. States Los Osos is growing, though it has not been able to grow because of the sewer issues. States cell phones are used for emergency communications, and therefore, sufficient service should be provided

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	to assure that can take place.
Carol Maurer, LOCAC Chairperson	Representing LOCAC today. Corrects misstatements regarding LOCAC decisions regarding this project. One issue that was raised is whether or not this is a flag pole, with consensus that it is not. Reads the decision of LOCAC regarding this antenna and site. Preference is for no flag, but if one flies, it should be the Los Osos or California flag, not the U.S.
Jennifer Van Beurden	States everyone relies on cell phones, and it is necessary in Los Osos. Seeing the American flag first as you enter town is a good thing. Urges approval.
Simon Van Beurden	States he is in favor of the cell site. States he has no land line, only a cell phone. States he is a student at Cuesta College and many other students also have only cell phones. States he cannot get a signal in his house, and he lives in Los Osos, as do many other students. This is a necessary addition to the community. States no carrier that he knows of provides service he can receive in his residence.
Julie Tacker	States she followed this at LOCAC level. States her concern was the flag. States the staff report should have newer photographs. Discusses base of pole being upgrade. Discusses Finding B, stating this project should not be consistent with the General Plan. Discusses Finding E. States the proposed project is not consistent with the character of the immediate neighborhood, and points out there are no other similar poles. Requests the flag element come back to LOCAC, if the project is approved today.
Tricia Knight, Sprint	States that regarding health and safety, the FCC regulates Sprint. There are studies on both sides. It is unclear whether those studies are conclusive. States Sprint is consistent with current requirements. States there are many commercial uses in the area, and so a flag pole is consistent with the character of the area.
Commissioner Roos	Discusses preclusion to deny this project because of electromagnetic radiation considerations, stating this project is less than 1% of the FCC's limit.
Commissioner Christie	Reiterates that a decision cannot be made against the project due to health considerations. However, wonders how a finding can be made that there are no health concerns.
Jim Orton, County Counsel	Discusses required findings, and issues sufficient for denial of a cell site project.
Commissioners, County Counsel and staff	Discuss public sentiment, community need for a cell site compared to Sprint's competitive need for a site there, whether alternative sites have been exhausted, that LOCAC opposes the project, cumulative visual impacts, that this project does not meet the test under the LCP's visual resource protection policies, which should be reflected in the findings.
MOTION	The matter is fully discussed, and thereafter, tentative motion by Chairperson Liberto-Blanck, seconded by Commissioner Christie, to deny and direct staff to return with findings for denial, fails on a vote of 2 to 2.
MOTION	Thereafter, motion by Commissioner Mehlschau, seconded by Commissioner Roos, carries, with Commissioner Christie voting no, and in the absence of Commissioner Rappa, to continue this matter to May 12, 2005.
4. ROTARY CLUB / BONAIRE INVESTMENTS, County	This being the time set for hearing to consider a request by the **Rotary Club of Los Osos/ Bonaire Investments** for a Development Plan/ Coastal Development Permit to allow a modification of Title 23.04.306 (sign standards) to allow an

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File No. DRC2004-00148.	illuminated community reader board sign. The project will result in the disturbance of approximately 12 square feet of a 3.23 acre parcel. An office complex is currently under construction at the project site. The proposed project is within the Office and Professional land use category and is located 1319 Los Osos Valley Road a the southwest corner of Los Osos Valley Road and South Bay Boulevard, in the community Los Osos, in the Estero planning area. This project is exempt under CEQA. **County File No: DRC2004-00148.** APN: 074-314-011. Supervisorial District: 2. Date Accepted: March 25, 2005.
Kerry Brown, staff	Gives the staff report. Displays maps and photographs overhead, including conceptual design of the sign. Discusses concerns of area residents, including design, traffic distraction hazard, glare and lighting toward residences. Proposes condition 1 change.
Gary Dove, applicant	States he is a member of Rotary and LOCAC. Gives background of decision to apply for this permit. Describes the kind of sign proposed. States the hope is that posters and banners will no longer be needed, because the community reader board will take their places. Discusses the kind of messages that will be and won't be allowed. Discusses committee review of messages to be aired on the sign. States the sign could be used for amber alerts in the case of missing children. States the sign is expensive, the permit is expensive, and it is unlikely that other community organizations will wish similar signs due to the cost. Describes other signs in the area. States his hope the design will blend in with the character of the neighborhood.
Commissioners, staff and Mr. Dove	Discuss how others will be able to use the sign. Further discuss whether signs illuminated from inside require permits and the kind, with staff responding.
Linde Owen	Los Osos. States the sign board will help the community with upcoming events, but the location is bad; the sign is distracting when coming into town, may be a safety issue; the community has not seen the design of the sign; requests a test run; that it will be years before trees around it grow to maturity; that community comment should be solicited. Urges postponement.
Carol Mauer, LOCAC	Gives the vote on the sign. States design was discussed. The sign was offered to the community by Rotary. States her feeling that is why the group approved this. The design should be reconsidered.
Julie Tacker	States there are cumulative visual impacts at this corner. States there is nothing like this in Los Osos and there is nothing to compare it to. Whether or not the community needs it is a judgment call. States that posters and banners will continue until the community disallows it, and does not believe the sign will take the place of posters and banners.
Lee Andrea Caulfield	Lives in Los Osos, adjacent to Bonaire Investment project. Reads a letter from an area resident. States other communities have tried this with bad results. States the large sign is tacky. Traffic distraction will result. Excess light will be problematic to residents, and should not be visible from homes in the area. A non-revocable covenant should preclude any commercial advertising if the sign is approved.
Janet Jeffrey	President of Rotary Club and resident of Los Osos. States a vehicle for communication to all residents is needed, and this corner is the most logical, because most people pass by there at least once a day. Other signs that have been mentioned are not in locations where all would see them. States the reasons why it is not aesthetically unpleasing, and disagrees that the lighting will be too

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	bright. States various activities in the community will be promoted, and there will be less inclination to put signs on telephone poles.
Commissioner Christie	Requests clarification of whether the Rotary Club is aware that what they are requesting is inconsistent with the Local Coastal Plan.
Gary Dove, Rotary Club	States he talked with staff who were informative. States lighted sign is a sign with a light shining on it, and restrictions are for that. LED signs have not been around that long. Community board, or reader board, are the names applied to this sign. States his hope that the community sign will help bring the community together, and requests approval. States other sites were looked at, and describes the results.
Mike Wulkan, staff	States what is before the Commission is not a variance, but a Development Plan with an exception, so no special findings are required as with a variance. Reader board signs are exempt from land use requirements and do not need a permit except for the fact that it is illuminated. Other commercial signs can be illuminated, but the permit is required because it is a reader board sign. This sign is considered an illuminated sign and that is the basis on which this project comes forward.
Commissioners and staff	Discuss that a sign of some kind has been approved already, but the illumination requires a permit; that if this permit is denied a monument sign or other non-illuminated sign can be used without permit; which design the community prefers.
MOTION	Thereafter, a motion by Commissioner Roos, seconded by Commissioner Mehlschau to approve the project is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Roos, seconded by Commissioner Mehlschau carries, with Commissioner Christie voting no, and in the absence of Commissioner Rappa, **RESOLUTION NO. 2005-010** granting a Development Plan/Coastal Development Permit to ROTARY CLUB OF LOS OSOS / BONAIRE INVESTMENTS for the above referenced item, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B, with the following changes: Condition 1: add to the end: "with no moving, rotating, flashing or otherwise animated light or component." and to Condition 2 add at end "on page 4-14 of the staff report.", adopted.
5. RANDALL DENNIS, County File No. DRC2003-00032 and DRC2003-00075.	This being the time set for continued hearing to consider a request by **Randall Dennis** for a Minor Use Permit/Coastal Development Permit/Variance to: a) allow demolition of the Cass barn, b) allow construction of an approximately 4,600 square-foot single-family residence in its place, including an approximately 1,200 square-foot garage on a portion of the lower level, c) reduce the required side yard setbacks from five feet to four feet, 11 inches, and d) reduce the required rear yard setback from 10 to three feet. The project will result in the disturbance of approximately 3,450 square feet of an approximately 7,900 square-foot parcel that is currently developed with an approximately 900 square-foot commercial building and a parking area. The proposed project is within the Residential Multi-Family land use category and is located at 250 North Ocean Avenue, approximately 200 feet west of Cayucos Drive in the community of Cayucos, in the Estero 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 are proposed to address cultural resources. **County File**

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	Nos: DRC 2003-00032, and DRC 2003-00075. APN: 064-094-032. Supervisorial District: 2. Date Accepted: April 14, 2004.
Mike Wulkan, staff	Gives the staff report. States the variance was withdrawn, and so now project complies with all setback requirements, and no variance is before this Commission. The plans have been revised and show setbacks required by the ordinance. Roof deck has been deleted and chimney chase/cupola has been deleted from the plan. Displays photographs overhead. States the Advisory Council voted 11 to 1 to support the project with the revisions stated. States a letter from the Advisory Council is in packet distributed this morning. States the existing barn is not salvagable. Discusses differences in findings and conditions compared to previous project. States Code Enforcement practice has been to allow violations to be corrected prior to final inspection, so the 900-square foot building will have its use changed prior to final inspection. Recommends approval.
Commissioners and staff	Discuss how violations are dealt with, when those must be corrected.
Randall Dennis Applicant	States CCAC has approved the project as changed. States the land use violation only came up two days ago, and states it is new information to him. The small building in front of the barn was approved for wine tasting, and his tenant is doing wine tasting. States his opinion is there is no violation. States he discussed this with staff, who considered the wine tasting secondary to the merchandise in the store. Wishes specific direction as to what is allowed/required. States in his experience, this is similar to other wine tasting in the area. If the Commission considers him to be in violation, then he wishes specific direction on how to remedy. Regarding alley improvements and drive approach from the alley, neither of those are necessary, and wonders if the conditions should be removed. States the alley improvements are not required by Fire Department because they will serve from elsewhere.
Mary Ann Carnegie	States their meeting was last Monday. Thanks staff. States advisory council voted for the project as long as the setbacks were adhered to and with the height limited to 28 feet. Would like verification that the cupola will be removed, as the plans they looked at showed the cupola in place. Requests county be sure when advisory committees view plans, that they are the latest available. States parking requirements may not be met.
Ed Carnegie	States he is president of Cayucos Citizens Advisory Council and they approved the single family residence, however, the look and feel are not desirable. Displays an overhead photograph, showing differences between the Cass barn and the new single-family residence. The new residence will be significantly taller, and much larger than the barn. States the new residence proposed does not have any look and feel like others in the area.
Commissioner Christie	Requests clarification of the position of the advisory council regarding subjective standards such as community character.
Ed Carnegie	States this does not retain the look and feel of the Cass Barn. It is much larger. The roof of the Cass Barn can be reached by a person standing on the ground, but the new residence has a roof 17 feet above that.
Randall Dennis, applicant	States Mr. Carnegie's opinion is just an opinion, and may not be shared by others on the advisory council. Gives examples. States he has gone to great lengths to specify building materials, siding, windows, single gabled roof, that mimic the Cass Barn. Comments on the height, that if the barn were on high enough ground to

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	avoid the flood plain, it would not be so low to the ground. States the residential part is only 3,400 square feet.
Commissioners and staff	Discuss design consistency, retention of the look and feel of the Cass Barn, that a number of features will be recreated, that the footprint is roughly the same, and loft doors will be recreated. Further, that if there are violations, there is no evidence being presented today; that staff believes there is a violation that must be corrected prior to final building inspection; that the Planning Commission approved wine tasting in 2000 and merchandise sales is not allowed in this zone; that the applicant will need to work with Code Enforcement to correct the violation.
Richard Marshall, Public Works	States the driveway needs an encroachment permit and Condition 4 is appropriate.
Commissioners and staff	Discuss fire protection district and whether they need alleyway improvements; numbering of conditions; whether this residence is in a small scale neighborhood overlay; whether the design meets LCP requirements; whether it is compatible with the scale and character of the surrounding neighborhood.
Randall Dennis	States it is not possible to reduce the height of the structure. The footprint is 34% smaller than the structure already there. The attempt was to recapture some of the mass to retain the look and feel of a barn. With the exception of the two properties to the north, all the structures in the area are at least 28 feet tall. The overall height as presented in January was 31 feet, and it has been reduced now to 28 feet. States redesign is not something he wishes to consider. States the project fits within all the rules and regulations and is supported by the advisory council as well as the planning department.
MOTION	Thereafter, motion by Chairperson Liberto-Blanck, seconded by Commissioner Roos, carries, in the absence of Commissioner Rappa, to adopt the Negative Declaration in compliance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and **RESOLUTION NO. 2005-011,** granting a Minor Use Permit/Coastal Development Permit to RANDALL DENNIS for the above referenced project, based on the Findings in Exhibit A And subject to the Conditions in Exhibit B, with the following revision: Condition 11, line 1, change "Prior to issuance of a construction permit" to "Prior to final building inspection" and move to become condition 16, and renumber as appropriate, adopted.
6. County of San Luis Obispo, G020002L	This being the time set for continued hearing (from 3/10/05) to consider a request by **County of San Luis Obispo** to amend Section 22.30.470C, 22.104.040C and 22.104.040D of the Land Use Ordinance, Title 22 of the County Code, to allow for the establishment of secondary dwellings in the South Atascadero area where secondary dwellings are currently not allowed. The South Atascadero area is located east of Highway 101, bounded by Highway 101 to the west, Santa Barbara Road to the north, the Union Pacific Railroad to the east, and Santa Margarita Road to the south, immediately south of the City of Atascadero. The area is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the 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 October

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	14, 2004 for this project. Mitigation measures are proposed to address Aesthetics, Agriculture, Air Quality, Biological, Cultural, Noise, Population and Housing, Transportation/Circulation, and Water Resources and are included as proposed planning area standards. **County File No: G020002L**
Kami Griffin, staff	Provides background regarding past Commission consideration of the item. Recommendation is for preparation of an EIR if the Commission is interesting in approving the amendments. If the Commissioner prefers to recommend denial. States if Commission wishes approval, then request is to direct staff to proceed with the Initial Study. If recommendation is for denial, staff will require direction as to contents of the letter of recommendation.
Commissioner Mehlschau	Requests further information regarding financial considerations and whether EIR funding is included in the budget, with staff responding.
Commissioner Roos	States that only secondary dwellings in South Atascadero will be discussed at this time. TDC's will be discussed later.
John Nall, staff	Acknowledges Commissioner Roos' statement, and states TDC's are not appropriate for secondary dwellings.
Commissioner Christie	Requests clarification of procedure if denial is recommended, with staff responding.
Sue Harvey, President of Paso Watch	States this needs to be a community decision, and requests the Commission recommend to the Board denial of this proposal. States the issues should be addressed in an area plan update. Perhaps some areas are appropriate for secondary dwellings, but not all areas.
Christine Connick	Lives in South Atascadero. States agreement with previous speaker that this should be a community decision. States there are many guest houses and granny units in the area already. Refers to a guest house approval from the county. States her parcel is huge and there is a guesthouse on the property. Wishes to know what it is about South Atascadero that is so different that secondary dwellings are not allowed. States neighbors agree that secondary dwellings should be allowed, they are good for the community.
Valerie Godfrey	Lives in the zoning area on 3.15 acres. States she heard this would be approved, and so did not come to prior meetings to express her support. States where she lives, 600 new residences will go in within a mile as the crow flies, and this is the same area it is questioned whether or not to allowed secondary dwellings. Describes the long process she had to go through to add a guesthouse above their garage, and that she wishes a secondary dwelling, for her family. States existing units that are below code would be brought up to code if this amendment passes. Such residences are needed. States there are homes on .9 acres in their area.
Kirk Schultz	Reads a letter into the record. Letter states the writer does not wish to be a receiver site for TDC's. States he and his wife have aging parents, and is in favor of secondary dwellings being allowed. States being able to rent one out following retirement could make a great difference, allowing people to remain in their homes in old age. States this is a quality of life issue for those who need this type of housing. Gives examples. States there are secondary dwellings all over and he thought they were allowed. He found out they were not when his daughter needed a place to live.

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Kathy Sweet	Has lived in South Atascadero 29 years. Discusses John Nall memo, page 6-5. States El Camino Real between Santa Barbara Road on the north and Highway 58 on the South. States El Camino Real will be greatly impacted by development that is to take place there. Benefits of left and right-hand turn lanes should be considered. Gives reasons.
Della Barrett	States the recommendation before the Commission is an example of how things work well. States the prohibition against secondary dwellings is water and traffic, neither of which has improved. Discusses past events and the negative declaration that was done.
Roy Aguirre	Lives in South Atascadero. States they have lived in 3 homes, and each had a secondary dwelling. In each case, the secondary was rented out to unrelated parties, and issues of noise, etc. were a problem. States secondary dwellings originally may be for parents, but invariably turn into rentals, with noise, privacy and safety issues. States his love for space, and describes his nearest neighbor. Discusses the number of residences in South Atascadero and whether an increase by allowing secondary dwellings is desirable. Urges denial.
Eric Greening	States the staff recommendation is good. States the Commission can choose an EIR or denial. An EIR would be costly to taxpayers. Wonders when and how this would become a priority over other priorities. The Ag and Open Space Element was approved in 1998, and not all policies have been implemented yet. These issues should be higher in the queue. If there is a priority in the County, the Board will hear of it. States certain lots in South Atascadero are already allowed secondary units. Cumulative impacts would be significant.
Chris Albrecht	States she has property in Atascadero. Urges denial of secondary dwellings in the area. It is not in keeping with the area. States her agreement with restrictions being placed on secondary dwellings on TDC-developed property.
Mr. Blankenship	States he has lived in the area 15 years. States although he does not require a secondary dwelling himself, he does not wish to deny his neighbors that possibility. States the opposition today proves that no everyone will build a second unit. However, there is a shortage of affordable housing, which affects the elderly. A homeowner who wishes to provide housing for a parent or child finds it difficult to afford. This addresses the need for affordable housing, because it has the least impact. Utilities are already in, streets do not need to be dug up, it will have least impact on residents. States Ag land will be protected from further depletion. Water is adequate at present. In the future, lake water will be piped into the area. States his support despite the fact he does not need this.
John Nall, staff	No amount of study will provide additional water. Atascadero Mutual is saying that with recent approvals in the city plus new commercial space, they do not believe they have the capacity to serve secondary dwellings in South Atascadero until they can get water from Lake Nacimiento. States doing an EIR will not address water availability at all. When water is available from Lake Nacimiento, then secondary dwellings could be served. States, at first, Atascadero Mutual said they would be able to serve secondaries, but they changed their minds, although staff does not know the reason.
Commissioner Mehlschau	Requests clarification of transportation/circulation. States the same number of trips from secondaries as from primaries is not reasonable.
Richard Marshall, Public	Explains how traffic impacts are studied. For residential uses, the data are

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Works	summarized in groups that jump from single family dwellings to multi-family dwellings. No data for secondary dwellings has been separately collected. Studies do not quantify data by size of dwellings, only by number of units.
John Nall, staff	States it is the cumulative impacts that are important.
Chairperson Liberto-Blanck	Requests clarification of who would do a traffic analysis if an EIR is prepared, with staff responding.
Commissioner Christie	Discusses illegal units as related by one of the speakers, and requests staff discuss how those second units became allowed there, with staff responding. Further, requests staff input about whether existing secondary units will be brought up to code, with staff responding. States the City of Atascadero recently amended their general plan to allow secondary units. Staff responds. Requests information about water service, with staff responding.
Commissioner Roos	Requests discussion of sewer hook-ups in the area, with staff responding.
John Nall, staff	Discusses visual resources, and character of the area.
Commissioners	Discuss the proposal and possible outcomes.
Chris Albrecht	Santa Margarita Area Advisory Council. States they did not take a specific action, but it came up that there is concern that if there are secondary dwellings this could end up quadrupling development because of the TDC possibilities.
Eric Greening	States there was also concern about cumulative impacts of having both mechanisms available. Even if doubling, then that doubling would happen faster.
MOTION	Thereafter, motion by Commissioner Christie, seconded by Commissioner Roos, is discussed. Thereafter, motion maker and second do not amend their motion, and motion by Commissioner Christie, seconded by Commissioner Roos, carries, in the absence of Commissioner Rappa, to recommend to the Board of Supervisors to deny the amendments proposed in Exhibit G02002L:B.
#7. TDC study session	This being the time set for continued Study Session – Transfer of Development Credits (TDC) – Consideration of letter to the Board of Supervisors recommending TDC program changes
Karen Nall, staff	States the letter should have deleted subparagraphs 3.a. through 3.j.
Commissioners	Discuss whether the letter meets the spirit of the desires expressed at past meeting.
Commissioner Roos	Reads the text he proposed at the previous meeting.
Susan Harvey, President, Paso Watch	Requests the Commission adopt Commissioner Roos' recommendations. States more than a year has been spent discussing the TDC program. States her hope the program will end. Requests direction be given to staff to ask for action prior to January 2006.
Chris Albrecht	County resident. States she supports the program. States development of agricultural lands is a problem and that is the reason for her support. However, the TDC program is now being used to develop agricultural land, and the program should not be used for that. States she is against that. However, the future success of the TDC program is tied to the success of receiver sites. States it is important to support TDC use for development in areas within the URL or adjacent. States the program will aid infill. States South Atascadero is a good

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	receiver site, and gives reasons.
Brian Starr, Land Conservancy	Advocates for TDC programs in some form. States it is one of many programs that aid development in the county. Discusses conservation easements. States conservation easements can be incorporated into the projects. The ordinance does not create many of required restrictions.
Della Barrett	States South Atascadero is not within the URL of Atascadero. States she has attended Planning Commission meetings, and watched meetings on TV. States her feeling that not a single person has stated this program will work as it is presently written. States the land will not be conserved or preserved. States there is no accountability in the program. There are many problems. Urges the Commission to recommend ending the program immediately. If not, then support the letters submitted.
Sheila Lyons	Member of Creston Citizens for Ag Land Preservation. States discontinuation of TDC program is desirable. The program has not been successful. Gives reasons. States the CCALP wishes the program discontinued.
Maria Lorca	Recommends discontinuing the program. States the public support discontinuing the program with careful exceptions. States the Board of Supervisors relies on the Commission's advice. States staff time is not available for fixing TDC abuses. States the program has failed to meet its goals. Urges denial.
Eric Greening	States he supports the Paso Watch and Commissioner Roos letter. Discusses the original intent of trial areas, which he states did not happen. Urges discontinuance in areas except those that have asked for it. If a moratorium is put in place instead, it should be at least 2 years, and then each area should be able to choose whether or not they wish the program. States the negative impacts of receiving sites have been felt, and none of the benefits of sending sites. States his first preference for discontinuance, and second, a moratorium with an escape clause.
Dorothy Jennings	Chairperson for TAAG. Thanks Commission for study sessions, and especially for making TDC's the first subject. Gives background of TAAG involvement with TAAG. States the January 2004 report to the Board of Supervisors occurred in June 2005. The next is planned for June 2006, so the annual nature is not met. The original objectives of the TDC program have not been met.
Commissioner Roos	States he did not distribute the letter he proposes due to Brown Act concerns. States he would like a straw vote on discontinuance.
Chairperson Liberto-Blanck	Requests clarification of when the proposal would come before the Board, with staff responding.
Warren Hoag, staff	Responds to the questions regarding annual review. States the reports are statistical in nature. States staff is not opposed to annual review taking place each January, but it is at the invitation of the Board of Supervisors.
Commissioners and staff	Discuss how the proposal can come before the Board of Supervisors before January 2006; the TDC subcommittee; the meaning of "community-based" and whether such is part of the General Plan; notes the grand jury recommended TDC's be more of a community-based approach.
STRAW VOTE	Requested by Commissioner Roos as to whether there is consensus to support a recommendation to discontinue the TDC program except for community-based programs. Consensus to support.

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Tim McNulty, County Counsel	States that if a Vesting Tentative Tract Map is approved using TDC's, regulations in place on the day the application is accepted as complete will govern the project. States this recommendation will be a Land Use Ordinance amendment, and there is a process that must be followed. It would take time to implement. An urgency ordinance could be recommended to be used in the interim until the ordinance is amended.
Commissioners	Discuss the points to be included in the letter of recommendation to the Board.
Maria Lorca	States she responds to Commissioner Christie, and states providing context for the recommendation is very important. States 4 goals from rural pattern strategy are critical to understanding what it was meant to do, and it should be clear this is why the program should be discontinued.
Commissioners	Further discuss details of the text of the letter.
STRAW VOTE	To include the two points made in Paso Watch letter, consensus.
Tentative Motion	Thereafter, tentative motion by Commissioner Roos, seconded by Commissioner Christie, carries, in the absence of Commissioner Rappa, to continue this matter to May 12, 2005 and direct staff to prepare a letter recommending to the Board of Supervisors discontinuance of the program except for certain circumstances.
MOTION	Thereafter, motion by Commissioner Roos, seconded by Commissioner Mehlschau, carries, in the absence of Commissioner Rappa, to take into the record all documents submitted today.

Respectfully submitted,
Lona Franklin, Secretary
County Planning Commission