B-1

THURSDAY, FEBRUARY 9, 2006

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 February 9, 2006 together with the maps and staff reports attached thereto and incorporated therein by reference.

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

PRESENT: Commissioners Sarah Christie, Bruce Gibson, Penny Rappa, Bob Roos and Chairperson Gene Mehlschau

ABSENT:

PLEDGE OF ALLEGIANCE TO THE FLAG LED BY CHAIRPERSON MEHLSCHAU.

Public Comment: This is the time set for members of the public wishing to address the Commission on matters other than scheduled items.

Robert Mueller: states he will talk during the consent regarding an item.

Staff Update:

Warren Hoag: Planning Staff, discusses the request by the applicants to continue off calendar Item 2 Moore because the applicant will submit revised plans and Item 4 Weyrick pending the submittal and review of a revised acoustical study to address nighttime noise. He states he is preparing an update to the study session report and a chart and will have it on the March 9 agenda.

Commissioner Christie: last meeting commissioners asked staff to calendar a discussion to formalize the notification to the Board of Supervisor's and public regarding the review of FEIR"s in cases where the county is a responsible agency.

Warren Hoag: Planning Staff, states the item will be on the March 23 agenda.

CONSENT AGENDA:

a. **TRACT 2536 (S020296U)** First time extension request from **SKIP TOUCHON of TWIN CITIES SURVEYING, INC.,** to subdivide an existing 10 acre site into 15 lots ranging in size from 9,890 to 33,000 square foot lots each and one lot of 3.43 acres. The project 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, in the Commercial Retail Land Use Category. APN: 040-151-049 & 050. Supervisorial District 3.

b. Determination of conformity with the General Plan for the abandonment of a 20 foot wide strip of right of way along Smith Ave. between Lakeside and Strand Avenues, located in the Community of Oceano. (Receive and File)

Robert Mueller: wants Commissioner Christie to recluse herself from Consent Item b because of a conflict of interest. He requests this item be continued for 30 days to allow him time to prepare for response because he did not see the staff report until yesterday.

Commissioner Christie: discusses e-mail received in 2005 from her brother to Mr. Mueller. States this is the first time she read this e-mail and she feels there is not a conflict of interest.

Robert Mueller: states he would still like her to step down.

John Hofschroer: presents staff report. Regarding noticing, Mr. Mueller has a road abandonment request with Public Works and before Public Works can take it to the Board of Supervisors, a determination of conformity report must be done. Mr. Mueller refused to apply for the conformity report. Planning staff decided to initiate the determination of conformity for the abandonment of the right of way along Smith Ave. Staff faxed and mailed out a report on Monday. This item will go to the Board of Supervisors.

Commissioner Gibson: states the commission needs to receive and file not take action. He asks if the item is already placed on the Board of Supervisors calendar with Mr. Hofschroer responding.

Commissioner Christie: states the California Coastal Commission would like to see Coastal Development Permit for all road abandonment.

John Hofschroer: Planning Staff, road abandonment's require a Coastal Development Permit

Tim Smith: Public Works, states a resolution of intention was scheduled for the January 28 Board of Supervisor's hearing and the project will be heard April 4th.

Thereafter, on motion of Commissioner Christie, seconded by Commissioner Rappa and on the following roll call vote:

AYES: Commissioners Christie, Rappa, Roos, Gibson and Chairperson Mehlschau
NOES:
ABSENT:

The commission approves Consent Agenda Items A and B as recommended by the Planning Department.

1. Hearing to consider a request by **TAKKEN DEVELOPMENT COMPANY** for a Vesting Tentative Tract Map and Conditional Use Permit to subdivide four existing parcels totaling approximately 6.4 acres into a 46 unit Planned Unit Development including: creation of 46 parcels of approxmately 3,800 square feet each for the purpose of sale and/or development, construction of 46 two-story detached residential units (approximately1850 sq.ft. to 2069 sq.ft), construction of two parks of approximately 7,000 square feet each, construction of one park of approximately 2,000 square feet, creation of three on-site roads, and off-site road improvements to 25th Street. The project will result in the disturbance of approximately 6.5 acres of 6.4 acre parcels, and involve approximately 18,000 cubic yards of cut and 11,000 cubic yards of fill. The proposed road names have not been provided. The proposed project is within the Residential Single Family land use category and is located 200 feet north of the intersection of 25th Street and Paso Robles Street in the community of Oceano. The site is in the San Luis Bay Inland planning area. **County File No: SUB2004-00389/TRACT 2758.** Assessor Parcel Number: 062-073-005; 062-073-006; 062-073-015; 062-074-013. Supervisorial District: 4. Date Accepted: September 30, 2005

Marsha Lee: Planning Staff, presents the staff report and shows overhead of the project. Staff recommends approval.

Chairperson Mehlschau: discusses the transplanting of Avocado trees and feels the best way would be to start with new trees.

Commissioner Gibson: asks where the Urban Reserve Line is located with staff responding.

Commissioner Christie: asks the location of the Monterey Pines and if the Eucalyptus trees are being removed with staff responding.

Commissioner Roos: asks if there is a condition regarding tree protection plan with staff responding that on page 1-37 it shows the tree protection plan and page 1-65 shows the mitigation plan for the project.

Commissioner Rappa: asks about extension of 25th street with staff responding it will be a public dedicated road.

Jim Orton: County Counsel, a new condition should be added establishing a homeowners association, with the association maintaining the private roads.

Casey O'Connor: agent, states he worked close with staff. Gives a little history of 25th Street. Feels it will be a nice project

Commissioner Mehlschau: asks about affordable housing.

Casey O'Connor: agent, states they can be considered affordable housing because they are in the $550,000 to $600,000 range.

Commissioner Christie: asks if during any of his meetings with staff, was there discussion of affordable housing.

Casey O'Connor: states affordable housing was never discussed.

Commissioner Christie: was there discussion of making any of the units single story.

Casey O'Connor: states because of the lot size, there was not the space to have a decent size floor plan with a single story.

Sam Arca: has concerns regarding the Monterey pines along the western perimeter. He speaks about the Issue of public safety regarding the trees.

Kate Corella: comments on her concerns with the traffic impact on Basin and Elm Street. She states a simple solution would be a median.

Mark Hutchenreuther: shows overhead of the development. He comments on his concerns regarding traffic and parking. He states that 25th Street and Elm Street has a parking problem because of high density in that area.

Shirlee Valente: speaks of her concern with the number of units to be developed. She comments on her concerns regarding the safety of children because of the traffic impact. Asks for more stop signs in that area. She states the lack of parking space is an issue. She asks what type of fencing will be used for the project and who will maintain the wall. She requests a solid block wall.

Tim Runels: has concerns with the two story units and feels there is not enough parking at the units. Asks if 25th Street is a two-lane street. He comments on the maintenance of the streets, parks and avocado trees.

Sharon Haneman: has a concern with available water. Discusses build out in the area. Feels staff is not following the Oceano Specific Plan.

Emma Valdivieso-Runels: has concerns regarding the size of lots and requests single story homes. She has concerns with traffic on 25th Street and wants to keep it a dead end road.

Kris Victorine: density is the major concern. The project is not consistent with the neighborhood. She comments on her concerns regarding traffic and parking issues.

Matthew Hilbert: he states the development does not meet the Oceano Specific Plan. He has concerns with the extra traffic.

Benito Gracia: comments on his concerns regarding the road that will run along the back part of his property. Shows the location of his property on the overhead.

Kerry Nicoles: has concerns with the traffic and the private drive that will run next to his property. He requests the road become a county road. He comments on his concerns with the homeowners association maintaining the road.

Dale Tannehill: concerns regarding the roads. Requests the County maintain the roads. He asks if the homes will be sold to investors. He wonders who will be responsible for the management of the property.

Lyle Hansen: has concerns regarding the roads. Shows overhead of his driveway and explains the problems he has getting out of his driveway.

Casey O'Connor: agent, discusses the conditions regarding tree protection. He comments on density, parking, water, lot size, and road issues of the project.

Commissioner Roos: questions drainage issue

Casey O'Connor: agent, states he has to contain the runoff water on the development.

Chuck Stevenson: Planning Staff, density on this project is based on residential single family. The project has two parks, with BBQ area and the trade off for the parks is 9 extra units. Regarding the parking issues there are guest parking throughout the site and there is space in the driveways to park 3 or more cars not including the garage. He states the project has adequate water. The set back for this project is 10 feet, with a 20 foot setback by the trees. He discusses the Oceano Specific Plan.

Kami Griffin: Planning Staff, states there is no mention of the amount of homes allowed in the Oceano Plan.

Chuck Stevenson: Planning Staff, states he was handed a copy of the Housing Element, which he will review and get back to the commission. He discusses the issue regarding traffic concerns. He comments on the planting of Avocado trees throughout the project.

Commissioner Rappa: asks if the two story homes are compatible with the neighborhood with staff responding there are two story homes in the area and states it was not an issue.

Commissioner Gibson: approximate footprint of the homes with staff responding approximately 900 square feet not including the garage.

Commissioner Christie: asks about the fencing material and if the parks are private or open to public with staff responding a condition could be added requiring a mason wall and the parks will be used mainly by the residents.

Commissioner Roos: because of the parking concerns, he requests the addition of a condition requiring the garage be used for parking with staff responding a condition can be added.

Richard Marshall: Public Works, shows overhead of site and shows existing circulation routes. He states the project needs to complete the grid system. Discusses the addition of the median strip that was requested. He states that 25th street will be a two way street.

Commissioner Gibson: asks if Public Works will conduct traffic warrant study, with Mr. Marshall responding.

Commissioner Roos: can the private roads be dictated to the county, with Mr. Marshall responding.

Richard Marshall: Public Works, discusses the private driveway onto Elm Street for Hansen's, Mallory's and Nichol's property that borders the project. He states this would not be a county maintained road.

Jim Orton: County Counsel, a Homeowners Association is required for this development and they must set up an assessment system that is approved by the States Department of Real Estate, guaranteeing the maintenance of the roads and parks.

Commissioner Gibson: can there be a condition added requiring improvement to 25th Street to county road standards, with Mr. Marshall responding that a condition can be added. Discussion ensues regarding the addition of a condition requiring a traffic impact study before the project is occupied, with Mr. Marshall stating no.

Jim Orton: County Counsel, discusses the Quimly fee and states the credit has to be part of the subdivision application to be approved. Such a credit has not been asked for.

Warren Hoag: Planning Staff, discusses the information provided by Ms. Haneman. The information was based on the Environmental Impact Report from the Oceano Specific Plan and based on information from 1988. This report was not adopted in the Oceano Specific Plan. Population build-out discussed. There is currently no water issue that would affect this project.

Commissioners: discusses the addition of a new Condition 2c regarding 25th Street, with all concurring.

Chuck Stevenson: Planning Staff, discusses new conditions in Exhibit B: Condition 30 regarding the Regional Transit and Condition 27l regarding the creation of the Homeowners Association, Condition 27m the maintenance of the streets, Condition 27n regarding enclosed storage of two automobiles. New Condition 31 regarding a solid masonry wall 6 feet in height. Exhibit D a new condition 16a added regarding a tree protection plan. Condition 18 amended regarding landscaping issues.

Commissioner Christie: would like to require 50% of the homes be single story. Would improve traffic, air flow. She would like to continue this item.

Commissioner Gibson: agrees with having a portion of the homes single story, but the commission cannot mandate this and states he will not support a continuance.

Commissioner Christie: can we require the applicant to reduce the square footage in some of the homes.

Jim Orton: County Counsel, county has not adopted the ordinance implementing affordable housing. Commission has the authority to deny the project or make a finding to require project meet the reduced footage.

Kami Griffin: Planning Staff, if the commissioners decide to require one story homes, a new condition could be added to Exhibit D, 1a9

Commissioner Gibson: would like to see 9 units as single story because of the benefit gained by increasing the density.

Commissioner Rappa: we have provisions that allow us to approve projects that provide a benefit for the area. The applicant has offered more open space.

Commissioner Christie: reads into the record letter received from Laurel Marguard.

Casey O'Connor: he does not agree to a re-design of the project, but will agree to 5 units being one story.

The matter is fully discussed, and thereafter, on motion of Commissioner Roos, seconded by Commissioner Rappa, and on the following roll call vote:

AYES: Commissioners Roos, Rappa, Christie, Gibson and Chairperson Mehlschau
NOES:
ABSENT:

the commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2006-004, granting a Vesting Tentative Map Tract 2758 to TAKKEN DEVELOPMENT COMPANY based on Findings in Exhibit A and Conditions in Exhibit B, with Condition 2c added to read: *"25th Street widened to complete a A-2 section with 36 feet minimum pavement width, with curb and gutter on both sides and sidewalk on the west side only" and re-lettered;* Condition 27L added to read: *"Prior to issuance of construction permits, a Homeowner's Association shall be formed for the purpose of maintaining landscaping, fencing and physical improvements in the common park areas, parkway landscaping strips, guest parking spaces, storm water drainage systems and any other improvements located on commonly owned areas of the tract";* Condition 27m added to read: *"The Homeowners Association shall be responsible for maintenance of all public streets until acceptance by a local agency"; Condition 27n added to read: "All garages shall be principally used and maintained on an on-going basis for the enclosed storage of two automobiles"; Condition 30* added to read: *"Prior to recordation of final map, work with the Regional Transit Authority (RTA) to pay a $7,500 in-lieu fee for the development of transit improvements at an appropriate location to serve the development"; Condition 31* added to read: *"Prior to recordation of the final map, a solid masonry wall 6 feet in height shall be constructed along the southerly property line adjacent to Road A. Prior to construction, the design and type of material for the wall shall be reviewed and approved by the Department of Planning and Building", and* RESOLUTION NO. 2006-004 grant a Conditional Use Permit to TAKKEN DEVELOPMENT COMPANY based on Findings in Exhibit C and Conditions in Exhibit D with Condition 1a9 added to read*: "Modify the site plan to include a mix of one and two story designs. A minimum of five (5) units shall be single*

***story"*; Condition 16a added to read: *"Prior to issuance of construction permits, the applicant shall provide a tree protection plan using the recommendations of the arborist including specific provisions for the protection of the oak tree and pine trees along the westerly property line to be reviewed and approved by the Planning and Building Department"*; Condition 18 amended to read: *"Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. Landscaping design shall consist principally of drought tolerant landscaping maintained in a viable condition in perpetuity"* adopted.**

2. Hearing to consider a proposal by **KEN MOORE** for a Tentative Tract Map and Conditional Use Permit to allow for the subdivision of a 0.50-acre parcel into three parcels and construction of three residences as a planned development. The proposed residential parcels range in size from approximately 7,029 to 7,435 square feet each. The proposed residences would be two-story, include an attached garage, and are 1,852 square feet each. The proposal includes a common area on proposed Parcel 2. The proposed project would result in the disturbance of 0.50 acre. The project site is located on the south side of Grande Avenue, approximately 100 feet west of Butterfly Lane, in the community of Nipomo, in the South County (Inland) Area Plan. 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 December 23, 2006 for this project. Mitigation measures are proposed to address agricultural resources, air quality, geology & soils, noise, public services/utilities, recreation, transportation/circulation, and water, and are included as conditions of approval. **County File Number: SUB2003-00128.** Assessor Parcel Number: 092-142-037. Supervisorial District: 4. Date Accepted: April 28, 2005.

Kami Griffin: Planning Staff, recommends the item continued off calendar pending the submittal and review of revised plans.

The matter is further discussed, and thereafter, on motion of Commissioner Christie, seconded by Commissioner Gibson, and on the following roll call vote:

AYES: Commissioners Christie, Gibson, Rappa, Roos and Chairperson Mehlschau
NOES:
ABSENT:

the commission continues this item off calendar pending the submittal and review of revised plans.

(Recess for lunch and the Commission reconvenes at 1:30 p.m.)

COMMISSIONER CHRISTIE IS NOW ABSENT.

3. Hearing to consider a proposal by **JESSE HILL/RAUL HERNANDEZ** for a Vesting Tentative Tract Map (Tract 2724) to allow for the subdivision of a two-acre parcel into five parcels of approximately 1.1, 0.25, 0.25, 0.25 and 0.17 acres for the purpose of sale or development. The project implements Conditional Certificate of Compliance C-2002-0355 for the proposed 1.1-acre parcel. The project is located on the north side of West Tefft Street, approximately 50 feet east of Gardenia Way, within the community of Nipomo, in the South County 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 December 29, 2005 for this project. Mitigation measures are proposed to address air quality, noise, public services, transportation/circulation, water and are included as conditions of approval. **County File No: SUB2003-00216.** Assessor Parcel Number: 092-572-034 & 035. Supervisorial District 4. Date Accepted: October 15, 2004

Jim Lopes: Planning Staff, presents staff report and shows overhead of the project. Reads changes into the record. States staff recommends approval.

Commissioner Roos: asks about the Quimby Ordinance with Ms. Griffin responding

Commissioner Rappa: asks when the West Tefft Design Plan will be adopted, with staff responding the plan is now in public review and to be adopted by September 2006.

Commissioner Gibson: discusses the standard that decides the layout of a subdivision.

Jim Lopes: Planning Staff, states the building will be small scale.

Commissioner Gibson: asks if the applicant is responsible for the improvement of drive in the middle of the lot. He discusses drainage concerns and asks if the drainage could be underground, with Mr. Lopes responding that Mr. Hernandez has a drainage basin plan for lot 1 that was designed with his building permit.

Commissioner Gibson: comments on traffic impacts and asks if Public Works has done a study.

Richard Marshall: Public Works, discusses the need to improve the traffic circulation.

Chairman Mehlschau: discusses the ingress and egress of the project, with Richard Marshall responding a landscaped median would help.

Jesse Hill: shows overhead and discusses the design plan for this project. He comments on the location of the drainage basin and states he is willing to maintain the basin. One of the oak trees died 3 years ago, and he will design the drainage basin around the trees to protect them. Road median on Tefft Street is not a good idea at this time, but would bond for it. He states maybe a traffic circle at the end of Gardenia Street. He requests the deletion of condition 27i.

Commissioner Rappa: asks if Mr. Hill will comply with Condition 2a and 2b regarding the center median.

Jesse Hill: states he does not agree with the median requirement, but will bond to do it in the future if needed

Jeanie Hernandez: did not realize they did not legally own their lot. She request at least 10 years to remove their residence and bring the lot into conformance with the Land Use Ordinance.

Mr. Hernandez: he is not in agreement with removing his residence in 5 years. He feels the median will not be useful.

Eric Greening: any project paying road fees in this area is not keeping up with infrastructure needs and is not fully mitigating the impact.

Cherie Fitzgerald: comments on her concerns regarding the center median. She discusses traffic issues in the area.

COMMISSIONER CHRISTIE IS NOW PRESENT

Commissioner Roos: states the center median will not be solved today. He suggests Mr. Hill bond for the median and if they decide it is needed in the future there will be money. He discusses the toilet retrofit program.

Jim Orton: County Counsel, states it is the commissioner's responsibility to determine if the median is required and all conditions must be met before the recordation of the map. It is the responsibility of the Director of Public Works to determine if it is required how long it will be bonded for.

Commissioner Roos: will Mr. Hill pay for the median if it is required in the future?

Jim Orton: County Counsel, not unless you include the construction of a median is part of the conditions.

Richard Marshall: Public Works, the bond is used if the median is needed. Discusses the change to Condition 2b regarding the median.

Commissioner Roos: does not agree with removing Hernandez house and would like it to be a non-conforming use.

Commissioner Gibson: asks if they can grandfather the Hernandez house as a non-conforming use?

Jim Orton: County Counsel, you can put a time limit on the non-conforming use.

Commissioners and Staff: discussion ensues to revise condition 18 to make the removal of the single-family residence for Lot 1 not exceed 15 years and the removal of the single-family residence on Lot 5 not exceed 5 years, with staff concurring.

The matter is fully discussed, and thereafter, on motion of Commissioner Roos, seconded by Commissioner Rappa, and on the following roll call vote:

> **AYES: Commissioners Roos, Rappa, Gibson and Chairperson Mehlschau**
> **NOES:**
> **ABSENT: Commissioner Christie**

the commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2006-006, granting a Vesting Tentative Map Tract 2724 to JESSE HILL/RAUL HERNANDEZ based on Findings in Exhibit A and Conditions in Exhibit B, with Condition 2b amended to read: ***"If approved by the Board of Supervisors as part of the West Tefft Corridor Design Plan, a landscaped center median across the property frontage in a configuration to conform with the A-2d section and the layout depicted in the West Tefft Street Corridor Study, with landscape materials in conformance with the list in condition no. 25. A landscape plan shall be submitted for review jointly by Public Works***

***and Planning and Building Departments prior to map recordation*"; Condition 8q amended to read: *"Tree removal/retention plan for trees to be removed and two Coast live oak trees to be retained, associated with the required improvement for the land division, to be prepared by a Certified Arborist and approved jointly with the Department of Planning and Building"*; Condition 12 amended to read*: "If calculations so indicate, drainage must be retained in a drainage basin(s) on the property or off the property if approved by the Director of the Planning and Building Department. The design of the basin(s) to be approved by the Department of Public Works, in accordance with county standards and these Conditions of Approval. The basin(s) shall be designed to avoid grading under the dripline of an existing 18-inch diameter oak tree shown on plans if feasible, or to avoid grading within at least 10 feet of the tree trunk if not feasible to avoid grading further out from the trunk. The Grading and Drainage Plan shall include directions for tree protection measures during and after construction pursuant to the Arborist's recommendations"*; Condition 18 amended to read: *The single-family residences on lots 1 and 5 be removed or brought into conformance with the Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit may be required. Removal may be bonded for a period not to exceed fifteen years for Lot 1 and five years for Lot 5 after recordation for a later removal or conversion to a conforming use through a land use permit"*; Condition 33 added to read: *"Prior to filing the final tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording, if applicable*", adopted.**

4. Hearing to consider a request by **COLIN WEYRICK** for an amendment to the Salinas River Area Plan of the County Land Use Element by changing the land use category on an approximately eight-acre portion of an approximately 25-acre parcel from Rural Residential to Commercial Service. The proposed amendment would include an amendment to the Land Use Ordinance to add a planning area standard limiting future land uses on the site to building materials, nursery specialties, and a truck terminal. The request is located on the west side of Theater Drive at the Highway 101/North Main Street interchange within the community of Templeton. The site 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 December 8, 2005 for this project. Mitigation measures are proposed to address aesthetics, air quality, cultural resources, geology and soils, hazards/hazardous materials, noise, public services/utilities, transportation/circulation, water and land use and are included as conditions of approval. **County File No: G020007M**. Assessor Parcel Number: 040-201-024 & 046. Supervisorial District 1. Date Accepted: Not applicable.

Kami Griffin: Planning Staff, states applicant is requesting the item be continued off calendar pending the submittal and review of a revised acoustical study to address night-time noise.

Commissioner Roos: spoke with Mr. Lopes regarding the findings and conditions of this project, specifically stacking materials higher than eight feet.

The matter is further discussed, and thereafter, on motion of Commissioner Roos, seconded by Commissioner Gibson, and on the following roll call vote:

AYES: Commissioners Roos, Gibson, Rappa, Christie and Chairperson Mehlschau
NOES:
ABSENT:

the commission continues this item off calendar pending the submittal and review of a revised acoustical study to address night-time noise.

5. Request by the **Los Osos Church of Christ** for a Development Plan/Coastal Development Permit to demolish the existing single family residence and allow a new 5,718 square foot church which includes fixed seats for 150 people, 60 parking spaces (includes 18 overflow spaces), external lighting for the parking areas and structure, five internal meeting rooms, two storage rooms, restrooms, and dressing areas. The project also includes an approximately 4,700 square foot retention basin for storm water runoff to the rear of the church, an approximately 800 square foot overflow basin, and a leach field for the septic system at the very west edge of the property along Los Osos Valley Road. The height of the structure is approximately 24' (approximately 45' with the steeple). The project will result in the disturbance of approximately 42,000 square feet of a 46,391 square foot parcel and will remove approximately 530 cubic yards of material for construction of the retention basins. The use of the site includes church services three times a week, on Sunday between 9:45 AM and 12:00 Noon, and 6:00 PM and 7:00 PM, and on Wednesday evening between 7:30 and 8:30 PM. There will be no classes or events such as weddings or other ceremonies conducted on the site other then the prescribed services. The proposed project is within the Residential Suburban land use category and is located on the north side of Los Osos Valley Road (at 2058 Los Osos Valley Road), approximately 1,400 feet east of the community of Los Osos. The site is in the Estero planning area. ADDENDUM: The project plans on file include a 19'4" side setback for the church, and a steeple of approximately 45' (height of building is 24'). The required side setback for this area is 30', and the applicant is requesting an adjustment which is allowed if CDF (county fire) approves. The height of the proposed steeple requires an exception to the height requirement (section 23.04.124 b. 1 of the Coastal Zone Land Use Ordinance), which the project applicant is requesting that the Planning Commission consider. County File No: DRC2003-00040. Assessor Parcel Number: 074-353-003. Supervisorial District 2. Date Accepted: June 28, 200

Ryan Hostetter: Planning Staff, present the staff report and shows overhead of the project. Staff recommends approval. She discusses corrections on page 5-4 under Traffic; line 9 replace "A" with "C" after (Level of Service) and on page 5-57 in the Mitigation/Conclusion on line 4 delete the sentence that reads: "The applicant is also required to pay for traffic impact fees which reduce cumulative impacts to a less than significant level. In last line, remove "and paying traffic impact fees".

Commissioner Christie: asks what impact fees will be used to mitigate traffic issues, with staff responding the widening of the turn lane was suggested by Public Works. She comments on the traffic study from 2003 with Richard Marshall responding the traffic counts taken in 2003 are satisfactory for the analysis. She comments on the water and wastewater concerns in the community.

Ryan Hostetter: Planning Staff, states the project is for the removal of a single-family residence, to be replaced with a church. A residential home uses more water and has more waste generated.

Commissioner Gibson: asks if the septic has sufficient vertical distance from the water supply, with staff responding the leach line is at least 200 feet from any water well's in the area.

Commissioner Gibson: asks about the reporting of compliance for drinking water supply with staff responding the Environmental Health requires an annual water test

Commissioner Roos: why is this project conditioned not to allow weddings or funerals? He comments on his concerns regarding water treatment, the well test results, and the length of the leach fields

Ron Wilson: states he is the designer working with the church. Shows overhead of the project.

Brent Willy: shows overhead and gives a brief history of the Church. The site in Los Osos was donated to the church. They are a non-institutional Church of Christ. The church will be used for worship, bible study and preacher's office. The nursery will be used for the young children during the church worship.. They will have baptisms at the church. When the church reaches its maximum size of 150 members, a core group will remain in Los Osos and a new congregation will be organized.

Ron Wilson: Shows overhead of the project. Describes the driveway and property lines. He states the church will be located 240 feet from Los Osos Valley Road. Discusses Residential Suburban allowable land uses. Comments on the colors they choose and the floor plan of the church. He describes the stormwater basin capacity requirement. He comments on the water usage issue of the church compared to a family residence. Discussion ensues regarding the pump test results. The ground water is at 25 feet with numerous boring tests done. The leach field is 200 feet from the well on site and any residential well in the area. It is a commercial leach field and was designed to be 200% over the required size. Discusses landscape plan for this site. He comments on the parking issue and states parking stalls required was 38 and they will provide 42 parking stalls, plus 18 overflow parking. He states the sightline from the driveway is 11 seconds with the CALTRANS standard being 7.5 seconds. The center turn lane will be re-striped from 11 feet to 12 feet.

Commissioner Rappa: Asks if testing of water will be required from Environmental Health.

Commissioner Gibson: asks staff to track down the requirements and standard procedures regarding the testing of the water because of high nitrates.

Commissioner Christie: asks if the church will be expanding in the future, with Mr. Willey responding no.

Hoyt Fields: has been a member since 1961 and request the application be approved

Paul Fields: has been a member for 45 years. A member donated the property to build a new church in Los Osos and he states the Land Use Plan allows a church on the property. The church has always been a good neighbor. Ask that the commissioners approve this project.

Cindy Wolf: asks for the commissioner's endorsement for this project. States there is no traffic issues on Los Osos Valley Road

Ellen Barcos: states the church is very anxious to build their own church and ask that the commissioner's approve this project.

Robert Hurless: comments on the traffic issues and feels the traffic issue study done by the neighbors are Monday - Friday, but the church meets on Sundays and Wednesday nights when the traffic is less. Asks the commissioner's to approve the project

Earl Murie: member for over 36 years. There has never been a preschool nursery, athletic or social activity on the church property.

Tim Barkas: member for 28 years. States the church is not here to disrupt the neighborhood and asks the commissioners to approve the project

Dick Weiss: states this is a good project. The preacher does it all and there is no clerical staff.

PEOPLE IN THE AUDIENCE STANDS TO SHOW THEIR SUPPORT

Mike Coss: represents 35 homeowners against the project. He feels the location is not suitable for a church. He has concerns with them selling the church to someone who would have a school, etc. Discusses his concerns with the traffic study. Has kept track on how long it takes to get onto Los Osos Valley Road and states it takes up to 5 minutes. He has concerns with the size of the building. He asks that a focused EIR and traffic study be done.

Barbara Coss: concerns with traffic issues. Would like a EIR before this project is approved. She comments on her concerns regarding the water. She feels the property is too small for a church.

Commissioner Christie: asks what the main concerns of the neighbors are, with Ms. Coss responding some of the concerns are parking, water basin and traffic issues

Emma Nieman: has a concern with the traffic on Los Osos Valley Road. She feels 1 acre is not sufficient for a church. She comments on her concern regarding water issues.

Steve Rarig: states he is the builder and describes the material they will use to build the church and discusses the landscaping plans.

Ron Wilson: states the CDF can explain the setbacks. Comments on the concerns of the neighbors: water basin, one story building, and traffic issues on Los Osos Valley Road. They took the project before the Los Osos Advisory Council and they recommended the project 9 to 1.

Commissioner Gibson: asks how the landscape plan can help buffer the church from the neighbors, with Mr. Wilson responding.

Commissioner Christie: asks if the members would consider making the church building smaller.

Ron Wilson: states the building is a package design and changes would be difficult.

Commissioner Roos: asks about the requirement for a 30 feet setback for parcels over 1 acre, with Mr. Lewin responding that the project meets CDF's requirements because a wild fire is not a threat due to the development around it.

Commissioner Rappa: can a condition be added to the development plan that the permit is only for the Church, not the land.

Jim Orton: you can attach conditions that limit the uses.

Commissioner Roos: are churches allowed in this area, with Mr. Janssen responding.

Commissioner Gibson: this is an allowed use in the land use plan, and all the issues have been addressed.

The matter is fully discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Rappa, and on the following roll call vote:

> **AYES: Commissioners Gibson, Rappa, Roos and Chairperson Mehlschau**
> **NOES: Commissioner Christie**
> **ABSENT:**

the commission adopts the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section

21000 et seq., and RESOLUTION NO. 2006-007, granting a Development Plan/Coastal Development Plan to LOS OSOS CHURCH OF CHRIST based on Findings in Exhibit A and Conditions in Exhibit B, with Condition 1c added to read: *"1) No mechanical musical instruments. 2) No daycare centers or secular schools. 3) No "fellowship" hall for recreational or social activities. 4) No on-site athletic events. 5) No on-site non-spiritual activities. 6) No renting or lending of facility to individuals or organizations"*; Condition 21 deleted; Condition 30 amended to read: *"On site soils free of organic and deleterious material are suitable for use as structural fill. Structural fill should not contain rocks larger than 6 inches in greatest dimension, and should have no more than 15 percent larger than 2.5 inches in greatest dimension"*; Condition 57 amended to read: *"Erosion resistant matting such as Miramat, other similar products, shall be used for lining drainage channels"*; Condition 65 deleted; Condition 72 amended to read: *"The applicant shall install a filtration system adequate to remove nitrates to a safe level for consumption. The applicant shall obtain review and approval from the County Department of Environmental Health and State of California Agency for this system on an annual basis"*; Condition 74 amended to read: *"All lighting on site shall be shielded with full cut-cut shields, and all parking lot lighting shall be low profile and the minimum necessary for safety purposes. Night lighting shall be limited to evening worship hours only"*; Condition 75 amended to read: *"The roof material shown on the color board presented at the February 9, 2006 Planning Commission meeting are found to be in substantial conformance with this condition: "Patrician Bronze, VP Buildings KXL finish"* and conditions re-numbered. On page 5-57 amended Mitigation/Conclusion to read: *"The applicant has worked with County Public Works Department, and as a result of several meetings has agreed to widen the center two-way left turn lane from 11 feet to 12 feet. This one-foot widening of the center lane will only result in re-striping of the lane. No roadway widening will need to occur. With widening the existing center lane to 12 feet, impact to traffic and circulation will be reduced to a less than significant level".*

On motion of Commissioner Roos, seconded by Commissioner Gibson, and unanimously carried, the commissioners approve the continuation of the Planning Commission hearing past 5 p.m.

6. Hearing to consider an appeal by **MAGDA FICHTER** of a Planning Director Determination to not allow a hot tub within the bluff setback in accordance with Coastal Zone Land Use Ordinance Section 23.04.0118. The site is located within the Residential Single Family land use category and is located at 930 Pacific Street in the community of Cayucos, in the Estero Planning Area. An environmental determination is not required. County File No.: None. APN: 064-151-007. Supervisorial District: 2.

Matt Janssen: Planning Staff, presents the staff report. States he received a letter from landowner's attorney yesterday regarding the stringline method. Shows overhead of the site showing the location of the hot tub on the bluff. Staff recommends denial of the project because of bluff stability, erosion, and future justification for shoreline protection, visibility and privacy issues.

Commissioner Roos: what is a normal bluff setback, with staff responding there is a bluff retreat study required.

Commissioner Gibson recuses himself because he owns property within 500 feet of the project.

COMMISSIONER GIBSON IS NOW ABSENT

Commissioner Christie: did the stairway and fence need a permit, with staff responding it appears the stairways was built pre- coastal act.

Terence Schubert: attorney, this is an appeal of the Planning Department decision that the hot tub is not allowed within the bluff setback. The hot tub is not a permanent structure. Discusses stringline setback method. Asks the Planning Commission to uphold Ms. Fichter's appeal. Analysis for a bluff setback was done for the house, but not for the hot tub.

Matt Janssen: the bluff setback was an important issue and went through a detailed review. Planning allowed the grandfathered westerly wall of the old structure to remain to allow Ms. Fichter to rebuild the house. They went off that western wall to determine the bluff setback.

Commissioner Christie: was the hot tub put on nature grade with staff responding.

Commissioner Rappa: is a permit required for a hot tub of this size with staff responding it is in the coastal appeal area.

Commissioner Roos: if you don't need a permit for a hot tub, why can't the applicant have a bluff setback study, with staff responding the bluff setback line is located easterly of the western wall.

The matter is further discussed, and thereafter, on motion of Commissioner Christie, seconded by Commissioner Mehlschau, and on the following roll call vote:

AYES: Commissioners Christie, Mehlschau, and Roos
NOES: Commissioner Rappa
ABSENT: Commissioner Gibson

the commission denies the appeal by Ms. Fitchter of a Planning Director determination based on Findings in Exhibit A.

COMMISSIONER GIBSON IS NOW PRESENT

7. Hearing to consider a request by **CHEVRON PIPELINE CO**. for a Coastal Development Permit/Development Plan to allow for the removal of approximately 23,500 cubic yards of soil, 8,100 cubic yards of which are affected by petroleum hydrocarbons. The excavations to remove petroleum affected soils would take place in three areas and would include site preparation, sheetpile wall installation, overburden excavation, source removal, separate phase petroleum removal, treatment, sampling, backfilling excavations and site restoration. The project will result in the disturbance of approximately 3 acres of a 7 acre parcel. The proposed project is within the Agriculture land use category and is located on the east side of Highway 1, just south of Toro Creek Rd at the former Chevron Marine Terminal north of and adjacent to the City of Morro Bay. The site is in the Estero 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 evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: water, traffic, cultural resources, wastewater, geology, air quality, hazardous materials. Mitigation measures are proposed to address these impacts and are included as conditions of approval. **County File Number D020315D.** Assessor Parcel Number: 073-075-004. Supervisorial District: 2. Date Accepted: June 18, 2003.

James Caruso: Planning Staff, present staff report and shows overhead of the project. Discusses the EIR for the project.

John Rickenbach: discusses the final EIR, and gives an overview of the project. He comments on the FEIR conclusions, and states there are no significant impacts and comments on the benefits of the clean up.

Kevin Merk: biologist, comments on the study they performed on this site looking for endangered species. The channel of Toro Creek will not be affected.

Commissioner Christie: asks if the grading activities on the site affect the species.

Kevin Merk: states it is seasonal wetland habitat and doesn't feel that the grading affected the species.

Commissioner Gibson: is there an overall plan to create a fresh water wetland habitat.

Kevin Merk: responds it is part of the mitigation plan.

Barry Price: marine terminal sits on a historical site. Recommends a redesign of the project so the historical site will not be impacted. He discuses the mitigation measures in the EIR.

CHAIRMAN MEHLCHAU IS NOW ABSENT

Sheila Sotaberg: Regional Water Board, Chevron's proposed project complies with the Regional Water Board order that was issued in January 2002, to remove hydrocarbons from the site. The board will decide on the level of soil clean up if the applicants decide to develop the parcel in the future. She states the ground water clean up needs to be consistent with the State Board Order.

Commissioner Gibson: asks if this project is to remove soil and not to clean up the ground water.

Sheila Sotaberg: the clean up will help remove the hydrocarbons that might leak to the water supplies. She states that the Central Coast Water Board supports staffs recommendation.

Commissioner Roos: asks about the driveway configuration for the hauling trucks.

Richard Marshall: Public Works, states the driveway throat shall be widened to 30 feet and the radius shall be increased.

Joe Gonzales: manager Chevron Terminal, states the terminal was operated as a Crude Oil Marine Terminal from 1929 to 1999. Presents overhead of project. Hydrocarbon source was discovered during underground tank removal. States there will be no impact to the ocean or creek and the Hydrocarbon is a dime thickness. Chevron is coordinating with county staff and RWQCB to design the mitigation plan. He discusses the monitoring wells.

Commissioner Christie: asks if Chevron will remove all of the underground pipes.

Joe Gonzales: so far it has been tank removal. A majority of the pipes were above ground, with the remaining removed. The focus has been to clean up the terminal.

The matter is fully discussed, and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, and on the following roll call vote:

AYES: Commissioners Gibson, Christie, Roos and Chairperson Rappa
NOES:
ABSENT: Commissioner Mehlschau

the commission certifies the Final Environmental Impact Report in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION NO. 2006-008, granting a Development Plan/Coastal Development Plan to CHEVRON PIPELINE COMPANY based on Findings in Exhibit A, with Finding B6 amended to read: *"The proposed project site, while designated Agriculture in the County General Plan, has not been used for agricultural purposes since the inception of the facilities in 1928. Portions of the remaining Chevron owned properties do support agriculture. Row crops have been farmed along Toro Creek and portions of the larger ownership have been used for grazing purposes. The proposed project will not adversely affect future agricultural use of the site"*; Finding K amended to read: *"Significant negative impacts on the identified resource will be mitigated by wetland mitigation ratios"*; Finding L amended to read: *"Significant disruption will be minimized by monitoring measures, and will be off set by the long-term improvement to the health of the habitat"* and based on the Conditions in Exhibit B, with Condition 7e deleted; Condition 15b, line 6, change ratio from 2:1 to 3:1, and approve the Mitigation Monitoring Plan in Exhibit D.

Thereafter, on motion by Commissioner Roos, seconded by Commissioner Gibson, and carried, with Commissioner Mehlschau absent, the Commission receives all documents presented today for the record.

There being no further business, the meeting is adjourned.

Respectfully submitted,

Eleanor Porter, Secretary
County Planning Commission