

THURSDAY, JULY 25, 2013

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 July 25, 2013 together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. HEARINGS GENERALLY PROCEED IN THE ORDER LISTED, UNLESS CHANGED BY THE PLANNING COMMISSION AT THE MEETING. (9:04 AM)

ROLL CALL (9:05 AM)

PRESENT: Commissioner(s) Jim Irving, Tim Murphy, Don Campbell, and Eric Meyer.
ABSENT: Commissioner(s) Ken Topping.

FLAG SALUTE (9:05 AM)

PUBLIC COMMENT PERIOD (9:05 AM)

Jim Irving: opens Public Comment with no one coming forward.

PLANNING STAFF UPDATES (9:05 AM)

Nancy Orton: updates Commissioners on their near term schedule. Reports Item 5 is recommended to be continued.

Jim Irving: calls for a motion to bring Item 5 forward.

Thereafter, on motion of Tim Murphy, seconded by Eric Meyer, and on the following vote:

AYES: Commissioner(s) Tim Murphy, Eric Meyer, Jim Irving, Don Campbell.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission agrees to take Item 5 out of order as the first item to be heard.

CONSENT AGENDA:

HEARINGS:

5. Continued hearing to consider a request by the County of San Luis Obispo to amend the inland Land Use and Circulation Elements of the County General Plan and the Land Use Ordinance, Title 22 of the County Code. The proposal is a reorganization only and does not involve changes or updates to general plan goals, policies, programs, data, or statistics or changes in the effect of standards for development (planning area standards). This project consists of the following

major parts: 1) The 11 existing inland planning areas are consolidated and reorganized into four new inland planning areas, based largely on watershed boundaries. 2) The plans for the four new inland planning areas are combined into a single document called The Area Plans. 3) Community plans are proposed for urban areas and villages. 4) Planning area standards in the Land Use Ordinance (LUO) are reorganized into rural and urban/village standards according to the new planning areas. This project is not subject to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), General Rule Exemption. CONTINUED FROM 5/30/13 County File Number: LRP2008-00002 Assessor Parcel Number: N/A Supervisorial Districts: 1, 2, 3, 4, & 5 Date Authorized: July 15, 2008, modified March 29, 2011 Karen Nall, Project Manager Recommend Board of Supervisors approval (9:08 AM)

Jim Irving: opens Public Comment with no one coming forward. Requests a motion to continue this item.

Thereafter, on motion of Don Campbell, seconded by Tim Murphy, and on the following vote:

AYES: Commissioner(s) Don Campbell, Tim Murphy, Jim Irving, Eric Meyer.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission continues this item to August 8, 2013.

1. Continued hearing to consider a request by RICHARD PHILLIPS for a Third Time Extension of Minor Use Permit / Coastal Development Permit DRC2005-00142; a request to allow a new 3,500 square foot single family residence. The project will result in the disturbance of approximately 6,600 square feet of a one acre parcel. The proposed project is within the Residential Suburban land use category and is located at 2049 Andre Avenue, approximately 700 feet south of Nipomo Avenue, in the community of Los Osos. The site is in the Estero planning area. The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted. CONTINUED FROM 5/9/13. County File No: DRC2005-00142 Assessor Parcel Numbers: 074-413-017 Supervisorial District 2 Date Accepted: October 13, 2006 Kerry Brown, Project Manager Recommend continue to October 24, 2013 (9:10 AM)

Nancy Orton: provides reasoning why this item is being recommended to be continued to October 24, 2013.

Thereafter, on motion of Tim Murphy, seconded by Don Campbell, and on the following vote:

AYES: Commissioner(s) Tim Murphy, Don Campbell, Jim Irving, Eric Meyer.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission continues this item to October 24, 2013.

2. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO GENERAL SERVICES AGENCY, PARKS DIVISION for a Development Plan/Costal Development Permit & Variance to construct the following: 1) Bike/Pedestrian trail approx. 1,800 feet long by 12 feet wide constructed of decomposed granite; 2) A 30 foot bridge in the middle of the trail to span a natural drainage; 3) Resurface, stripe, and install drainage improvements at Pirates Cove parking area for 35 parking spaces; 4) Improvements to existing trail and stairs down to the beach at Pirates Cove; 5) Waterless vault restroom, picnic tables, benches, garbage cans and signage including regular maintenance of all facilities. This project will require a variance of the bluff top setback, development on slopes of 30 percent and a waiver of fencing and screening standard for side and rear setbacks. The project is located at the south end of Cave Landing Road (end of pavement at top of Cave Landing) in the San Luis Bay Coastal Planning Area. 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 Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 21, 2013 and is hereby adopted for this project. Mitigation measures are proposed to address aesthetics, air quality, biological resources, cultural resources, geology and soils, traffic, noise, and land use and are included as conditions of approval. CONTINUED FROM 5/23/13. County File Number: DRC2011-00069 Assessor Parcel Number: 076-231-062 & -064 Supervisorial District: 3 Date Accepted: April 22, 2013 Ryan Hostetter, Project Manager Recommend approval (9:12 AM)

Ryan Hostetter: Project Manager: presents staff report.

Commissioners: ask questions before Public Comment.

Eric Meyer: reports he will be abstaining from this item.

Holly Hetherington, Ray Hetherington, Brian LoConte, Sean Shealy, Dave Watson, and Timothy Duff: speak.

Jim Orton, County Counsel: suggests the applicant address Public Comment.

Elizabeth Kavanaugh, County Parks and Recreation staff: addresses Public Comment issues.

Commissioners and staff: begin their deliberations focusing on noticing, access, and count liability issues.

Elizabeth Kavanaugh, staff: addresses access and hours of operation.

Frank Honeycutt, Public Works: addresses surface material issues.

John Blanchard, Fugro: discusses impacts to the proposed stairway in terms of erosion methods, and design.

Eric Meyer: suggests a condition regarding access in terms of liability referencing potential failure to the staircase, to which Co. Counsel would like Parks and Recreation to respond.

Tim Murphy: asks about grant funds from San Luis Obispo Council of Governments (SLOCOG) and the Coastal Conservancy in terms of direction to construction and design of beach access.

Sean Cooper, Parks and Recreation: states the county submits plans and progress quarterly reports to granting agencies which allows those agencies (Fish and Game, the Coastal Conservancy and SLOCOG) to have input in the design process. Further states these agencies' goal is to provide safe access to the beach.

Commissioners and staff: discuss disclaimers regarding personal risk with County Counsel stating these type disclaimers are only available to private agencies and not public agencies.

Ryan Hostetter, Project Manager: reads new Condition 28, addressing access to the beach, into the record.

Thereafter, on motion of Tim Murphy, seconded by Don Campbell, and on the following vote:

AYES: Commissioner(s) Tim Murphy, Don Campbell, Jim Irving.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission approves the revised Development Plan/Coastal Development Permit/Variance DRC2011-00069 including parking for 70 cars in the existing parking area and around the proposed bathroom (which includes 3 ADA spaces) based on the revised findings listed in Exhibit A and revised Conditions listed in Exhibit B, changing Condition 25 to add the sentence "General services shall meet with Public Works and the Chumash representatives to determine the minimum disturbance necessary for the proposed parking area adjacent to the restroom." and adding Condition 28 to read "Access -At the time of construction document design for the beach access stairs, San Luis County Parks in consultation with Coastal Conservancy, shall take into consideration the location, dynamic environment and historic storm patterns for this site to allow for a design that will allow maximum public access throughout the year as to avoid any closures to the beach." and re-numbers conditions appropriately. The Commission also adopts the Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA code of Regulations Section 15000 et seq.) -Adopted.

3. Continued hearing to consider a request by SRK INVESTMENTS, INC. and T-MOBILE for a Minor Use Permit/Coastal Development Permit to allow the construction and operation of an unmanned wireless communications facility consisting of increasing the height of an existing architectural cupola feature, installation of four (4) antennas within the architectural cupola feature, installation of equipment cabinets located within an existing 11'-3" x 8' storage room, and associated utility trenching. The project will result in the disturbance of

approximately 200 linear feet of a 1.08-acre property. The proposed project is within the Commercial Retail land use category and is located at 9280 Castillo Drive (Days Inn hotel), approximately 200 feet east of Highway 1, in the community of San Simeon. The site is in the North Coast planning area. This project is exempt under CEQA. CONTINUED FROM 6/13/13 and re-noticed. County File No: DRC2012-00042 APN(s): 013-071-027, and -028 Supervisorial District: 2 Date: Accepted: June 14, 2013 Xzandrea Fowler, Project Manager Recommend approval (10:39 AM)

Xzandrea Fowler, Project Manager: presents staff report.

Jesse Gilholm, Agent: discusses previous iterations of project and design of project.

Commissioners: begin their deliberation

Eric Meyer: reports he will be abstaining from voting due to not having been a Commissioner at the time the item was originally heard.

Jim Irving: reports he viewed the live streaming of the original hearing and is familiar with the subject matter.

Thereafter, on motion of Don Campbell, seconded by Tim Murphy, and on the following vote:

AYES: Commissioner(s) Don Campbell, Tim Murphy, Jim Irving.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission approves Minor Use Permit/Coastal Development Permit DRC2012-00042 based on the findings listed in Exhibit A and the conditions listed in Exhibit B; Adopted.

4. Hearing to consider a request by CALIFORNIA STATE DEPARTMENT OF PARKS AND RECREATION for a Conditional Use Permit/Coastal Development Permit to allow modifications and upgrades to the Pismo State Beach Campground including a new visitor center and entry kiosk, and relocated entry, access road, parking lot and camp host site. The project will result in the disturbance of approximately 1.4 acres of a 107 acre site. The proposed project is within the Recreation land use category and is located 555 Pier Avenue, Oceano. The site is in the San Luis Bay Coastal planning area. The County, as a Responsible Agency, has reviewed the Negative Declaration and Addendum (April 2009 and July 2010) previously prepared by the CA Department of State Parks and finds that this determination is appropriate (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s). County File No: DRC2012-00061 APN(s): 061-101-10 & 061-031-001 Supervisorial District: 4 Date Accepted: April 21, 2013 Karen Nall, Project Manager Recommend approval (10:53 AM)

Karen Nall, Project Manager: presents staff report.

Jim Irving: opens Public Comment with no one coming forward.

Commissioners: begin their deliberations.

Jim Irving: has concerns for tree removal mitigations in terms of the Monarch butterflies.

Deanna Vellman, State Parks staff: address mitigation measures for tree removal in terms of the Eucalyptus trees. Explains when the Eucalyptus trees have fallen the butterfly habitat go to the other types of trees such as the Cypress trees.

Thereafter, on motion of Tim Murphy, seconded by Don Campbell, and on the following vote:

AYES: Commissioner(s) Tim Murphy, Don Campbell, Jim Irving, Eric Meyer.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission considers and relies on the previously adopted Negative Declaration and Addendum (April 2009 and July 2010, and approves Development Plan/Coastal Development Permit DRC2012-00061 based on the findings listed in Exhibit A and the conditions listed in Exhibit B; Adopted.

Thereafter, on motion of Eric Meyer, seconded by Tim Murphy, and on the following vote:

AYES: Commissioner(s) Eric Meyer, Tim Murphy, Jim Irving, Don Campbell.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission accepts all correspondence entered into the record.

Thereafter, on motion of Don Campbell, seconded by Eric Meyer, and on the following vote:

AYES: Commissioner(s) Don Campbell, Eric Meyer, Jim Irving, Tim Murphy.

NOES: None.

ABSENT: Commissioner(s) Ken Topping.

The Commission adjourns to the next regularly scheduled Planning Commission on August 8, 2013.

ADJOURNMENT: 5:00 PM

Respectfully submitted,
Ramona Hedges, Secretary
SLO County Planning Commission
MINUTES APPROVED AT THE 9/26/13 PC