

THURSDAY, FEBRUARY 6, 2014

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 6, 2014 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.
(09:07 AM)

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ROLL CALL (09:07 AM)

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

ABSENT:

Hearing to consider a request by MWF PROPERTIES LLC / MCDONALDS for a Minor Use Permit to allow a change of use from an office (former Bank of America) to a restaurant; in an existing building of 3,978 square feet (3,078 square foot to restaurant and 900 square foot remaining office space). The proposed restaurant will utilize the existing drive-thru. The project will result in a disturbance of 500 square feet of the 21,408 square foot parcel (to make minor modifications to the drive thru configuration). The project is located on the north side of Los Osos Valley Road, approximately 280 feet (east) of 10th Street at 1076 Los Osos Valley Road, in the community of Los Osos, 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 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 December 26, 2013 for this project. Mitigation measures are proposed to address public services, transportation/circulation, and water and are included as conditions of approval.

County File Number: DRC2012-00099 Assessor Parcel Number: 074-301-018

Supervisorial District: 2 Date Accepted: September 9, 2013

Kerry Brown, Project Manager Recommend approval

POST HEARING DETERMINATION: APPROVED

(11:05 AM)

Tim Murphy: asks for ex-parte contacts with Mr. Topping disclosing email contact with the applicant.

Kerry Brown, Project Manager: presents staff report via a Power Point presentation.

Carol Florence, agent: presents project proposal presentation. Will be entering into the record petitions of support.

Bob Bidard: reads a letter into the record authored by Robert Hawley.

Keith Handly: speaks.

Tim Murphy: opens Public Comment.

Leslie Sands, John Zweemer, Sabrina Bender, Neil Wampler, Tim Rochte, Marcia Page, Patrick Mcgibney, Michele Avant, Susan Hightower, Marie McRee, Larry Bender, Mimi Whitney, Julie Tacker, Roy Cinowalt, Marshall Ochylski, and Pat Avant-Kern: speak.

Carol Florence, agent: addresses Public Comment issues.

Commissioners: ask questions of the agent.

Staff: addresses Public Comment issues.

Scott Sato, traffic engineer: addresses Public Comment traffic issues.

John Euroslosko: wastewater engineer: discusses seat numbers.

Eric Meyer and Jim Irving: against the drive through.

Carol Florence, agent: states the applicants are amenable to limiting the hours of the drive through on Mondays through Thursdays from 5 am to 11 pm and Friday, Saturday and Sunday from 5 am to midnight.

Ken Topping: discusses a 2-1 offset water ratio. Further discusses off set ratios and elimination of the drive-through component.

Carol Florence, agent: states the drive through component is integral and without which there would be no project.

Thereafter, on motion of Ken Topping, no second required, and on the following vote:

AYES: Commissioner(s) Ken Topping, Eric Meyer, Jim Irving, Tim Murphy.

NOES: Commissioner(s) , Don Campbell.

ABSENT: None.

The Commission adopts the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. and approves Minor Use Permit DRC2012-00099 based on the findings listed in exhibit A and subject to the conditions listed in Exhibit b -changing Condition 1. c. to read "c. No drive-through is allowed"; adding new Condition 1. d. to read: "d. hours of operation are as follows: Monday through Thursday 5:00 am to 12:00 am and Friday through Sunday 5:00 am to 1:00 am."; changing Condition 2. to add the sentence: "Revised plans shall show the elimination of the drive-through."; Changing Condition 7. to add the sentence: "The monument sign and base shall not exceed 5' in height. All the signage associated with the drive-through shall be eliminated."; and changing the first sentence of Condition 8. to read: "8. Prior to issuance of building

permits, the applicant shall retrofit (outside of the prohibition zone) enough homes, businesses, etc. plumbing fixtures to offset their water demand by a total of 698 gallons per day