

REVIEWED & APPROVED!
MATT JANSSEN
6/24/15

**SAN LUIS OBISPO PLANNING DEPARTMENT HEARING MINUTES FOR THE MEETING
OF
Friday, May 15, 2015**

Minutes of the Regular Meeting of the County Planning Department Hearings held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California, at 9:00 a.m.

The meeting is called to order at 9:00 a.m. by **Matt Janssen, Hearing Officer.**

The following action minutes are listed as they were acted upon by the Hearing Officer of the Planning Department Hearings and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. THIS TIME IS ONLY AN ESTIMATE AND IS NOT TO BE CONSIDERED AS TIME GUARANTEED. THE PUBLIC AND APPLICANTS ARE ADVISED TO ARRIVE EARLY.

Matt Janssen, Hearing Officer: opens meeting.

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Planning Department Hearing Officer on consent agenda items and matters other than hearing items may do so at this time, when recognized by the Hearing Officer. Presentations are limited to three minutes per individual.

No one coming forward.

CONSENT AGENDA

2. Unless pulled from the consent agenda by the Planning Department Hearing Officer for separate action, the following items will be acted on collectively because individual public hearings were not requested or required pursuant to Land Use Ordinance Section 22.062.050B.4.b. or Coastal Zone Land Use Ordinance Sections 23.02.033b.(2)(ii) and 23.02.033b.(4)(ii):
3. April 10, 2015 PDH Minutes

Thereafter, on motion of the hearing officer, the Planning and Building Department minutes of April 10, 2015 are Received and Filed as recommended and are available on file at the office of the County Planning and Building Department.

4. Hearing to consider a request by **ALBERTA A. LEWIS** for a Minor Use Permit (DRC2014-00033) to allow the conversion of an existing 3,600 square foot (sf) building into a wine processing facility (no public tasting and no special events proposed). The winery will produce up to 2,000 cases annually from grapes purchased from off-site vineyards. The project will result in no site disturbance on a 3.25 acre parcel. The proposed property is located within the Commercial Service and Industrial land use categories and is located on the east side of Ramada Drive (at 2490 Ramada Drive) within the community of Templeton. The site is in the North County Planning area, Salinas River Sub area. Also to be considered is the approval of the environmental document. A Class 3 categorical exemption was issued for the project.

County File Number: DRC2014-00033
Supervisorial District: 1
Project Manager: Holly Phipps

Assessor Parcel Number: 040-143-004
Date Accepted: January 5, 2015
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by ALBERTA A. LEWIS for a Minor Use Permit (DRC2014-00033) is granted based on the Findings A. through in Exhibit B and subject to the Conditions 1 through in Exhibit B. (Document Number: 2015-34_PDH)

5. Hearing to consider a request by CALIFORNIA STATE PARKS & OCEANO DUNES SVRA for a Minor Use Permit/Coastal Development Permit (DRC2014-00062) to allow the installation of improvements to comply with the American Disabilities Act which includes the following: 1) Two ADA concrete pre-fabricated restrooms; 2) Five additional ADA parking spaces; 3) Replacement of the kiosk/pay station/fee collection building; 4) A new picnic area to include a shade shelter with picnic tables; 5) Adjust the existing guardrail to provide necessary required ADA parking and access to the proposed picnic area; 6) Installation of 3" to 4" of asphalt overlay of Oso Flaco Lake Road; 7) Replacement of signs required for parking and hours of operation; 8) Installation of informational panels which are to comply with ADA requirements. As a result of development, the proposed project will disturb approximately 40 cubic yards and remove five Willow trees. The project is located at the east end of Oso Flaco Lake Road within the Agriculture and Recreation land use category. The site is in the South County Coastal planning area. California State Parks issued a Categorical Exemption on November 25, 2014.

County File Number: DRC2014-00062
Supervisorial District: 4
Project Manager: Megan Martin

APN(s): 092-011-015, -016
Date Accepted: March 22, 2015
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by CALIFORNIA STATE PARKS & OCEANO DUNES SVRA for a Minor Use Permit/Coastal Development Permit (DRC2014-00062) is granted based on the Findings A. through O. in Exhibit A and subject to the Conditions 1 through 6 in Exhibit B. (Document Number: 2015-035_PDH)

6. Hearing to consider a request by AT&T / RANDY AVILA for a Minor Use Permit (DRC2013-00084) to legalize and modify an existing unpermitted unmanned wireless communications facility as follows: a) replace two existing 4' tall panel antennas with four new 6' tall panel antennas at a height of 27'-6" on an existing 43' tall power pole; b) install four new Remote Radio Units (RRUs) on the power pole; c) relocate existing ground equipment to the power pole; and d) install proposed ground equipment within a new 10' x 15' fenced lease area. The proposed project is within the Residential Rural land use category. The existing power pole, which will support the antennas and RRUs, is located within the Highway 1 right-of-way at the intersection with Randy Lane. The proposed lease area is located approximately 200' to the north on an adjacent parcel. The project is located on the Nipomo Mesa in the rural South County planning area. A Class 3 Categorical Exemption (pursuant to CEQA Guidelines 15303) was issued on March 27, 2015 (ED14-200).

County File Number: DRC2013-00084
Supervisorial District: 4
Project Manager: Airlin M. Singewald

Assessor Parcel Number: 075-281-040
Date Accepted: February 27, 2015
Recommendation: Approval

Thereafter, on motion of the hearing officer, the request by AT&T / RANDY AVILA for a Minor Use Permit (DRC2013-00084) is granted based on the Findings A. through F. in Exhibit A and subject to the Conditions 1 through 32 in Exhibit B. (Document Number: 2015-036_PDH)

HEARING ITEMS

7. Hearing to consider a request by **CHEVRON U.S.A. Inc.** for a Lot Line Adjustment (COAL14-0007) to adjust the lot lines between four parcels of 10.5, 31.2, 83.3, and 552.6 acres. The adjustment will result in four new parcels of 129.3, 143, 201.2, and 204.1 acres. The adjustment proposes building restriction areas for development to avoid prime agricultural soils, steep slopes, and environmentally sensitive areas. The proposed project is within the Agriculture land use category and is located on Toro Creek Road, approximately 1 mile east of Highway 1, between Morro Bay and Cayucos. The site is in the Adelaida planning area. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA [State CEQA Guidelines Section 15061(b)(3)].

County File Number: SUB2013-00053
Supervisorial District: 2
Project Manager: Airlin M. Singewald

APN(s): 073-077-034; 073-092-(003, 031, 050)
Date Accepted: December 3, 2014
Recommendation: Approval

Airlin Singewald, Project Manager: presents staff report via power point.

Todd Smith, Agent: reviews the proposed project and speaks to removing or revising Conditions 11e.

Matt Janssen, Hearing Officer: requests clarification on revising of Condition 11e and questions the design of the parcels with Mr. Smith responding.

Matt Janssen, Hearing Officer: reviews for the record the correspondence received and questions the water well issues.

Brenden Clark, Agent: discusses the wells on property and the two proposed wells for parcels 3 and 4.

Tommy Johnston, neighbor: states concern with the proposed property.

Matt Janssen, Hearing Officer: requests clarification on Mr. Johnston's well with Mr. Johnston responding.

Todd Smith, Agent: clarifies the design of the lot line adjustment had nothing to do with water issues.
Matt Janssen, Hearing Officer: questions how many parcels do Chevron own with Mr. Smith responding. Also, questions the future intent for the land with Bill Almos responding.

Tommy Johnston, neighbor: provided a copy for the record of what Chevron provided the neighbors for the neighborhood meeting.

Thereafter, on motion of the hearing officer, the request by CHEVRON U.S.A. Inc. for a Lot Line Adjustment (COAL14-0007) is granted based on the Findings A. through D. in Exhibit A and subject to the Conditions 1 through 11 in Exhibit B with the revision of Condition 11e to read " The applicant (or the applicant's successor) agrees to implement the recommendations of the Phase I survey." (Document Number: 2015-037_PDH)

8. Hearing to consider a request by **M&R INVESTMENT ONE COMPANY, INC.** for a Minor Use Permit/Coastal Development Permit (DRC2014-00022) to allow for grading and the construction of three (3) new 2-story residences located on three existing parcels totaling approximately 31,300 square feet. The development includes: a 2,600 sq.ft. residence with a 400 sq.ft. garage on merged Lots 3 and 4 (lot area approximately 15,937 sq.ft.); a 3,200 sq.ft. residence with a 400 sq.ft. garage on Lot 5 (lot area approximately 7,827 sq.ft.); and a 3,200 sq.ft. residence with a 400 sq.ft. garage on Lot

6 (lot area approximately 7,537 sq.ft.). The total area of disturbance is approximately 17,500 sq.ft. (approximately 10,000 on-site and 7,500 off-site improvements). The project site is in the Residential Multi-Family and Recreation land use categories. The project includes placement of approximately 15,610 square feet into an open space easement for habitat protection. The project is located on the northwest corner of Birch Avenue and "E" Street, in the community of Cayucos, in the Estero planning area. The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.

County File Number: DRC2014-00022
Supervisorial District: 2
Project Manager: Schani Siong

APN(s): 064-112-022 & 064-112-023
Date Accepted: November 30, 2014
Recommendation: Approval

Schani Siong, Project Manager: presents proposed project via power point.

Paul Abbott, M&R Investment: discusses the history of the proposed project.

Matt Jansenn, Hearing Officer: requests clarification the square footage on the proposed properties. Also, discusses Coastal Commissions appeal and questions the riparian restoration process with Mr. Abbott responding.

Schani Siong, Project Manager: clarifies that the house on lots 3 and 4 is the one that the size changed.

BeeBee Darlene Kaberline, neighbor: discusses issues with dying Cypress trees behind her property.

Allen Herschderfer, neighbor: discusses issues with the driveway and the water runoff, access to the alley and questions who is going to enforce these agreements.

Ron Wilson, neighbor: states concern with the parking area on Birch Street and fire issues.

Justin Smith, neighbor: discusses issues with parking and the creek access and trees that were removed and have not been replaced.

Christie Fry, Triad Land Surveyor: discusses the drainage for the driveway, the maintenance agreement, the path leading to the creek, the parking issues and the fire turnaround.

Matt Janssen, Hearing Officer: discusses the access easement, questions if there is a condition addressing the butterflies with Ms. Siong responding.

Matt Janssen, Hearing Officer: questions if there was any knowledge of the tree removal with Mr. Abbot responding.

Justin Smith, neighbor: discusses the tree removal and that he feels the trees were outside the fence and not part of the school district property.

Matt Janssen, Hearing Officer: questions if the trees would have had to been removed for this property any way with Ms. Fry responding.

Christie Fry, Triad Land Surveyor: states her recollection of the trees.

Discussion regarding the alley traffic.

Airlin Singewald: Planning Staff: suggests condition 3 be revised to add language regarding bollards.

Christie Fry, Triad Land Surveyor: states 25 new trees will be planted as part of the restoration plan.

Matt Janssen, Hearing Officer: discusses the parking on Birch Street.

Airlin Singewald, Planning Staff: states adding 2 new Condition 3 d iv and Condition 3g.

Schani Siong, Project Manager: reviews new added condition 3 d iv, reads condition into record.

Paul Abbott, Agent: suggests to revise language of Condition 3 d iv.

Schani Siong, Project Manager: added new Condition 3g read condition into record.

Christie Fry, Triad Land Surveyor: suggest revised language to new condition 3g.

Matt Janssen, Hearing Officer: responds to the Cypress tree issue.

Thereafter, on motion of the hearing officer, the request by M&R INVESTMENT ONE COMPANY, INC. for a Minor Use Permit/Coastal Development Permit (DRC2014-00022) is granted based on the Findings A. through N. in Exhibit A and subject to the Revised Conditions 1 through 52 in Exhibit B, including the Memo with revisions of Conditions 13; 15; 17; 21; 29 and 31 that were read into the record and adding New Condition 3 d iv. to read " Removable bollards shall be installed at the end of the common driveway between Lots 3&4 and Lot 5 to prevent daily vehicular access into the alley."; New Condition 3 g. to read "Riparian Access. The final plans shall provide a pedestrian accessway through the retaining wall on Birch Avenue leading to the existing stairway/ creek access." and New Condition 52 to read "On-going condition of approval (valid for the life of the project), the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec."

ADJOURNMENT

Next Scheduled Meeting: June 5, 2015, in the County Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA.

**Nicole Retana, Secretary
Planning Department Hearings**

Minutes will be approved at the July 17, 2015 Planning Department Hearings Meeting.