

Thursday, March 26, 2015

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 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. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.

Ellen Carroll, staff: updates Commissioners on their near term schedule.

Jim Irving: confirms the meeting dates for the County Wide Water Conservation Program hearings.

Eric Meyer: would like to know about the outcome of the Renewable Energy Streamlining Program motion regarding the recommendation to the Board of Supervisors in respect to working on sequestration.

Ken Topping: explains the intent of the motion was a separate action.

Don Campbell: address Mr. Greening's concern for sequestration in terms of water quality control and grazing.

HEARINGS: (Advertised for 9:00 a.m.)

3. Hearing to consider a request by PORT SAN LUIS HARBOR DISTRICT for a Development Plan/Coastal Development Permit to develop the 32-acre Harbor Terrace site pursuant to the goals and criteria set forth in the Harbor Terrace Planning Sub-Area of the San Luis Bay Area Plan. The project would include a range of low-cost overnight accommodations including 80 recreational vehicle (RV) sites, 15

RV/RV cabins, 35 car/tent campsites, 21 walk-in/bike-in campsites, and 31 cabin/bungalow/yurt-type units. The project will also include 16,000 square feet of visitor serving commercial uses, harbor uses (e.g. trailer boat storage, marine gear storage, harbor storage area, expansion area and 6,000 square feet for future harbor use building), restrooms, and 48,000 square feet of parking. Additional features include on-site paths between parking areas and campsites; an accessible ramp between the commercial use and pool area and the proposed crosswalk across Avila Beach Drive; a check-in station near the primary entrance, and trash and recycling enclosure within a screening wall and swinging doors. The proposed project is within the Public Facilities land use category, and is located in the western portion of the community of Avila Beach, on the north side of Avila Beach Drive, immediately east of Diablo Canyon Road. The project is within the San Luis Bay Coastal Area Planning Area. Also to be considered and relied on is the Final Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, previously certified on January 27, 2015 by the Port San Luis Harbor District.

County File Number: DRC2013-00044
Supervisorial District: 3
Project Manager: Megan Martin

Assessor Parcel Number: 076-172-029
Date Accepted: April 9, 2014
Recommendation: Approval

Commissioners: disclose their ex-parte contacts.

Rob Fitzroy, Project Manager: presents staff report via a Power Point presentation.

Don Campbell: would like a map showing emergency access and egress with Mr. Fitzroy responding.

Ken Topping: opens Public Comment.

Timothy Duff: applicant: presents a Power Point presentation.

Steve McGrath, Harbor Manager, Port San Luis: addresses the importance of a low cost visitor servicing facility. Recommends a condition be added to ensure low cost overnight rates fall within the rate schedule set forth by California Parks during the current year.

Menka Sethi, agent: presents a Power Point presentation.

Jim Irving: discusses condition of approval for lighted crosswalks with Ms. Sethi responding. Comments on 2 to 1 replacement of coastal shrub in terms of having considered drought tolerant plants.

Shawna Scott, SWCA consultants: addresses question regarding coastal scrub and off set replacement ratios.

Jim Irving: asks if agreement of traffic impact fees are being directed to the Avila area with Ms. Sethi responding.

Don Campbell: comments on chronology of this hearing in terms of this being premature in seeing changes with Ms. Sethi responding. Rob Fitzroy, Project Manager: explains the site plan in the staff report as compared to Ms. Sethi's presentation.

Eric Meyer: discusses walk in campsites in regards to Greenhouse Gas (GHG) emissions asking if there are prohibitions from cars using walk in campsite with Ms. Sethi responding. Feels this should be conditioned. Asks how the walk in campers get to the walk in camp sites from Avila Beach Drive with Ms. Sethi responding. Feels there should be pedestrian access to walk in sites. Comments on crosswalks i.e. are the stairs to the beach included with the crosswalks with Ms. Sethi stating there is no new beach access proposed. Asks for locations of restrooms with Mr. McGrath responding. Would like to know how pedestrians get to restrooms with Mr. McGrath responding.

Don Campbell: comments on a Gerald Parsons' letter received and whether his property is included in the project with Mr. McGrath clarifying the letter's intention was to mean the harbor district purchase of property.

Jim Harrison: asks if the Port has provided information required to Avila Beach Advisory Council (AVAC) and are the Will Serve letter obligations completed with Mr. McGrath responding. Asks if the Port receives income from this proposal with Mr. McGrath responding. Asks how the development would effect the two restaurants currently in the vicinity with Mr. McGrath responding.

Eric Meyer: would like to know if there will be an internal market for shopping with Mr. McGrath responding.

Ken Topping: opens Public Comment

Mary Matakovia, Port San Luis Harbor Commission Vice Present; Eric Greening; Sherri Danoff, AVAC; Mike Grantham, AVAC; Lea Brooks; Jim Blecha, Port San Luis Harbor Commission; Dave Kirk; Drew Brandy; and Carolyn Moffatt: speak.

Rob Fitzroy, Project Manager: addresses Public Comment.

Jim Irving: in regards to the EIR, doesn't feel the traffic study complies to CEQA with Mr. Fitzroy responding.

Shawna Scott, SWCA: addresses traffic study findings and how the study was conducted.

Commissioners and staff: discuss RV parking on the coastal side of Avila Beach Drive.

Glenn Marshall, Public Works: addresses Commissioners' request for crosswalks.

Eric Meyer: would like Public Works to address multi model issues, especially Class I paths being considered an amenity, with Mr. Marshall responding. Would like a condition in place to have the CA Coastal Trail to Avila beach established.

Steve McGrath, Harbor Manager: uses the overhead to show a map that depicts possible solutions to pedestrian pathways, and access ramps to the beach.

Rob Fitzroy, Project Manager: addresses the feasibility study having not yet been complete for the CA Trail Mr. Meyer had commented on. Addresses emergency access concerns raised in Public Comment.

Steve McGrath, Harbor Manager: explains inter agency coordination regarding emergency access and egress.

Commissioners: discuss emergency operations should an disaster happen.

Eric Meyer: asks if the County of SLO is potentially liable if there is no supply of potassium iodide for the transient travelers/campers.

Whitney McDonald, County Counsel: explains Governmental immunity in terms of any liability being attached to this proposal.

Steve McMasters, staff: explains communications with the Co. Office of Emergency Operations in regards to this proposal to update their emergency plan to address this issue.

Ken Topping: begins his deliberations and questions to staff. Addresses sea level rise in regards to who maintains or fixes the roads or pathways should something detrimental happen with Mr. Marshall from Public Works responding.

Sean Cooper, Parks & Recreation Dept: explains goal of the Bob Jones pathway being widened and challenges thereof.

Eric Meyer: asks which agency is responsible for the establishment of buffered bike lanes with Mr. Cooper responding.

Ken Topping: comments on direction to staff with a program to make Avila Beach Drive safer for bike riders and pedestrians.

Eric Meyer: begins deliberating and asking questions of staff. Lists areas of concerns such as; lack of architectural review or oversight, lack of multi model consideration and would like to know what the time honored character is of Port San Luis because he sees problems with the oversight of this.

Jim Irving: would like the landscaping plan work within already existing plants.

Eric Meyer: would like lock in storage capability for bikes. Does not think Yurts balance with the character of Avila Beach. Comments on Finding K to be modified on Pg. 3-35. Additionally suggests a continuance in order to receive and review (maps).

Eric Meyer: reads into the record 4 added conditions he is suggesting.

Glenn Marshall, Public Works: addresses handout regarding capital improvement projects where fees have been collected and identified.

Jim Irving: deliberates the notion of charging a transient occupancy tax in terms of charging campers this fee with Mr. McGrath responding.

Glenn Marshall, Public Works: explains how Road Improvement Fees (RIF) work.

Don Campbell: confirms this proposal includes hook up to sewer with Mr. Fitzroy responding.
Eric Meyer: suggests RVs be prohibited from parking on Avila Beach Drive with a condition

with Mr. Marshall explaining how parking is regulated. Suggests having an inventory of potassium iodine.

Ken Topping: suggests the applicant work with Public Works to make the beach side a no parking zone.

Don Campbell: addresses Mr. Meyer's suggestion for a continuance and is satisfied with what has been brought forward architecturally.

Jim Irving: is satisfied with the architectural aspects of the project.

Ken Topping: is in favor of a continuance to April 9, 2015 so that he may see the final outcome of the commission's suggestions.

Steve McMasters, staff: suggests the commission review the Project Managers work on the conditions asked to be worked on.

Steve McGrath, Harbor Manager: discusses design guidelines relative to the Hartford Pier and the surrounding buildings in terms of consistency.

Steve McMasters, staff: comments on discussion had regarding modifying finding K which is a sensitive resource finding and explains which type trees may be removed.

Ken Topping: has concerns for condition that notes historic character of the district.

Eric Meyer: suggests a condition addressing "architectural style shall follow the vernacular style of the harbor district".

Rob Fitzroy, Project Manager: modifies Condition 8.

Thereafter, on motion by: Eric Meyer, **Second by:** Jim Irving, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission considered and relied upon the Final Environmental Impact Report, including the Mitigation Monitoring and Reporting Program, previously certified on January 27, 2015 by the Port San Luis Harbor District, and approves Development Plan/Coastal Development Permit DRC2013-00044 based on the findings in Exhibits A and C, and subject to the conditions listed in Exhibit B, changing Conditions 1. d. to indicate 36 campsites; Condition 1. e. to indicate 22 walk-in/bike-in sites, with an added sentence at the end to read: "*Provision for securing bicycles or other personal gear shall be provided at or near the walk-in/bike-in camp sites and at the central commercial space.*"; changing Condition 6. to add language "*....consistent with Section 23.04.184.*" and the sentence: "*Existing vegetation shall be retained as feasible.*"; changing Condition 6. a. to delete the word "*or*" and add language to the last the

sentence to read "*Plant types shall be native, native appearing or consistent with the historical landscape.*"; changing Condition 8. b. to add the sentence: "*The architectural style shall follow the historical vernacular of the harbor district.*"; and adding new Conditions 64., 65., and 66. to read: "*64. The applicant shall be responsible for paying to the Department of Public Works the San Luis Bay (Avila Valley) Road Improvement Fee consistent with the approved fee schedule at the time of issuance of building permit. It is recommended that such fees be directed to the pedestrian and bicycle lateral access along Avila Beach Drive if lateral access is prioritized by the Board of Supervisors to receive such road fees. 65. Overnight rates for the 58 low cost campsites (car or walk-in/bike-in tent campsites) are to fall within the rate schedule for comparable camp sites set forth by California State Parks for the current year. 66. The applicant shall coordinate with Public Works to incorporate enhanced crossing treatments, such as in-road flashing lights, high visibility marking patterns, special paving materials or raised crossing, at the two proposed crosswalks as warranted and determined most effective by Pulic Works.*; approved.

4. Hearing to consider a request by the Santa Margarita Cemetery District to amend the County’s Land use Element by changing the land use category on 3.63 acres from Agriculture (AG) to Public Facilities (PF) for the Santa Margarita Cemetery Expansion Project. The project site is located at 7500 West Pozo Road (Highway 58), approximately 0.5-mile east of the community of Santa Margarita, in the Salinas River sub-area of the North County planning area. A General Rule Exemption (GRE) was issued for this project.

County File Number: LRP2008-00004
 Supervisorial District: 5
 Project Manager: Airlin M. Singewald

Assessor Parcel Number(s): 070-091-015 & 037
 Date Accepted: January 6, 2015
 Recommendation: Approval

Airlin Singewald, Project Manager: presents staff report via a Power Point presentation.

Eric Meyer: asks if there are design guidelines for cemetery districts with Mr. Singewald responding.

Jim Harrison: would like to know about the additional land being added with Mr. Singewald explaining.

Ken Topping: would like to know which GPA cycle this proposal will be included in with Mr. Singewald stating this one is going on to the next cycle.

Thereafter on motion by: Don Campbell, **second by:** Eric Meyer, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission adopts the resolution recommending that the Board of Supervisors approve General Plan Amendment LRP2008-00004 as shown in Exhibit LRP2008-00004:B and based on the recommended findings.

- 5. A hearing to consider a request by LARRY TURLEY for a Conditional Use Permit (DRC2014-00037) to allow a conversion of an approximate 2,635 square-foot (sf) agriculture building into a wine processing facility and to allow the conversion of a 1,656 sf underground cellar into wine storage. No public tasting or special events are proposed. The winery may participate in wine industry-wide events as allowed by the ordinance. The project will result in 720 sf of site disturbance on a 9.66 acre parcel. The proposed project is located within the Residential Rural land use category and is located on the east side of Ridge Rd. (at 2815 Ridge Rd.), approximately 1 miles south of the community of Templeton. The site is in the North County planning area, Salinas River sub area. A Class 1 and Class 4 categorical exemption was issued for this project.

County File Number: DRC2014-00037
 Supervisorial District: 1
 Project Manager: Holly Phipps

Assessor Parcel Number: 039-371-001
 Date Accepted: November 14, 2014
 Recommendation: Approval

Holly Phipps, Project Manager: explains reasoning for continuation request.

Thereafter on motion by: Jim Irving, **second by:** Don Campbell, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission continues this item to April 30, 2015.

- 6. Continued hearing to consider a request by NINER WINE ESTATES, LLC to allow for a modification of their previously approved Conditional Use Permit (DRC2013-00017, to allow the following: a. Use of a portion of the existing hospitality building as a 3,400 square foot (sf) restaurant (limited food service facility); b. Modificatin of the ordinance standard limiting a restaurant to 800 sf to allow 3,400 sf restaurant; c. Modification of the ordinance standard to allow the restaurant to remain open until 9 p.m., 7 days per week, hours beyond the tasting room hours of 10 a.m to 5 p.m. The existing uses, including a 60,000 sf wine production facility, a 4,926 sf boutique winery, a 8,840 sf hospitality building (that included a 2,000 sf commercial kitchen), and 18 annual special events (one event with up to 300 guests, three events with up to 200 guests, four events with up to 100 guests, and 10 events with up to 75 guests), would continue. The proposed project will not result in any site distrubance on the 142 acre parcel. The project is located 1,00 feet northwest of Highway 46. The site is approximately one mile west of the community of Templeton. The site is in the North County Planning Area, Adelaida Sub Area. A Class 3 categorical exemption was issued for this project. CONTINUED FROM 1/29/15, 2/5/15, & 2/26/15. PC.

County File Number: DRC2013-00051
Supervisorial District: 1
Project Manager: Holly Phipps

Assessor Parcel Number: 040-111-031
Date Accepted: August 5, 2014
Recommendation: Approval

Commissioners: disclose ex-parte contacts.

Holly Phipps, Project Manager: presents staff report via a Power Point presentation.

Don Campbell: confirms the existing permit is for a limited food facility not to exceed 800 feet, in regards to this being out of compliance with Ms. Phipps responding.

Jim Harrison: would like the ordinance clarified in terms of the 800 square foot requirement with Ms. Phipps responding.

Don Campbell: would like to know how the 1300 square foot kitchen was approved on the original Conditional Use Permit (CUP) with Ms. Phipps responding.

Jamie Kirk, agent: presents a Power Point presentation on the proposal.

Commissioners: asks questions of the agent.

Andy Niner introduces, Megan Woaring (chef), Heather Land, Ryan McMichael (head of the front of the house).

Ken Topping: opens Public Comment.

Linda Rawlings: speaks.

Ken Topping: asks how this is categorically exempt with Ms. Phipps responding. Would like clarification of "Modification of a standard" with Ms. Phipps responding. No new signage. Asks if this collects sales taxes with Ms. Phipps stating yes.

Terry Wahler, staff: explains how the property receives property tax exemptions through the Williamson Act.

Jim Irving: would like Mr. Wahler to overview the meeting of the Ag. Preserve review Committee (APRC) especially in regards to their voting not being unanimous with Mr. Wahler responding. Asks what the hours of operation are, with Ms. Phipps stating 10-5PM. Confirms the tasting room closes before the restaurant opens. Suggests food service stops at 8:00PM and limited to 6 days per week.

Don Campbell: has concerns and agrees with Commissioner Irving's issues.

Jim Harrison: after an explanation of how property qualifies for Williamson Act status and how the property is calculated, asks if the entire property should be taken out of Williamson Act with Commissioner Irving responding.

Terry Wahler, staff: explains tax assessments in relationship to the uses on the property.

Eric Meyer: notes discrepancies in calculations and would like clarification with Ms. Phipps responding.

Commissioners: discuss limitation on hours of operation especially in regards to doing this seasonally such as for day light savings time.

Jim Irving: attempts a motion to address hours of operation, during day light savings time, hours of restaurant seating to end at 9:00 PM, and 8:00 PM during pacific standard time. The motion fails due to a lack of a second vote. Comments on the lack of knowledge from some constituents that a restaurant was being proposed.

Eric Meyer: feels it is unfair and subjective limiting hours of the operation, and out of the commission's purview to do so.

Don Campbell: agrees with Commissioner Meyer.

Jim Irving: accepts there is not support for his motion begins to formulate his motion for approval.

Thereafter on motion by: Jim Irving, seconded by: Don Campbell, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Jim Irving	x			
Don Campbell	x			
Ken Topping	x			
James Harrison	x			
Eric Meyer	x			

The Commission approves Conditional Use Permit DRC2013-00117 based on the findings listed in Exhibit A and the conditions listed in Exhibit B, changing Condition 1. c. to read "c. A modification of the ordinance standard to allow the restaurant to operate beyond the tasting room hours, with seating allowed up to 8:30 p.m., 7 days per week."; changing Condition 1.d. to read: *The continuation of 18 special events per year in addition to industry wide events to include the following: 1 event is limited to no more than 300 people, 3 events are limited to no more than 200 people, 4 events are limited to no more than 100 people, and 10 events are limited to no more than 75 people. Amplified music at events (from 10:00 a.m. to 5:00 p.m.) is permitted. Events shall be limited to wine and agricultural industry events only (e.g. no weddings, concerts, general parties, non agricultural trade shows / conventions, etc.*"; adopted.

7. Hearing to consider a request by VILLA SAN JULIETTE HOLDINGS, LLC for a Conditional Use Permit to allow the phased expansion of a previously approved winery and tasting room. At build out the winery facility would total approximately 23,000 square feet (sf). Wine production is estimated at 80,000 cases per year. The project will result in the disturbance of a approximately 0.68 acres on a 169-acre parcel. The applicant is requesting modifications to ordinance standards to allow: adjustments to the required setbacks, outdoor amplified music to play beyond 5p.m. during special events, and to increase the allowable square footage of a proposed restaurant from 800 sf to 1,200 sf. The applicant is also requesting to expand the existing events program to allow 20 special events with up to 200 guests and 3 special events with up to 500 guests. The proposed project is within the Agriculture land

use category and is located at 6385 Cross Canyons Road, approximately 3.14 miles east of the community of San Miguel. The site is in the El Pomar/Estrella Sub Area of the North County Planning Area. Also to be considered is the approval of the environmental document. A mitigated negative declaration was issued on February 11, 2015.

County File Number: DRC2013-00097
 Supervisorial District: 1
 Project Manager: Megan Martin

Assessor Parcel Number: 019-054-041
 Date accepted: August 21, 2014
 Recommendation: Approval

Commissioners: disclose ex-parte contacts.

Megan Martin, Project Manager: presents staff report via a Power Point presentation.

Commissioners: begin asking questions of staff.

Jim Harrison: would like clarification on the number of restrooms and bedrooms with Ms. Martin responding.

Jamie Kirk, agent: presents proposal via a Power Point presentation.

Matt Ortman, Villa San Juliette: is available for questions.

Eric Meyer: notes discrepancies within the VSJ website with Mr. Ortman stating that website has been taken down. Also discusses reports of law enforcement involvement with Mr. Ortman responding. Would like to know about the listed contact telephone number being inoperable and if this has been addressed with Mr. Ortman responding.

Megan Martin: comments on a metering & monitoring condition to be added.

Commissioners: contemplate the time in terms of the meeting running past 5:00 PM, and another meeting taking place in the room at 6:00 PM and begin to formulate a motion.

Thereafter on motion by: Jim Irving, **Second by:** Don Campbell, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission agrees to hold the meeting/hearing until 5:05 PM.

Ken Topping: opens Public Comment.
 Bill and Theresa Heinrich: speak.

Commissioners: deliberate which date to continue this item to and begin to formulate a motion.

Thereafter on motion by: Jim Irving, **Second by:** Don Campbell, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission agrees to continue this item to April 9, 2015.

Thereafter on motion by: Eric Meyer, **Second by:** Jim Irving, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission accepts all correspondence and testimony entered into the record.

Thereafter on motion by: Don Campbell, **Second by:** James Harrison, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission adjourns to the next regularly scheduled meeting on April 23, 2015.

ADJOURNMENT: 5:05

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

Minutes approved at the 04/30/15 Planning Commission meeting.