

**SAN LUIS OBISPO  
PLANNING COMMISSION MINUTES  
October 28, 2009**

**ROLL CALL:**

**Present:** Commissioners Michael Boswell, Michael Draze, Eric Meyer, Airlin Singewald, Mary Whittlesey, Vice-Chairperson Michael Multari, and Chairperson Charles Stevenson

**Absent:** None

**Staff:** Deputy Community Development Directors Doug Davidson and Kim Murry, Housing Programs Manager Michael Codron, Assistant Planner James David, Public Works Deputy Director Tim Bochum, Assistant City Attorney Christine Dietrick, and Recording Secretary Janet Miller

**ACCEPTANCE OF THE AGENDA:**

The agenda was accepted as amended.

**3. STAFF:**

- a. Agenda Forecast – Staff provided an agenda forecast for the November 12<sup>th</sup> Commission meeting and requested Commission direction on a date for the December meeting. The Commissioners indicated that they would be available on December 10<sup>th</sup> for a regularly-scheduled meeting rather than December 9<sup>th</sup> which conflicts with a City-sponsored function.

**MINUTES:** Minutes of October 14, 2009, were approved as presented.

**PUBLIC COMMENTS ON NON-AGENDA ITEMS:**

There were no comments made from the public.

**PUBLIC HEARINGS:**

1. 2410 Johnson Avenue. AP-PC 78-09: Appeal of hearing officer's decision to allow a three-lot subdivision; R-1 zone; Joe Boud & Nancy Shokohi, appellants. (James David)

James David, project planner, provided a summary of the proposed three-lot subdivision project and the Hearing Officer's action. Mr. David summarized the appellants' points and provided staff's responses and recommended denial of the appeal. The Planning Commission had questions related to proposed building envelope, height, CC&Rs, designation of sensitive sites, and subsequent architectural review process, grading, and soils report information. James David, Tim Bochum, and Doug Davidson, the Hearing Officer, responded.

**PUBLIC COMMENTS:**

Abraham Laird, San Luis Obispo, was not present but provided the Commission with a letter supporting the project.

Joe Boud, an appellant, provided testimony related to slope, building envelopes, setbacks, driveway and fire access, usability of proposed lot 1, neighborhood controversy, and grading issues.

Jeff Wagner, representative for Spevak, spoke to the conformity of the proposed lots with ordinance standards and the additional conditions that were agreed to in an effort to address neighborhood concerns.

Barbara Boud, Maureen Eyermann, Nancy Shokohi, and Scott Killian spoke against the project and urged the Commission to eliminate Parcel 1 or deny the project based on concerns of increased traffic, safety, views, decline in property values, and changes to neighborhood character.

There were no further comments made from the public.

**COMMISSION COMMENTS:**

Commr. Draze stated that he opposed the appeal of the Hearing Officer's decision. Mr. Draze felt the project was a legitimate division of land.

Vice-Chair Multari requested clarification on the 25-foot setback mentioned by the appellant. Staff replied that the setback applied to lot 10 of the original subdivision which has different terrain and views.

Vice-Chair Multari clarified with staff that the applicant could develop two single-family homes on the site in addition to the existing house without discretionary review based on the lot size.

Commr. Singewald requested clarification on the City's policy regarding private views and noted that privacy concerns are really for downhill neighbor (applicant's property), and he is in opposition to the appeal.

Commr. Whittlesey requested clarification on slope and the building envelope reduction. Staff replied that the building envelope would be reduced and reviewed at the architectural review stage of the project.

Chairperson Stevenson noted that the language in condition #3 is vague. Mr. Stevenson suggested the Commission provide a modification to the language.

Commr. Whittlesey requested clarification on fire access. Commr. Whittlesey supported denying the appeal.

Vice-Chair Multari suggested that more direction be provided for future development of the buildings. Mr. Multari suggested the garage on Parcel 1 be situated to minimize driveway length adjacent to the uphill neighbor. He also suggested establishing a specific height limit instead of restricting development on parcel 1 to "single-story." Commr. Multari felt an increased set back of 12 feet rather than 5 feet was reasonable.

Vice-Chair Multari made a motion to deny the appeal but modify the conditions as follows: a setback of 12 feet would apply to the footprint of Parcel 1, the driveway shall be located outside the 12-foot setback on Parcel 1, and the height of future housing on Parcel 1 should be no higher than an elevation of 406 feet at the highest point of the roof peak.

*There was not a move to second the motion.*

Mr. Wagner, EDA, provided further clarification on elevations for Parcel 1 for the Commission. Mr. Wagner noted that future architectural review would take care of concerns rather than having the Commission determine site design.

Commr. Draze noted that he does not support an increased setback.

Commr. Meyer noted that the project was a delicate balance as both sides had valid points. Commr. Meyer did not support Vice-Chair Multari's motion with conditions. He suggested a 10-foot setback instead of 12 feet.

Commr. Singewald noted privacy concerns of Parcel 1 where adjacent residents could overlook the yard. Mr. Singewald did not support the setback proposed.

Commr. Boswell supported the condition modifications as they clarified the intent of the project approval.

Vice-Chair Multari supported a 10-foot setback on Parcel 1; prohibiting the driveway in the 10-foot setback area; and a specified height for the building.

Chairperson Stevenson noted the constrained area of the site with an irregular shape for building. Mr. Stevenson suggested a condition requiring Architectural Review Commission (ARC) review and noted he supported a 12-foot setback.

Vice-Chair Multari did not support a condition for ARC review.

Staff re-read the motion language as it was being proposed.

There were no further comments made from the Commission.

On motion by Vice-Chair Multari, seconded by Commr. Boswell, to deny the appeal of the Hearing Officer's decision to allow a subdivision proposal to create three conforming lots from one in the Low-density residential zone, with changes to conditions of approval as follows:

1. Applications submitted for architectural review on Parcel 1 shall include housing designed not to exceed a 406-foot elevation at the highest point of the roof, to preserve pleasant views from and toward the property (LUE 2.2.12), and remain consistent in character with the neighborhood.
2. The building footprint shown on Parcel 1 shall be reduced in size so that eventual housing development of the parcel will be setback at least 10 feet from the northeast property line. The driveway shall not be allowed within this required 10-foot setback.

**AYES:** Commrs. Singewald, Boswell, Meyer, Multari, and Stevenson

**NOES:** Commrs. Drazé and Whittlesey

**RECUSED:** None

**ABSENT:** None

The motion passed on a 5:2 vote.

**The Commission took a 10-minute break from 8:50 p.m. to 9:00 p.m.**

2. **Orcutt Area.** GP/SP/ER 209-98: Review of Chapter 8, Public Facilities Financing, of the Draft Orcutt Area Specific Plan; Barbara Parsons, applicant (Michael Codron)

*Commr. Singewald recused himself from item #2 due to a potential conflict of interest.*

*Commr. Boswell recused himself from item #2 due to a potential conflict of interest.*

Michael Codron, Housing Programs Manager, presented the staff report, recommending the Commission direct staff to take the following actions:

1. Incorporate the Public Facilities Financing into Chapter 8 of the Draft Orcutt Area Specific Plan, including any changes directed by the Commission; and
2. Prepare a resolution recommending City Council approval of the Draft Orcutt Area Specific Plan, and certification of the Final Environmental Impact Report for the project; and
3. Prepare a resolution recommending City Council approval of pre-zoning and annexation of the Orcutt Area, consistent with the land uses identified in the Draft Orcutt Area Specific Plan.

Mr. Codron also noted that additional information was being developed regarding park land costs and park improvement costs, which would be forwarded to the Commission to consider during their next meeting.

**PUBLIC COMMENTS:**

Mike Cannon, applicant representative, noted that every dollar included in an impact fee deters the property owner's ability to develop and add needed housing to the City's housing inventory. Mr. Cannon also noted that the proposed bicycle bridge was

unwanted because it was visually unappealing and unsafe. Mr. Cannon also requested the Commission reduce the Orcutt Area's share of the Orcutt Road widening project.

Jim Smith, San Luis Obispo, spoke in support of the project. Mr. Smith opposed the bridge and supported its elimination from the project.

Phil Gray, San Luis Obispo, spoke in support of the project. Mr. Gray opposed the bridge because of cost and potential safety issues.

Patti Taylor, San Luis Obispo, said that she does not support the project as it is currently proposed and has concerns about costs. Ms. Taylor discussed home site designation for her property and submitted a letter to the Commission for the record.

Jeanne Helphenstine, San Luis Obispo, disagrees with the approved minutes of the June 25, 2008, Planning Commission meeting. Ms. Helphenstine did not feel the project was able to proceed as presented at that time. She said that she does not support the bicycle bridge. Ms. Helphenstine noted that if the overpass was to move forward, the percentage of the cost allocated to the Orcutt Area should be reduced.

There were no further comments made from the public.

#### **COMMISSION COMMENTS:**

Vice-Chair Multari requested clarification on the costs for the participants and those that would opt out of the process. Staff provided clarification on non-applicant and applicant costs and clarified City policy, which is that property owners will not be subject to any fees or development costs until they move forward with a development project on their property. Staff discussed how the fee program distributes infrastructure costs to future development on a per-unit basis.

Commr. Draze requested clarification on the timeline for the Commission to revisit the item. Staff noted that the item could return at the December meeting.

Commr. Meyer requested clarification on the progress if owners pull out as mentioned in Ms. Taylor's letter.

Chairperson Stevenson questioned the funding allocation for the bridge and the Orcutt Road widening project. Staff replied that the traffic study prepared for the EIR for the Tumbling Waters project determined the fair-share allocation for the cost of the Orcutt Road widening project, which is based on vehicle trips from the various projects that are contributing to the cost of the facility.

Vice-Chair Multari supported the project moving forward and meeting in December. Mr. Multari questioned if the EIR had been approved and noted concern for the bicycle bridge. Staff noted that the EIR was still in the approval process.

Commr. Meyer noted concern for the bridge and its connectivity to the areas, especially since the school site will not be where it was previously proposed.

Tim Bochum, Deputy Director of Public Works, discussed the need for the bridge in the context of connectivity to other bicycle and pedestrian improvements in the City, such as in the Margarita Area. Mr. Bochum noted the Bicycle Committee's input into the project. He also noted that the Orcutt Area is responsible for 100% of the cost because the bridge would not be needed if it were not for proposed Orcutt Area development. Orcutt Area development, however, is not responsible for paying for bicycle facilities located in other parts of town that they will use.

Commr. Meyer questioned if the financing for the project could come through assessments rather than up front. Staff replied that any type of assessment would have to be approved by the property owners. The property owners are strongly opposed to the concept of using land-secured financing prior to such time that they decide to pursue a development project, which will be different for everyone.

Commr. Whittlesey asked a question regarding the potential for escalating costs and timetable to build. Staff replied that the fee program normally includes an annual adjustment based on the Consumer Price Index.

Commr. Whittlesey requested clarification on pre-annexation agreements. Staff noted that the pre-annexation agreement is a tool to acknowledge existing conditions on a property and clarify how City standards and policies will apply to that property after annexation.

Commr. Draze questioned bridge location alternatives and asked if there may be another location where an underpass would be feasible. Staff responded that the required approval from Union Pacific Railroad for an underpass would be difficult to achieve.

Mr. Codron read and referenced information provided in Ms. Taylor's letter.

There were no further comments made from the Commission.

On motion by Vice-Chair Multari, seconded by Commr. Draze, that the item return to the Commission on December 10<sup>th</sup>, with additional cost information on park land and park improvements.

**AYES:** Commrs. Draze, Meyer, Whittlesey, Multari and Stevenson  
**NOES:** None  
**RECUSED:** Commrs. Singewald and Boswell  
**ABSENT:** None

The motion passed on a 5:0 vote.

**COMMENT AND DISCUSSION:**

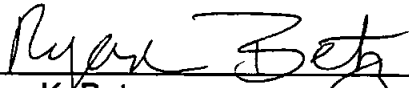
4. **Commission:** There were no Commission comments and discussion.

**ADJOURNMENT:** The meeting was adjourned at 10:30 p.m.

Respectfully submitted by,

Janet Miller  
Recording Secretary

Approved by the Planning Commission on November 12, 2009.

  
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Ryan K. Betz  
Supervising Administrative Assistant