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Planning Commission Minutes:
Meeting of February 28, 1989

4. PUBLIC HEARING- Application for Zone Change
"M" to "C-2" - 105 Morris Street
(fronting Sebastopol Avenue) - John G. Taylor

Reference: Staff report dated February 24, 1989;
Application for Zone Change, dated January
18, 1989; Notice of Hearing; Negative
Declaration, dated February 7, 1989;
Environmental Checklist, dated February 7,
1989;

Mr. Aspinall reviewed the staff report, noting that the property is within the M Zoning District and within the General Commercial land use category of the General Plan. He stated that there were no development plans on file at this time. He reviewed the staff analysis, noting that when the Wetlands districts were created and mapped, no "W" District was applied to this property. Since then, however, the Laguna Advisory Committee Report has been published and the City Council Policy No. 58 has been adopted. He noted that implementation of Policy 58 will involve re-examination of all properties on the fringe of the Laguna including the subject property, and pending completion of implementation measures land use decisions need to respond to the spirit and intent of the Policy. He stated that from this, it can be concluded that neither the M nor the C-2 Districts are consistent with the General Plan without one of the "W" Combining Districts.

He recommends that the Planning Commission defer action on this request and adopt a Resolution of Intention to add the "W-2" Combining District to this proposed Zone Change.

Chairman Seidler asked why he was recommending W-2 rather than W-1?

Mr. Aspinall reviewed use permit requirements for the w-2 district; requires use permit for any use, requires rare plant/vernal pool survey. W-1 is very restrictive and is intended to preserve wetlands in natural state. W-2 is applicable in this case.

Commissioner Gurney asked if potential for access to this parcel through existing development plan.

Mr. Aspinall replied that there would be no access off of Sebastopol Avenue.

Commissioner Pacatte asked what change to C-2 would accomplish?

Mr. Aspinall stated that it was consistent with General Plan and allows for retail uses.

John G. Taylor, applicant, was present, stating that all three parcels were owned by the same person and there is no intent to access on Sebastopol Ave; all will have access off of Morris Street. He stated that he was under the impression that this parcel needed to be in conformance with the General Plan. He stated that any plan is subject to Design Review and they are aware that this is an entrance into town. They have a 50' landscape strip along Sebastopol Avenue and a 30 foot landscape strip along Morris Street. He supports the Wetlands Policy and already has the 401 permit from Army Corps and has been through Department of Fish and Game which said this parcel was never part of the wetlands. He noted that there is an extensive time frame you go through with those agencies.

Mr. Aspinall stated that in his opinion, the "M" District without the "W" Combining District was not consistent with the General Plan. He noted that "C-2" with the "W" combining district achieves consistency with the General Plan. He stated that in the last three years there has been a greater awareness of the Laguna, leading the Council to place a lot of properties in the "W" District, not currently in the "W" District.

Chairman Seidler stated that the "W" overlay district recognizes potential environmental sensitivity being near the Laguna.

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Mr. Taylor stated that he was not made aware of City Council Policy 58, he had received no notice as a property owner. He noted that he knew nothing of the possible "W" overlay district until he received his agenda report on Monday.

Mr. Aspinall replied that the City Council Policy 58 was done as part of the Laguna Study. He reviewed this policy.

Commissioner Pacatte asked if the Commissioner were going to be asked to implement "W" on all proposals that come before them on the east side of Morris Street?

Mr. Aspinall replied that the Council is in the process of looking at this and is on their agenda next week.

Commissioner Pacatte noted that at this point, it has not been done.

Commissioner Haigwood stated that the developer has done everything that he was led to believe he had to do, and now he is being told differently. He felt that the Commission was in the position to rezone to C-2 and if the Council wanted to add "W" overlay at a later time, they could do so.

Commissioner Pacatte concurred.

Commissioner Gurney asked what, in the General Plan indicates that C-2 with "W" overlay is consistent?

Mr. Aspinall stated that primarily sections of the Scenic Roadway, and Parks and Open Space, elements, citing the following: Objective B4; Policies B4.1, 4.2 and 4.3; Objective C1; Policy C1.3; Code Addition #1 on page 18; Objective G1.3; Objective G4; Policy G4.4; Objective G5; Policy G5.1; and Code Addition on page 28.

Mr. Taylor stated that if this had been implemented before, and he had known it, he would not have applied for this. He noted that he has been involved with Morris Street for many years and as a property owner, he should have been informed of Council Policy 58.

a. Open Public Hearing

No one wished to speak.

b. Close Public Hearing

Commissioner Pacatte moved and Commissioner Haigwood seconded to recommend to the City Council adoption of Negative Declaration and approval of Application for Zone Change from "M" to "C-2" District.

Voting Aye: Commissioners Pacatte and Haigwood

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Voting No: Commissioners Gurney, Gilliam, Black and
Chairman Seidler

Motion Failed 4-2.

Commissioner Black moved and Commissioner Gurney seconded to defer action and prepare a Resolution of Intent to add the "W-2" Combining District to this proposed zone change and to be placed on the next agenda.

Commissioner Haigwood noted that he supports motion, only because the alternative is not to applicants advantage.

Commissioner Gurney clarified that the Planning Commission would be bound by majority of the vote at this meeting and that the deferred action would be the review of the Resolution of Intent language.

Voting Aye: Commissioners Black, Gilliam, Gurney, Haigwood
and Chairman Seidler

Voting No: None

Absent: Commissioner Apodaca

Abstain: Commissioner Pacatte