

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building  
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay  
July 19, 2010

Vice-Chairperson Gerald Luhr Commissioner Jamie Irons	Chairperson Nancy Johnson  Rob Livick, Secretary	Commissioner Michael Lucas Commissioner John Diodati
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I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:03 p.m.

II. PLEDGE OF ALLEGIANCE

Lucas led the pledge.

III. ROLL CALL

Chairperson Johnson took roll and noted that Commissioner Diodati is absent but all other Commissioners are present.

Staff Present: Rob Schultz, Kathleen Wold and Sierra Davis.

IV. ACCEPTANCE OF AGENDA

MOTION: Irons moved to revise the Agenda to proceed with the 2718 Alder project first. The motion was seconded by Luhr and carried 4-0.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Schultz briefed the Commission on action taken at the June 28, 2010 City Council meeting.

VI. PUBLIC COMMENT- None

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on July 06, 2010

MOTION: Lucas moved the Planning Commission approve the minutes. The motion was seconded by Irons and carried 4-0.

VIII. PRESENTATIONS - None

IX. FUTURE AGENDA ITEMS

A. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

Commissioners reviewed future agenda items and agreed to agendaize a request by Commissioner Lucas to be absent from the September 7, 2010 Planning Commission meeting.

X. PUBLIC HEARINGS

**B. Site Location:** 2718 Alder Ave.

**Applicant:** John Saurwein

**Request:** The applicant requests approval for construction of a new single family residential unit. The new residential unit consists of approximately 1,377 square feet of new habitable space and approximately 434 square feet of garage space. The applicant is also requesting a variance to reduce the exterior side yard setback.

**Recommended CEQA Determination:** Categorically Exempt, Class 3, Section 15303.

**Staff Recommendation:** Review and take action on the Coastal Development Permit #CPO-331 and Variance #AD0-055

**Staff Contact:** Sierra Davis, Assistant Planner, 772-6297

Davis presented a staff request to continue this item to the August 2<sup>nd</sup>, 2010 Planning Commission meeting. Due to circumstances out of staff's control, the APN map was labeled incorrectly and therefore the project was noticed incorrectly and will have to be re-noticed with the correct address.

Johnson opened the public hearing to allow Applicant to respond to the staff request for a continuance. Applicant agreed to the continuance.

Johnson closed the public hearing.

**MOTION:** Luhr moved the Planning Commission continue the project to the August 2<sup>nd</sup>, 2010 meeting. Irons seconded the motion and carried 4-0.

**A. Site Location:** 3390 Main Street, R-1/S.1 and MCR/R-4(SP, North Main Area A) and ESH

**Applicant:** Johnnie Medina

**Request:** Consideration of a Mitigated Negative Declaration and Coastal Development Permit for a 2 parcel subdivision map and a 2,497 square foot two story single-family residence with attached two car garage. There is also a request to reduce the buffer from the Environmentally Sensitive Habitat area from 50 feet to 25 feet. This site is located inside the Coastal Commission Appeals Jurisdiction.

**Recommended CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Review and take action on the Parcel map (S00-089) and the Coastal Development Permit (CPO-276)

**Staff Contact:** Kathleen Wold, Planning Manager, 772-6211

Wold presented the staff report.

Irons asked for clarification regarding wetlands identification on the map. Wold responded that Applicant has submitted information declaring that this area is not wetlands. They are requesting that the ESH area be determined to be an ephemeral stream and not a wetland. Wold stated that staff is requesting the Planning Commission determine if the documentation submitted by the Applicant is sufficient to make a determination that this is not wetland.

Schultz clarified that letters and email received from the Department of Fish & Game have determined that after reviewing the application and site specific plan that the area is not a wetland.

Commissioners discussed with staff the applicant's request to reduce the wetlands buffer and whether it should be determined to be a wetland versus an ephemeral stream.

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

- Johnnie Medina, Applicant, came forward to explain his proposed project.
- Terry Orton of Westland Engineering, the Engineer for the Applicant came forward to explain his involvement with the project and its public works history including drainage and flows.

The following persons spoke against the project and encouraged the Planning Commission to deny the Applicant's request to reduce the buffer:

- Michelle Arete, of 361 Vashon Street, representing 108 petition signers also expressed concern about the drainage issues and riparian vegetation
- Dave Shumaker of 460 Luzon St. encouraged the Planning Commission to enforce the Applicant's conditions
- Laura Mouns of 330 Vashon St. representing 108 petition signers encouraged Commission to follow staff recommendations
- Jim Ross, of 301 Trinidad
- Jan Goldman, neighbor at Main & Yerba Buena
- Nathan Tiglio of 330 Vashon St. spoke against the construction due to the wildlife and willows on the property.
- Stacey Schultz, neighbor at Main & Yerba Buena
- William Daillak of 3351 Whidbey Way
- Paula Daillak of 3351 Whidbey Way
- Roger Ewing, resident of Morro Bay, said the project should be halted until a wetlands determination is made.
- Kim Ramos, resident of Trinidad St., agrees with the other speakers

The following persons spoke in favor of the project

- Diana Vargas Medina, Applicant's mother, said their goal is to enhance Morro Bay
- Johnnie Medina Sr., Applicant's father, said they believe the project is environmentally sensitive and believes the opposition is due to view blockage
- Joe Vargas, grandfather of Applicant, resident of Fresno, stated he believes a new house built on this property would beautify the area
- Carlo Galvez, resident of Los Osos

Commissioners had discussion with applicant regarding:

- The issue that the permit condition of restoring the habitat has not been followed. Applicant responded that he believed this was due to a miscommunication between himself and the contractor and also what his understanding of natural restoration meant. He clarified that he has not done any damage himself.
- The retaining wall and the proposed swale for water collection. The Engineer responded that the wall is next to the swale.
- The drainage issues and ponding impacts both on the Applicant's property and neighboring properties.
- The issue of wetlands determination and the letter received from Bill Kirchner of the US Fish & Wildlife Services which said there are no wetlands based on the information provided. Johnson asked Applicant if anyone has been out to the site to make this determination. Applicant responded that the Department of Fish & Game has previously but not recently. He stated that Mr. Kirchner has not been to the site, but used a National Wetland Inventory as the basis for his assessment. Irons noted that the letter also states "unable to determine if the waters of the U.S. occur on site." Orton responded that a two year storm for ordinary high water is used for the Army Corps of Engineers to determine U.S. waters location.

Hearing no further comment, Johnson closed the Public Hearing.

Commissioners had lengthy discussion regarding the adoption of the Mitigated Negative Declaration and wetland determination with the 50 foot buffer and whether to grant the Applicant's request to reduce the buffer down to 25 feet. A wetlands area generally requires a 100 foot setback. Discussion included

whether to seek a qualified biologist to be paid by Applicant to determine if wetlands exist on the property. It was determined to accept the Mitigated Negative Declaration with the 50 foot buffer.

Schultz clarified for the Commission that a wetlands report could impact other pre-existing parcels in the area.

Commissioners also discussed the following:

- Drainage problem to the creek including the impacts to adjacent parcels
- Wetlands determination and whether to continue the hearing while a wetlands report is prepared.
- The degradation and reduction of habitat and the need for a restoration plan
- How much construction should be allowed in the ESH buffer. Wold responded to the Commission that this issue becomes a matter of educating the contractors of what can and cannot happen in the ESH area.
- The need for a landscape plan to remedy the adjacent parcels that adheres to the 50 foot buffer.
- The location of the driveway and whether the retaining walls remain. Commissioners agreed there should be no additional retaining walls within the 50 foot buffer.

**MOTION:** Luhr moved the Planning Commission conditionally approve the project by adopting a motion including the following action(s):

- A. Adopt the Findings for Approval for the Vesting Tentative Map and Coastal Development Permit included as Exhibit "A" of the staff report and the Findings for Denial of the reduction of the ESH buffer and allowing the west property line of parcel 2 to be adjusted westward so long as parcel 1 meets the minimum lot requirements and setback of the zone district
- B. Approve Mitigated Negative Declaration (SCH 2009061049).
- C. Approve Tentative Parcel Map dated January 26, 2010 and Coastal Development Permit based on site development plans received by the Public Services Department on January 5, 2008 and subject to the Conditions of Approval included as Exhibit "B" of the staff report.
- D. Property Line. The applicant shall be allowed to adjust the west property line of parcel 2 westward, so long as parcel 1 meets the minimum lot requirements and setback of the zone district.
- E. ESHA. The ESH area shall be defined by surveyed coordinates with markers easily identified and permanent and visible. The area defined shall be fenced during construction.
- F. ESHA . There shall be no activity allowed in the ESH area that would be detrimental to the native habitat.
- G. Drainage. The drainage from the adjacent properties across parcel one and two shall be evaluated and remedied prior to recordation of the parcel map and parcel two shall be evaluated and remedied prior to permit approval.
- H. Landscape Plan. A landscape plan shall be required prior to issuance of a building permit for the residence on parcel 2. The landscape plan shall adhere to the 50 foot buffer and shall consist of only native and drought tolerate plants.
- I. Restoration of Creek Area. The creek restoration plan shall include the buffer area between the 50 foot and 25 foot. In addition, mediation will be allowed within the 25 to 50 foot buffer area to include the bioswale and detention but there shall be no extension of the retaining wall located in the 50 foot to 25 foot buffer area.
- J. Creek Restoration Plan: Prior to the issuance of any building permit or the recordation of the map, a restoration plan for the ESH area shall be submitted to the City for review and approval. The city easement including the block wall shall be included and evaluated and corrected in this plan. A qualified biologist shall produce the plan and the plan shall contain milestones to ensure that the initial plantings thrive. In addition once the plan is

approved, the removal of all non-native species shall be removed from the creek and buffer area prior to the issuance of any building permit or the recordation of the map. Prior to any final granted on the project all restoration work shall be completed except for the ongoing maintenance required.

The motion was seconded by Lucas.

Irons and Luhr requested an amendment to the motion for a landscape plan with only native and drought-tolerant plants for residents of parcel 2 that adheres to the 50 foot buffer prior to issuance of a building permit.

Lucas accepted the amendment.

The motion carried 4-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

No discussion.

XII. NEW BUSINESS

B. Commissioner Diodati's request to be absent from the July 19<sup>th</sup> Planning Commission meeting.

Commissioners unanimously agreed to approve Commissioner Diodati's absence request.

XII. ADJOURNMENT

Johnson adjourned the meeting at 9:19 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, August 2<sup>nd</sup>, 2010 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Rob Livick, Secretary