

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
September 20, 2010

Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons

Chairperson Nancy Johnson
Rob Livick, Secretary

Commissioner Michael Lucas
Commissioner John Diodati

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Lucas led the pledge.

III. ROLL CALL

Chairperson Johnson took roll and noted that all Commissioners are present.
Staff Present: Rob Livick, Kathleen Wold and Sierra Davis.

IV. ACCEPTANCE OF AGENDA

Luhr moved to accept the Agenda and Irons seconded the motion. The motion passed unanimously.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick announced the draft Environmental Impact Report for the Wastewater Treatment Plant upgrade project is now available for public comment. An online copy is available at www.ceqapost.com/member/morro-bay and an online copy will be available at the City's website www.morro-bay.ca.us tomorrow September 21st. Commissioners discussed with staff their concern to make sure adequate time is available for public comment at the October 4th Planning Commission meeting.

Livick also briefed the Commission on action taken at the August 23, 2010 City Council meeting and items scheduled for the September 13, 2010 City Council meeting.

VI. PUBLIC COMMENT – None.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on August 16, 2010

Diodati requested that dissenting votes detail the name of the Commissioner.

Lucas asked to modify page 3, Item A-a which lists a condition to revise Engineering conditions 2 and 4 but does not specify how they were revised. Staff clarified the conditions were recorded verbatim, but the revised Engineering conditions were done in written form.

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 did not add any new items.

X. PUBLIC HEARINGS

A. **Site Location:** 307 Morro Bay Blvd.

Applicant: John and Martha Woodmansee

Request: The applicant requests approval for a change in use for existing facilities from retail to a wine tasting room. The wine tasting room will be utilized for wine tasting and retail for wine and wine related products. A sign program and permission to hold occasional events are also included in the proposal. The property is not located in the Coastal Commission Appeals Jurisdiction.

Recommended CEQA Determination: Categorically Exempt, Class 1, Section 15301.

Staff Recommendation: Review and take action on the Conditional Use Permit #UP0-299.

Staff Contact: Sierra Davis, Assistant Planner, 772-6270.

Davis presented the staff report.

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

- Applicant John Woodmansee, explained his proposed project.
- Bob Tefft, resident of Morro Bay noted there are two other wine tasting rooms in Morro Bay.
- Tom Laurie, resident of Morro Bay was concerned about noise restrictions that staff applied to this permit and thinks they should not apply.

Johnson closed the public hearing and brought it back to the Commission for discussion.

Commissioners continued discussion on the following:

- Whether to require a review period on the project after a year;
- Concern about need for public facilities if a large crowd of people are present;
- The number of people anticipated at movie nights and if there is a need to place restrictions on the number of events held per month; and
- Concern about complaints from neighbors over noise and whether a complaint-driven enforcement mechanism might be preferable.

MOTION: Luhr moved the Planning Commission conditionally approve the project by adopting a motion including the following actions:

- A. Amend General Plan and Local Coastal Plan consistency to read Commission must review the project for consistency with the Municipal Code, Local Coastal Plan, California Coastal Act and Waterfront Master Plan. Staff has reviewed the proposal and found the proposed business to be consistent with the above mentioned documents and City standards; and
- B. Approve Conditional Use Permit, subject to the Conditions included as Exhibit “B” and the site development plans dated August 27, 2010 with the amendment to the conditional use permit finding Item C that the proposed business will not be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.

Lucas seconded the motion.

Irons asked staff to clarify the parking requirement for applicant. Staff clarified that in order for the Applicant to be eligible to pay the parking in-lieu fee, the Planning Commission would need to grant that in the motion.

Luhr amended the motion to allow one parking space to be paid with parking in-lieu fees. Lucas accepted the amendment.

The motion carried 5-0.

B. Site Location: 395 Acacia

Applicant: Robert and Olivia Tefft

Request: The project consists of the demolition of an approximately 1,825 square foot residence located in the R-2 Duplex Residential Zoning District. No replacement structures are proposed.

Recommended CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Review and take action on the Mitigated Negative Declaration and Coastal Development Permit (CP0-320)

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

Wold presented the staff report.

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

- Applicant Tish Tefft explained the background on the property.
- Applicant Bob Tefft asked the Planning Commission to find that the project is exempt from the requirements for a Coastal Development Permit because it is an improvement to an existing single family dwelling in a residential area. He also requested that the Commission find that an environmental review is not required because there is no evidence that archaeological materials exists at this site and to limit mitigation measures to $\frac{3}{4}$ of 1 percent of the project cost which is the maximum allowed under state law. Mr. Tefft also stressed that when the presence of historic archaeological resources is determined, that the level of significance and uniqueness are also considered.

Commissioners had discussion with Applicant regarding:

- The need for archaeological sensitivity with regard to ground-disturbing activity. Staff clarified that when there is ground disturbing activity such as demolition and removal of a foundation, a monitor is required.
- What constitutes ground disturbing activity in regards to the proposed project and what the plan is for demolition. If the foundation concrete is not removed, then a monitor would not be required. Mr. Tefft clarified that their intent is to leave a portion of the concrete in place with pavers placed over it. They have received a demolition bid, but do not have specific information regarding the demolition technique yet.
- Mr. Tefft urged the Commission to define the criteria for what would be considered historically significant and unique. Commissioners addressed Mr. Tefft's requests by indicating that there is insufficient information to overturn staff's recommendation on both the project and the associated environmental.

Johnson closed the public hearing.

Commissioners discussed:

- The need for a better mechanism to evaluate these projects, or a way to know in advance they would be required to have a monitor present.
- The site's proximity to an archaeological site and the confidential nature of those disclosures when people buy property who may be unaware of additional environmental review requirements.
- Whether to define demolition as an improvement as the Applicant suggested and therefore exempt from CEQA.

MOTION: Lucas moved the Planning Commission accept staff recommendation and conditionally approve the project by adopting a motion including the following actions:

- A. Adopt the Findings for Approval included as Exhibit “A” of the staff report for the Administrative Coastal Development Permit; and the findings required by the California Environmental Quality Act (CEQA); and
- B. Approve Coastal Development Permit, subject to the Conditions included as exhibit “B” and plans dated March 15, 2010.

Diodati seconded the motion.

- Mr. Tefft requested to speak and Chairperson Johnson recognized the Applicant. Mr. Tefft requested that the Municipal Code be amended to eliminate the requirement to do an initial study since the Initial Study report has no further impact on the planning process.

The motion carried 5-0.

C. Site Location: 470 Sunset Court

Applicant: Doug and Kathy Claassen **Agent:** A.M. Scott Construction

Request: The applicant requests a variance for an existing 1’2” encroachment of the garage into the front yard setback.

Recommended CEQA Determination: Categorically Exempt, Class 1, Section 15301.

Staff Recommendation: Review and take action on the Variance #AD0-057.

Staff Contact: Sierra Davis, Assistant Planner, 772-6270.

Davis presented the staff report.

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

- Applicant’s Agent, Art Scott of A.M. Scott Construction spoke briefly to say their request is to remodel the house.

Staff clarified the variance request needs to be resolved prior to issuance of a building permit for a 110 square foot addition.

Johnson closed the public hearing and brought it back to the Commission for discussion.

Commissioners discussed the front yard setback and noted this does not affect the side yard impacts, so it would not impact neighboring properties. Commissioners agreed that due to the unfortunate surveying error, in this case the variance request is appropriate.

MOTION: Lucas moved to conditionally approve the variance allowing the existing 1’2” extension of the western corner of the garage into the front yard setback by adopting a motion including the following action by adopting a motion including the following actions:

- A. Adopt the Findings included as Exhibit “A”, including findings required by the California Environmental Quality Act (CEQA); and
- B. Approve Conditional Use Permit, subject to the Conditions included as Exhibit “B” and the site development plans dated August 27, 2010.

Irons seconded the motion.

The motion carried 5-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners had no discussion.

XII. NEW BUSINESS – Irons requested the Commission agendaize for discussion the current format of the agenda and whether the wording of staff recommendation under public hearing items should be modified to reflect the actual staff recommendation. Commissioners discussed and agreed to modify the wording of future agendas to state either approve or deny.

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:50 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, October 4th, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary