

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  
October 18, 2010

Chairperson Nancy Johnson  
Vice-Chairperson Gerald Luhr  
Commissioner Jamie Irons  
Commissioner Michael Lucas  
Commissioner John Diodati  
Rob Livick, Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Cathy Novak 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

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

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick announced a third workshop to comment on the Draft EIR for the Wastewater Treatment Plant Upgrade project will be held on Thursday October 28<sup>th</sup> from 5-8 p.m. at the Community Center at 1001 Kennedy Way. Livick also briefed the Commission on action taken at the October 11, 2010 City Council meeting and items scheduled for the October 25, 2010 City Council meeting.

VI. PUBLIC COMMENT – None.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on October 4, 2010

Lucas stated the intention of the motion on page 4, part C 2 was that it should be from “*one calendar year*” from construction of the solar panels, not one year from the date of approval. Diodati agreed to this correction.

Diodati asked that on page 2, under new business where the minutes stated “Commissioners discussed concern” in two separate paragraphs, that instead the minutes be revised to state “*Three Commissioners discussed concern about the proposed plant location...*” and the next paragraph state “*Two Commissioners also noted that the site location was already...*”

Diodati moved to approve the minutes as amended. Irons seconded and the motion carried unanimously (5-0).

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 did not add any new items.

## X. PUBLIC HEARINGS

- A. Site Location: 1099 Embarcadero

Applicant: Giovanni DeGarimore

Request: The applicant has applied for Conditional Use Permit #UP0-301 to utilize an existing retail commercial building for retail sales of wine with wine tasting. The applicant proposed phasing of business; phase 1 – retail of wine and wine accessories with wine tasting only and phase 2 – retail with “On Premise” wine service with a type 42 (Bar and Tavern) Alcohol Beverage Control license. The applicant proposes to serve full glasses of wine along with various palate cleansers such as crackers and chocolate along with meat and cheese platters. The site is located in the Coastal Commission Original Jurisdiction.

CEQA Determination: Categorically exempt from CEQA under Class 1.

Staff Recommendation: Conditionally Approve Conditional Use Permit #UP0-301.

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

Davis presented the staff report.

Commissioners asked staff to clarify:

- How the parking requirements were determined with the 5 historical parking credits and the proposed creation of 1 parking space.
- The proposal to allow minors with the associated permits and the proposed barricade.

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

- Applicant’s Agent, Cathy Novak, explained the proposed project.

Commissioners had discussion with Novak regarding the following:

- The project’s aesthetic issues in regards to the chain link fence, its high visibility, the signs posted on the fence and whether the fence is proposed to remain. Novak replied that the project does not include any removal of the chain link fence;
- Whether there is any connection for the boardwalk area to the Bay. Novak clarified that due to the nature of business operations, it would be hazardous to pedestrians to include such a connection; and
- The differences between Type 41 and Type 42 licenses and the type of barricade involved, and the food serving requirements associated with Type 41 licenses which the Applicant will ultimately seek in the third phase of this project.

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

Commissioners continued discussion on the following:

- The importance of continuing the boardwalk from behind the Giovanni Fish Market to Beach Street for pedestrian access if there is a change in structural use;
- How the need for parking is impacted when the license changes from Type 42 to the retail use of Type 41. Wold noted for Commissioners that the use is retail and the wine tasting being ancillary. The Applicant’s primary goal is just to get the business open. If the use changes to a full restaurant with liquor service (type 42) and square footage dedicated to this area increases, then the required parking will increase;
- Concern about the visual impact of the chain link fence and whether by allowing the fence to remain serves to enhance, preserve and protect the community’s visual resources, despite the need for security for the Applicant’s commercial operations; and

- Commissioners discussed adding a condition to the project that would require the Applicant to return before the Planning Commission if there is a change in use or intensification of use at this site or upon receipt of a Type 41 license.

Johnson disagreed with the Commissioners' concern on the chain link fence and stated that imposing an additional condition would be counter-productive to the Applicant's goal of getting his business started in addition to adding a cost burden to the Applicant to come back before the Planning Commission.

Diodati disagreed with Johnson stating that adding such a condition could be beneficial to both the community and businesses as a whole. Irons noted the need for balance between business and respecting the waterfront.

**MOTION:** Irons moved the Planning Commission conditionally approve the project 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 #UP0-301, subject to the Conditions included as Exhibit "B" and the site development plans dated October 6, 2010.
- C. When a type 41 liquor license is obtained and triggers a more intense use that requires kitchen cooking facilities, that it be brought back to the Commission for review and approval.

Diodati seconded the motion.

Luhr proposed to amend the motion to have the third condition state that Applicant will return with any changes that will intensify parking.

Irons and Diodati accepted the amendment.

Diodati noted the importance of maintaining the balance between Morro Bay as a fishing village and building a tourism industry. Adding the third condition does not impede the applicant's ability to start a business, but in fact helps to preserve and enhance the community and he thanked everyone for working together toward a satisfactory solution.

The motion carried unanimously (5-0).

## XI. OLD BUSINESS

### A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed with staff the Work Program and agenda items to be discussed at the next Planning Commission meeting.

Commissioners discussed potential topics for the upcoming 11/15/10 Joint City Council / Planning Commission meeting including:

- Downtown revitalization;
- Chain link fences – visual (impact) resources and LCP consistency;
- Sign ordinance;
- Draft EIR for the Wastewater Treatment Plant project; and
- Planning workload.

## XII. NEW BUSINESS

Livick noted a future agenda item will be the revision of Chapter 14 of the Municipal Code's requirement for the Storm Water ordinance regarding illicit discharge and general storm water requirements. This agenda item will go to Public Works Advisory Board first and then come to the Planning Commission.

XIII. ADJOURNMENT

Johnson adjourned the meeting at 8:00 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, November 1<sup>st</sup>, 2010 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Rob Livick, Secretary