

AGENDA ITEM: _____ VIII-A

DATE: December 20, 2010

ACTION: _____

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
November 1, 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

Rob Livick led the pledge.

III. ROLL CALL

Chairperson Johnson took roll and noted that all Commissioners are present.

Staff Present: Rob Livick, Kathleen Wold, Sierra Davis and Rob Schultz, City Attorney

IV. ACCEPTANCE OF AGENDA

Luhr moved to accept the Agenda and Irons seconded the motion. The motion passed unanimously. (5-0).

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on action taken at the October 25, 2010 City Council meeting and items scheduled for the November 8, 2010 City Council meeting.

VI. PUBLIC COMMENT

Johnson opened the public comment period.

- John Barta, resident of Morro Bay encouraged people to vote on Election Day. He also stated that the proposal to cancel the joint City Council / Planning Commission meeting is not unusual and has been cancelled in past years when an election was pending such as in 2006.

Johnson closed the public comment period.

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on October 18, 2010
Irons asked to correct the minutes on page 3 to state that both Diodati and Irons accepted the amendment to the motion.
Irons moved to approve the minutes as amended. Lucas 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: 235 Atascadero Road, Morro Bay High School
Applicant: San Luis Coastal Unified School District, Agent: FIRMA
Request: The project proposal includes the installation of 9 solar photovoltaic arrays, support structures (3 solar arrays will be utilized as carports) and the associated mechanical equipment. The trees on-site are proposed to be pruned in order to allow more passive solar radiation. The trees proposed to be pruned include 4 Monterey cypress at the North end of the property at a ratio of 10% to 20% of the live canopy and the remaining trees will be pruned to a moderate level and 80 new shrubs will be planted.
CEQA Determination: School district adopted categorical exemption under CEQA.
Staff Recommendation: Conditionally Approve Project Coastal Development Permit #CP0-322.
Staff Contact: Kathleen Wold, Planning Manager, 772-6211.

Wold presented the staff report and explained that due to circumstances associated with the public noticing requirements for the previous public hearing on October 4, 2010, the previous action on the project is now null and void and requires a new public hearing to be held for approval.

Commissioners asked staff to clarify:

- The condition for tree trimming shall be for one calendar year from date of construction, not date of Commission approval. Wold confirmed.
- Lucas asked Rob Schultz, City Attorney to clarify if it is valid for the School District to take over the CEQA part of the project. Schultz responded that yes, it is valid with the Commission's concurrence and that it has been done on previous projects.

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

- Applicant's Agent, Brad Parker, briefly summarized the proposed project.
- Julie Tacker, resident of Los Osos, spoke against the project and objected to the omission of materials presented at the October 4th hearing and also not included in tonight's staff report. She spoke in favor of providing more information for the public and in favor of placing solar panels on the rooftops due to the large size project in order to minimize impacts to trees and the scenic views from the highway.

Commissioners had discussion with Parker regarding the following:

- Why location of photovoltaic arrays were not considered in area west of gym in order to minimize tree trimming. Parker responded that after analysis, this area was not chosen due to cost impacts.
- The status of grants and financing for the project. Parker responded that the recovery zone bonds have elapsed, but that other funding alternatives from Sun Edison are available to pursue.
- Whether there is a master plan for the high school for future build out. Parker clarified that yes there is a master plan for additional buildings in the future, but at this point there are no plans to implement or construct those buildings.
- The inverter noise and whether this is constant. Parker said that inverter noise happens at maximum production, which is during peak hours during the day.

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

Commissioners had discussion on the following:

- Irons, as the dissenting vote from the Oct. 4th meeting, noted that he is in favor of solar projects in general. Irons clarified his concern on the project centered on the following: 1.) shading issues as it pertained to some of the trees, 2.) the impacts to the scenic corridor if the project is approved and 3.) whether the trees proposed to be trimmed would survive the tree trimming;
 - In addition, Irons presented an alternative plan to clarify his position and add another perspective as it relates to preserving the view corridor and the arrays that are in the parking lot. His proposal involves removing three trees in the lot and pruning some trees to the south. The benefit is this would allow 44 more linear feet of solar arrays while also preserving the view corridor. Although it does involve some tree removal, there is no guarantee that the Applicant's proposed trees to be trimmed would survive.
- The issue of tree trimming and replacement trees and whether the existing trees may have been planted too close together and also the remaining natural life span of those trees;
 - Lucas asked if staff had vetted Exhibit C. Wold responded yes and noted that condition 2 where the school district requests an administrative permit is not consistent with code and any appeal would need to come back to the Planning Commission for approval. Wold expressed concern about condition 1 which states that any tree that dies as a result of pruning would be replaced and stated it would be hard to enforce.
 - Rob Schultz, City Attorney spoke to suggest that condition 1 be left as it is.
 - Diodati proposed an alternate condition to modify planning condition 1 that would state "replacement tree size, location and spacing shall be subject to the direction of the Public Services Director. Maximum replacement tree size shall be a 24-inch box.
- Alternate design ideas with better location of arrays. If the Applicant considers the conditions onerous, then they can redesign it to come back with better project; and
- How to determine a baseline for an economic rate of return to test against a loss of efficiency. Commissioners discussed in detail the differences between unshaded versus shaded measurements for the purpose of determining a point of reference and an array's predicted output and best time for production. Luhr noted that production will change according to an array's orientation.

MOTION: Diodati moved the Planning Commission conditionally approve CPO-322 by adopting a motion including the following actions:

- A. Adopt the Findings for Approval included as Findings of Approval included in Exhibit "A", including the following amendments:

To amend Planning Commission condition #1 to read:

1. Any Monterey Cypress tree that dies shall be replaced by a Monterey cypress tree, unless otherwise determined by the Public Services Director it will result in overcrowding. Replacement tree size, location and spacing shall be subject to the direction of the Public Services Director. Maximum replacement tree size shall be a 24-inch box.

To amend Planning Commission condition #2 to read:

2. No tree trimming shall occur on the east side of the school boundary on trees number 1 through 29 for one calendar year after start up of operations to determine if solar production is adequate. If solar production and economic rate of return is not adequate after one year the school district may appeal to the Planning Commission for appropriate tree trimming and provide relevant supportive data. Approval of tree trimming shall not be reasonably denied if the economic and production information is supportive of an incomplete economic return. Solar production and economic return shall be based on a comparison of solar panel array 8 compared to solar panel array number 2, 3 and 4.
3. The lower level screening shall be native and non-invasive vegetation.
4. Along the northern boundary of the school site the vegetative gaps shall be planted with appropriate vegetation to screen the solar array number 8.

Luhr seconded the motion.

The motion carried (4-1). Irons dissented.

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.

Luhr commented that it is not appropriate to grant to landowners or leaseholders exceptions from the boardwalk area because it is good for tourists to see what goes on in a commercial harbor. Commissioners agreed to add this topic as a future agenda item.

Diodati proposed moving the December 6th Planning Commission meeting to start earlier in the day in order to allow enough time to review and hear public comment on the final Environmental Impact Report (EIR). Schultz noted that 6p.m. is the customary start time for regular meetings. It would be preferable to start at 6p.m. rather than start early and risk having members of the public unknowingly arrive late if they came at 6p.m. Schultz stated that he prefers the Commission start the meeting and then if it goes late, to continue the meeting to another day. As long as the continued Planning Commission meeting is held within 5 days, new public noticing is not legally required.

XII. NEW BUSINESS

A. Consider cancelling the November 15, 2010 Planning Commission meeting

Wold discussed with Commissioners the staff reasoning for requesting cancellation of the PC meeting. Lucas moved to accept the staff report and cancel the November 15, 2010 Planning Commission meeting. Luhr seconded the motion. The motion carried unanimously (5-0)

XIII. ADJOURNMENT

Johnson adjourned the meeting at 7:49 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, December 6th 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary