

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  
December 6, 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

Vice-Chairperson Luhr called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Kathleen Wold led the pledge.

III. ROLL CALL

Vice-Chairperson Luhr took roll and noted that all Commissioners are present with the exception of Chairperson Johnson.

Staff Present: Rob Livick and Kathleen Wold

IV. ACCEPTANCE OF AGENDA

Diodati moved to accept the Agenda and Lucas seconded the motion. The motion passed unanimously. (4-0).

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on the status of the following:

- Completion of the North Main project,
- Items scheduled for the December 8, 2010 City Council meeting which includes the swearing in of the new Council and;
- Items scheduled for the December 13, 2010 City Council meeting.

Luhr asked if the Commission should agendaize to select a new chairperson of the Planning Commission. Livick agreed, noting that by the next meeting, the City Council would have accepted Chairperson Johnson's resignation.

VI. PUBLIC COMMENT - None.

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on November 1, 2010

Irons asked to amend the minutes on page 3 by reviewing the audiotape to include a bullet statement that summarizes the alternative plan for the high school as he discussed it at the meeting in order to clarify his reasons for his dissenting vote.

Luhr asked to correct the minutes on page 4 regarding the condition that reads, "Approval of tree trimming shall not be reasonably denied if the economic and production information is supportive of an incomplete economic return. He suggested the the word "incomplete" be changed to "insufficient". Wold clarified the tape was reviewed by staff and the word "incomplete" was used. Diodati as the speaker in the minutes stated he preferred to keep the sentence as proposed. Luhr agreed.

Commissioners and staff agreed the minutes would be brought back for approval as amended to the next Planning Commission meeting.

#### 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 add the nomination and selection of a Chair and Vice-Chair for the December 20, 2010 Planning Commission meeting.

#### X. PUBLIC HEARINGS

- A. **Site Location:** Main Street between Harbor and Pacific, Morro Bay Farmers Market

**Applicant:** Chamber of Commerce

**Agent:** Don Doubledee

**Request:** The applicant requests approval of Use Permit #UP0-298, this request includes the closure of Main Street between Harbor and Pacific every Saturday from 2 p.m. through 7 p.m. for a Farmers Market consisting of approximately 50 vendors.

**Recommended CEQA Determination:** Categorically Exempt, Class 11, Section 15311.

**Staff Recommendation:** Review and take action on the Conditional Use Permit #UP0-298.

**Staff Contact:** Sierra Davis, Assistant Planner, 805-772-6270.

Wold presented the staff report noting that although the staff report indicates a continuance will be requested, staff has received an email request from the new CEO of the Chamber of Commerce requesting the item be tabled instead and not continued to a date certain. Therefore, staff recommends the Commission table this item until the Applicant is ready.

Luhr opened the Public Hearing:

- Stuart McElhinney, president of the Morro Bay Chamber of Commerce asked if there is a difference in processing time whether the item is tabled or continued. Wold said there is no difference in time, but staff typically always re-notices the project.

Hearing no further comment, Luhr closed the Public Hearing.

Commissioners asked staff to clarify:

- Whether there is a cost difference for the City between whether this item is tabled or continued. Wold clarified any additional cost would be the publishing of noticing in the newspaper. It is preferable to continue the item indefinitely in order to be certain of the applicant's readiness.

Commissioners agreed to continue the item.

**MOTION:** Lucas moved the Planning Commission continue the item indefinitely. Irons seconded the motion.

The motion carried unanimously (4-0).

B. **Site Location:** 801 Embarcadero, lease sites 87-89/87W-89W and a portion of Morro Bay Boulevard Street

**Applicant:** Burt Caldwell & Doug Redican

**Request:** The concept plan for the project #UP0-212 was approved September 26, 2008 by the Planning Commission. The project was then submitted to the California Coastal Commission for Coastal Development Permit #3-08-052 and approved on November 20, 2009. Due to circumstances out of the applicant's control it is necessary for the applicant to request a time extension of one calendar year to allow additional time for submittal of the precise plan pursuant to Municipal Code section 17.40.0303.

**CEQA Determination:** Mitigated Negative Declaration was filed for the project and was approved by the State Clearinghouse # 2008071074.

**Staff Recommendation:** Consider request and take action on project #UP0-212.

**Staff Contact:** Kathleen Wold, Planning Manager, 805-772-6211.

Wold presented the staff report.

Commissioners discussed with staff:

- Whether the extension request affects conditions or negotiations on the lease. Wold clarified this does not affect the lease, but that a lease needs to be completed prior to submitting for precise plan. The Coastal Commission has made significant revisions to the project and the Applicant is working to incorporate that into their project. In addition, the Applicant is demonstrating good faith in moving forward with the project so there is no valid reason to deny his request. The request does not change any rights or negotiating capability.
- Whether there are any requirements of the Municipal Code that require a finding to be made. Wold said there are no specific findings. The original findings for the use permit are still in force and the extension request was submitted prior to the expiration date which is the requirement.
- Whether this requires the project to come back for a re-review of the concept plan since there are major changes. Wold stated the proposal is unknown until the applicant submits it and therefore staff cannot determine if it meets substantial conformity until then.

Luhr opened the Public Hearing:

- John Barta, resident of Morro Bay, spoke against the request for an extension. Mr. Barta encouraged the Commission to grant a shorter extension of the permit due to the changed nature of the project. He questioned whether to have valuable waterfront property tied up if the project might not happen.
- Stuart McElhinney, spoke as a representative for Applicant Burt Caldwell. He stated the extension request is for one year, but they do not know how long the precise plan approval will take and they are diligently moving forward, with no intentions of delaying the project.

Commissioners had discussion with the Applicant's Representative on the following:

- Coastal Commission's suggestion to reduce the footprint. McElhinney responded that the Coastal Commission suggested a reduced footprint which the Applicant did reduce the project

from 2 stories to 1 story and eliminated retail on the first story. The conference area is still the same size.

- Parking and whether there will be sufficient parking for both persons staying at local hotels or those persons driving from local communities.
- Retail spaces on ground floor, how to maintain a lively streetscape interface down the Embarcadero with the changed plans to eliminate the retail on the first story. McElhinney clarified that although reduced, there will still be retail footage on the street side of the building along the Embarcadero.
- Whether the changes to the plan constitute a major change to the concept plan and whether the concept plan will be brought back to the Planning Commission. McElhinney disagreed that this changes the concept plan, noting the primary usage is still the conference center and the restaurant is part of the original plan.

Livick clarified the public hearing noticed for tonight limits the Commission to only discuss the Applicant's request for an extension, not the merits of the project itself.

Luhr closed the Public Hearing.

Lucas and Irons discussed the time extension request with the understanding that granting the request does not give the Applicant any special privileges or change rights to the site and spoke in favor of granting the one year extension.

**MOTION:** Irons moved the Planning Commission approve the request for extension for the Applicant for precise plan project #UPO-212. Lucas seconded the motion.

Lucas asked staff to clarify if they feel the concept has substantially changed, would they have to come back for a concept plan and then a specific plan within the year.

Wold responded that if the project changed, staff would bring it back to the Planning Commission for approval if staff determined that it was not in substantial conformance and also clarified that staff cannot make a determination regarding substantial conformity until they receive the precise plan submittal. At that time, staff will do a review and analysis with a determination that it is or is not in conformance. If it is not in conformance, then the Applicant would be required to submit a concept plan amendment.

Irons requested to re-state his motion in order to be clearer. Lucas agreed.

**MOTION:** Irons moved the Planning Commission approve an extension allowing an additional 1 year time frame to submit for a precise plan for Use Permit #UPO-212. Lucas seconded the motion.

The motion carried unanimously (4-0).

## XI. OLD BUSINESS

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

Commissioners reviewed with staff the Work Program and asked when the Planning Commission will receive the Environmental Impact Report (EIR) comments. Livick responded that staff is working with the environmental consultant to release them as soon as possible.

## XII. NEW BUSINESS – None.

XIII. ADJOURNMENT

Luhr adjourned the meeting at 6:50 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, December 20<sup>th</sup> 2010 at 6:00 p.m.

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Gerald Luhr, Vice-Chairperson

ATTEST:

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Rob Livick, Secretary