

AGENDA ITEM: A-2

DATE: October 19, 2011

ACTION: APPROVED

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 pm

209 Surf Street, Morro Bay  
October 5, 2011

Chairperson Rick Grantham  
Vice-Chairperson John Solu  
Commissioner Paul Nagy  
Commissioner Jamie Irons  
Commissioner Jessica Napier  
Rob Livick, Secretary

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 pm and noted all Commissioners are present.

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

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Members of Morro Bay 4H led the pledge.

III. PLANNING COMMISSIONER ANNOUNCEMENTS

Commissioner Solu announced a successful Harbor Festival last weekend and the recent Morro Bay news items featured in the Tribune newspaper and Sunset magazine. Solu also announced the roadwork repairs currently being done to State Park Road and the addition of a launch to be built in the next 60 days. Napier announced this is National 4H week. Grantham invited all to the annual free Thanksgiving dinner to be held at the Vet's Hall this year. Free senior health screenings are held every last Monday of the month from 9am to noon at the Senior Center.

Livick announced the second of the two sign workshops will be held tomorrow October 6<sup>th</sup> from 9am to noon with more information at [www.morro-bay.ca.us](http://www.morro-bay.ca.us).

IV. PUBLIC COMMENT

- Youth members of Morro Bay 4H gave a presentation to the audience about the 4H organization.

- John Weiss, resident of Morro Bay, asked to speak about Cerrito Peak due to a need to leave early. Mr. Weiss spoke in favor of the project.

V. CONSENT CALENDAR

- A. Approval of minutes from the Planning Commission meeting held on September 21, 2011

**MOTION:** Napier moved to approve the Consent Calendar. Solu seconded the motion. Motion passed 4-0.

VI. PRESENTATIONS – None.

VII. PUBLIC HEARINGS

- A. **Case No.:** CP0-295

**Site Location:** 3060 Ironwood Avenue

**Applicant/Project Sponsor:** City of Morro Bay/Barry Rands, Associate Engineer

**Request:** Construction of two public, soft-surface tennis courts at Del Mar Park, a nine-acre park located in north Morro Bay. The tennis courts have been master planned for Del Mar Park since the original conception of the park, prior to 1980. The courts are not located adjacent to residences and are bordered by an elementary school playground on one side and the park's roller hockey rink on the other. The courts are also located in a bowl-depression area that creates berms on each side. The tennis courts would be encompassed within a typical chain link fence but not include nighttime lighting.

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Conditionally Approve Conditional Use Permit #UP0-336 and Coastal Development Permit #CP0-295 and adopt Mitigated Negative Declaration.

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

Davis presented the staff report and introduced Joe Woods, Recreation & Parks Director. Mr. Woods explained the proposed project and asked for Commission approval.

Grantham opened Public Comment period and hearing none closed Public Comment period.

Commissioners discussed their support for the project.

**MOTION:** Solu moved to approve CP0-295 as presented by staff.

Grantham seconded the motion. Motion passed 4-0.

- B. **Case No.:** UP0-223/CP0-285

**Site Location:** Elliptical shaped lot including the top of Cerrito Peak; APN 066-221-001

**Applicant/Project Sponsor:** Dan Reddell / Cathy Novak

**Request:** Construction of a new 2-story, split level, 3,256-square foot residential structure including an attached 2-car 920-square foot garage, 745-square feet of decking decks, and a 711-square foot secondary living unit. Other improvements include two

uncovered parking spaces for the secondary unit and guest parking, an approximately 400-foot long driveway and hammer-head turn around, retaining walls, and associated tree and vegetation removal. The project relies upon allowance of uncovered parking within a front yard setback, removal of major vegetation on-site and within the public right-of-way, fencing within the public right-of-way, and waiver of requirements for frontage improvements on Alta Street and Jordan Terrace.

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Conditionally Approve Conditional Use Permit #UP0-223 and Coastal Development Permit #CP0-285 and adopt the Mitigated Negative Declaration.

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

Wold presented the staff report.

Commissioners asked staff to clarify issues concerning:

- The Fire Department requirement to require a 20 foot driveway. Wold clarified it is a standard requirement for any new home development with no direct access to a public street as well as standard fire code.

Grantham opened the Public Comment period:

- Cathy Novak, representative for the Applicant presented the history and details of the project and asked Commission approve the project with the modification of removing Public Works condition #6 and the inclusion of the condition presented for the Cultural Resources section.

The following individuals spoke against the project:

- William Robert Quigley, resident of Acacia Street, stressed the project needs more review before approval.
- Kevin Elder, Attorney spoke on behalf of Nancy Mellen, resident of Morro Bay and spoke against the proposed project and Mitigated Negative Declaration (MND). Mr. Elder expressed concern about the building exceptions and aesthetics of the project and requested the Commission decline the project.
- Doreen Liberto-Blanck of Earth Designs, Inc. stressed additional analysis needs to be done on the project and also stated insufficient information is available to adopt the Mitigated Negative Declaration. She presented to the Commission new findings at the meeting.
- Nicole Dorfman, resident of Morro Bay, spoke against the project stating the Mitigated Negative Declaration is flawed. She expressed concern that the developer is trying to usurp public property for private use and disagreed with the staff report stating that the exceptions asked for are not a special privilege.
- Fred Collins, Tribal Administrator of the Northern Chumash Tribal Council stated the Cerrito Peak is a sacred site and the Mitigated Negative Declaration is flawed and asked Commission to reject staff recommendations.
- John Thompson, resident of Morro Bay expressed concern about the proposed mitigations.

The following individuals spoke in favor of the project:

- Gail Queen, resident of Morro Bay.
- Keith Taylor, resident of Morro Bay.
- Jerry Crafton, resident of Moro Bay, had no objection to the project, but was concerned about safety issues which should be addressed as part of the conditional use permit.
- Ken Vesterfelt, resident of Morro Bay, stated the owner has a right to build on a legal lot, in the same way that the two new recent homes that were built were allowed.
- Chris Bath, resident of Morro Bay.

Commissioners asked staff questions to clarify the following issues:

- Wold clarified the requirements of CEQA stating that staff feels that the staff report adequately addresses the requirements.
- The paper street status of Jordan Terrace and Alta Court. Livick noted these streets are included in the City's Circulation Element and are not needed for traffic circulation.
- The special encroachment permits will be issued for the fencing in the public right of way. Livick noted that encroachment permits are routinely issued as a standard procedure.
- The exception to City standards to defer requirement for frontage improvements.
- Drainage and erosion issues. Livick noted that at this stage of plan development, the City does not require an erosion control plan, which would be normally submitted with building plans. Commissioner Napier and Livick had discussion regarding drainage design for 100 year storm events. Livick noted that the drainage plan is intended to replicate the natural runoff patterns at the site.
- Fish and Game comments on the proposed project. Wold noted the concerns expressed by Fish and Game officials are recommendations, not requirements.
- Public trail access to open space and the applicant's agreement to post trail signs.

Chairperson Grantham closed Public Comment period and called for a short break.

After the break, Commissioners discussed:

- The number of trees to be cut down, the plan for how the City determines the requirement for replacing trees and where newly planted trees are located.
- Fencing to be allowed in the public right of way.
- The rights of private property owners to be allowed to build.
- Driveway width.
- Trail access signs for public use.
- Whether the requirement to have an eight foot walkway as listed in Public Works condition #6 is excessive and unreasonable. Commissioner Nagy suggested removing this condition. Other Commissioners agreed.

**MOTION:** Solu moved to approve the project UP0-223 and CP0-285 (consisting of environmental determination, findings and conditions) with the modification of Public Works Condition #6 as follows:

1. Prior to the issuance of a Building Permit the Developer shall process a Special Encroachment permit for the construction of non-standard improvements within the public right-of-way for Alta Street and Jordan Terrace (ie driveway and private drainage facilities).

and to add the following conditions:

1. The applicant/property owner shall provide an archaeological monitoring evaluation plan prepared by a qualified archaeologist for all construction excavations associated with grading activity. The plan shall identify all the ground disturbance activity monitored including dates the archaeologist and culturally affiliated, indigenous individual recognized by the Native American Heritage Commission were present. The evaluation report shall describe all the densities or features of artifacts associated with a particular activity encountered. Any isolated human remains encountered during construction shall be protected and their disposition be undertaken consistent with Public Resources Code 5097.98.
2. The following actions must be taken immediately upon the discovery of human remains: Stop immediately and contact the County Coroner. The coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the Coroner has 24 hours to notify the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the owner, or representative, for the treatment or disposition, with proper dignity, of the human remains and grave goods. If the descendent does not make recommendations within 48 hours the owner shall reinter the remains in an area of the property secure from further disturbance, or; If the owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the Native American Heritage Commission Discuss and confer means the meaningful and timely discussion careful consideration of the views of each party. and taking out the section where the additional developer will maintain an eight foot wide asphalt public right of way.

Nagy seconded the motion. Motion passed 4-0.

#### VIII. UNFINISHED BUSINESS

A. Current Planning Processing List/Advanced Work Program  
Wold reviewed the Work Program with Commissioners.

#### IX. NEW BUSINESS

X. DECLARATION OF FUTURE AGENDA ITEMS – None.

XI. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 8:25pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, October 19, 2011 at 6:00 pm.

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Rick Grantham, Chairperson

ATTEST:

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Rob Livick, Secretary