

AGENDA ITEM: A- 1

DATE: November 7, 2012

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 17, 2012
VETERANS MEMORIAL HALL – 6:00 P.M.

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	(via teleconference Haiku, HI)	
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner

STAFF:	Rob Livick	Public Services Director
	Mary Reents	Contract Planner
	Cindy Jacinth	Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period and hearing none closed public comment period.

PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of September 19, 2012

Staff Recommendation: Approve minutes as submitted.

Commissioner Nagy stated his comments on page 3 are incorrect and he asked to have the minutes corrected to reflect his intention. He stated he was pointing out the impact that building three homes would have *if* that were the applicant's request.

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MOTION: Chairperson Grantham moved to approve the minutes as corrected. The motion passed unanimously. (5-0).

B. PUBLIC HEARINGS

B-1 **Case No:** Parking Exception #ADO-075

Site Location: 1000 Ridgeway Street

Proposal: The applicant is seeking a parking exception to construct a garage with a reduced setback of 11 feet rather than the required 20 feet setback.

CEQA Determination: Categorical Exemption Class 15303, Class 3.

Staff Recommendation: Conditionally Approve

Staff Contact: Cindy Jacinth, Assistant Planner (805) 772-6577

Jacinth presented the staff report.

Chairperson Grantham opened Public Comment period.

Ruel Czach, Applicant's architect, provided an overview of the lots, specifically relating to side yard setbacks. He provided several plans which illustrated the setback specifics. He noted other homes have different setbacks which, on average, are 11 feet and illustrated why the proposed project is not a special grant of privilege. He asked the Commission for approval of the variance.

Chairperson Grantham closed Public Comment period.

Commissioner Nagy asked staff to clarify whether the street section at the site will ever be widened. Livick clarified the paved travel way section at the site is as wide as it is going to get. He noted current City regulations do not require sidewalks in residential neighborhoods, so cars parked in the driveway would not be an obstruction. Commissioner Nagy stated that with the clarification, the proposed project would not cause harm to the neighborhood, and he supports the project.

Chairperson Grantham stated the project appears to be a special privilege and requires an exemption. He agreed that the project does meet the parking intent.

MOTION: Commissioner Nagy moved to adopt the findings included in Exhibit "A" and approve the modifications to the Parking Exception #ADO-075 and subject to the conditions included as Exhibit "B".

Commissioner Solu seconded the motion. Livick did a roll call vote and the motion passed unanimously. (5-0).

B-2 **Case No:** Conditional Use Permit #UP0-356

Site Location: 589 Morro Avenue

Proposal: The applicant is seeking to add a 465 square foot roof deck addition to an existing two story residence in a planned development overlay zone.

CEQA Determination: Categorical Exemption Class 15301, Class 1.

Staff Recommendation: Conditionally Approve

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Staff Contact: Cindy Jacinth, Assistant Planner (805) 772-6577

Jacinth presented the staff report.

Chairperson Grantham asked staff if other units would have access to the area, or if it would be for the sole use of the resident. Jacinth confirmed the roof deck would be only for the use of the property owner at 589 Morro.

Commissioner Nagy questioned the validity of a new height certificate given the average natural grade has changed significantly since the home was built. Jacinth confirmed a surveyor would provide a valid height certificate for the home at 589 Morro using the calculated average natural grade. Livick stated there is an existing topo map from the site's original development approvals in 2004 which the surveyor can use to establish the correct height.

Commissioner Solu asked staff to explain why the proposed project has been presented to the Planning Commission for review since it seems to meet all conformities. Livick explained the roof deck proposal is considered a major modification to the planned development approvals from 2004 which requires Planning Commission approval.

Chairperson Grantham opened Public Comment period.

Cody McLaughlin, Applicant's Representative, stated he is available to answer questions.

Chairperson Grantham closed Public Comment period.

Commissioners expressed support for the project.

MOTION: Commissioner Fennacy moved to adopt the findings included as Exhibit "A", to approve the Conditional Use Permit #UP0-356, subject to the conditions of approval included as Exhibit "B", and the site development plans dated September 10, 2012.

Commissioner Nagy seconded the motion. Roll call vote: (5-0). Motion passed unanimously.

B-3 Case No: Amendment to Conditional Use Permit #UP0-058

Site Location: 1185 Embarcadero

Proposal: The applicant is seeking an amendment of Conditional Use Permit UP0-058 to allow sport fishing as a permanent use at Great American Fish Company. Planning Commission previously approved Temporary Use Permit (UP0-319) to allow this use.

CEQA Determination: Categorical Exemption Class 15301, Class 1.

Staff Recommendation: Conditionally Approve.

Staff Contact: Mary Reents, Contract Planner (805)772-6270

Reents presented the staff report.

Commissioner Solu asked staff to clarify why this issue was being brought before the Commission.

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Reents clarified the issue must go before the Commission to decide whether the use should be permanent or temporary.

Commissioner Solu asked staff to discuss the safety issues associated with this project. Reents identified the findings included as Exhibit “A” which addressed some safety issues.

Chairperson Grantham opened Public Comment period.

Cathy Novak, Applicant’s Representative, discussed the importance of sport fishing in Morro Bay. She stated it is an integral part of Morro Bay’s identity as a working harbor. Novak noted that because GAFCO has traditional uses with both commercial and sport fishing operations, it is consistent with Measure D, as staff has noted in the report. This use has been approved by previous Planning Commissions, Councils, and Coastal Commissions, therefore she requested that the Commissioners approve the amendment to the conditional use permit. She addressed dock safety issues previously mentioned by Commissioners, she stated the permit conditions will not change regarding dock safety at the site, and she also stated GAFCO is in the process of repairing and replacing the docks. She noted the parking restrictions would be the same as those for the existing temporary permit.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy expressed support for maintaining its sport fishing fleet and sport fishing businesses, and also support for making permanent the temporary permit.

Chairperson Grantham confirmed with staff that necessary environmental studies have been completed for this particular plan. Reents confirmed the studies have been done and are covered in the original Master Plan.

Commissioner Nagy expressed support for the project.

Commissioner Solu asked staff to clarify whether safety issues are being addressed as part of the lease as improvements that need to occur.

Commissioner Napier asked Livick to clarify when the additional parking will be finalized. Livick and Rob Schultz, City Attorney noted the City has access to the parking.

Commissioner Solu asked Schultz to explain the legal rationale for hearing this item at the Planning Commission. Schultz stated that the Planning Commission examines the case from a land use standpoint, not a lease standpoint. The use has existed at the site for fifty years, and because it predates Measure D, Schultz stated the project is vested.

Novak clarified for Chairperson Grantham that she and her client are in the process of repairing the existing docks at the site. GAFCO has ordered the docks and is waiting for them to arrive.

MOTION: Commissioner Fennacy moved to conditionally approve the request for the Amendment to Conditional Use Permit #UP0-058 to allow sport fishing as a permanent use and adopt the findings included as Exhibit “A” and conditionally

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approve the amendment to Conditional Use Permit #UPO-058 subject to the conditions of approval included as Exhibit “B.”

Chairperson Grantham seconded the motion. Roll call vote: (5-0). Motion passed unanimously.

B-4 **Case No:** Conditional Use Permit #UPO-140

Site Location: 575 & 591 Embarcadero

Request: The applicant is requesting an amendment to Conditional Use Permit UPO-140 to correct the parking calculation in the original use permit UPO-140.

CEQA Determination: As approved with the original Conditional Use Permit #UPO-140 on August 28, 2007.

Staff Recommendation: Conditionally Approve.

Staff Contact: Rob Livick, Public Services Director, (805) 772-6569.

Livick presented the staff report.

Chairperson Grantham opened Public Comment period.

Cathy Novak, Applicant’s Representative, discussed previous Planning Commission resolutions for this project. She stated the City has a pattern of recognizing different entitlements and has granted the credits to projects that have either been remodeled or demolished. This policy is not limited to the Embarcadero but is community-wide. She asked for approval from the Commission to amend the permit.

Chairperson Grantham closed Public Comment period.

MOTION: Commissioner Nagy moved to adopt the findings included as Exhibit “A” and conditionally approve Conditional Use Permit #UPO-140 subject to the conditions included in Exhibit “B.”

Commissioner Solu seconded the motion. Roll call vote: (5-0). Motion passed unanimously.

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Upcoming Projects: 460 Olive – New Single Family Home
901-915 Embarcadero – Commercial Remodel Addition
Nutmeg Water Tanks – Mitigated Negative Declaration (Project to be permitted by County)

Staff reviewed the work plan with Commissioners.

NEW BUSINESS – None.

DECLARATION OF FUTURE AGENDA ITEMS - None

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ADJOURNMENT

The meeting adjourned at 7:20 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, November 7, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary