

AGENDA ITEM: A- 1

DATE: February 6, 2013

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – JANUARY 16, 2013
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
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Rob Livick	Public Services Director
	Kathleen Wold	Planning Manager
	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 December 5, 2012
Staff Recommendation: Approve minutes as submitted.

MOTION: Chairperson Grantham moved to approve the Consent Calendar. Commissioner Fennacy seconded and the motion passed unanimously. (5-0).

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B. PUBLIC HEARINGS

B-1 **Case No.:** #A00-016 and #AD0-076

Site Location: 2760 Alder

Proposal: Major modification to an existing Coastal Development Permit #CDP-061 and Conditional Use Permit #UP0-039 for a single family residential unit. The modification is for a roof deck and to allow an addition of an elevator which would exceed the height limit of 25 feet. Parking Exception #A00-016 is also being requested to allow a garage with less than 20' interior width.

CEQA Determination: Previous environmental approved for community housing project

Staff Recommendation: Conditionally approve Major Modification #A00-016 and Parking Exception #AD0-076.

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

Jacinth presented the staff report.

Commissioner Solu asked for clarification about whether the other four homes in the development were restricted to 20 feet (versus 19 feet 6 inches) for the garage. Jacinth stated the approved plans for the four homes lacked the required width to allow the proper dimensions for those homes. Livick stated the lots are 30 feet in width, and the City requires an interior garage width of 20 feet. He clarified all of these homes have garages under 20 feet in width, but the approval of the reduced dimensions was due to City error when the subdivision was formed.

Chairperson Grantham opened Public Comment period.

John Rinaldi, Applicant's architect, stated the proposed project will only exceed the height requirement by 8.75 inches. He noted the main flat roof is now less than the 25 foot maximum height. In order to further comply with City's standards for a roofline variance, Rinaldi stated he could add a slope to the roof if necessary.

Chairperson Grantham closed Public Comment period.

All Commissioners stated support for the project.

MOTION: Commissioner Fennacy moved to conditionally approve Major Modification #A00-016 to the existing Conditional Use Permit #UP0-039 and Coastal Development Permit #CDP-061, and Parking Exception #AD0-076 subject to conditions attached as Exhibit "B."

The motion was seconded by Chairperson Grantham and the motion passed unanimously. (5-0).

B-2 **Case No.:** #UP0-344

Site Location: End of Nutmeg Street (on County-owned land)

Proposal: Approval of the Mitigated Negative Declaration and Environmental Mitigation Monitoring Program for the Nutmeg Water Tank Removal and Replacement Project.

CEQA Determination: Mitigated Negative Declaration

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Staff Recommendation: Adopt Mitigated Negative Declaration.

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

Wold presented the staff report.

Chairperson Grantham asked staff about the condition of the current tank. Livick stated the current tank is inadequate and needs to be replaced as it is not seismically resistant and does not meet commercial fire flow requirements.

Chairperson Grantham asked staff if the new tank will give the City insurance with annual state water shutdown projects. Livick stated it would not add supply to the system, so when state water is out, the City will still need to produce it locally or purchase it from the California Men's Colony. The new tank would act as a buffer when the existing water supply is contaminated.

Commissioner Fennacy noted the staff report did not mention the current tank is unsafe and asked Livick to clarify the severity of its condition. Livick stated it may be a problem depending on how much ground movement it experiences during a ground shaking event.

Commissioner Solu asked Livick to clarify whether the existing tank is only being used for emergency purposes. Livick stated the tank is constantly being used. Solu asked what would happen if the tank was not upgraded. Livick stated it would eventually fail, the City would not meet the NFPA requirements, the City would have a reduced fire rating—which could cause an increase in fire insurance premiums—and in the case of an emergency, the City would have less water to supply to the community.

Commissioner Solu asked staff to clarify what revisions have been made to the project, as referenced on page 9 of the Mitigated Negative Declaration. Wold stated, according to CEQA, the applicant must agree to the mitigations.

Commissioner Nagy asked if the tank is going to be placed underground. Wold clarified the proposed tank would be set below existing grade, between one and 20 feet, but not underground. This is a requirement for visual resources which is intended to reduce the tank's visibility from Highway 41.

Commissioner Napier asked staff if the issues raised by the Coastal Commissions have been discussed with the County. Wold stated staff has been working diligently with the County to resolve the issues and has incorporated them in the initial study.

Commissioner Napier asked Wold if the County is going to require an EIR. Wold stated an EIR will only be triggered if an impact is not mitigated to a level of less than significant. She stated there are no hazardous materials associated with the working processes of the water tanks.

Commissioner Napier asked why the City is proposing to install such a large tank to replace a small one. Livick explained standards change over time, and the Capital Improvement Program is based on rates, so the City needed to save money until it could afford to build a new one.

Chairperson Grantham opened Public Comment period.

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Leo Saulker, resident of Morro Bay, expressed concern regarding the noise, odor, and traffic associated with the demolition and construction of the tanks. He would like more information about the load ratings of the roads, how much weight will be coming over the road, and the construction schedule.

Stephanie Finley, resident of Morro Bay, expressed concern about the amount of heavy equipment and the number of workers that will be traveling to and from the job site if the project is approved. She also expressed concern about how the construction would restrict access to her home and the surrounding homes. Finley noted the fragility of the existing utility trenches and road leading to the tank. She did, however, state support for the project.

Bill Martin, resident of Morro Bay, suggested moving the tanks further into the valley, or further north, in order to preserve viewsheds and mitigate issues of proximity to the surrounding residences. He also suggested the City reexamine the lease policies to ensure the lease won't terminate when the property sells.

Barry Bran, resident of Morro Bay, asked the Commission if the proposed project will increase the City's current lease rate. He stated he would like to see the tank installed further north.

Chairperson Grantham closed Public Comment period.

Commissioner Solu asked staff to answer the questions posed by the public.

- Regarding construction noise and traffic, Wold clarified Staff addressed issues of construction noise and traffic in the initial study by incorporating mitigation measures for those issues. She noted the contractor will be required to submit a traffic control plan prior to construction which would restrict the impacts on nearby residents.
- Regarding tank location, Wold stated she was unsure whether the tank could be moved further back. The City has an easement where the existing tank is located and where the new tank is proposed.

Commissioner Solu noted the amount of soil being removed amounts to about 500 truck trips.

Chairperson Grantham stated he views this project as purely a public safety issue, as the City may need an emergency water supply in the future.

Commissioner Nagy seconded Grantham's statement that this is a public safety issue. He also expressed concern that the existing road may not be able to accommodate 500 truck trips as it is in somewhat poor condition. Nagy suggested continuing the item until the City discusses with the property owner the feasibility of using an alternative road on the property to access the site instead of Nutmeg Street.

Livick stated there is a clause in all public works project contracts which stipulates that if the contractor causes damage to public facilities, they must repair that damage. Livick stated other options are possible, depending on costs and time. He stated Staff would examine the feasibility

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of establishing alternate access roads if the Commission decides they would like to pursue that option.

Staff noted the initial study does not explicitly state how many truck trips will be necessary to complete the project. Staff suggested the Commission continue the item until the number of truck trips is determined and an alternative haul method is defined.

MOTION: Chairperson Grantham moved to continue #UPO-344 to a date uncertain in order to address truck trips, an alternative construction route, and easement location.

The motion was seconded by Commissioner Solu.

Solu asked Staff about how to address the concerns posed by the Coastal Commission, and suggested moving the proposed tank further back into the valley.

Wold asked the Commission to direct Staff to provide amended simulations showing the proposed tank pushed further back. Chairperson Grantham stated he would include that in the motion.

The motion passed unanimously. (5-0).

Chairperson Grantham called for a five minute break.

B-3 **Case No.:** #E00-103

Site Location: 3450 Toro Lane

Proposal: Abandonment of an approximately 15,200 square foot portion of fee owned Toro Lane right of way, North of Yerba Buena and Westerly of the existing West curb line of Toro Lane. The abandonment will be processed using the procedures identified in the California Streets and Highways Code Section 8300 et seq. These procedures require that the abandonment (vacation) be in conformance with the City's General Plan.

CEQA Determination: Exempt

Staff Recommendation: Adopt resolution recommending City Council conditionally approve abandonment.

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

Livick presented the staff report.

Chairperson Grantham clarified the abandonment would be sold, not given away. If the project is approved, it will increase property taxes to the City and will relieve the City of maintaining that area.

Commissioner Solu asked if the City will continue to maintain Toro Lane if the abandonment is approved. Livick confirmed the City will continue to maintain the street up to the North Point subdivision.

Livick stated the Morro Bay-Cayucos Connector trail would run along the east side of the street, in the Caltrans right-of-way.

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Commissioner Solu clarified with Livick the property owner has several options for accessing the property if the project is not approved.

Commissioner Solu clarified beach access through the proposed project area would be prohibited if the project is approved as it is now private property.

Commissioner Nagy asked for further clarification about how public beach access will be affected if the project is approved. Livick stated the City will maintain the five-foot easement on the north side of the property for public beach access.

Commissioner Nagy asked Livick to clarify the conditions of the lease agreement and explain what would happen if the property were to be sold again in the future.

Chairperson Grantham opened Public Comment period.

Greg Frye, Applicant, stated he would be conscientious of his neighbors when considering development options.

Bill Martony, resident of Morro Bay, spoke against the proposed project due its historic or prescriptive right. He stated he does not think it is appropriate for the City to abandon the land because of its valuable oceanfront location. He suggested the area should instead be used as a parking lot.

Barry Branin, resident of Morro Bay, spoke against the project, also stating the proposed site should be used for parking for users of the Morro Bay-Cayucos Connector trail.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy stated there is no compelling evidence indicating this project is not consistent with the General Plan. He noted the project is an abandonment with compensation to the City. He stated this is a property rights issue of the City, and necessarily of the homeowner. Fennacy stated support for the project.

Commissioners Solu, Nagy, and Napier stated support for the project.

MOTION: Commissioner Fennacy moved to adopt Planning Commission Resolution Number 01-13, finding that the right-of-way abandonment is consistent with the General Plan and recommended that the City Council adopt a resolution of intention of the abandonment with attached findings and conditions, including added Condition #5 which requires the Applicant to acquire a Coastal Development Permit, if necessary, before the final abandonment order.

The motion was seconded by Commissioner Solu and the motion passed unanimously. (5-0).

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UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: SoCal Gas Advance Meter Project

Staff reviewed the upcoming project with Commissioners. Wold noted there are five separate sites with five separate Coastal Development Permits.

NEW BUSINESS

- D-1 2013 Planner's Institute
Staff Recommendation: Discuss attending 2013 Planner's Institute.

Livick stated the City Manager has authorized all Commissioners to attend the Institute.

DECLARATION OF FUTURE AGENDA ITEMS – None.

ADJOURNMENT

The meeting adjourned at 7:41 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, February 6, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary