

AGENDA ITEM: A-1

DATE: September 4, 2013

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 21, 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
	John Fennacy	Commissioner
	Robert Tefft	Commissioner
ABSENT:	Michael Lucas	Commissioner
STAFF:	Rob Livick	Public Services Department
	Kathleen Wold	Planning Manager
	Cindy Jacinth	Associate Planner
	Erik Berg-Johansen	Planning Intern

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

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

Garry Hixon, resident of Morro Bay, praised the Planning Commission for their good work.

Craig Schmidt, CEO of the Morro Bay Chamber of Commerce, announced the Avocado and Margarita Festival will take place on September 14-15.

Chairperson Grantham 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.

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CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of July 3 and July 17, 2013
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Fennacy moved to approve the minutes from the July 3, 2013 meeting.

Chairperson Grantham seconded and the motion passed. (4-0).

MOTION: Commissioner Fennacy moved to approve the minutes from the July 17, 2013 meeting.

Chairperson Grantham seconded and the motion passed. (4-0).

A. PUBLIC HEARINGS

B-1 **Public hearing continued from May 15, 2013.**

Case No.: Coastal Development Permit #CP0-246

Site Location: 360 Cerrito in the R-1 zoning district

Proposal: Appeal of Administrative Coastal Development Permit #CP0-246 approval for the demolition of an existing 1,183 square foot single-family residence and removal of two trees, and the subsequent construction of a 2,155 square foot single-family residence and an associated 648 square foot garage. This site is located outside of the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: Categorically exempt, Class 1 and Class 3

Staff Recommendation: Continue the Public Hearing to September 4, 2013.

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

Commissioner Tefft recused himself from the discussion as he owns property within 500 feet of the subject site.

Wold presented the staff report.

Chairperson Grantham asked for clarification from Wold regarding why staff was unable to give proper attention to this project. Wold stated due to time frames for meeting material submittals, there was not sufficient time to route and review the items requested from the applicant so they will be brought to the next Planning Commission meeting.

Commissioner Fennacy confirmed with staff that the applicant's architect has provided all the necessary materials for review to present the item at the next meeting. Wold stated staff has explicitly stated what is needed from the applicant in order to move forward with review of the project. The revised plans have been received and are action ready for the September 4, 2013 Planning Commission meeting.

Chairperson Grantham opened Public Comment period.

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Commissioner Tefft recused himself from the discussion due to the proximity of his residence to the project location.

Berta Parish, resident of Morro Bay, stated she disagreed with staff's recommendation to continue this item a third time. She asked if there is a limit to the number of continuances any project may be granted. She stated the applicant has already been allowed sufficient time to produce the materials requested by staff. Parish also stated the City has not granted equal consideration to her and her neighbors' requests as the applicant. She asked the Commission to uphold her 2007 appeal and deny the project. Parish would like the applicant to submit a new application that meets staff's recommendations.

Chairperson Grantham closed Public Comment period.

Wold stated Parish provided an accurate overview of the project. She stated there was an absence of activity for a long time on the applicant's behalf, and it continues to be a struggle to resolve the issues between the two property owners. Wold explained the differences between how the project was originally approved and what is being required by current City staff.

Livick stated he spoke with the project architect and expressed the need for the remaining items. He stated the architect indicated that he had revised the setbacks and has shown the road in relation to the property lines and will submit new plans.

Chairperson Grantham asked for clarification regarding the Volbrecht survey. Livick stated the area of the City where the project is located was originally shown on an 1888 map. Subsequent surveys continued a boundary error from a misread of the 1888 map that affected a few properties in this area. The boundary error needed to be corrected to the original descriptor. Agreement now exists between the two property owners on the true boundary of the property.

Commissioner Solu confirmed with staff that the applicant was directed to use the Volbrecht survey at the June 19, 2013 Planning Commission Meeting. Livick stated the applicant was to use the Volbrecht survey to show the revised boundaries on the site plan and in relationship to the existing features.

Commissioner Solu asked staff if the applicant submitted the required materials in a timely manner. Wold stated the architect used the Volbrecht survey but he did not reference the Volbrecht survey in the plans, other than a notation, so it was difficult for the public to understand the relationship of the existing features on the property. This deficiency stalled staff's review of the project.

Commissioner Fennacy expressed concern that the applicant has not voiced any concerns or provided reasons for the numerous delays. He stated he is inclined to grant the appeal and send the project back to the applicant to revise and resubmit their application.

Commissioner Solu stated he agreed with Commissioner Fennacy's comments.

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Livick explained if the Commission decided to not grant the continuance and thereby upholding the appeal, the applicant will have to start over again by re-applying if they choose not to appeal to the City Council.

MOTION: Commissioner Fennacy moved to deny the request for a continuance and uphold the appeal of Coastal Development Permit #CP0-246.

Chairperson Grantham seconded and the motion passed. (3-0).

Commissioner Tefft rejoined the meeting.

B-2 Public hearing continued from July 17, 2013.

Case No.: Zoning Text Amendment #A00-015 (project originally noticed for a Public hearing on June 17, 2013 and subsequently continued to additional meetings).

Site Location: Citywide

Proposal: The City of Morro Bay is proposing a Municipal Code Amendment modifying Section 17.68 “Signs

CEQA Determination: To be determined.

Staff Recommendation: Review draft ordinance, take public testimony, and provide direction to staff.

Staff Contact: Erik Berg-Johansen, Planning Intern (805) 772-6291

Berg-Johansen presented the staff report, with specific attention given to the North Main District (Part I) and the Embarcadero District Tourism-Oriented Directional Sign Plan (Part II).

Chairperson Grantham opened Public Comment period.

Susan Stewart, Morro Bay business owner and President of the Morro Bay Chamber of Commerce, expressed concern about prohibiting brand-name advertising. She stated such signs can be helpful to consumers who may be looking for particular products, and it can be important to business owners to help them do business.

Amber Badertscher, Morro Bay business owner, stated she would like clarification regarding why the City is proposing to prohibit brand-name signs. She asked if brand-name advertising restrictions would apply to other locations, such as umbrellas. She also asked about the proposed regulations and fees for A-frame signs and the directional signs proposed along the Embarcadero.

Chairperson Grantham closed Public Comment period.

Part I: North Main District

Wold clarified the purpose of prohibiting brand-name signs is to ensure that the sign ordinance has vertical consistency with state and local regulations of the Coastal Act, Local Coastal Plan, and General Plan that are already in place.

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Berg-Johansen addressed Badertscher's comment regarding A-frame signs and stated the purpose of requiring a permit for such signs is to regulate design and decrease blight in the streetscape. Regarding the Embarcadero District Tourism-Oriented Directional Sign Plan, Berg-Johansen stated these signs will be "tested" along the Embarcadero because of the high concentration of businesses there, and will be implemented in other areas of the City if the project is successful.

Commissioner Fennacy asked for clarification regarding the costs associated with A-frame signs. Livick explained that because A-frame signs are placed in the public right-of-way, it requires an encroachment permit which takes staff time to process. He stated it would not be a revenue-generating fee.

Commissioner Tefft suggested requiring a minimum allowable sign size because a business with an unusually small façade might not be able to erect an effective sign, so he suggested a floor instead.

Commissioner Fennacy stated there is an opportunity for businesses in North Main to draw customers from the highway, so percentages there are important. He expressed support for the proposed allowable signage in the North Main District.

Chairperson Grantham agreed that signage in this area needs to be large enough so that it can be seen at high speeds from the highway.

Commissioner Solu agreed that large signs are important in this area. He stated he supports the recommended allowable signage in this District.

Wold explained it is important to make the signs large enough in this area so that cars on the highway have enough time to safely exit the highway. She suggested staff could present this issue in a more concrete sense at the next Planning Commission meeting.

Commissioner Tefft asked for clarification regarding how monument signs and architectural signs are calculated in terms of primary and secondary building facades. Berg-Johansen stated if such signs are directly in front of building, they would count toward the primary façade. He stated he would clarify this in the proposed ordinance.

Chairperson Grantham asked staff to address the issue of brand-name signs on surfaces not attached to the building. Wold stated staff is not intending to prohibit business owners from marketing certain products but there are certain considerations that will need to be made regarding total allowable signage.

Commissioner Fennacy stated he would like to see more business owners attending the next Planning Commission meeting to provide comment on the sign ordinance update.

Commissioner Tefft stated it is important to regulate free advertising in the City as it may become a problem.

Part II: Embarcadero District Tourism-Oriented Directional Sign Plan

Berg-Johansen continued to present the staff report, with specific attention to the Tourism-Oriented Directional Sign Plan.

Chairperson Grantham asked if there are enough spaces for all business owners along the Embarcadero. Berg-Johansen explained there are about 85 existing businesses and the City would try to accommodate all of them by installing 18 signs on each structure.

Commissioner Tefft asked if business owners could apply to install more than one sign if space permits. Berg-Johansen stated he would incorporate Tefft's comment into the proposed sign ordinance. Berg-Johansen stated the empty sign spaces could be used to advertise City events. Commissioner Tefft suggested using a material other than steel in this area due to the coastal weather. Staff explained the sign materials would be chosen carefully so that the signs are durable and remain aesthetically pleasing.

Chairperson Grantham clarified with staff that there would be a one-time fee to install a directional sign, rather than a yearly fee.

Berg-Johansen stated it would cost business owners between \$75-100 to manufacture each sign.

Commissioner Solu stated he would like to address the issue of nonconforming signs with regard to ownership change at the next Planning Commission meeting. Livick explained existing nonconforming signs were legal at the time they were permitted. Those signs can remain until they are in such poor condition that they can no longer be repaired, at which time they must be replaced. Wold clarified a sign only falls under the category of "legal nonconforming" if it has been permitted by the City. Illegal nonconforming signs are those which never had a permit.

Commissioner Tefft asked staff how the City intends to implement an enforcement program for illegal signs. Wold stated staff is in the process of developing a procedure to document all non-permitted signs in the City, and will then go forward with enforcement procedures.

MOTION: Commissioner Solu moved to continue Zoning Text Amendment #A00-015 to the September 4, 2013 Planning Commission meeting.

Chairperson Grantham seconded and the motion passed. (4-0).

B-3 Case No.: Time Extension for #UP0-120 and #AD0-024.

Site Location: 1170 Front Street

Proposal: Concept Plan approved in December 2006 for a 6 unit motel and manager's unit and subterranean parking lot. A Minor Amendment was approved to convert manager's unit to a guest unit.

CEQA Determination: Mitigated Negative Declaration adopted.

Staff Recommendation: Grant time extension for one year.

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

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Wold presented the staff report and stated the request for extension has been withdrawn, therefore, no action is necessary for this item.

UNFINISHED BUSINESS

- C-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
Upcoming Projects: To be determined.

Wold reviewed the Work Program with the Commission.

NEW BUSINESS

None.

DECLARATION OF FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting adjourned at 7:37 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, September 4, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary