

REVISED  
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  
Monday, March 2, 2009

Chairperson Nancy Johnson  
Vice-Chairperson Bill Woodson                      Commissioner Michael Lucas  
Commissioner Gerald Luhr                              Commissioner John Diodati  
Bruce Ambo, Secretary

**I. CALL MEETING TO ORDER**

Chair Johnson called the meeting to order at 6:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

Rick Algert led the Pledge of Allegiance.

**III. ROLL CALL**

All Commissioner's present.

Staff: Bruce Ambo, Rick Algert, Teresa McClish, Christine Rogers, Kathleen Wold, and Joe Woods.

**IV. ACCEPTANCE OF AGENDA**

MOTION: Woodson/Lucas 2<sup>nd</sup> to accept the agenda as presented. VOTE: 5-0

**V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS**

Bruce Ambo reported at the February 23, 2009, meeting City Council:

- Prioritized Goals and Objectives derived from February 17<sup>th</sup> and 18<sup>th</sup> Goals and Objectives meetings.
- Issued Notice of Completion for Fire Station Apparatus Bay and began one year maintenance period.
- Discussed potential contract with CalFire, deferred to future meeting.
- Discussed and adopted a resolution forming the Morro Bay Business District. Staff will return to City Council with an ordinance format as well. Agreed to contributions of 3% in June 2009 and 2% in June 2010 to the BID.
- Discussed the Business Development Committee and appointment of Council Member representation.

Bruce Ambo reported on agenda items for upcoming March 9, 2009, City Council meeting would:

- Review obtaining a loan from the Department of Agriculture for the Fire Station Living Quarters.
- Review acceptance of an easement for approved parcel map at 594 Kings Avenue.
- Confirm March 30<sup>th</sup> date for Joint Planning Commission and City Council meeting, and identify topics of discussion.
- Resume review of the potential CalFire proposal.
- Review Sanitary Storage System Master Plan
- Discuss Design Considerations for North Main Bike Lanes

- Review Draft Goals and Objectives

## **VI. PUBLIC COMMENT:**

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

Chair Johnson announced a worm composting workshop on April 4, 2009 through the University of California Master Gardeners.

## **VII. CONSENT CALENDAR**

A. Approval of revised minutes from hearing held on February 2, 2009, and February 17, 2009.

MOTION: Woodson/Diodati 2<sup>nd</sup> to accept the minutes of February 2, 2009, as revised. VOTE: 5-0

MOTION: Woodson/Luhr 2<sup>nd</sup> to accept the minutes of February 17, 2009, as stated. VOTE: 5-0

## **VIII. PRESENTATIONS**

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

Measure D - Rick Algert, Harbor Department Director, and Jim Phillips, Harbor Advisory Board Chairman, presented Measure D history and current status.

Algert/Phillips confirmed:

- Harbor Advisory Board's recommendation passed on to City Council.
- Measure D may be amended by vote of the people.
- Power plant parcel not included in Measure D.
- Letter included in Staff Report re: motel associated with specialty restaurant, dated prior to Harbor Advisory Board meeting, was addressed.

## **IX. FUTURE AGENDA ITEMS**

- A. Planning Commission interpretation on decks in the front yard setback and what elements are allowed on them
- B. Gates on the Embarcadero Boardwalk

Lucas stated he attended a presentation on the 2030 Challenge which is a carbon neutral strategy for both buildings and development. Johnson suggested the issue be reviewed at upcoming joint Planning Commission/City Council meeting.

## X. PUBLIC HEARINGS

- A. **Site Location:** 2754 Indigo Circle  
**Applicant:** Robert and Pamela Hyland

**Request:** Conditional Use and Coastal Development Permit approvals pursuant to conditions under CUP 28-90/TM01-90. The site is within the Cloisters Subdivision, located within the Golf Course (GC) district and the Planned Development (PD) district. The proposed development is for a 2,334 square foot single-story residence with a 584 square foot attached garage. This site is located within the appealable jurisdiction of the California Coastal Commission. Recommended CEQA Determination: Categorical Exemption, Class 3, Section 15303 (a), (d), (e).

**Staff Recommendation:** Conditionally approve the project

**Staff Contact:** Jaime Hill, Planner, 772-6270

Kathleen Wold, Senior Planner, presented the staff report:

Wold addressed the following:

- Cloister's Subdivision approved in 1990's, requires approval by the Cloister's Homeowner's Association, Architectural Review Committee and Planning Commission.
- Cloister's Architectural Review Committee reviewed the project and found the site plan, colors, exterior elevations, and landscaping conforms to intent of Design Guidelines and CC&Rs.
- Site is currently vacant.
- Per Cloister's Design Guidelines, project complies with setback requirements and coverage is less than 27% (well below 45% lot coverage allowed).

ohnson opened the Public Hearing:

Woodson noted that the referenced ARC document was not included in the package and asked Staff for confirmation.

Applicant representative T.J. Esser of Studio 2G Architects confirmed the approval letter was received in email format, and copies were provided to staff.

Seeing no additional public comment, Johnson closed the Public Hearing.

Wold clarified that approval documentation issued by Craig R. Smith, AIA, Architect of Review for the Cloisters Development, was provided and is present in the project file.

Woodson inquired whether LEED certification had been considered for design of the house. Esser stated it was not considered, but two principal architects in the firm are in the process of being LEED accredited, will be considering LEED certification for future projects.

Johnson said there appeared to be a lot of sod, would be nice to see more drought tolerant planting, but clarified it was a suggestion. Luhr recommended water table be evaluated prior to planting, as the water table is high in this area.

**MOTION:** Woodson/Luhr 2<sup>nd</sup> to conditionally approve the project by adopting a motion including the following actions:

- A) Adopt the findings included as Exhibit "A";

B) Approve Conditional Use Permit and Coastal Development Permit subject to the Conditions included as Exhibit “B” and the site development plans dated January 27, 2009.

VOTE: 5-0

**B. Site Location:** Del Mar Dog Park between Island and Sequoia Streets  
**Applicant:** Morro Bay Pups and City of Morro Bay Recreation and Parks Departments

**Request:** Amendment to the Recreation and Parks Facilities Plan (1985) and Special Use Permit approvals pursuant to conditions included as Exhibit “C” and the site development plans in Exhibit “D”. The Morro Bay Pups, in conjunction with the City of Morro Bay is proposing to construct a Dog Park including perimeter fencing of a 1 acre area within the northwestern portion of Del Mar Park for off leash dogs, double-entry gates, signage, a bulletin board, sanitary mutt mitt bag dispensers and trash receptacles.

**Staff Recommendation:** Conditionally approve the project

**Staff Contact:** Teresa McClish, Planner

Teresa McClish presented as follows:

- City Council adopted a MOU with Morro Bay Pups.
- Recreation and Parks reviewed and recommended approval for a Master Plan Amendment that prioritized and described an off lease dog park.
- City Council considered adopted a resolution supporting the dog park’s location pending the processing of appropriate land use and entitlement permits and Master Plan Amendment.
- Sites specifics include fenced area for large and small dogs, 50 foot setback from riparian vegetation, ADA pathway. Access provided by Ironwood and Island Parking Lots.
- Governed through a Memorandum of Understanding with a community organization, currently Morro Bay Pups.
- Conditions of Approval include maintenance provisions and the proposed rules and regulations for operation of the park and the posting of rules in Exhibit “C”.

Johnson observed letters from the public were received by staff on the day of the hearing and requested community members get information in sooner if they would like it to be considered.

During discussion the following were addressed:

- Initial study was circulated to all mandated and responsible stakeholders (examples, Recreation & Parks, Water Board, California Coastal Commission, etc.)
- Initial Study is based upon existing conditions. Park is known to be a location where people take their dogs already. There appeared to be no significant impacts due to noise. Creek also provides some buffer of noise.
- Estimate of 50 dogs per day was provided by Morro Bay Pups in conjunction with Parks & Recreation. Does correspond with national figures of approximately 12% and increasing. High usage of pedestrian entry anticipated as this is a neighborhood park surrounded by fairly highly dense neighborhood.
- University of California at Davis did complete a study looking at appropriate locations and sizings of dog parks, no identified buffer size.
- No historical record of noise complaints known to date.
- Rules and Regulations can be amended to be appropriate for this location.
- City Council will be the approving body for Master Plan Amendment because it is connected to the General Plan. Planning Commission may make recommendations for modification.

- Neighborhood dog parks tend to be smaller than regional dog parks. The Del Mar Dog Park would be considered on the smaller scale.

Johnson opened Public Hearing.

Applicant Woods gave a brief history and remained available for questions.

Applicant Steve Ecris, Morro Bay Pups addressed the Council making the following points:

- Morro Bay Pups is a community volunteer organization dedicated to the Dog Park, responsible dog ownership, and safety and public safety.
- Currently no place within the City where dogs may be off leash legally.
- Morro Bay Pups has begun raising money for the park.
- Dog owners come and go during the day. You do not see 50 dogs there at one time, it is more common to see 2 or 3, or you may some times see 15-20.
- Confining a use that already exists, not a new use.

Public Comment:

The following individuals spoke in favor of the project:

Barry Brannin, Elaine Gianinni, Sally Young, Steven Markatello, Anita Ayou, Joe Hofleck.

The Applicant clarified:

- Morro Bay Pups is committed to building and maintaining the park as stated in their MOU. The first MOU was for the Dog Park design and permitting process. The second MOU will be for construction and maintenance.
- The amendment states “a community group” and not necessarily the Morro Bay Pups.

Woodson suggested the following changes to Exhibit “C”:

Item 8 – Applicant shall supply mutt mitt dispensers at both the Island and Ironwood parking lots and fill the dispensers as required to provide a continuous supply. (Applicant clarified that there are existing dispensers at these locations.)

Item 7 – Handlers must leash and unleash in double-gated area. Dogs must be leashed outside the fenced area.

Second bullet on second page – Do not leave a leash on your dog while in the fenced area.

Carry a leash with you in the fenced area.

Add a Condition 13 that the Recreation and Parks Committee review the effectiveness of this dog park and make a recommendation back to City Council.

Luhr – Inquired as to zoning of adjacent property. McClish clarified it is zone R3, Planned Development and would probably require a specific plan to be developed. Luhr asked if it is appropriate to provide vegetative screening along fence area? McClish clarified the screening may indeed be a very good idea. There are some trees existing, but not necessarily providing a physical barrier. It may be better provided when the project on that side comes forward as there is conceivable more room. Ambo shared from a staff perspective that is something that would be required of Parks or the applicant. The park was here

before any proposal of multi-family development on that site was even raised. They would generally require the developer to have the responsibility for buffering. Luhr withdrew the point.

Diodati – Main concern is chain link fence in this very nice park. He likes the wood post rectangular fencing that blends in with the nature surroundings at El Chorro Park. Maybe some trees along the north side because noise may not be the issue, but some of those homes look down any may be staring at a chain link fence.

Addressed Exhibit “C”, Section 12 and an opportunity for the non-profit to instead of maintaining the facility, pay the Parks & Recreation to maintain the trash on a daily basis if they are already there.

There should be some sort of enforcement where the City can charge the non-profit for the cost associated with emptying trash and refilling the mutt mitts.

Would like signage directing people to the dog park to limit Island Street and stay on San Jacinto and Ironwood. Must wider road and safer than Island where there are more families.

Lucas likes the idea of a better fence, but there are chain link fences already there. He was more concerned about the bags. Requested confirmation about stormwater, that there is no reason we would use parts of Del Mar to bank stormwater without running it into the creek for some of the downhill sections in there. Ambo confirmed the site has been historically used as a park or open space and this is a consistent use, no historical drainage patterns are being disrupted, and appropriate setbacks and mitigations are in place to pick up refuse.

Johnson felt that even if chain link was installed, perhaps the slats in green would help the situation. She raised the potential for adding another buffer of trees along the creek, redwoods perhaps, that would grow low and provide a buffer. A suggestion at this point, may hear it again at City Council.

Lucas shared he was confused about screening from Island Street Houses. Feels houses are fairly well screened by the willows. Luhr noted one are, but acknowledged it is winter.

Luhr inquired as to whether Parks & Recreation had looked at the cost differential for a more aesthetic interior fence. Woods confirmed they have not costed out any materials for this park. MOU calls for non-profit to do the materials list and pay for the cost of this park. This is similar to the “Adopt a Park” program. Trees and knolls, dynamics of the park, may make this the best location in the City. Existing chain link will likely be changed at the adjacent parcel gets development. Parks & Recreation will be a part of those discussions. Tennis courts will be chain link with a mesh. Full set of plans will be provided in the near future.

Diodati acknowledged opportunity to take the lead right now and put in a more aesthetically appealing fence. Woods noted that fencing will need to be aesthetically pleasing and functional. Woods confirmed they will look at all different options before committing to a design.

Lucas asked if we have a strategy for tree replacements in the City such that over time trees could be added without overburdening the organization. Woods said tree program in an internal program with guidelines regarding residences and public right of way. To add trees deals with functions of the park, and Parks & Recreation would need to evaluate. Would be in their purview to put in additional trees, but does not feel it should be a condition.

Luhr felt a recommendation to look at alternative fencing would be appropriate.

Woodson had no objection to chain link fencing. The Commission reviewed previously recommended revisions and/or amendments.

MOTION: Woodson/Luhr 2<sup>nd</sup> moved for conditional approval of the project by adopting a motion including the following actions:

- A) Adopt the Findings included as Exhibit “A”;
- B) Approved the amendment to the Parks and Facilities Master Plan as shown in Exhibit “B”;
- C) Approve the Special Use Permit, subject to the Conditions included as Exhibit “C” and and the site development plans in Exhibit “D” with the following changes in Exhibit “C”:
  - i. Condition 8 shall be revised to read – “Applicant shall supply mutt mitt dispensers at both the Island and Ironwood parking lots and at the entrance gate of the fenced area and keep the dispensers stocked at all times.”
  - ii. Condition 11, Bullet number 7 to be revised - Delete “Please”, shall read, “Handlers must leash and unleash in double-gated area. Dogs must be leashed outside the fenced area.”
  - iii. Condition 11, Sub-bullet number 5 to be revised - Delete “park” and replace with “fenced area”.
  - iv. Condition 11, Sub-bullet number 6 to be revised - Delete “park” and replace with “fenced area”.
  - v. Condition 13, amendment - “Status of park will be reviewed after two years and a report shall be made to City Council.”

Luhr 2<sup>nd</sup> for discussion: Would like to include recommendation that the Parks & Recreation Department review alterative fencing design.

AMENDMENT TO MOTION: Woodson/Luhr 2<sup>nd</sup> made a motion amended as follows:

- vi. Condition 14, amendment - “Recreation and Parks Department shall review alternative fencing design.”

VOTE: 5-0

## **XI. OLD BUSINESS**

### **A. Current Planning Processing List**

Woodson would request changes from previous processing list be bolded or italicized. Ambo agreed. Luhr requested staff reports include a table with setbacks and heights proposed. Ambo concurred.

Woodson asked if Neighborhood Compatibility Plan was indeed coming back to the Planning Commission in April. Ambo confirmed the plan will come back to the City Council in the next budget cycle in August.

## **XII. NEW BUSINESS**

### **A. Potential Topics for Joint Meeting on March 30<sup>th</sup> at 6:00 P.M. were identified as follows:**

- a. Lucas – Incentives relative to LEED for Homes and 2030 Challenge.

- b. Diodati – Streamlining of application and approval process, procedural encouragement for green building.
- c. Luhr – Green Building concurrence, AB811 discussion regarding funding mechanism for solar and energy efficiency in buildings.
- d. Ambo – Activities currently in process related to these issues and a host of things that are both optional and mandatory. In addition, the stimulus package manage must also be addressed.
- e. Luhr - Update of Downtown Development standards. Ambo clarified feasibility study is in process.
- f. Woodson – Recommendation from City Council on Neighborhood Compatibility Standards.
- g. Johnson – Advanced Planning Work Program prioritization.
- h. Woodson – Downtown Visioning, GP/LCP still being at the Coastal Commission for review. Encourage City Council to take some action. Overflowing newspaper throw away bins.

B. Discussion and Recommendation on Planning Commission Policy

Ambo noted Council was discussing potential changes to Boards and Commissions. Did not feel there was a lot of discussion on making changes to the Planning Commission as it is provided for in the Municipal Code and it has the authority to approve subdivisions and use permits and so forth. Coordinating the cancellation policy, making sure staff coordinates with the Chair and Vice-Chair and other Commissioners. Staff must notice an appropriate period before the meeting and if a project is not ready for noticing, they know in advance. None of the other Boards or Commissions has those noticing requirements. Even if there is no development review, you can take care of administrative items, or you lose a quorum that would be a reason for cancelling a meeting.

**XIII. ADJOURNMENT**

Johnson adjourned the meeting at 8:15 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, March 16, 2009 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary