

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
Tuesday, February 17, 2009

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

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Ambo led the Pledge of Allegiance.

III ROLL CALL

All Commissioners are present.

Staff Present: Bruce Ambo, Jaime Hill, Kathleen Wold, Rob Schultz and Kay Miller.

IV. ELECTION OF CHAIR AND VICE CHAIR

- Luhr nominated Johnson for Chair, Lucas 2nd the motion. VOTE: 5-0
- Lucas nominated Woodson for Chair, Luhr 2nd the motion. No vote was necessary because Johnson was elected Chair
- Lucas nominated Woodson for Vice-Chair, Luhr 2nd the motion. VOTE: 5-0

V. ACCEPTANCE OF AGENDA

Luhr questioned the project being under litigation. Ambo responded staff's recommendation was not based on the history of this project or the appeal process. Ambo stated this issue would be addressed/corrected in the staff presentation.

MOTION: Woodson/Luhr 2nd to accept the agenda as presented. VOTE: 5-0

VI. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

- Ambo stated written communication was received from Cynthia Holly regarding Item #1, which was discussed earlier during the Acceptance of Agenda

At the February 9, 2009 meeting Ambo stated City Council:

- Did not authorize hiring a half-time position in the Recreation and Parks Department because the City is under a hiring freeze. Recreation and Parks Staff will go back to Council to identify the service level implications.
- Heard a report from the Citizen's Oversight Committee, the Measure Q Committee, Council and Staff and agreed to a budget adjustment from Measure Q Funds. \$50,000 was shifted to the Storm Water Management Program.
- Discussed Morro Bay Tourism Business Improvement District, which will return to Council for adoption of a resolution.
- Adopted a resolution to increase the Transient Occupancy Tax (TOT) by 2%, which will come back to Council on February 23, 2009.

Johnson asked Commission if they had any questions for staff.

- Lucas asked if we had any problems with storm water during the last week with all the rain? Ambo responded the roundabout had some minor drainage problems but it's a design problem and is being worked on. Ambo also stated the erosion control held up well around town during the storm.
- Ambo introduced Kathleen Wold (Senior Planner). Wold spoke briefly about her planning experience to the Commission.
- Ambo clarified to Commission the TOT is a 2% increase. The tax will go from 10% to 12% and 2% will be allocated to the Morro Bay Tourism Business Improvement District to promote tourism in Morro Bay.
- Ambo and Schultz clarified all hotels, motels and lodging in Morro Bay are taxed the TOT. Vacation rentals and recreational vehicles are excluded at this time; however, Council has directed staff to include vacation rentals within the next year to be taxed the TOT.

VII. PUBLIC COMMENT

- Gary Ream thanked the Commission for working with him on the Planning Commission and it was a pleasure to serve the community and to work with staff.
- Commission asked Peter Risley to come back at Public Hearing to speak because the project he wanted to discuss is on the Agenda.

VIII. CONSENT CALENDAR

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

The Commission discussed several items that were reviewed at the last Planning Commission Meeting and Commission needed clarification on what was actually said at the meeting and what was reflected in the minutes. Ambo informed the Commission there are complete audio and video recordings of the Planning Commission Meetings and are available from the City upon request. Ambo also stated what is said at the meetings has to be accurately recorded and the meeting will be reviewed and the minutes will be changed if necessary. Woodson made a motion to accept the minutes as written, Luhr 2nd for discussion. Schultz clarified the conditions must be in the motion and the minutes will be reviewed to confirm what was discussed and put into the motion, corrections regarding the fence, solar ready and word choice distinguishing "reconstruct" or "replacement" of the sidewalk. Minutes will be reviewed and corrected if necessary.

MOTION: Woodson, Luhr 2nd to approve minutes as written or revised. VOTE: 4-0
Johnson abstained, as she was absent from the meeting.

IX. PRESENTATIONS – None

X. 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
- C. Storm Water Retention Presentation
- D. Presentation on Measure D

Ambo will check with the Harbor Director in regards to giving a presentation on Measure D.

XI. PUBLIC HEARINGS

- A. **Site Location:** 485 S. Bay Blvd in the R-2 District
Applicant: Wayne Colmer
Request: Precise Plan approval. The Concept Plan has already been approved. The Precise Plan is the approval of the final details of the project, including modifications required by the California Coastal Commission. The applicant proposes a Planned Unit Development including 17 detached single-family homes, two of which would be affordable units. Open space areas totaling approximately 48,342 square feet or 35% of the site, is proposed for preservation. Access and utilities will be provided via a private roadway.
CEQA Determination: A Mitigated Negative Declaration was adopted by City Council on November 13, 2006.
Staff Recommendation: Conditionally approve the project.
Staff Contact: Jaime Hill, Planner, 772-6270.

Jaime Hill presented the staff report.

Planning Commission discussed and reviewed the Precise Plan for the proposed Planned Unit Development. The Commission provided specific direction on additional information that would be needed to continue review of the project, as well as direction on project features and wants the following addressed:

Information Needed:

- Provide a conceptual landscape plan, excluding restoration areas. Include information on the number of trees that will be removed and an estimation of replacement trees.
- Provide floor plans and elevations of all four sides of the various building types.
- Provide a color and material board depicting the color palettes, rock veneer styles, roof type, color and other relevant architectural features.
- Provide details of all fencing, retaining walls and the acoustic wall.
- Provide proposed language for on going monitoring of project conditions, which will be incorporated into the CC&R's through the Conditions of Approval.
- Provide details and location of all street furniture, including mailboxes, lighting fixtures, pavement treatments, etc. The Planning Commission was interested in determining if mailboxes could be located near loading zone for the convenience of future residents.
- Provide a height analysis identifying individual building heights from average natural grade.
- Identify building setbacks.
- Provide information regarding any proposed energy efficiency measures that will be utilized.

Direction:

- Combined height of any retaining walls and fences shall not exceed 6-feet in height.
- Explore the feasibility of under grounding PG&E overhead wires that cross over the Black Hill Natural Area.
- Explore providing access path through the open space area and a gate into the Black Hill Natural Area.
- City Council Conditions of Approval include a requirement to provide two to one replacement for removal of living trees, specifying that 20% of the replacement trees must be species that provide the appropriate height for raptor habitat. Need to demonstrate compliance with this condition or provide an explanation of why another replacement program is environmentally preferable.
- Also, include a requirement to install four-way signalization and signalized pedestrian crosswalk at the intersection of Quintana Road and South Bay Blvd. Either amend the project plans to include the signal and crossing, or provide a traffic study by a County-approved traffic engineer evaluating the impacts of these improvements and providing recommendations for the appropriate mitigation of traffic impacts generated by the proposed project.
- City Council Conditions of Approval include a requirement to provide a schedule re-evaluating the health of all trees on the property.

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

- Wayne Colmer, representing the applicant, addressed concerns brought up by Commission. He stated he is sure this project will be appealed. The lawsuit that was filed after the Coastal Commission Hearings was filed by a group called “Save the Park” represented by Betty Winholtz.
- Peter Risley (citizen of Morro Bay) read part of a letter from Cynthia Holly. The letter stated the court has not ruled on this case and so the lawsuit is proceeding against the Coastal Commission and the project has not returned to the City from the Coastal Commission. On behalf of Save the Park we are asking the Planning Commission to not act on this project until the court rules on it.

Seeing no further comment, Johnson closed the Public Hearing

Discussion regarding the lawsuit continued between the Commission and Mr. Colmer’s Attorney, Marshall Ochilski. Legal actions are against the Coastal Commission who took jurisdiction on the Coastal Development Permit. The City does not have jurisdiction over this. The Planning Commission has authority over the Precise Plan. Therefore, approval of the Precise Plan is not affected by the lawsuit.

The Commission discussed the additional information that would be needed to continue review of the project, as well as direction on project features, which are listed in detail in the Public Hearings Section.

MOTION: Woodson/Luhr 2nd to move to Indefinite Motion. VOTE: 5-0.

XII. OLD BUSINESS

- A. Current Planning Processing List

XIII. NEW BUSINESS

A. None

XIV. ADJOURNMENT

Johnson adjourned the meeting at 8:58 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, March 2, 2009 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary