

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, January 5, 2009

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

I.      CALL MEETING TO ORDER

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

II.     PLEDGE OF ALLEGIANCE

Luhr led the pledge.

III.    ROLL CALL

Staff Present: Bruce Ambo, Jaime Hill, Aileen Nygaard, Christine Rogers, Rick Algert and Kay Miller

IV.    ACCEPTANCE OF AGENDA

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

V.      DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

At the January 12, 2009 meeting Ambo said City Council would:

- Consider a presentation from San Luis Obispo County and the California Parks Department in regard to an operating agreement for use of various State properties including Montana de Oro, the State Park Golf Course and Marina.
- Consider approval of funding for a redevelopment feasibility study.
- Review fees for water front projects.
- Consider amendments to Chapter 10 (Vehicles/Traffic) of the Municipal Code.
- Discuss the Public Utilities User's fee, transient occupancy tax, 911 emergency fees and the approval process.

Ambo introduced Jaime Hill (Contract Planner) and Aileen Nygarrd (Associate Planner) and informed the planning commission that e-mail addresses and phone numbers will be provided.

The Commission had the following questions:

How long will the fence be up at the fire station?

Ambo indicated he would contact the Fire Department to see how long the fence will be there.

Is Morro Bay getting a new coffee shop on Main Street?

Ambo asked if staff has heard of a coffee shop opening on Main Street, staff is not aware of a coffee shop opening on Main Street, however, it is allowed in the C-1 zone.

Why did the Chevron Station close?

Ambo replied he was not sure, but that it may have something to do with financing and it is not because of any regulatory reason.

VI.    PUBLIC COMMENT - None

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on December 15, 2008

MOTION: Ream/Lucas 2<sup>nd</sup> to approve the minutes as presented. VOTE: 4 – 0.

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

- A. Planning Commission interpretation on decks in the front yard setback and what elements are allowed on them.
- B. Woodson wants to discuss the reason for gates on the Embarcadero Boardwalk and if they are legal.

Ambo encouraged city residents to apply for the Planning Commission vacancies.

Woodson congratulated Commission Luhr for getting the gate open behind the Whale's Tail.

X. PUBLIC HEARINGS

- A. **Site Location:** 117 Mindoro Street in the R-1/S.2 zoning district.

**Applicant:** Lee Johnson

**Request:** Conditional Use Permit approval to construct a 215-square foot habitable addition to a non-conforming single-family dwelling. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorical Exemption, Class 1, Section 15301).

**Staff Recommendation:** Conditionally approve the project.

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

Jaime Hill presented the staff report:

- Hill clarified the spiral staircase was permitted legally and approved with the building permit.
- Hill agreed with the Commission that grade elevations, height limitations, topo and average natural grades will be submitted to the Commission with all future plans and clarified the fence will be removed or lowered to the allowed height.
- Ambo explained video inspection of sewer laterals are not normally required if there are no plumbing changes.
- Ambo clarified when posting a Public Notice it must be printed in a qualified newspaper per state law.

Johnson opened the public hearing asking the applicant or their agent to address the Commission

- Glenn Rider, on behalf of the applicant, stated the spiral staircase is outside of the setback and that grade elevations, height limitations, topo and average natural grades were provided with the building permit plans. Rider confirmed the fence has been lowered to conforming status and is staying, and a video inspection has occurred and it passed.
- Rider clarified the patio will remain concrete.
- The owner, Lee Johnson, clarified that parking is not an issue at this property.

Seeing no further comment, Johnson closed the public hearing

MOTION: Ream, Luhr 2<sup>nd</sup> to approve the project as presented. VOTE: 5-0.

B. **Site Location:** 330 Arcadia Avenue in the R-1 zoning district.

**Applicant:** Melinda Kendall

**Request:** Conditional Use Permit approval to construct a 344 square foot habitable floor area addition to an existing nonconforming structure. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorical Exemption, Class 1, Section 15301).

**Staff Recommendation:** Conditionally approve the project. **Staff Contact:** Jaime Hill, Planner

Jaime Hill presented the staff report:

- Luhr reiterated that grade elevations, height limitations, and average natural grades need to be submitted with the plans.
- Hill explained that some plans had markings on them because they are reviewed by various departments prior to distribution to the Commissioners.
- Hill said she would look into regulations pertaining to water heaters in setbacks.

Johnson opened the public hearing asking the applicant or their agent to address the Commission

Dale Bolton, designer for the applicant, explained the water heater is an “on demand” water heater, so there is no need for a foundation and it can be relocated.

Bolton clarified the fireplace will be removed, agreed to move the water heater out of the setback, and explained the house will have a stackable washer and dryer in the kitchen, not in the garage.

Luhr stated he would prefer to condition the project to move the water heater out of the setback.

Seeing no further comment, Johnson closed the Public Hearing

MOTION: Luhr, Ream 2<sup>nd</sup> to approve the project with the condition the water heater shall not be in a setback. VOTE: 5-0.

C. **Site Location:** State Park Marina in the H (Harbor) zoning district.

**Applicant:** City of Morro Bay, Harbor Department

**Request:** Review of the Final State Park Marina Renovation and Enhancement Environmental Impact Report (EIR). The project involves the demolition of the docks, installation of shoreline protection and revetments, dredging of approximately 147,000 cubic yards of sedimentation to a 12-foot depth, demolition of the parking lot and construction of a new parking area and related facilities, and construction of new docks and 150 boat slips of various sizes.

**Staff Recommendation:** Certify the EIR

**Staff Contact:** Bruce Ambo, Public Services Director, 772-6261

Ambo and Ray de Wit ( with Padre Associates) presented the staff report:

Ambo reiterated that a project is forthcoming and tonight we are just discussing the EIR and then a proposal will forthcoming.

During discussion, the Planning Commission voiced the following questions and concerns:

What does it mean to certify the EIR?

- Simon Poulter (with Padre Associates) explained that certification of this document indicates in the Commission’s mind that the EIR, as written and amended, has complied with the CEQA guidelines.

If the Commission certifies this document what steps does it have to go through for ultimate approval?

- Ambo responded this document is coming to the Planning Commission because if a project does

come forward then this Commission would be asked to review and approve a conditional use permit. Poulter explained the process to comply with CEQA and explained that this document will serve as a basis for other agencies that will issue approval for the permits and conditions they may require for the project. Then the Harbor Department can proceed to solicit for funding and bring the project back to the Planning Commission for approval. Rick Algert, with the Harbor Department, introduced himself and stated he is available for questions.

When the dredging takes place and is hauled to the Windsor quarry site, where is the emission and air quality impact report and why is the material being hauled up the coast past Cambria instead of using the near shore dumping sites?

- Algert stated the only permitted area to dispose of the material is at the upland disposal site and Poulter explained the truck trips are included in the report and the breakdown of the air emissions are included in volume 2 of the report.

There has been discussion of coordination with the county and state on jurisdictional issues. In order to maintain this facility, would LAFCO be involved?

- Ambo responded at the last sphere of influence municipal service review it included this area and LAFCO was open to annexation and will be involved in the review process. DeWit reiterated the main issue is, is this document in compliance with CEQA? DeWit clarified the EIR is compatible with CIQA.

Does the material need to be dewatered prior to dumping?

- DeWit responded it is required to dewater material prior to disposing at the site.

In regards to the butterflies in the eucalyptus trees, removal of eucalyptus trees and cultural resource, is there someone on site?

- A cultural research specialist and a Native American consultant will be on site when there is any ground disturbance whatsoever.

Commission expressed concern of light spill, what is the nature of lighting and what about people biking to site as opposed to driving?

- DeWit stated one of the amenities is a series of bicycle racks and performance standards of lighting were discussed with the Coastal Commission.

Has repair to the road been addressed?

- DeWitt explained the road is incapable of handling traffic now so repairs would be done before the project starts and after project is complete. This will be a condition when the project comes before the Planning Commission.

Johnson opened the public hearing:

- Bill Lufflee wants the EIR certified and to move ahead with the project.
- Fred Collins wants to protect the sacred site and cares deeply for their ancestors.
- Lynn Meissen wants approval of the EIR.

Seeing no further comment, Johnson closed the public hearing.

During discussion, the Planning Commission spoke favorably to certify the EIR but would like a memo from Bruce Ambo outlining the Planning Commission's concerns.

Attached is the memorandum from Ambo, addressing comments and concerns from the Planning Commission

MOTION: Luhr, Ream 2<sup>nd</sup> to certify the EIR as presented. VOTE: 5-0.

## XI. OLD BUSINESS

### A. Current Planning Processing List

XII. NEW BUSINESS

A. None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:30 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, January 20, 2009 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary