

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, April 6, 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

Michael Lucas led the Pledge of Allegiance.

III. ROLL CALL

Chair Johnson asked that the record show that all Planning Commissioners were in attendance.
Staff: Kathleen Wold, Aileen Nygaard, Christine Rogers

IV. ACCEPTANCE OF AGENDA

Chair Johnson clarified published agenda indicated "none" under new Business. New Business to include:

- A. Discussion/Interpretation of General Plan and Local Coastal Plan Policies relating to the location and placement of commercial and recreational facilities in the Bay.

MOTION: Luhr, Lucas 2nd to accept the agenda as presented.

VOTE: 5-0

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

- A. Oral Report

Kathleen Wold, Senior Planner reported on agenda items from the March 23, 2009, City Council meeting:

- 1) Accepted a status report on application for stimulus funding.
- 2) Approved Del Mar Park Dog Park Master Plan Amendments, Special Use Permit and Coastal Development Plan.
- 3) Directed Staff to bring forth the draft ordinance establishing the Morro Bay Tourism Business Improvement District.
- 4) Directed that any cancellation of a Planning Commission meeting shall occur at a regularly scheduled meeting. In addition a meeting may only be cancelled if there are no public hearings and no City approved business items.

Kathleen Wold reported on agenda items for upcoming April 13, 2009, City Council meeting would:

- 1) Consideration of a Concept Plan for a Vesting Tentative Map, Conditional Use Permit, Coastal Development Permit for a custom residential 10 lot conservation subdivision and open space easement.
- 2) Introduction and first reading of ordinance establishing Citywide Business Tourism Improvement District.
- 3) Introduction and first reading of ordinance banning Medical Marijuana Dispensaries.
- 4) Reduced Fee Incentive for Green Building and Low Impact Development.

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.

Bill Martonie, 235 Main Street – Commented on the fact that the Thursday’s Harbor Advisory Meeting was not broadcast on Channel 20. Will be broadcast tomorrow and inform the public. What was called for was the zoning South of the boat lots to discuss the proposal of an industrial tug. The staff report read what is allowed South of Beach street. Local Coastal Plan should be adhered to. Pending lawsuit against himself and wife for fraud and breach of contract related to removal of the wharf. There is a proposal for a use on that site.

Alex Beady, 564 Acacia Street – Commented on the proposed change in the zoning ordinance for the area south of Tidelands. Neighbors do not know much about that. Feels that is poor governance, and that the neighborhood should be better informed.

Chair Johnson closed the Public Comment period.

VII. CONSENT CALENDAR

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

MOTION: Woodson/Lucas 2nd to accept the minutes of March 2, 2009, as revised. VOTE: 5-0

B. Approval of minutes from hearing held on March 16, 2009.

MOTION: Lucas/Luhr 2nd to accept the minutes of March 16, 2009, with the following amendments:

- 1) Revise Page 4 to read “skylights to light the third floor public areas and solar panels to generate electricity....”

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.

None.

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
- C. Implication of Fees or Incentives relative to carbon neutral strategies.

X. PUBLIC HEARINGS

A. Site Location: 180 Terra, R-1(S.2. A) zone

Applicant: Bruce & Helene Dinsmoor

Request: Conditional Use Permit for 979 square foot addition to nonconforming single family residence, a 220 square foot addition to the garage, and a roof deck. This site is located outside of the Coastal Commission's Appeal Jurisdiction.

Recommended CEQA Determination: Categorically exempt

Staff Recommendation: Conditionally approve the project.

Staff Contact: Aileen Nygaard, Associate Planner, 772-6211

Staff report presented by Aileen Nygaard included the following:

- 1) Nonconforming due to garage of 478 square feet does provide 20x 20 enclosed space.
- 2) Proposed to increase 979 square foot of habitable space.
- 3) Addition of roof deck and railing 12.5" above the ground.
- 4) Adjust roof pitch to accommodate new 17" height limit.
- 5) Expansion of garage width would encroach upon setbacks, therefore tandem garage addition of 220 square feet proposed.
- 6) Kitchen and dining room expansion and one additional bedroom.

Clarifications included:

- 1) Roof top deck included in lot coverage calculation.
- 2) Condition #1 - Building height verification should be revised to read "Average natural grade".
- 3) Site Plan does not show street location at rear of the lot or the existing trees. Lot backs up to San Jacinto. Fence line is five feet from the rear addition. Eucalyptus trees are outside the property line.
- 4) Exhibit C - Fire Sprinklers – Increase of greater than 50% does mandate fire sprinkler requirement.
- 5) Height limitations do apply, the site is not limited to a single story.

Chair Johnson opened the Public Hearing.

Applicant representative, Bob Crizer presented:

- 1) Acknowledged potential for sprinkler requirement.
- 2) Demonstrated that the garage expansion will essentially conform, within inches. Providing three covered spaces on the parcel.

Chair Johnson closed the Public Hearing.

Clarifications included:

- 1) Construction access will occur through the existing garage.
- 2) Fence line within property boundary, eucalyptus trees are on City property. Have not addressed tree protection.
- 3) Stair materials are redwood with open risers and railings.
- 4) Roof pitch intended to add volume to interior.
- 5) Storm drainage retention is achievable (creation of 1 cubic foot for every 7 impermeable square feet). Options include a pit under the deck, gravel pit, infiltrator system, etc.
- 6) Patio is on grade hardscape. Is not currently specified as impervious or pervious.

Luhr - Would like to amend the Public Works condition to add a clause to ensure a plan for protection of the trees, approved by an arborist.

Lucas – Concerned with pervious surfaces, encourages further consideration of this issue as well as the possible inclusion of photovoltaics on the roof.

Diodati – Clarification of amendment. Arborist on site or oversight of protection?

Johnson – Concurs with consideration of green building design. Disagrees with arborist requirement.

Luhr – Clarification of arborist approval of tree protection plan.

MOTION: Woodson/ Lucas 2nd conditionally approve the project by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit “A”;
- B. Approve Conditional Use Permit subject to the Conditions included as Exhibit “B” and the site development plans dated August 10, 2008.

With the additional changes:

- 1) Arborist reviewed plan for protecting the trees to be provided prior the issuance of a building permit.
- 2) Condition #7 revised, “prior to final occupancy clearance, water saving devices shall be installed throughout the existing and new structure in accordance with the City of Morro Bay Coastal Land Use Plan and as approved by the Building Official.”
- 3) Change to read, “Average natural grade

VOTE: 5-0

XI. OLD BUSINESS

A. Current Planning Processing List

Item #29 - 575 and 591 Embarcadero states we need a precise plan submittal 3/13/09. Was it submitted? Notified applicant of requirements, waiting for response.

Item #27 – 1205 and 1405 Teresa states it is pending precise plan approval. Thought it was approved? This item is related only to the lot line adjustment between the two projects.

XII. NEW BUSINESS

Discussion/Interpretation of General Plan and Local Coastal Plan Policies relating to the location and placement of commercial and recreational facilities in the Bay.

Chair Johnson opened the Public Comment Period:

Kathleen Wold provided a brief update:

In addition to staff report provided, the Harbor Director provided a brief email update regarding the meeting. It was confirmed meeting has not aired, nor have minutes been approved.

Synopsis:

April 2, 2009, a public hearing was held to review the above-referenced issue. Algert indicated there were 10 citizens were in attendance. After taking public testimony, the Harbor Advisory Board passed two motions:

- 1) Recommended City Council insert the word ““Fishing” into the first sentence of LCP Policy 7.05/Program LU-63.04 to read “vessels of a commercial fishing nature”...
- 2) Recommended the City Council include the following sentence in LCP Policy 7.01/Program LU 63.1 “Marine related commercial facilities projects should be reviewed by the Harbor Advisory Board and such marine related commercial facilities projects shall be in compliance with the General Plan and LCP.”

Chair Johnson has spoken with the City Attorney who recommended discussion of the General Plan and Local Coastal Plan policies and if appropriate to forward a recommendation to the City Council.

Woodson inquired as to why this is coming to the Planning Commission now. Wold discussed the need to clarify these policies, as they are too general and require some interpretation.

Harbor Director was unavailable to attend this evening, but the staff report is the same as that presented at the Harbor Advisory Committee.

Diodati expressed a concern due to lack of information.

Dorothy Cutter – Spoke against. Felt the Local Coastal Plan was very clear. Staff wants to put an industrial tug boat operation within Special Area B. Feels it is inappropriate. New General Plan reflects the same wording. In 1994, a large fishing project was proposed, Coastal Commission denied, felt large projects should be placed in the large part of the bay.

Bill Martonie, 235 Main Street – Spoke against. City has a pending lawsuit for tearing down the wharf. Suit has been ongoing for five years. Will be in closed door session within a week to mitigate with the City. City Council wanted to know what the zoning was south of the boat ramp. Staff report addressed areas south of Beach Street. Specifically states that Special Area B is not allowed any commercial boating. Sylvester’s sale included a condition that the previous tug boat operation move out of the area.

Alex Beatie – Requested improved public notice. Feels an issue this important should be noticed to the neighborhood. Would like to have more time and information.

Bernadette Bakarick, owners of Cannery Property, 2235 Main Street – Spoke against. Area was zoned recreational fishing and boating is because this is a residential area with a special planning process

applied by the Coastal Commission. Tug boat operation was required to relocate from Bayshore Bluffs to the Embarcadero. Access, fire, parking and pollution are all factors in this residential neighborhood. Tourists come to see a working waterfront. Read a letter from Allen Hockstettler owner of 199 Main Street adjacent to the proposed industrial use. Family ran the previous wharf and three small boat launches. In the 60's the use was determined inappropriate for the site.

Barb Ribss – Provided confirmation, Father owned the launch services, took the pier down because the use was no longer allowed there.

Ed Ewing, Local fisherman – Spoke in favor. Was here in the late 60's, property in question was used for commercial processing. The only reason this comes up to question, the dock was dilapidated. That does not mean that property is zoned for pleasure. Coastal Commission land use priority use is for water dependant businesses. Feels if the issue is contested, the City would lose. Water dependant businesses require the necessary facilities. Must keep uses available for the future.

Gary Freeman, resident of the area – Spoke against. Reiterated the fact that it is a residential area, stating they purchased with the zoning in effect right now. Delineation between commercial boat and commercial fishing boats is broad. Feels it requires clarification between commercial and industrial waterfront uses.

Kim Cole, 263 Main Street – Spoke against. Family has been there since the mid 50's. Feels it was orchestrated from behind the scenes and was poorly done. Planning Commission and City Council being asked to determined what the definition of commercial fishing is. Not against the fisherman, against further commercial development there.

John Huff, 285 Main Street – Spoke against. Purchased just a few years ago and would like it to remain a residential area. Property is mid way between the areas under discussion. Boat launch is directly in front of the site. Recognized the level of activity to be anticipated there. Do not want to limit the necessity of commercial endeavors in the bay, but feels residential means residential and if that includes the water front from there south, encourages its preservation. Improve notification for notice of public meetings on these issues. Encouraged Planning Commission to adopt a position that states there is commercial and there is recreational.

Chair Johnson closed the Public Comment period.

The following comments were provided:

- 1) Inadequate information has been provided, and the issue was poorly presented. Area has been historically commercial. Request for a staff report with maps, what is proposed, representation from the Harbor Master, etc.
- 2) Current recommendations could amended with additional clarification to make them more acceptable.
- 3) Defer any action until additional information is provided. Airing of Public Hearing and publication of meeting minutes may also have an impact on public input.
- 4) Additional visual aides required for public information purposes, as well as Harbor Master representation.
- 5) Planning Commission is not to make policy. Commercial definitions require further discussion and clarification before any action can be taken. Additional direction need for areas south of Tideland Park.

MOTION: Diodati/Luhr 2nd makes a recommendation that City Council direct staff to make a full presentation to Planning Commission before taking action. VOTE: 5-0

Additional Discussion:

- 1) Planning Commission is not to make policy. Cannot take action until commercial definition has been clarified.
- 2) Inquiry as to whether the existing Boat Yard south of the ramp and other existing commercial uses would be allowed to remain if policy is defined in regard to commercial.

MOTION Amended: Diodati/Luhr 2nd recommend that if City Council desires Planning Commission to make an interpretation, they direct staff to make a full presentation to Planning Commission before taking action. VOTE: 5-0

XIII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, April 20, 2009 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary