

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, May 4, 2009

Vice-Chairperson Bill Woodson
Commissioner Michael Lucas

Nancy Johnson, Chairperson

Commissioner John Diodati
Commissioner Gerald Luhr

Bruce Ambo, Secretary

I. CALL MEETING TO ORDER

Chair Johnson called the meeting to order at 6:05 p.m.

II. PLEDGE OF ALLEGIANCE

Bill Woodson led the Pledge of Allegiance.

III. ROLL CALL

Chair Johnson asked that the record show that all Planning Commissioners were in attendance.

Staff: Bruce Ambo, Kathleen Wold, Aileen Nygaard, Christine Rogers

IV. ACCEPTANCE OF AGENDA

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

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

Ambo stated a letter has been received regarding the 560 Bernardo proposal. Copies have been distributed to the Planning Commission as well as the Applicant.

Ambo reported on agenda items from the April 13, 2009, City Council meeting:

- 1) Authorized Harbor Director and Harbor Department to apply for a Low Impact Development Grant for Phase I Construction of the Boat Haul Out Facility
- 2) Adopted Ordinance establishing the Morro Bay Tourism Business Improvement District.
- 3) Adopted Ordinance Prohibiting Medical Marijuana Dispensaries.
- 4) Reviewed a report from the Harbor Department on establishing mooring and boat launch fees at Tideland Park.
- 5) Adopted resolution establishing Bylaws for the operation of the Morro Bay Business Improvement District Advisory Board.
- 6) Formed Ad Hoc Fire Services Committee to discuss appointments and guidelines relative to an amateur agreement, which relates to the CalFire proposal for combining fire services.
- 7) Considered recommendations from the City Manager for Joint Dispatch Services. Decision made not to proceed.

May 6th, a special Budget Workshop will be conducted at 6 p.m. with City Council. This will be the first of a series of workshops.

May 11, 2009

- 1) Consideration of Dial a Ride fare increase.
- 2) Approval to apply for a Grant to purchase new Dial a Ride and Trolley.
- 3) Introduction and 1st reading of Chapter 10, Vehicle and Traffic section of Municipal Code.
- 4) Discussion and Interpretation of General Plan and Local Coastal Plan Policies relative to the location and placement of commercial and recreational facilities in the area South of Tidelands Park.
- 5) Consideration of extension of the month to month Dial A Ride Contract with MV Transportation.
- 6) Review of Trolley 2008 Level of Service Survey

Luhr – Will the Haul Out Facility come before the Commission, is the location set or is this preliminary?

Ambo – Yes it will come forward once a formal application materializes. At this point they are discussing the Haul Out Facility and the Park. The next step is to development plans, and then begin entitlement process.

Woodson – How does the General Plan discussion tie into Tidelands Park?

Ambo – Previously the City Council asked for Planning Commissions opinion and feedback regarding how General Plan and Local Coastal Plan policies apply to the area south of Tidelands Park. They would like to discuss in further detail.

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.

Public Comment period was closed with no comment.

VII. CONSENT CALENDAR

- A. Approval of revised minutes from hearing on March 16, 2009.

MOTION: Luhr, Diodati 2nd to approve the minutes as stated.

VOTE: 5-0

- B. Approval of minutes from Joint City Council/Planning Commission hearing held on March 30, 2009.

Woodson asked for clarification regarding the following:

- 1) Page 4 - Diodati and Luhr to prepare presentation to Council. Will they make a presentation to PC as well? Luhr had no objection.
- 2) Page 6 – Environmental Incentives – Agreed by consensus to direct staff to return within one month with Incentives and Comprehensive Greening Strategy. What is the status of that update? Ambo clarified this will occur within the next month or so.

MOTION: Woodson, Lucas 2nd to approve the minutes as stated. VOTE: 5-0

C. Approval of minutes from hearing held on April 6, 2009.

MOTION: Diodati, Luhr 2nd to approve the minutes 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.

No presentations.

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 Harborwalk

Johnson recalled reading that the City Council recommended that the lease for the Whale's Tail, where the gates were locked, was going out to bid. Ambo confirmed that this had occurred.

Luhr inquired of staff if locked gates were allowed. Ambo was unable to confirm, felt perhaps that is why it is a future agenda item.

X. PUBLIC HEARINGS

- A. **Site Location:** 560 Bernardo, R-1 zone
Applicant: Steve & Val Staley
Request: Conditional Use Permit for a 1,511 square foot addition to a nonconforming single family residence, and an exception to allow an additional 297 square feet for a tandem garage. The total house size will be 2,635 square feet. This site is located outside of the Coastal Commission's Appeal Jurisdiction.
Recommended CEQA Determination: Categorically exempt, Class 32
Staff Recommendation: Conditionally approve the project.
Staff Contact: Aileen Nygaard, Associate Planner, 772-6211

Aileen Nygaard, Associate Planner gave the staff report. The following were addressed:

- 1) Site is non-conforming and proposed house exceeds 2,500 square feet, Conditional Use Permit required.
- 2) Non-conforming due to garage which does not conform to 20 x 20 enclosed space. Requirement.
- 3) Request is for a 297 square foot addition for a tandem garage extending to the rear of the structure.
- 4) Increase of 1, 511 square feet of habitable space.
- 5) 5 foot setbacks maintained on the first and second story.
- 6) Relocation of entry to the front of the structure, articulated by a covered porch which extends into the front setback.
- 7) Additional bedroom and family room, expansion of Master Suite, 2nd Story balcony deck and covered porch and bay window extension.
- 8) Fireplace relocated to family room.

- 9) Approval required:
 - a. Finding that size of the house is compatible with the neighborhood
 - b. Technical Conditions:
 - i. Covered porch is to be located outside front setback.
 - ii. Bay window shall be designed as an extension with brackets per code.

Clarification:

- 1) Site survey demonstrated 30% of houses in the neighborhood are two story. Staff responded with their belief that the main overriding character of the neighborhood is single family bungalow homes of a smaller size. Asking for a determination of whether the house is compatible with existing conditions.
- 2) Threshold of houses over 2,500 square feet requiring Planning Commission review was adopted two or three years ago. Existing homes may not have had to go through this heightened review process.
- 3) Do we have standing to deny a project if it fits within the envelope? Staff responded that if Planning Commission feels it is out of context and incompatible with the area, they may deny the project. Decision is appealable to the City Council.
- 4) Supplemental memorandum provided states that anything over 2,500 square feet requires a conditional use permit. Staff clarified all conditional use permits require Planning Commission approval.
- 5) Ordinance 543 states the Planning Commission may evaluate the project for its compatibility, height and size. Staff confirmed, per the applicants documentation, 66% of the lots do conform to the required setback based upon main structure. Architectural projections are not used to evaluate setback reduction.
- 6) Preferred ratio from Citizens Group is .42 FAR. Home produces a .48 FAR. Approximately 700 square foot variance.

Public Hearing opened at 6:30 pm.

Don Doubledee, Architect representing the Applicant presented as follows:

Early discussion with Planning Staff focused on side setback on south side, height, and front facade. Project was redesigned to address these issues.

- 1) Side setback issue resolved by relocating the garage wall.
- 2) Roof pitch re-aligned to address height.
- 3) Front façade was modified to move the side entry and addition of a porch, consistent with the neighborhood.
- 4) Garage could be redesigned to place project within the 2,500 square foot limitation.
- 5) Currently 135 feet over the 2,500 square foot limitations.
- 6) Rear of the building articulated for views from neighboring properties.
- 7) Unable to obtain information regarding FAR. Objects to its inclusion in the report without foreknowledge and the ability to address.
- 8) Addressed setbacks of existing homes.

Was previously in compliance, enclosure of laundry room prior to purchase caused it to be non-conforming. Pointed out that the renderings provided were at significant expense to the applicant.

Dorothy Cutter – Spoke in opposition to the project’s size. Feels it would be out of place among the small bungalows in the area. Discussed FAR proposed, reviewed proposed structure’s absence of architectural features as identified for optional bonus square footage. With the basic formula FAR would equate to 2,425 square feet. With the bonus formula, the proposed project would equate to 3,100. Proposed FAR Ordinance is available for review at www.MBviews.com.

Public Comment period was closed.

The Applicant returned to the podium and provided the following clarification:

- 1) The upper floor is very large. Is this a large size granny unit? Response from applicant, this has been a vacation home. Applicant has a large family, extra bedroom is for children staying over. Wet bar is for entertaining. Applicant representative indicated consideration could be given to reducing the size of the wet bar.
- 2) Applicants are getting older. Elevator is in consideration of future mobility.
- 3) Why is there a garage door in the rear of the tandem garage? Wants to be able to roll table saw outside to work.
- 4) Clarified variations between Applicant documentation and staff relates to setback to main building structure, versus architectural projections within the setback.
- 5) Neighborhood setbacks are a design consideration. Lot averages have been allowed in the past. What is the number of homes required in order to apply and calculate an average setback? Staff clarified the referenced ordinance is related to reductions for the main structure, not an allowance for architectural projections. That discussion is a future agenda item.
- 6) If it is felt that a projection into the front setback is compatible, it is at the Planning Commissions discretion to approve the project.
- 7) Roofline covers the width of the lot. Depth of the rear setback is 34 feet. Reconfiguration is possible. Is it feasible to turn the roofline around? May be a potential, however, it impacts roof height. Also impacts perception of mass.
- 8) The 2,500 square foot criteria clarified to include an excess of 400 square foot.
- 9) Does the porch construction type impact its conformance? There are two conformance references, Applicant committed to changing the bay window to an oriole window.
 - a. Architectural Extension - Extension must be a flat plane underneath. Porch, Landing.
 - b. Stairway projections – Refers to open uncovered raised porches.
- 10) Could the Applicant create hip roofs to shorten the ridgeline and enlarge the view corridor around the top which would inset the ridgelines? May be considered.

Comments from the Commission:

- 1) Out of scale with the community. Reduce the size of the second story to reduce scale. Front porch and tandem garage appear compatible with the community. Align roof ridge 90 degrees in line with the lot and inset the roof.
- 2) Articulation, porch and tandem garage have been well designed. Community has asked that projects of this size be looked at for a reason, bulk and scale. Modification of the bedroom location and garage roof could reduce mass and scale. North/South ridgeline could benefit from further evaluation.
- 3) Porch enhances compatibility with the neighborhood. Second story does infringe on other home's views. What consideration has been given to reducing the impact of those views? Preservation of views should be reconsidered either by re-orientation, setback, or other means.
- 4) Clear out additional view area for the neighbors by utilizing a hip roof. Articulation would be compliant with proposed FAR ordinance.
- 5) Articulation avoids a square box design which was the intent of FAR. If upstairs is turned into a secondary or duplex there is nothing that can be done. State allows it. City does not have view protection ordinance thus developer cannot be conditioned.

MOTION: Luhr, Diodati 2nd approve the project with conditions:

- 1) Allow tandem garage.
- 2) Allow porch.
- 3) Change North/South ridgeline to have hip roofs at gables.

Ambo clarified this will include amending the previous requirements related to the porch.

Lucas cannot support. Feels it is precedent setting for large footprints.

Diodati does not want to argue over the interior of the house, feels it is up to the Applicant's discretion. Feels the Motion as it stands is acceptable.

Woodson cannot support the Motion. Feels the bulk is not addressed with hipped roof and second story setbacks are needed. There is adequate room in the rear to redesign with minimal amount of architectural modification.

Luhr – No comments.

Johnson – Feels effort has been made to make the project compatible.

VOTE: 3-2, Lucas and Woodson opposed.

- B. Site Location:** Citywide
Applicant: City of Morro Bay
Request: Review City's Draft Housing Element
Staff Recommendation: Continue item until May 18, 2009
Staff Contact: Kathleen Wold, Senior Planner, 772-6270

Ambo requested a deferral of the review of the Draft Housing Element. Schedule has fallen behind slightly.

MOTION: Woodson, Luhr 2nd to move the review of the City's Draft Housing Element to May 18, 2009, the next regularly scheduled meeting. VOTE: 5-0

XI. OLD BUSINESS

- A. Current Planning Processing List/Advanced Work Program

Clarification was provided as follows:

Luhr – Staff confirmed Morro Bay Blvd. Open Air Market application for a Temporary Use Permit was approved. First event occurred this weekend. Inaugural event occurred in conjunction with the Car Show. Project received Administrative approval, properly noticed, etc. Sunset clause requires re-evaluation of Parking after one month. Business license and tax receipts required. Approximately six vendors participated; parking did not appear to be an issue.

Woodson

- 1) Any status available on the GAFCO and Conference Center project before the Coastal Commission? No new progress to report. California Coastal Commission meeting will occur in San Luis Obispo in July.
- 2) Brannigans Anthony's project has rumor of bids. Staff confirmed Council is reviewing Requests for Proposals. A number of interested parties and proposals submitted.

XII. NEW BUSINESS

A. Commissioner Lucas' request to be absent from the July 6, July 20 and August 3, 2009 meetings.

Ambo noted Mr. Lucas's letter addresses policy saying any unapproved absence for three meetings could potentially constitute a voluntary resignation. It is a technicality. Request is professional development related which is relative to Planning Commission activities.

MOTION: Woodson, Luhr 2nd to grant consent for Commissioner Lucas to be absent from the following meetings:

- July 6, 2009
- July 20, 2009
- August 3, 2009

Commissioner Lucas amended the request to reflect the dates of July 6, July 20 and August 3, 2009 (formal request referenced 2006).

Chair Johnson addressed concerns regarding 2-2 votes possibly delaying project reviews. Staff will make efforts to evaluate projects that may be at issue. Lucas expressed his willingness to participate as a citizen in his absence via email.

VOTE: 4-0

XIII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, May 18, 2009 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary