

AGENDA ITEM:   A-2  

DATE:   July 19, 2016  

ACTION:   APPROVED  

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 17, 2016  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Gerald Luhr	Vice-Chairperson
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
	Joe Ingraffia	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Cindy Jacinth	Associate Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/UCeDtVha0vc?t=1m54s>

Vice-Chairperson Luhr reminded everyone the Amgen Tour of California will start tomorrow morning.

PUBLIC COMMENT PERIOD

Chairperson Tefft opened Public Comment period.  
<https://youtu.be/UCeDtVha0vc?t=2m24s>

Iantha Miner, Morro Bay resident, spoke about her concerns regarding the Sonic project. Miner addressed the present congestion with vehicles and students and is concerned if the project is approved, this will only worsen the problem. Miner also noted a round-a-bout is not the solution and is against the project.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/UCeDtVha0vc?t=4m58s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR  
<https://youtu.be/UCeDtVha0vc?t=5m>

**A-1** Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

Commissioner Lucas wanted to know why the cell towers were receiving modifications. Lucas asked staff if the cell phone companies were required to come back to the Planning Commission if changes were made to increase services.

Jacinth responded, stating one of the modifications was a building permit addendum to show the 72 hour backup generator. This was acquired in order to meet the Planning Commission conditions.

**A-2** Approval of minutes from the Planning Commission meeting of February 16, 2016.

**Staff Recommendation:** Approve minutes as submitted.

**A-3** Approval of minutes from the Planning Commission meeting of March 1, 2016.

**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Commissioner Sadowski moved to approve Consent Calendar A-1, A-2 and A-3. Commissioner Lucas seconded and the motion passed unanimously (5-0).

<https://youtu.be/UCeDtVha0vc?t=6m36s>

**B. PUBLIC HEARINGS**

**B-1 Case No.:** CP0-404 and UP0-364

**Site Location:** 1840 Main Street

**Proposal:** Coastal Development Permit and Conditional Use Permit for new construction of an approximate 1,400 sf restaurant with outdoor seating only, canopied parking for drive-up service, drive-thru service, and associated site improvements including ground work, retaining walls, frontage improvements, and landscaping. The project includes removal of existing flatwork, landscaping and major vegetation on a vacant lot from previous development. The project also include a master sign program including total signage area exceeding City standards. In addition, the project will include utility trenching of 4-6 feet across Main Street to the west of the property as well as trenching across Caltrans right of way which fronts on Atascadero Road. This project is located outside the Coastal Commission appeals jurisdiction.

**CEQA Determination:** Mitigated Negative Declaration

**Staff Recommendation:** Adopt Mitigated Negative Declaration and conditionally approve

**Staff Contact:** Cindy Jacinth, Associate Planner, (805) 772-6577

<https://youtu.be/UCeDtVha0vc?t=7m9s>

**COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE**

Jacinth presented staff report.

Chairperson Tefft opened the Public Comment period for the applicant.

<https://youtu.be/UCeDtVha0vc?t=25m44s>

Derrell Whitten, Applicant's Civil Engineer, asked for the approval of the project as recommended in the staff report. Whitten addressed issues regarding traffic and the sewer issue. Whitten stated the intersection is Cal Trans' responsibility. The applicant's mitigation measure responsibility is to pay their share of whatever improvements are done at the intersection. Whitten stated the sewer issue is with the City's sewer main which is out on Main St. The connection to the project is not specified in the reports.

Fred Scott, Architect, addressed the issue with the flat roof. Scott stated the flat roof will house the mechanical equipment. Scott noted if the roof was sloped, the equipment would be exposed. Scott also addressed the signage issue and stated the signs are within the limits specified.

Chairperson Tefft closed the Public Comment period for the applicant.

<https://youtu.be/UCeDtVha0vc?t=33m38s>

Commissioner Sadowski stated the sewer line has capacity issues, which was acknowledged by City staff in 2007, and noted City staff notified the public.

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/UCeDtVha0vc?t=1h9m29s>

Betty Winholtz, Morro Bay resident, suggested the colors be adaptable to the location and requested if the roof dome feature could be removed. Winholtz is concerned about the noise and how the sounds from the microphone would affect the neighborhood. Winholtz stated her concerns over the hours of operation, the need for more information on traffic and the trees on the northeast corner which she feels should not be removed.

Winholtz also stated the Mitigation Negative Declaration (pg. 31) second paragraph include statements she feels are not true. Winholtz asked the Planning Commission why couldn't this project have a circulation pattern like Taco Bell and noted the monument sign is 5 feet tall, 6 feet long; she feels this is overdone.

Tina Metzger, Morro Bay resident, is concerned about the food smells from the cooking preparation and would like to know more about the filters that are going to be used. Metzger believes there is a base line traffic study for the intersection from the Application for Certification to the California Energy Commission which Duke Energy did in 2000/2001 and noted the City should have it in their records.

Metzger is also concerned with the possibility of noise traveling from Highway 1 to Main St. up to Nutmeg where she resides and the high school students who are distracted and not paying attention at the intersection. She would like for the intersection to be made safer.

Pamela Craig, Morro Bay resident, reviewed a previous Nitrate study and stated based on the conclusion of the report, the sewer lines at Highway 1 and Highway 41 were studied and nitrates were not coming from the sewer line. Craig also noted the lot is vacant and doesn't see how it could be site specific. Craig stated she lives two blocks from Taco Temple and doesn't consider the smell an issue. Craig noted the colors on the building are similar to Taco Bell and feels the traffic congestion would be decreased with the south side entrance to Sonic. Craig feels the project should be built and approves of it.

Iantha Miner, Morro Bay resident, stated after listening to the comments she feels there is a need for more input from Cal Trans. Miner doesn't want the project to be built and later have Cal Trans step in after, it doesn't seem logical to her. Miner stated the signage the City has accepted seems excessive and feels the noise from the intercom will travel uphill to where she resides. Miner also noted when visitors come to Morro Bay the first thing they'll see is the Sonic, and feels this is not how Morro Bay should be portrayed.

Whitten, addressed the cumulative traffic issue and stated he was not familiar with Morro Bay's General Plan but if it's similar to the ones he's looked at it would have a circulation element and is based on traffic study. Whitten reviewed how the study was processed in order to come up with a plan.

Gary Owen, Morro Bay resident, stated this will be a great project but also was concerned how someone could head out east on Highway 41 if there's a south entrance. Owen stated he lives up across the city park and hears bands playing on numerous occasions as well as bands playing on the waterfront for the Harbor Festival, and noted it's just a way of life. Owen also stated he couldn't see there would be excessive noise coming from a drive in restaurant.

Scott, stated a noise study was conducted for the project and was submitted to the City. Scott noted it was a 600 page report which was done over the past three years and staff has been provided with the report.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/UCeDtVha0vc?t=1h28m59s>

Commissioners discussed additional information necessary in order to evaluate the project and concerns included need for:

1. Revised visual simulation looking west and south at site;
2. Revised signage plan;
3. Revised elevations that match the site;
4. Revised lighting to include all lighting sources;
5. Review potential to eliminate one driveway on Main Street;
6. Review potential to relocate trash area;
7. Revise landscape plan to identify all trees to be removed;
8. Provide a roof plan including mechanical equipment;
9. Review potential for utility undergrounding;
10. Identify hours of business operation.

**MOTION:** Vice-Chairperson Luhr moved to continue item B-1 to a date uncertain. Commissioner Lucas seconded and the motion passed unanimously (5-0).  
<https://youtu.be/UCeDtVha0vc?t=2h13m17s>

## C. NEW BUSINESS

**C-1** Planning Commissioner Vacation Schedule Discussion – no staff report  
<https://youtu.be/UCeDtVha0vc?t=2h14m54s>

Graham wanted to find out if the Commissioners had planned vacations which fell on a Planning Commission Meeting date. If so, the meeting(s) could be re-scheduled.

Graham notified the Commissioners the June 7<sup>th</sup> Planning Commission meeting has been canceled.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/UCeDtVha0vc?t=2h17m32s>

Commissioner Lucas commented he was surprised there wasn't more homework done for the project tonight given it's zoned next to a residential zone.

Graham responded, staff spent a lot of time pushing back on this project but couldn't get more out of the applicant. Graham made the decision to take it to the Planning Commission in order to have the applicant hear comments from the Commission and the public. Graham felt the Planning Commission did a great job giving the applicant good direction.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

<https://youtu.be/UCeDtVha0vc?t=2h25m42s>

Graham has been engaged with the Cal Poly Landscape Architect group; Gary Clay and his students have been doing some work at the end of the street at the stair area. They will be presenting their project at Cal Poly on June 3<sup>rd</sup>. Graham doesn't have the time but will email the information to the Commissioners if they're interested.

Graham announced the AMGEN race has been pushed 15 minutes back. Starting time will be at 9:55 a.m.

G. ADJOURNMENT

The meeting adjourned at 8:28 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on June 21, 2016, at 6:00 p.m.

---

Robert Tefft, Chairperson

ATTEST:

---

Scot Graham, Secretary