

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, January 22, 2008

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

I. CALL MEETING TO ORDER

Woodson called the meeting to order at 6:02 p.m. and announced Chairperson Nancy Johnson had a family emergency and would not be able to attend the meeting.

II. PLEDGE OF ALLEGIANCE

Ream led the pledge

Woodson announced the Morro Bay Beautiful Annual Meeting at Dorns on January 28, 2008 at 9:00 a.m.

III. ROLL CALL

All Commissioners were present except for Commissioner Johnson.
Staff Present: Bruce Ambo, Michael Prater and Kimberly Peebles

IV. ACCEPTANCE OF AGENDA

MOTION: Lucas, Ream 2nd to accept the agenda. VOTE: 4 – 0.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the January 14, 2008 meeting, City Council:

- Adopted the Integrated Regional Water Management Plan which makes it possible for us to apply for grant funding thru the Integrated Regional Water Management Plan process
- Directed staff to begin inquiring with Chevron property owners and the State Lands Commission if they are interested in being annexed into the City for the purposes of a dog park on the Chevron property and the State Lands Commission will be contacted about the property on the back bay to include it in the City limits so the City would be more able to regulate hunting in the back bay
- Discussed the ballot measure to increase the Transit Occupancy Tax by 1% to 2%
- Discussed newspaper racks on the Embarcadero and directed the City Attorney to develop some regulations for cluster boxes in locations that were less obstructive in terms of views
- Discussed limiting chain stores on the Embarcadero in which no action was taken
- Set the dates for the Joint Council/Planning Workshops for February 18 and September 15 at 5:00 p.m.
- Extended the Commissioner/Advisory Board vacancies application deadline to January 25, 2008 and set the interview date as January 30, 2008 at 6:00 p.m. Ambo also reminded the Commissioners about the workshop on January 23, 2008 at the Vets Hall to go over the new primary election procedures that were adopted last year.

At the January 28, 2008 meeting, Ambo said City Council would:

- Consider the annual water report

- Consider augmented funding for the expansion of the Harborwalk and amend the grant agreement
- Consider a future agenda item on regulating condominium conversions and minimum lot sizes in the Cabrillo Street Neighborhood
- Review the Water Reliability Agreement that is necessary and would involve changes to our purchase price on the State Water rate structure
- Consider a New Business item that will discuss Stormwater Management funding from Measure Q money
- Consider an item about the purchasing of bottle water with City funds
- Consider an item to send a letter to the Governor about the closures of the State Parks

Ream asked if the discussion about limiting Chain stores was for the Embarcadero only or did it include Morro Bay Blvd. as well. Ambo was not sure, but noted there was no action taken.

Luhr asked which State Parks were specifically at risk. Ambo stated it is Morro Strand and Montana de Oro.

Woodson asked if the City would own the proposed newspaper stands. Ambo stated they would be purchased and placed by the Harbor Department.

VI. PUBLIC COMMENT:

Melody DeMeritt, speaking as a private resident, reminded the public about the Election workshop that is being held at the Morro Bay Vets Hall at 6:00 p.m. tomorrow night. She also noted the Boards and Commissions extended deadline and confirmed the Council’s chain store discussion was about the Embarcadero and Morro Bay Blvd.

Ed Ewing, spoke about the boardwalk and noted the DenDulk Property that it was built on was designated for a Boat Yard. He also spoke about Measure A, which states that nothing should be built on that property without a vote of the people. If the City made a mistake and missed Ordinance 103 then he wants the City to be held accountable.

Mark Tognazzini spoke regarding Measure D noting it’s text and how it may apply to tonight’s projects.

Woodson closed the Public Comment period seeing no further comments.

Luhr asked if there had been any progress on the Boat Yard and the boat haul out area or has the location been moved. Ambo stated the Parks Department and the Harbor Department are conducting a series of workshops and trying to Master Plan that area to try and find a balance where they would still have park facilities and a boat haul out.

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on January 7, 2008

MOTION: Ream, Luhr 2nd to accept the minutes as presented. VOTE: 4 – 0.

VIII. PRESENTATIONS – None.

IX. FUTURE AGENDA ITEMS

- A. Pedestrian pathway and circulation plan.
- B. Secondary unit design competition and consideration to waive development fees for secondary units.
- C. More effective announcement of Planning Commission agendas.
- D. Develop a specific list of items all projects have on the plans before going to Planning Commission sub-committee to work with staff.
- E. Election of Chair and Vice-Chair.

X. PUBLIC HEARINGS

A. Site Location: 510 Atascadero Road in the M-1/(PD) District. Applicant: Matt & Marge Gist. The applicant's requests a Special Use Permit for the sale of coffee, hot dogs, smoothies, etc. out of a movable cart located in the parking lot of Miners Hardware. This site is located inside of the Coastal Commission's Appeal Jurisdiction. (CEQA Determination: Exempt Class 3 & 4). Staff Recommendation: Approve with Conditions
Staff Contact: Mike Prater, Planning Manager, 772-6261.

Prater presented the Staff Report noting the existing location of the Coffee Cart. Prater stated the two questions before the Commission this evening are; is Miner's the correct location and is the Cart's location in the parking lot appropriate.

Lucas confirmed there was not any handicapped or required parking. Prater noted it did not disturb any handicapped parking and could not specifically confirm if Miner's required parking is affected.

Woodson asked if the Cart will be taken home each evening or will it be permanent. Prater said the applicant could address that question more specifically.

Luhr noted a section in the code regarding parking and asked Prater to address if the required parking is being affected. Prater noted that is a topic for discussion this evening as he could not specifically confirm from his research if those spots are required parking. Luhr also asked if this permit would be reviewed every year. Prater confirmed it would when the Business License is renewed each year.

Woodson asked if we have the property owner's authorization to use their restroom and to run the business in their parking lot. Prater said they have consent of landowner signed by Mike Miner and Staff uses that as his acknowledgement of their use of the property.

Woodson opened the Public Hearing and asked the applicant to address the Commission. The applicant Marge Gist confirmed for the Commission that the trailer stays in the parking lot at all times unless they take it to a festival, does get power by plugging into the light pole right behind the trailer, the location was selected by the owner of the property Mike Miner, and they do have the appropriate license from the Health Department

Ed Ewing spoke in favor of the cart in its current location. Woodson closed the Public Hearing.

During discussion the Commissioners were all in favor of the project and made the following comments:

- Did not see any problem with it in its current location as long as it is reviewed each year
- Add to item 14 "or as needed"
- Add item 19 "No amplified music"

MOTION: Ream, Lucas 2nd to approve the project with the two added items to Exhibit B as follows:

- Add to item 14 "or as needed" and add an item number 19 "No amplified music"

VOTE: 4-0

B. Site Location: 1405 Teresa Drive in the R-A/PD District. Applicant: Seashell Communities Asset Corp. The applicant proposes to modify the Planning Commission approval by relocating the 15 workforce-housing units such that they would be clustered toward the southern end and have more units attached. The units will continue to be studios with approximately 432 square feet. All of the previous conditions are recommended to be part of the approval. This site is located outside of the Coastal appeals Jurisdiction. (Recommended CEQA Determination: A Mitigated Negative Declaration has been prepared). Staff Recommendation: Conditionally approve the modified project
Staff Contact: Mike Prater, Planning Manager, 772-6261.

Prater highlighted the Staff report noting the history of the project and the previous concerns of the Commission. He also noted the modifications that are being requested by the applicant and felt it addressed many of those concerns.

Lucas asked if there is something in place to limit the number of occupants per building. Prater said the fire code addresses that concern and each building would be limited by that code. Prater confirmed for Lucas that the Commission would see this project again at the Precise Plan phase.

Ream asked about the number of trees to be removed. Prater said the applicant could address that topic. Ream also asked how the loss of 20 parking spaces was not a concern previously. Prater cited the parking study and the parking requirements would be met for the existing facility and the new facility.

Woodson asked if the storage area is existing or would be new and also asked if the project could be moved back further east to get a couple more parking spaces. Prater felt the applicant could best address those topics.

Woodson opened the Public Hearing asking the applicant or their agent to address the Commission. Cathy Novak addressed the Commission commenting on the storage, the clustering of units, reduction of visual impacts, and grading.

Richard Sadowski expressed his concern that this is not a modification but a whole new project, sighting concern about a change in the flow studies and the lift station on Quintana has had a failure recently.

Marla Jo Bruton expressed her concern about the professionalism of Staff and the project being moved to a whole new parcel of land. She felt it should come back as a whole new project.

Woodson closed the Public Hearing seeing no further comment.

Luhr asked the applicant if the turning radius is acceptable to the Fire Department. Ms. Novak acknowledged it does and also noted this new project is on the same parcel as previously proposed.

During discussion all of the Commissioners spoke in favor of the project clarifying the following questions and concerns:

- The amount of the parking. Prater clarified the parking determination for the project.
- The location of the handicapped spot and why it was put in that location. Prater noted the required access.
- Would still like to see the project moved back to try and get some parallel parking
- Could compact parking could be looked at for the parking situation
- Desire to keep from having parallel parking in front of the units for safety and aesthetic reasons
- If the applicant had considered moving the trash receptacle to gain a couple of parking spaces

Ms. Novak said they were just reviewing the possibility of using compact parking and they could potentially gain at least one spot and potentially another could be gained if the required landscaping between the parking spots was removed.

MOTION: Luhr, Ream 2nd to approve the project with a condition to allow the applicant to work out details with Staff to have a minimum of 15 parking spaces in the rear using the considerations of using compact spaces, moving the trash enclosure and removing the landscaping between the parking spaces.

Lucas noted he felt the landscape planters in between the parking spaces would not be much of a loss, as the open space across from the parking would still enhance the project.

Prater noted that Staff would like to add a condition that requires an access easement be granted for access from the private road to the surrounding Shepard property.

AMENDED MOTION: Luhr, Ream 2nd to amend the previous motion to include Staff's suggested access easement.

Prater clarified the access easement he is referring to. Luhr asked if they were to develop the adjacent Shepard's property if they would have to pay their portion of the intersection improvements. Prater acknowledged they would.

VOTE: 4 – 0.

C. Site Location: 1185 to 1215 Embarcadero in the CF/H/PD zoning district. Applicant's: Darby Neil, James & George Leage. Continued request by the applicant's to seek a Conditional Use Permit to master plan and revitalize the northern waterfront area. Three businesses have joined to construct improvements that include restaurant expansion and replacement, provide a unique coastal boardwalk that stretches from the City South T-Pier to Virg's, enhances commercial and recreational fisheries with new and expanded dock slips. This site is located inside of the original jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: A Mitigated Negative Declaration has been prepared). Staff Recommendation: Conditionally approve the project
Staff Contact: Mike Prater, Planning Manager, 772-6261.

Prater introduced the project noting its history and Staff's approach to this project. During his presentation Prater noted the suggested locations of the floating docks and the elevated docks. He also noted the areas that protrude into other properties that might be a potential problem for an elevated dock system.

Woodson asked why Staff has concerns about 24/7 access to the project. Staff clarified their concern was if there is a floating dock there would have to be areas that are closed to the Public at times. Woodson asked if Staff could see a fatal flaw with the Commission requiring an elevated dock for lateral access. Prater said he did not and noted the applicant could not make the Power Plant agree to an elevated dock, but the Commission could ask the applicant to try and address that item with the Power Plant.

Woodson opened the Public Hearing asking the applicant or their agent to address the Commission. Cathy Novak presented a PowerPoint highlighting the changes to the site, noting the issues the applicant has with having an elevated dock on this project and spoke about some of the project conditions as follows:

- They would like Public Works condition #18 eliminated.
- Change Public Works condition #19 to ask the applicant to restripe the parking lot, but for the City to work in partnership with the applicant on realigning the driveway, noting the applicant should not be asked to redesign a City owned public parking lot on their own. These improvements will benefit the City and the leaseholders to the North of the project.
- Consider adding a second access to the public seating area on the T-Pier, which would require the GAFCO footprint to extend towards the T-Pier by one foot
- GAFCO is willing to accept a condition for the outside seating area to remain open to the public, but they ask that it is limited to the same hours as the fish market and the restaurant for security purposes.
- The applicant be willing to open the Virg's fuel dock to the public for the future but only if it is feasible.
- Accept the Project timeline submitted by the applicant

Mark Tognazzini felt there are some good components of the project but spoke about Measure D and felt putting a restaurant on top of Virg's is completely against that measure.

Ed Ewing expressed his concern about the maneuverability of boats due to the apparent lack of distance between the T Pier and the north finger of the docks.

Richard Sadowski expressed concern about the MND for this project as well as item #18 regarding site drainage.

Bonnie Tognazzini spoke favorably of the project but expressed her concern about including the restaurant component.

Troy League spoke about the project and their reasoning for having the floating docks rather than the elevated docks.

Woodson closed the Public Hearing seeing no further comment.

Lucas asked if the Attorney has weighed in on Measure D. Prater said he has not formally commented on this topic yet.

Ream asked if Harbor Director, Rick Algert knew the history of the Thai Boat. He noted the Commission was not burdened with a leasehold decision tonight, but did give them a general history of the site.

Luhr asked if the distance between the piers was enough to allow commercial fishing vessels to maneuver. Algert noted it appears to push the envelope for what could work. Prater noted that safety will be the main concern for Staff thru the process and would require the applicant to come back thru the concept plan again should there precise plan not allow for safe maneuverability. He also asked Staff why this project should be allowed to limit access to the water when all other leaseholders have had to comply. Prater said that Staff felt the Harborwalk project would be the lateral access component of this project and the waterside docks would just be bonus for the public. Luhr asked if the washout facilities would be removed or would remain. Novak noted they would remain. Luhr asked if the fish market would be conditioned to remain or could it be changed at a later date. Prater said it is very vague currently and Staff believes it will only be a general expansion of GAFCO.

Woodson asked for Staff to clarify the new square footage of the Thai Boat and that Staff be sure the City Attorney reviews Measure D in detail before this goes to City Council. Prater noted the new square footage is 1206.

During discussion Woodson thanked the applicant for bringing forward such a nice project but expressed his concern about the boardwalk and felt the decision about the Thai Boat should be left to the appropriate people. He noted all of the City's plans require a boardwalk and this Commission has required all other leaseholders to have a boardwalk as part of their projects. He felt that it must be conditioned to have a boardwalk at the same level as the South T Pier.

Luhr was in favor of an elevated dock, but would accept a floating dock if it had 24/7 access and wasn't controlled by anyone of the leaseholders.

Ream felt very strongly about the elevated lateral access, but would consider a floating dock if there are access issues. He noted his concern about a situation where the public would have access to a dock 24/7 and thus having access to commercial fishing boats and the issues that go along with that. He is not opposed to having locked gates after working hours and likes the idea of the public having access to the educational aspects of a floating dock.

Lucas wants a boardwalk with 24/7 access whether it is an elevated or a floating dock.

Woodson suggested the following as a condition; to provide a continuous 8-foot ADA compliant lighted boardwalk on the ocean side of the project the entire project length to be the same elevation of the surface of the South T-Pier. This boardwalk will start at the South T-Pier and end at the alley behind Tognazzini's Dockside. There will be no gates; no restrictions to access and the boardwalk will be open 24 hours a day, seven days a week with an exception to reduce the width near GAFCO if the applicant is not able to get permission from the Power Plant to build the dock on the Power Plant property. There was consensus by the Commissioners.

The next topic addressed by the Commission was the use of the patio. Ream felt the area of the deck should be included in the restaurant space since it seems obvious that it will be used specifically for restaurant seating. Lucas and Luhr concurred. Luhr asked if they came back with a Measure D compatible use could that space be enlarged. Prater suggested conditioning the project to eliminate restaurant facilities on the deck, keeping it as a public view deck only. Woodson suggested eliminating the deck space completely and not allowing the upstairs restaurant to be larger than the existing Thai Boat square footage. Ream and Lucas concurred with the suggestion. Luhr liked the idea of the public view deck with a condition eliminating the restaurant use. Woodson noted the consensus is for eliminating the view deck.

Lucas felt the elevator is in the way, but could live with the location of the elevator if necessary.

Luhr asked Staff to confirm if the project is meeting the view corridor requirements. Staff said they are not meeting the linear dimension but they are getting the view over the 14' height. Luhr asked if the other Commissioners would consider asking the applicant to separate the attached building to give another view corridor. Lucas could see the benefit in separating the building. Ream agreed. There was consensus to separate the buildings to add another view corridor.

Woodson noted the applicant has asked for a phased timeline, thus he would like to add to the conditions that the Public Improvements be completed in the first phase of development. Ream would like to add "as feasible". Woodson agreed.

Luhr addressed his concerns about the underground fuel tank. Algert noted they had spoke with the applicant about the large expense of the underground tank and the fuel pump that is currently struggling to stay in business. Luhr suggested a maximum time limit of ten years for the above ground fuel system. Woodson suggested adding to the condition "except for the underground fuel tank". Novak clarified how the process for the installation of the fuel tanks will proceed. The Commission accepted that process. The consensus was to add the condition as "Temporary above ground fuel tank is only allowed until the Thai Boat is removed and the underground tanks are installed, at such time the temporary tanks shall be removed".

Luhr asked if the trashcan and washout location could be moved. Novak noted they have an easement for that location for that purpose and the restaurant has concerns with moving them. Woodson suggested adding to item #27 in Exhibit B the wording "or public walkways". Lucas noted he isn't sure that there is a better location and isn't in favor of making them move it. Woodson suggested asking the applicant to study it and come up with a better location if it is feasible.

Add to item #16 in Exhibit B "two conspicuous signs shall be installed in conspicuous places that state public bathrooms, the signs will indicate where these bathrooms are". There was consensus for this addition.

Woodson suggested changing the wording in Exhibit B # 7 so that the words "the project" are changed to "in all facilities of all leases affected". There was consensus for this addition.

Woodson suggested adding a condition that states "no object portable or permanently installed shall exceed 25' in height except for vents and chimneys except for what exists". There was consensus for this addition.

Luhr asked if they wanted to condition the new space in GAFCO, which is proposed as a fish market to remain a fish market so it would be conditioned to comply with Measure D. Algert reminded the Commission of the problems that could arise by tying Measure D to the project. Luhr said they should leave it alone and the Commission concurred.

Woodson reviewed condition #18 and the Commission agreed they would like to leave this condition.

Woodson reviewed condition #19 and asked how Staff felt about the condition. Prater indicated Public Works required this condition and Staff concurs. Luhr expressed his concern with asking the applicant to resurface the entire parking lot when they may only damage a small portion. Woodson asked the applicant to address what their specific concern is with this condition. Novak said they are willing to restripe and resurface as needed but did feel they shouldn't have to relocate the driveway along the Embarcadero, as it is a benefit to the City. Prater noted that this change would not have to be made if the applicant was not coming forth with these changes, so he isn't sure the condition could be changed. Woodson said he isn't sure the applicant should have to foot the bill for the whole thing. Ream suggested allowing the applicant to work with Staff to come to an agreement. Woodson suggested the condition should be changed to read, "the City and the applicant should work together on the relocation of the driveway and the applicant does agree to restripe and resurface the parking lot". There was consensus from the Commission on this change.

Ream asked to have item 10 revised to eliminate construction hours on the weekend. Prater noted there is another condition that overrides those hours already so eliminating condition 10 all together is more appropriate. Algert interjected that not allowing work on the weekend could hinder the project and cause the businesses to be out of operation

longer than usual. Luhr suggested limiting the hours in the summer and holiday weekends but not in the winter. There was consensus on this change. Luhr repeated the change should read “Construction hours shall not be allowed during summer and holiday weekends”.

Novak asked the Commission to consider allowing the applicant to extend the footprint one foot towards the South T-Pier on the GAFCO project and then creating an access door to go from the South T-Pier on to the GAFCO new outdoor seating that would be behind the fish market. The Commission agreed they find this acceptable leaving the legal ramifications up to the City Attorney.

MOTION: Ream, Woodson 2nd to approve the project as amended per our discussion with consensus items. VOTE: 4-0.

XI. OLD BUSINESS

A. Current Planning Processing List

Projects submitted for Administrative Approval (not single-family residential unless in MCR)

1. None

Prater noted that item number 1 on the residential list, the ten lot subdivision, was intended to come back on February 4, 2008 and would like to know if that is too soon. The Commission did not confirm or deny.

Ream asked if the renter on Scott Street knows they have to do annual business license for the storage component. Prater stated he did not know if the renter knew about that, but they had made it part of the Title Deed. Ream asked if any of the others have gotten there licenses and Prater said some of them had but he did not know about the others and could check.

XII. NEW BUSINESS – None.

XIII. ADJOURNMENT

Woodson adjourned the meeting at 9:32 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, February 4, 2008, at 6:00 p.m.

Bill Woodson, Acting Chairperson

ATTEST:

Michael Prater
Secretary