

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, December 17, 2007

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

I. CALL MEETING TO ORDER

Johnson called the meeting to order at 6:02 p.m.

II. PLEDGE OF ALLEGIANCE

Rob Livick led the pledge.

III. ROLL CALL

Johnson asked that the record show all Commissioners were present.

Staff Present: Bruce Ambo, Rob Livick, Michael Prater, Rachel Grossman, and Kimberly Peeples

IV. ACCEPTANCE OF AGENDA

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

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the December 10, 2007 meeting, City Council:

- Accepted a right of way dedication for 461 Piney Way
- Gave authorization to remove a Coastal Commission condition of approval from the City owned lot in the Cloisters subdivision. Ambo noted we will be applying for that soon by forwarding a letter to the Coastal Commission asking them to adjust their records in accordance with our local action.
- Extended the moratorium on Medical Marijuana facilities for another year
- Continued the hearing on the bed and breakfast proposal at 214 Beach
- Reconsidered the City participation in the Countywide Business Improvement District (BID)
- Considered an additional payment of \$10,000 and reaffirmed their participation in the Countywide BID
- Awarded a contract to Management Partners to do an organizational study of the City of Morro Bay
- Directed Staff to solicit an RFP to have a new City Website design
- Authorized funds for additional fire engine
- Authorized funds for legal aid assistance with the Linker/Patterson lawsuit

The upcoming agenda will include a request to apply for grant funding to do a Chorro Valley Water Analysis.

VI. PUBLIC COMMENT

Seeing no comments Johnson closed the Public Comment period.

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on December 3, 2007

Lucas noted he had met with the appellant at the 360 Cerrito site and would like that added to the minutes on page 3. Woodson commented that he noticed the project at 1140 Front Street is due to come back to the Commission on the consent calendar of the January 7, 2008 meeting. He felt that since he has not seen the project or the presentation, he would not be making any comments on the project one way or the other, unless it comes back as a Public Hearing. Prater clarified that the item can be pulled from the Consent Calendar and become a Public Hearing. Woodson and Ream concurred that they would prefer this so they could see the entire project and have the opportunity to comment.

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

VIII. PRESENTATIONS

- A. Pedestrian pathway and circulation plan – City Engineer, Rob Livick

Livick introduced the item noting the path it has taken thru the City Council and how the plan has developed.

Lucas asked if there is a long-term plan for the R1 zones, especially in the areas where children are walking to school. Livick said that the best place for that to be included is the circulation element of the general plan. Ream asked if any consideration was given to adding sidewalks to only one side of the street. Livick said there was not due to the Federal Boards Right of Way guidelines and it's plan for equitable requirements for owners on both sides of the street with the only exception being topographic reasons. Woodson asked if Livick would require sidewalks for the project on the agenda tonight that is between Dogwood and Fir. Livick responded that based upon Council's directions to modify code and based upon it being in the R1 zone, he would not require it. Johnson asked if sidewalk improvements are paid for by the City or the Residents, Livick said sidewalks are generally done thru land development and the landowner is responsible for them. Ream asked if a designated pedestrian pathway was in a R1 zone, would sidewalks be required and Livick noted that would have to be determined by Council, because as the code reads now they are not required in R1 zones. Lucas commented on a regional CalTrans Meeting that he attended a few months ago that there are grant monies available for sidewalks in School pathways. Livick noted that is the Safe Routes to School program and there are various stipulations that are involved with applying for those grants and are very competitive. Luhr asked if the City could require the residents to install sidewalks in front existing residents. They said that would be against State Law.

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 project have on the plans before going to Planning Commission.

X. PUBLIC HEARINGS

A. Site Location: 2740 Dogwood Ave. in the R-1/S.2 zoning district. Applicant: Ken & Lisa Blackwell. The applicant requests Conditional Use Permit and Parking Exception approvals to construct a 648 square foot second floor addition to an existing nonconforming residence, and legalize an illegally converted garage. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301). Staff Recommendation: Conditionally approve the conditional use permit, but deny the parking exception. Staff Contact: Rachel Grossman, Associate Planner, 772-6261.

Grossman presented the Staff report noting the history of the additions and the illegally converted carport, also the required findings for the Parking Exception, which Staff could not make and is therefore suggesting the parking exception be denied.

Grossman confirmed the following questions and concerns from the Commissioners:

- The addition will not encroach into the required setback
- Communication between the City and County has improved so these types of conversions are detected sooner
- The fees noted in Exhibit B are correct, but the applicant will also have Building Fees and potentially Development Impact Fees when they apply for their building permit
- The proposed garage setback meets code
- The Commission is within their rights to deny the project and require them to redesign with a two-car garage
- If they required the applicant to convert the dining room to a garage and keep the rear garage they could approve the project tonight

Johnson opened the Public Hearing asking the applicant to address the Commission. The agent and architect for the applicant, David Main addressed the Commission noting the applicants intent for use of this site as a residence, to keep as much of the view corridor as possible, landscape a large portion of the lot and use sustainable energy building techniques. He also reminded the Commissioners that the current owners did not do the illegal conversion and the garage in the rear did conform to code at the time it was built. Redesigning to move the dining room is not something they are prepared to do, especially since they are trying to keep the footprint as small as possible. They do not agree with item J in exhibit A, as they don't feel the parking exception would be a special privilege, especially when you drive down their street and see the condition of parking on their street.

Johnson closed the Public Hearing seeing no further comments.

Luhr asked if they put any thought into adding a dining room in another location. Mr. Main said he had, but he had not reviewed that option with the applicants. Luhr confirmed they are not intending to do any work on the kitchen.

Ream expressed his initial concern about who did the illegal conversion and was relieved to hear it was not the current owners. Due to that he spoke favorably of the project.

Lucas asked if they had considered expanding the existing rear garage. Mr. Main said they had not and Grossman interjected that they would have to come back before the Commission to ask for a variance for the rear setback.

Johnson asked if they eliminated the rear porch could they provide a tandem garage. The architect said they had not considered that yet.

During discussion the Commissioners noted the following comments and concerns:

- Suggested a continuance for a redesign
- Two covered and enclosed parking spaces should be required
- The addition is less than 1000 square feet and that has previously been the trigger for the Commission to require two covered parking spots
- Consider allowing the applicant to convert the dining room back to a garage and relocate the dining room
- Confirmed that the eastern garage will remain

MOTION: Woodson, Ream 2nd to approve the project as presented by Staff with a change to item 15 in exhibit B to delete the word "dining".

During discussion Ream asked if the illegally converted carport is wide enough to fit a car. Grossman confirmed that it is if they remove the encroachments. Lucas does not agree with converting the dining room to a garage because he does

not like two streets with two garages. Luhr and Johnson would both like to see some flexibility for relocating the garage. Johnson asked the applicant if they would like to have a continuance or a denial. The applicant asked for the opportunity to redesign and work with Staff to find a solution. Johnson said she felt a continuance would be the best option for the applicant. Woodson thought the applicant was willing to accept the motion and convert the carport back. The applicant said they do not want to convert the dining room back to a garage and they would like a continuance.

VOTE: 1 – 4 (Johnson, Lucas, Ream and Luhr opposed)

MOTION: Luhr, Lucas 2nd to continue the item to a date uncertain.

During discussion Ream questioned the applicant's options again and thought a conditional approval tonight would be a good option for them. Grossman clarified the options. Lucas felt it would be best to give the applicant time to take in the suggestions in and come back with revised plans to another meeting. VOTE: 5 – 0.

B. Site Location: 206 Main Street in the R-1 zoning district. Applicant: Candy Botich. The applicant requests a Parking Exception approval to legalize an illegally converted garage, and to permit a one-car garage where a two-car garage is required. This site is located inside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301).
Staff Recommendation: Deny the requested parking exception. Staff Contact: Rachel Grossman, Associate Planner.

Grossman stated that this project was not noticed properly and therefore Staff is recommending a continuance to the January 7, 2008 meeting.

MOTION: Lucas, Luhr 2nd to continue the item to the January 7, 2008 meeting. VOTE: 5 – 0.

Johnson asked the members of the public that are interested in speaking on the next public hearing item to please complete one of the Public Comment Forms and give them to Staff. She then asked for a 4–5 minute break at 7:21 p.m. to allow some time for the public to complete the forms. The meeting was called back to order at 7:29 p.m.

C. Site Location: Citywide in the R-1, and S.1/S.2 Districts. Zoning Code Amendment. The City of Morro Bay will hold a public hearing to discuss the approach of developing new neighborhood compatibility standards for single-family residences. Staff is recommending these new standards apply in the R-1, S.1 overlay, and S.2 overlay zone districts only. The standards will be designed to address the interim Ordinance 535, which increases the level of review for homes larger than 2,500 square feet and the concerns expressed at the public workshops for less bulk, scale, boxy appearance, and structures that would allow for more natural light, air, and privacy between neighboring properties. (CEQA Determination: Statutory Exemptions 15265). Staff Recommendation: Direct staff to return with code amendments for neighborhood compatibility standards. Staff Contact: Mike Prater, Planning Manager.

Prater outlined the process for tonight's meeting and the approach that will be taken to making the suggested amendments. He highlighted the zones that would be affected by these changes and how the suggested changes would affect the appearance of future projects. Ambo addressed the topic of Floor to Area Ratios, their traditional applications and how this type of product would not necessarily be the appropriate approach for Morro Bay.

Prater noted the following members of the public; Ann Reeves, Commissioner Lucas, Linda Stedjee, Sue Perry, Amity Perry, and John Barta forwarded e-mails on this topic. Councilmember Winholtz provided a news article and Staff is in possession of the documents from the View Shed Committee.

Lucas asked if they legally have the right to limit the square footage on projects. Prater said as long as we go thru the appropriate process they do have the right to make those limitations.

Prater acknowledged for Luhr that they could have a balcony in the front and rear step back areas, just not on the side.

Woodson confirmed with Prater that this amendment would be layered on top of what we currently have existing. He also asked if there are other communities that have recently made these types of changes. Ambo said there might be but he felt this product they have presented is the most user friendly and most appropriate for this community. He noted there are a number of items inserted into this product that triggers the project to come before the Planning Commission for more stringent review. Woodson also asked why all single family residences were not having this applied. Ambo clarified that the other single-family zones would be addressed under a different topic at a later date. Woodson asked if the side step backs would be required at the front portion of the home. Staff clarified that it could be anywhere on the side to allow for flexibility in design. Woodson asked if this amendment would have to go to the Coastal Commission. Staff confirmed.

Johnson confirmed the process Staff will take after tonight's meeting.

Johnson opened the Public Hearing.

Sue Perry spoke in favor of Floor to Area Ratio and against the Staff Report.

Dorothy Cutter presented a map of California with City's highlighted that have adopted Floor to Area Ratio and spoke in favor of Floor to Area Ratio and did not feel the product presented was satisfactory.

Robert Tefft spoke against the product presented by Staff and hoped Commission would redirect Staff to make changes, which the product they have presented does not do.

David Nelson spoke in favor of implementing Floor to Area Ratio noting it can be implemented on small lots.

John Barta spoke against Floor to Area Ratio and noted that he did not feel the consensus in the community is not in favor of F.A.R. as previously stated and there are many people who are adamantly against F.A.R.

Ken Vesterfelt felt the proposal by Staff is very fair.

Bill Black spoke to the variety of homes in Morro Bay because "That's Morro Bay" and that is why people move and live here. We have the tools in place to regulate the size of homes in the community already.

Johnson closed the Public Hearing seeing no further comment.

Staff addressed the following questions and concerns from the Commissioners:

- Staff does have some of the numbers showing the various size of lots throughout Morro Bay
- The Beach Tract on the west side of Highway One and the Cloisters Tract have restricted height limits
- FAR would generally create an extremely small home on the smaller lots
- Porches should be viewed differently in how they are calculated in floor area to help provide articulation

Woodson noted he felt one of the items that needed to be addressed tonight is whether or not we use FAR to address the issue and if we do use FAR if they include the garage area in those calculations.

Lucas noted his shock about the limited number of people that attended this meeting tonight and is ready to move forward with recommending changes to Staff.

Ream felt that a larger percentage could be applied to FAR. It wouldn't have to be at the suggested 50%.

Johnson asked for a simple explanation of the difference between F.A.R. and what we have in our code now. Ambo clarified our current ordinance uses setbacks and lot coverage whereas F.A.R. limits the size of the building.

Woodson felt that both Staff's recommendations and F.A.R. have valid ideas but that neither one individually addresses his concerns.

Lucas felt with FAR bad small houses could be built just as easily as it can with bad big houses.

Johnson gave each of the Commissioners 10 minutes to site their issues and concerns.

Woodson:

- FAR addresses bulk but does not address a boxy house, articulation, sunlight penetration or view shed
- Include FAR but with bonuses for additional square feet if they add the articulations that they want like pitched roofs, second story setbacks, or one-car garage facing front
- He felt there were many ways to give an architect options for articulation on houses, big or small.

Luhr:

- Felt the current ordinance is more restrictive than what is being proposed
- If you get into restrictive areas and adding bonuses, it gets very complicated and does not guarantee good design
- If you change the existing ordinances, recently built houses are going to become legal non-conforming
- Staff's proposal goes a long way towards getting a better product and limits the size
- Would like to see bonuses for porches, because he felt they are an asset to the community
- Would like to see a survey of property owners, not the residents to get their feedback
- Concerned about the cost to the builder for step backs as they are very expensive to build
- Felt Staff's plan is easily implemented, understandable and gets at reducing the size of the house

Ream:

- Does not like the idea about doing a survey to property owners as they don't necessarily live here and does not feel they have the same care about the City as people who do live here
- Felt the community has had ample opportunity to express their concerns
- Likes the idea of doing a combination of Staff's recommendation and FAR and giving bonuses for articulation
- Felt the community wants FAR to be "part:" of the plan

Lucas:

- Pleasantly surprised with what Staff came up with and doesn't want to lose sight of the items in this report
- Doesn't tend to agree with Staff's description of "neighborhood" but he doesn't necessarily disagree
- Doesn't know how to control the articulation when you use FAR.
- Felt you can still design a bad product with FAR
- Doesn't think FAR would be clear, so he wants to design a usable product that is clear
- Doesn't know if privacy on sloped lots can be addressed
- Agrees the step backs will add construction cost, but feels the articulation is very important
- Very important to be sure to leave light space to enhance the use of photo voltaic systems

Johnson:

- Wants a way to limit the big boxy house and isn't sure if she wants to give a bonus for a garage in front
- R2 and R4 lots should be looked at as well, so they have to follow the same regulations to avoid big boxy houses
- There should be different regulations for different neighborhoods that have different topography
- Doesn't want to adopt another City's FAR regulations, because she doesn't want to turn into one of those towns
- Need to find a way to limit the changes taking place in town
- Would like to encourage "Green Building"

Johnson asked the Commissioners to give Staff the direction they would like them to go in during their final comments.

Woodson asked how the details for the step backs would be defined. Ambo said the details would be defined when they write code, but they can't write the code until they determine the direction they are going in. Woodson asked to replace lot coverage with FAR, leave in place the setbacks, implement a FAR criteria of 40% on lots over 4000 square feet and 50% on lots under 4000 square feet, garages not counted in square footage, put a limit on garage space, and provide bonuses for articulation we deem desirable including solar power and porches.

Luhr was impressed with the elegance of Staff's solutions and has concerns with changing the ground rules for the people that bought here with certain expectations. He is in favor of Staff's approach with a few tweaks. He has concerns about FAR on sloped sites and is generally leery of it for it to work correctly.

Ream is in favor of Staff's approach with some form of FAR concept to limit the size of the house based on the size of lot.

Lucas doesn't have any trouble with numbers 2, 4 and 5 on Staff's list being developed, but he has concerns with #1 and #3. He has the biggest concern with the lots that are 2400 square feet. It could be FAR has to change as the lots change. So a FAR would have to be different for the flat lots then it is in the sloped lots. Not in favor of requiring sloped roofs. He doesn't feel a strict FAR will get at providing a better product.

Johnson would like to know what direction Staff would like to go in. She would like to see a clearer designate to the areas that this would apply to and find a way to eliminate boxes.

Ambo said he would like to know from the Commission what they are looking for specifically; develop Staff's concept, a combination or FAR.

Lucas would like to see a combination using FAR with articulated requirements including Staff's step backs applying them to the different areas of town and how they will affect each area.

Ambo noted they will come back with what they are asking and provide them with some studies which they have already looked at the different approaches and FAR was one of the first approaches they looked at.

Lucas felt there were still tremendous opportunities for the town to change with the potential for teardown/rebuilds.

Ream would like to see a combination. Thinks the biggest problem seems to be people who want a big home on a small lot. He likes the tiered level look, but felt it could be enhanced with a FAR program of some sort.

Luhr felt Staff's approach is simple and clear. Would like to see some of the work that has gone into this and bring back some of the problems you have come across when researching the FAR approach. The proponents of FAR seem to have the biggest concern with the size of the house. Staff's approach does address that. He is unsure of #1 on the list but comfortable with Staff moving forward with #2 thru #5.

Woodson feels we need to do something different to try and achieve some of the neighborhood character. Would like to see FAR implemented with bonuses when using articulation. He would like to see a model from Staff that they can use.

Johnson doesn't want to see our main codes changed. She believes what we have now is pretty good and just needs to be tweaked every once in a while. She is not convinced about FAR.

Lucas asked what is the smallest threshold we can deal with. Ambo said Staff would look at that and bring it back to the Commission in the future. Woodson asked if Staff could come back with specific text the next meeting so that they could have a better basis for further discussion. Ambo stated that going from broad statements to code is not suggested.

MOTION: Lucas, Ream 2nd to continue this item to a date uncertain. VOTE: Approved by consensus.

XI. OLD BUSINESS

A. Current Planning Processing List

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

1. None

Johnson confirmed that 1140 Front would not be a noticed Public Hearing on the next agenda.

XII. NEW BUSINESS - None.

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:58 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, January 7, 2008, at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Michael Prater
Secretary