

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, July 2, 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 6:03 p.m.

II. PLEDGE OF ALLEGIANCE

Bruce Ambo led the pledge.

III. ROLL CALL

Johnson asked that the record show all Commissioners were present.
Staff Present: Bruce Ambo, Mike Prater, Rachel Grossman, Joan Drake

IV. ACCEPTANCE OF AGENDA

MOTION: Ream, Woodson 2nd to accept the agenda. Vote: 5-0.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the June 25, 2007 meeting, City Council:

- Continued the Appeal of 214 Beach Street for one month due to concerns about parking, a traffic study and the mix of uses
- Selected the oxidation ditch treatment method with filtration on the end for the Waste Water Treatment Plant
- Began discussion of the Parking Management Plan
- Continued discussion of the Administrative Citation Process
- Heard the First reading of the Tree Trimming Ordinance
- Approved Resolutions for the Cloisters and North Point annual assessments
- Continued the Resolution Amending the Major Vegetation Guidelines
- Continued the Annual Water Report Update

At the July 9, 2007 meeting, Ambo said Council would:

- Consider setting a date for a study session on the Parking Management Plan
- Hear a report from the New Futures Committee on the Power Plant site
- Hear the First or Second Reading of the Administrative Citation Program
- Consider modifying construction hours on weekends from 7 a.m. to 8 a.m.
- Hear the Second Reading and Adoption of the Tree Trimming Ordinance
- Consider the Resolution Amending the Major Vegetation Guidelines
- Hear the Transit Tri-annual Performance Audit

Lucas determined the Treatment Plant solution included an option to discharge into Chorro Flats. There was discussion about the effect the Resolution Amending the Major Vegetation Guidelines would have on the Public Hearing item on this agenda. Prater suggested holding the discussion until the item was addressed. Johnson clarified Planning Commissioners would be able to attend the Parking Management Plan study session.

VI. CONSENT CALENDAR

A. Approval of minutes from hearing held on June 18, 2007

MOTION: Ream, Woodson 2nd to approve the minutes as printed. Vote: 5-0.

B. Findings for Denial for 735 Cabrillo Place lot split

MOTION: Ream, Lucas 2nd On S00-074/CPO-234, Subdivision at 735 Cabrillo Place, the Commission accepts Findings for Denial by the Planning Department. Vote: 5-1 (Woodson opposed)

VII. PRESENTATIONS – None

VIII. PUBLIC COMMENT:

Cathy Novak, representing the 735 Cabrillo Place project, said she wanted to state on the record that the applicant is in opposition to the Planning Commission action.

IX. FUTURE AGENDA ITEMS

A. Pedestrian pathway and circulation plan.

B. Secondary unit design competition and consideration to waive development fees for secondary units.

Woodson stated he distributed a Tribune article on the San Luis Obispo design competition to the Commissioners for future discussion.

X. PUBLIC HEARINGS

A. Continued from June 18, 2007

Site Location: 535 Dunes Street in the R-4 zoning district. Applicant: Tim Kopack. Appellant: Roger Ewing. The proposed project would remove five (5) Eucalyptus trees located on private property from the rear yard of a single-family residence. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorical Exemption Class 3). Staff Recommendation: Deny the appeal and conditionally approve the project.

Prater stated the Commission and staff were in a difficult position in reviewing this project and deciding what Conditions needed to be added. He said it was necessary to adhere to the Guidelines under which this project must be reviewed. He said they are Guidelines, not an Ordinance. Prater said that the review standard applied was removing more than two trees during a 12-month period required a Coastal Permit. He said there were two findings that had to be made 1) whether threatened or endangered species were present and 2) whether instability would be created. Prater said staff did not find evidence of either and issued the permit. He said staff agreed with many points made by the appellant, but cautioned the project had to be reviewed by the narrow guidelines.

Commissioners clarified the City would probably not have liability for future damage caused by the trees and neither a biologist or arborist report was deemed necessary. There was discussion about the location of the trees and property lines.

Johnson opened the Public Hearing and asked to hear from the applicant; no one was present. Appellant Roger Ewing referred to General Plan Policy LU-82 and Coastal Land Use Plan Policy 4.01 as the basis for his appeal.

The following people spoke against cutting the trees: Lionel Johnston, Dan Knecht, Debbie Highfill, Mark Souell, Ann Freem, Tish Tefft, Nancy Bast, Michael Durick, Dorothy Cutter, Nancy Dunn, Susan Shaw, Bev Hardy, Ray McKelligott, Martha Johnson, Henrietta Lichtenbaum, Alene Minton, Karen Dunn, Sandra Brazil, Gary Johnson, Bob Tefft, Susan Heinemann, Bill Martony, Joey Recano. Reasons included: Preservation of significant archaeological and historic resources, wildlife preservation, ecology, and the need for a survey to establish ownership. Several people recommended the City rewrite the Guidelines and suggested the trees be trimmed, rather than removed. Helena Raine stated that if the trees were removed, they should be replaced with native trees.

Gene Doughty, former owner and architect for the home, offered to answer questions. Woodson clarified the property had been surveyed and at least two of the trees bi-sect the property line.

Woodson said he believed this was a shot across the bow for the Resolution coming before City Council and he supported the appeal. Luhr said he would like to see a better Ordinance, could not see approving cutting two trees on or over the property line and believed a biological survey was needed. Ream said things may be legal, but not right, and he was still uncertain of his decision. Lucas said trees can be landmarks, their location to the property line is in question and he supported the appellant. Johnson stated she would like the issue continued until after the City Council meeting, but realized that probably wouldn't happen. She discussed research she had done on Eucalyptus trees and said she recommended the owner cut two trees and trim the others.

MOTION: Woodson, Lucas 2nd to uphold the appeal by Roger Ewing based on the fact that the cutting down of these trees would go against the General Plan Policy LU-82 and Morro Bay Coastal Land Use Policy 4.01, which states "where necessary, significant archaeological and historic resources shall be preserved to the greatest extent possible both on public and privately held lands" and the position of the trees in relation to the property line is uncertain.

During discussion Commissioners added to the motion the Visual Resources Policy, if applicable. Ream pointed out the property was surveyed and two-thirds of the trees are on the applicant's property. He said he hoped the owner would listen and acquiesce. Johnson said this was an important issue for future developers to consider.

Johnson called the question. Luhr clarified there were sufficient Findings to uphold the appeal. Vote: 5-0.

Ream reminded the audience they can speak at City Council during the public comment period.

Johnson announced a Neighborhood Compatibility Workshop on July 14, 2007 from 10 a.m. to noon.

XI. OLD BUSINESS

A. Current Planning Processing List

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

1. None

XII. NEW BUSINESS – None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 8:00 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, July 16, 2007, at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Michael Prater
Secretary