

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, August 3, 2009

Vice-Chairperson Bill Woodson
Commissioner Gerald Luhr

Chairperson Nancy Johnson

Commissioner Michael Lucas
Commissioner John Diodati

Bruce Ambo, Secretary

I. CALL MEETING TO ORDER

Chair Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Janice Peters, Mayor, led the Pledge of Allegiance.

III. ROLL CALL

Chair Johnson asked that the record show Michael Lucas and John Diodati absent.

Staff Present: Bruce Ambo, Kathleen Wold and Christine Rogers

IV. ACCEPTANCE OF AGENDA

Woodson asked if the New Business item related to the Memorandum on Indigenous Culture requirements and recommendations was a Public Hearing Item, and if not, stated the public should be informed to address their comments during the Public Comment period.

MOTION: Woodson, Luhr 2nd to approve the agenda as presented. VOTE: 3-0

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Mr. Ambo reported City Council did not conduct the regularly scheduled meeting on July 27th, 2009.

Mr. Ambo stated on August 10, 2009, at 5:00 pm in the Memorial Veteran's Hall a Special Meeting will be held. This will be a workshop on Redevelopment and is a follow up to a number of previously held public hearings on whether or not to proceed with formation of the Redevelopment Agency and adoption of a Redevelopment Plan. The meeting may be continued on the City Council's regularly scheduled Agenda if the discussion exceeds the time allotted.

Mr. Ambo stated on August 10, 2009 City Council will also:

- ◆ Consider a request for City Public, Education and Government Access Funds in support of Educational Access Programming/Video Production Curricular at Del Mar Elementary and Morro Bay High Schools
- ◆ Consider a Memorandum of Understanding with San Luis Obispo County for the preparation of an Integrated Regional Water Management Plan
- ◆ Hear a Status Report on Planning Appeal Fees
- ◆ Hear a Presentation on Implementation of Goals A & B from the Management Partners Goal Setting Workshop

Johnson asked the Commission if there were any questions for staff. There were none.

Chair Johnson re-emphasized the meeting on Redevelopment on August 13, 2009, at 5:00 pm in the Veteran's Memorial Building, and addressed other general inquiries as follows:

- ◆ Large quantity of sandwich board signs - Mr. Ambo confirmed these types of signs are regulated. Ms. Wold indicated Staff has received a number of complaints and is working with a member of Public Services on the issue, the evaluation includes review of historical files, and Staff will come back to Mr. Ambo, and possibly Planning Commission, with recommendations.
- ◆ Is there construction planned at that end of North Point? Mr. Ambo responded he was not certain, though the County has circulated a Notice of Preparation for an environmental document related to the connection of the bikeways between Morro Bay and Cayucos. The County Environmental Planning Department is coordinating this effort in conjunction with the County Parks Department.

VI. PUBLIC COMMENT

Chair Johnson opened the Public Comment.

Janice Peters, Mayor – Spoke about flyers recently circulated regarding the Redevelopment Agency, noting the City will be circulating a blue flyer in the water bills with factual information. The previously circulated flyer (prepared by others) contained a great deal of misinformation. The Redevelopment Feasibility Study is available at the Library for review, and City staff will be happy to answer any questions. Review of the Redevelopment concept will occur at the meeting.

Ken Vesterfeldt – Morro Bay Citizen's Policy Academy will resume on September 3, 2009. Mr. Vesterfeldt spoke briefly about oversized signage within City limits, felt policy should be universally applied.

Dorothy Cutter – Spoke against Redevelopment, discussed parcels identified as blighted by the consultants, encouraged attendance, and provided information regarding citizen's group website.

Bill Martoney – Spoke in support of the inclusion of both the Salinan and Chumash representatives in project review. Spoke on Redevelopment, encouraging attendance and expressing concern regarding the potential devaluation of property values, difficulty in obtaining loans, higher interest rates, and eminent domain.

Jack McCurdy – Spoke against redevelopment addressing necessary blight findings, definitions, etc. Feels that these judgments were subjective, and the effects not addressed in the report.

Bernadette Pekarek – Spoke against redevelopment using Avila as an example of cookie cutter development lacking character.

Seeing no further comments, Chair Johnson closed the Public Comment.

Mr. Ambo indicated no redevelopment plan has been prepared. This is a subject that will be considered on August 10, 2009. The objective blight analysis completed as part of the study is a form of protection not previously required and precludes cities from arbitrarily designating areas as blighted and collecting tax increment. Legislation has been refined to increase protection of citizens. The City currently has the right of eminent domain, and has had this right since incorporation. Staff's recommendation was to prohibit the use of eminent domain in residential areas. The purpose of the process is to explore these issues and address any misinformation and/or misunderstandings.

Mr. Luhr asked what impact it had on the individual property owner to have a property deemed blighted by the study. Mr. Ambo responded it has no impact. People are often in redevelopment areas that are not demarcated as blighted and don't realize it (for example the Gas Lamp District in San Diego is a redevelopment area). The single intent of the blighting analysis is to legally determine whether an area is blighted as required by law. It could have a positive impact to property because there are more financial resources available in a redevelopment area.

Mr. Ambo confirmed property values rise and fall with or without redevelopment. The emphasis on economic development in a redevelopment area encourages properties to improve. He clarified that it is against the law to raise interest or insurance rates as a result of being within a redevelopment agency.

Mr. Woodson suggested that these issues be reiterated at the August 10, 2009 meeting. Chair Johnson stated the workshop will be available for viewing on Channel 20, and the City Website also provides information regarding all of the meetings pertaining to redevelopment.

Chair Johnson shared the Dahlia is the City flower and "Dahlia Daze" will be held Saturday, August 15 from 1:00 p.m. to 4:00 p.m. at the Morro Bay Community Center. There will be free refreshments and a plant sale sponsored by the Morro Bay Garden Club.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on July 6, 2009. Revisions were proposed as follows:

Page 7: Strike, "and has a 2015 requirement to discontinue once through cooling."

Page 7: Revise sentence to read, "Should the Power Plant owner pursue development,..."

Last Page: "He clarified that the Consultants will ~~waive~~ credit \$44K if we proceed moving forward with formation within the time frame identified and utilize their services to assist the City in the process."

MOTION: Woodson, Luhr 2nd to approve minutes as revised. VOTE: 3-0

B. Approval of minutes from hearing held on July 20, 2009.

MOTION: Woodson, Luhr 2nd to approve minutes as presented. VOTE: 3-0

VIII. PRESENTATIONS – None

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
- C. Downtown Visioning

X. PUBLIC HEARINGS

- A. **Site Location:** 285 Main Street, R-1/PD zone
Applicant: John and Alair Hough
Request: Conditional Use Permit UPO - 269 /Coastal Development Permit CPO- 307 to allow demolition of an existing garage and construction of a new 2 car garage with a 400 square foot guest house addition. This site is located inside the Coastal Commission Appeals Jurisdiction.

Recommended CEQA Determination: Categorically Exempt, Class 1, section 15301

Staff Recommendation: Conditionally approve.

Staff Contact: Aileen Nygaard, Associate Planner, 772-6211

Kathleen Wold presented the Staff Report as follows:

- ◆ A portion of the driveway is proposed to be temporary (gravel material) in consideration of future development proposed on the adjacent property.
- ◆ Application is conditioned to reserve an easement to ensure access to the rear parcel (to occur upon sale).
- ◆ Deed restriction to be recorded on the property stating the secondary unit will be utilized as a guest house only, no cooking facilities or food storage and cannot be rented out.
- ◆ Two trees are proposed for removal. Parcel Map conditions prohibit tree removals not related to hazard. Tree removal is currently proposed to allow the driveway relocation.
- ◆ Parking may be an issue.

Chair Johnson asked if there were any question of Staff. Clarification was provided as follows:

- ◆ Parcel 1 does have legal access from Tidelands Park.
- ◆ 2004 Lot Line Adjustment was an administrative approval by Staff and included some exchange of dedications along Main Street. This exchange takes place upon recordation of the final map, which occurs at the Applicant's discretion.
- ◆ Additional conditions on the property approved by the Planning Commission on September 15, 2008 included:
 - Standard Conditions
 - Park-In-Lieu fees
 - Common drive access and maintenance with final map record easement or covenant with the maintenance responsibilities for common access
 - Property line verifications
 - Agreement for future frontage improvements
 - Common access shall not use the northern access, but shall be provided such that Parcel 1 and Parcel 2 are not land locked, to be approved by the City Engineer before final recordation
 - Underground all utilities
 - No tree removal unless hazardous conditions exist

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

Tom Martin, Agent for the Applicant addressed the following:

- ◆ Unable to identify the species of the trees, proposes tree replacement on a 2:1 ratio for all removals.
- ◆ Currently utilizing a neighbor's property for access without a legal easement. The objective is to provide legal access to the property.
- ◆ Applicant's representative indicated he had no jurisdiction over map processing.

Bill Martoney – Spoke in support of the project and encouraged approval.

Seeing no further comment, Chair Johnson closed the Public Hearing.

Discussion and clarification occurred as follows:

- ◆ Applicant reviewed a preliminary concept plan identifying the final paved driveway alignment.

- ◆ Confirmed a temporary driveway is proposed as a result of costly retaining walls being required for the permanent drive.
- ◆ A Temporary guest parking spot for the guest house was reviewed.
- ◆ Staff confirmed they are unable to condition Parcel 1 in review of this application. Site is located in a Planned Development Zone which is not precise enough to take action without a final map. Parcel 2 for the building and Parcel 3 for the demolition are currently under review. This application could be conditioned to require recordation of the final map.
- ◆ Per the Municipal Code, two trees may be removed without a permit, however the map conditions specifically prohibited tree removal absent hazardous conditions.
- ◆ The project does not currently identify low impact development measures.
- ◆ Incremental development of concern. It has the appearance of a subdivision, while not meeting the requirements of that planning process.
- ◆ It was felt to be unlikely that Guest House would have no food preparation or storage, and thus did not require the provision of parking.
- ◆ Concerns were raised regarding the plans for Main Street and the impacts of this project.

Discussion occurred with the Applicant as to whether it would be his preference to have the project denied, allowing appeal to the City Council, or continued to allow for modification and additional review.

Requests were confirmed for the Applicant as follows:

- 1) Recordation of the Final Map
- 2) Identification of permanent driveway alignment and permanent parking for the guest parking lot
- 3) Provide overall site plan showing all development proposed for the site (4 parcels)

Staff was directed to review issues related to tree removal.

MOTION: Woodson, Luhr 2nd to continue this item to a September 21, 2009, with the reservations and requests of the Commission to be forwarded to the Applicant. VOTE: 3-0.

XI. OLD BUSINESS

A. Current Planning Processing List

Ms. Wold stated the Draft Housing Element Update submitted to the California Department of Housing and Community Development is scheduled to be returned with comments this month.

XII. NEW BUSINESS

A. Memo on Indigenous Culture requirements and recommendations.

Mr. Woodson expressed his pleasure that Staff had addressed this issue and asked if all stakeholders had been notified. Ms. Wold confirmed that most of Staff's discussion had been with the Salinan Tribe. She indicated the memorandum could be forwarded to the Chumash Tribe as well, and indicated a meeting was scheduled with Salinan Tribe for further discussion.

XIII. ADJOURNMENT

Chair Johnson adjourned the meeting a 10:15 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, August 17, 2009 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary