

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Morro Bay Veteran's Hall
Regular Meeting, 6:00 p.m.

209 Surf Street
Tuesday, January 19, 2010

Chairperson - Nancy Johnson

Vice-Chairperson - Gerald Luhr Commissioner - Michael Lucas
Commissioner - Jamie Irons Commissioner - John Diodati

Bruce Ambo - Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Jamie Boucher led the pledge.

III. ROLL CALL

Staff Present: Bruce Ambo, Kathleen Wold, Genene Lehotsky and Jamie Boucher.

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the January 11, 2010 meeting, City Council:

- Approved a Resolution for Recreation & Parks to apply for Proposition 84 funds for Master Planning the Teen Center/Skate Park
- Adopted a Resolution to lower the Parking-in-Lieu fees at 600 Embarcadero to \$4000/space
- Approved a recruitment/hire for an Administrative/Housing Programs Coordinator
- First Reading: Ordinance establishing a Local Business Preference Program for local vendors
- Presentation of 2009 Water Report
- Termination of Water Agreement with Roandoak
- Presented 2009 Trolley Season Performance
- Discussed Water Quality testing in Morro Bay's drinking water

At the upcoming meeting on January 25, 2010 Ambo said City Council will:

- Adopt the Mid-year Budget adjustments
- Adopt the Ordinance establishing a Local Business Preference Program
- Proposed changes to the Stormwater Management Plan
- Discuss unmet bike needs
- Discuss water reclamation options
- Discuss alternative biosolids management options
- Update on Fire Station 53 construction and funding

Mr. Ambo also provided the dates for the Joint City Council/Planning Commission meeting which will be on Monday, March 15th and Monday, November 15th. It is anticipated that the Joint Meeting will precede the scheduled Planning Commission meeting.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on January 4, 2010

MOTION: Luhr/Irons 2nd to approve the minutes as presented.

VOTE: 5 – 0

VIII. PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

IX. FUTURE AGENDA ITEMS

- Downtown Visioning (Planning Commission Subcommittee).
- Restrictions/rules on installing gates on driveways for residential and commercial properties.
- Research information on allowing front porches within the front setback.
- Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.
- Presentation from Dan Doris, Building Official, on Graywater systems.
- Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues

X. PUBLIC HEARINGS

Continued from the January 4, 2010 Planning Commission Meeting

A. **Site Location:** 612 Agave Drive

Applicant: Cathy Novak

Request: Tentative Parcel Map #S00-101 and Coastal Development Permit #CP0-321 subdividing one parcel into three parcels along with a subdivision exception request to include the square footage of the access easement into the overall lot square footage. This site is located outside the Coastal Commission Appeals Jurisdiction.

Recommended CEQA Determination: Categorically Exempt, Class 32, Section 15332.

Staff Recommendation: Conditionally approve.

Staff Contact: Genevieve Lehotsky, Associate Planner, 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

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

Cathy Novak, representing the applicant, gave a presentation.

Roger Ewing urged the Planning Commission to deny this project as it would set precedent.

Jack McCurdy questioned many points of the staff report.

Johnson asked if there were any other questions for the applicant's representative, Cathy Novak.

Johnson asked if there were any other questions for staff.

Lucas asked whether the way it was designed is fitting given the context of the surrounding neighborhood. Lucas also asked what the maximum square footage size of residences that would be permissible based on the lot sizes.

Lehotsky responded that according to how it was proposed with the previous parcel map and how the turnaround is located on this parcel, it was fitting. The applicant prepared a site plan of the size of residence that could potentially be allowed on those sites and it came out to approximately 1,400 square feet per residence for two sites and 1,900 square feet for the third.

Lucas continued with his concern over having a series of lots under consideration with both a gross and net square footage associated with them and doubts the attached plans are the maximum build-out; sees a difference between what they are seeing and what could be built there and the impact of what the development would be relative to the possible structures. There should possibly be some square footage modifications especially to upper story areas within small areas like this.

Lehotsky, responded that staff only has sketches that the applicant provided which all are compliant with the City's setbacks and all the development standards for these particular sites.

Lucas stressed his concern that there is a much larger possible structure than in the attached drawings that we could potentially be approving tonight.

Johnson added that it was her understanding that if the Commission were to grant this exception to a parcel map, the Commission can set a limit to the size of the structures.

Seeing no further comment, Johnson closed the public hearing.

The Planning Commission discussed precedent setting actions, private street concerns, low cost housing needs, square footage limitations of the upper floors, and infill growth.

MOTION: Luhr/Lucas 2nd to accept the Parcel Map (MB 09-0091) and Coastal Development Permit to subdivide one lot into 3 lots at 612 Agave Drive; to accept the findings included in exhibit A and B with the addition that the gross living square footage allowed in each unit be 2000 square feet with the second floor being no more than 80% of the first floor square footage; a gate may not be placed on Agave Street; and, any other amendments to the tentative map come back to the Planning Commission.

VOTE: 3-2 (Diadoti and Irons opposed)

B. Site Location: 2300 Main St.

Appellant: Grant Crowl; **Applicant:** Michael Del Puppo

Request: Appeal of Minor Use Permit #UP0-255 which approved the conversion of a commercial unit to a residential unit. This site is located outside the Coastal Commission Appeals Jurisdiction.

Recommended CEQA Determination: Categorically Exempt, Class 3, Section 15303.

Staff Recommendation: Deny the Appeal.

Staff Contact: Genene Lehotsky, Associate Planner, 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

Irons asked what the normal requirement for storage for this many units is. Ambo responded saying that this is a legal non-conforming existing mixed use building which means the only analysis staff goes thru is to ensure that the uses are allowed.

Johnson asked whether or not the space has already been converted to a living space or is that what they are requesting to do. Lehotsky responded that it has already been converted and based on a code enforcement complaint; staff then gave the applicant the ability to remove the use or go thru the minor use permit process.

Diodati brought up that fact that the appeal form doesn't state that you can further appeal to the City Council; Ambo replied that all Planning Commission decisions are appealable to the City Council.

Lucas hypothetically asked, if the remaining retail spaces request minor use permits as well, thus making this building potentially 100% residential occupancy, would that have any impact on how future projects would be reviewed. Lehotsky stated that the Local Coastal Plan allows for these projects to be reviewed on a case by case basis; this is an existing building with the intent of mixed use; should a project of that nature come before staff then staff feels that they would want upgrades to the project site and it would have to be looked at, at that time.

Diadoti asked whether the applicant has paid all fees and/or fines levied for the existing non-permitted unit. Lehotsky was unsure how the payment occurs for code compliance. Ambo said that they are complying with the City's requirements by removing the use or abating the violation. Diadoti went on to ask staff's interpretation of the "during the implementation phase" – what is the intent of the word "implementation". Ambo stated that our Zoning Ordinance is called the Local Coastal Implementation Plan – in staff's opinion, implementation means "we are 'implementing' as we speak every time we consider something".

Lucas asked whether there was anything in our zoning changes at the Coastal Commission that would affect any of the regulations that we are looking at with this project. Lehotsky responded that the updated Zoning Ordinance would require a Conditional Use Permit which would then be hard by the Planning Commission instead of being processed at a staff level permit process.

Luhr asked for clarification on the zoning: we have an SP zoning which requires 50% mixed use; we have an R4 which can be all residential; we have City Council direction which says it should be 50% commercial with residential either being second floor or to the rear of a mixed use property; what takes precedent?

Ambo replied that staff administers the code by trying to find the balance - we place more weight by taking analysis of case by case uses – given that it's an existing mixed use building, it's a conversion of one approved mixed use to another approved mixed use with an existing mixed use building.

Lehotsky added that since it does have an SP Overlay Zone within combining mixed use overlay zone section of the Ordinance it does says that there is 50% of commercial that is to be devoted to a project with an exception of the Local Coastal Plan; if the Local Coastal Plan has something different in regard to the mixed uses, then that's what you would go with. The overall regulatory document is the Local Coastal Plan and its Mixed Use Area F which states that the projects are reviewed on a case by case basis.

Lucas proposed a hypothetical – if the remaining retail would move to residential, then we had another parcel come up for review on Main Street in this kind of zone and they would say there is a precedent for the mixed uses all being residential, are we required to ask them to put retail in that subdivision? Ambo responded absolutely.

Johnson opened public hearing asking the applicant or their agent to address the Commission.

Appellant Grant Crowl, gave his presentation.

Chuck Reasor also gave a presentation supporting the appellant's position.

Cathy Novak, representing the applicant, gave a presentation.

Dorothy Cutter expressed concern about losing both parking spaces as well as retail spaces.

Bill Martony spoke that this location was originally his mother-in-laws; she too had a struggle with filling the commercial spots and as such "bootlegged" in residential units. He didn't feel the location was viable for heavy commercial.

Steve Samis feels it's important for the City to be looking at best uses for commercial property. The City needs to look at the viability for uses of properties so that we have a "Living City vs. a Dead City"; look at all options available - everybody has a right to make a living. In addition, he feels there is ample parking at this site.

Johnson asked if the Commission had questions for the applicant or the appellant.

Luhr asked Novak who converted this particular unit. Novak wasn't sure although she did state that Building Official Dan Doris told her there was minimal amount of worked necessary to make the conversion – a smoke alarm and a closet – everything else was already there.

Seeing no further comment, Johnson closed the public hearing

The Planning Commission discussed concerns with commercial vs residential site ratios, payment of fees (permit and fines), parking (covered parking, handicapped parking and proper number of spaces), covered/secured garbage bins, and adequate on-site storage facilities.

MOTION: Diadoti/Lucas 2nd to deny the Appeal by adopting a motion including the following actions:

Adopt the Findings for Approval included as Exhibit "A" of the staff report for the Minor Use Permit, including the CEQA Categorical Exemption based on the Site Plan dated April 3, 2009, subject to the conditions of Approval included as Exhibit "B" of the staff report. In addition, in Exhibit A – finding #3 that the project is an allowable use in its zoning district and is also in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay in the North Main Street Specific Plan based on the analysis and discussion in the attached staff report and a condition, that staff will review and ensure that there is a well screened trash enclosure for the facility as well as the current storage unit to remain storage for the tenants until such time the use changes.

VOTE: 4-1 (Luhr opposed)

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program - in the 2nd meeting in February or 1st meeting in March:

- >Black Foothill Villas
- >Morro Mist
- >Big House Ordinance coming thru as a Code Amendment
- >Satellite antennas

B. Climate Action Packet

XII. NEW BUSINESS

A. None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:03 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, February 1, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary