

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, February 16, 2010

Vice-Chairperson Gerald Luhr Commissioner Jamie Irons	Chairperson Nancy Johnson Bruce Ambo, Secretary	Commissioner Michael Lucas Commissioner John Diodati
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I. CALL MEETING TO ORDER

Luhr called the meeting to order at 6:06 p.m.

II. PLEDGE OF ALLEGIANCE

Wold led the Pledge of Allegiance.

III ROLL CALL

Chairperson Johnson was absent. All other Commissioners were present.

Staff Present: Rob Livick, Kathleen Wold, Genene Lehotsky, Cindy Jacinth and Kay Merrill.

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick reported at the February 8, 2010 City Council:

- Adopted Resolution 5-10 approving the mid-year budget amendments
- Adopted Resolution 7-10 authorizing City staff to use energy conservation assistance loan funding for a California Energy Commission block grant
- Held a Public Hearing for consideration of an amendment to Morro Bay Municipal Code Chapter 5 establishing regulations and procedures entitled Medical Marijuana Collectives presented by the City Attorney. This was the first rough draft proposed ordinance change. The draft ordinance is on the City's website. The City Attorney will bring this item back for a second draft after 30 days. Based on those comments, the City Attorney will be preparing first and second readings of that ordinance.
- Approved the budget calendar for the upcoming year including two budget workshops to be held fairly early in budget process to go over Council's goals and take public testimony. The first meeting will be March 16th in the afternoon and the second will be March 17th in the morning. There will also be public hearing items at the next two City Council meetings addressing the budget so the public can have a chance to speak on the upcoming budget.
- Received a presentation from Mike Manchek of EVC regarding the SLO County airport and what EVC is doing to promote the airport.
- Received a recommendation from the Citizen Oversight Committee (Measure Q committee) regarding expenditure of funds. Expenditures were approved with the exception of two items.

Luhr asked if there were any questions. There were none.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on January 19, 2010

MOTION: Lucas/ Irons 2nd to approve the minutes as corrected VOTE: 4-0.

B. Approval of minutes from hearing held on February 1, 2010

MOTION: Lucas/ Irons 2nd to approve the minutes as presented VOTE: 4-0.

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

A. Downtown Visioning (Planning Commission Subcommittee).

B. Restrictions/rules on installing gates on driveways for residential and commercial properties.

C. Research information on allowing front porches within the front setback.

D. Presentation from Rob Livick, City Engineer, on the Pedestrian Plan.

E. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

X. PUBLIC HEARINGS

A. **Site Location:** 485 South Bay Blvd.

Applicant: Wayne Colmer

Request: Coastal Development Permit #CP0- 110, Conditional Use Permit #UP0-070, and Vesting Tract Map # S00-038. The applicant requests a Precise Plan approval (continued item) of the final details of the project, including modifications required by the California Coastal Commission. The applicant proposes a Planned Unit Development including 17 detached single-family homes, two of which would be affordable units. Open space areas totaling approximately 48,342 square feet or 35% of the site, is proposed for preservation. Access and utilities will be provided via a private roadway. The site is located within the Coastal Commission Appeal Jurisdiction.

Recommended CEQA Determination: Mitigated Negative Declaration has been prepared.

Staff Recommendation: Conditionally approve.

Staff Contact: Kathleen Wold, Senior Planner, 772-6211

Wold presented the staff report.

Luhr asked if the Commission had questions for staff.

Diodati asked if the CC& R condition of annual reporting to the City also extended to the Regional Board and Coastal Commission. Livick clarified Applicant's reporting requirements for Commission.

Irons asked staff to clarify the project history compared to tonight's vote. Wold clarified concept plan has already been approved by the Council and tonight's vote is for approval of the Precise Plan. The

Coastal Commission has jurisdiction of the coastal permit, which is currently under litigation. The Precise Plan and Concept Plan are not involved in this litigation.

Luhr opened the Public Hearing.

Applicant, Wayne Colmer, gave a presentation to the Commission regarding his project and requesting clarification on certain conditions of approval required of his project. The Applicant provided concurrence letters for US Fish & Wildlife regarding the red-legged frog for each Commissioner.

Applicant's Traffic Engineer, Charlie Clouse of TPG Consulting, gave a presentation regarding the traffic study done for this project.

Roger Ewing, Morro Bay resident, spoke against the project. Ewing asked the Commission for a delay of the project due to ongoing litigation.

Marshall Ochylski, Attorney for Applicant Wayne Colmer, spoke in favor of the project and to rebut comments of Roger Ewing.

Luhr asked Commissioners if there were any questions.

Commissioners had questions regarding Coastal Commission versus City Council's jurisdiction over Coastal Development Permit versus Concept Plan; condition of payment of traffic light and traffic study, lift station and requirement to pay fair share for improvements. Questions were also asked regarding tree replacement requirement and mailbox placement. Wold and Livick responded with clarification

Lucas asked Applicant to return to the podium to answer questions.

Lucas had a question for the Applicant regarding retaining wall and height, color board and trail. Applicant responded with clarification.

Hearing no further public comment, Luhr closed public comment.

Diodati spoke in favor of project.

Lucas expressed concerns about the aesthetics and articulation of the project design. Commissioners discussed the tree replacement requirement and the possibility of incorporating tree maintenance language to prevent future removal of healthy trees by homeowners.

Commissioners discussed ways to improve articulation on rear windows of buildings and colors in a darker palette to blend better. Commissioners also discussed the screening of fencing with vegetation in order to improve appearance of project.

Luhr asked Applicant to come forward to podium to provide additional comments. Applicant agreed to change materials to improve design aesthetics.

Commissioners discussed the particular design elements of the project ensuring the rear window detail and decoration is consistent with front elevations due to the rear visibility from street.

MOTION: Diodati/Irons 2nd to approve the Precise Plan with the following conditions:
VOTE: 4-0.

1. Excess trees within the 2 to 1 replacement program shall be first planted within the city limits and then the Morro Bay State Park.
2. Wire fence, preferably galvanized, shall be on the entrance retaining wall with either vegetation that grows to 80% within the first three years. If vegetation is not allowed due to the invasive nature of it in the environmentally sensitive habitat, then a stone veneer shall be used consistent with the residences
3. Mailboxes shall be of a earth tone color consistent with the homes and a pull out for the mail delivery vehicle shall be provided if possible
4. Window decoration and trim shall be on the side and back elevations of homes and shall be two color tones darker on all color schemes consistent with the front elevations
5. All retaining walls will have either planters, be of a material with planters or be screened with vegetation that covers 80% within the first three years.
6. CC&R shall include language on prohibition of tree removal of rear yard and front yard trees planted by the developer on the homeowner's property unless trees becomes unhealthy and then shall be removed and replaced with new comparable tree by homeowner
7. Concurrent with the recordation of the final map, a deed restriction shall be recorded restricting two lots as affordable pursuant to the requirements in the Housing Element.

B. Site Location: 560 Embarcadero

Applicant: Phil and Maureen Kispersky

Request: Conditional Use Permit #UP0-191 & Coastal Development Permit #CP0-065 Amendment request for modification of fence height within front yard and exterior side yard setback areas and exception to front and side yard setbacks through the Planned Development (PD) overlay zone. This site is located within the Coastal Commission Appeals Jurisdiction.

Recommended CEQA Determination: Categorically Exempt, Class 5, Section 15305.

Staff Recommendation: Deny the request.

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

The above 560 Embarcadero project is being rescheduled to a future Planning Commission meeting due to an additional application and associated noticing that is required.

MOTION: Lucas/Irons 2nd to reschedule the project at a later date to be determined. VOTE: 4-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Diodati asked question regarding status of Morro Bay High School's pending Coastal Development permit application and solar requirements. Wold responded with clarification.

XII. NEW BUSINESS - None

XIII. ADJOURNMENT

Luhr adjourned the meeting at 8:22 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, March 1, 2010 at 6:00 p.m.

Gerald Luhr, Vice-Chairperson

ATTEST:

Bruce Ambo, Secretary