

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, April 5, 2010

Vice-Chairperson Gerald Luhr	Chairperson Nancy Johnson	Commissioner Michael Lucas
Commissioner Jamie Irons		Commissioner John Diodati
	Rob Livick, Secretary	

I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:09 p.m.

II. PLEDGE OF ALLEGIANCE

Gene Lehotsky led the pledge.

III. ROLL CALL

Chairperson Johnson asked the record to show all Council Members are present.
Staff Present: Rob Livick, Kathleen Wold, Gene Lehotsky, and Cindy Jacinth

IV. ACCEPTANCE OF AGENDA

MOTION: Agenda accepted as presented.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Livick briefed the Commission on action taken at the March 22, 2010 City Council meeting and also on items scheduled for the upcoming April 12, 2010 City Council meeting.

Johnson asked the Commissioners if there were any questions.

- Lucas asked where the Harbor Department is considering charging for parking. Livick clarified at Tidelands Park.
- Luhr asked whether the wireless communication tower ordinance will come back to the Planning Commission for review. Livick clarified that it will go directly to City Council.

VI. PUBLIC COMMENT - None

VII. CONSENT CALENDAR

- A. Approval of minutes from hearing held on March 15, 2010
MOTION: Lucas / Luhr 2nd to approve the minutes as presented. VOTE: 5-0.
- B. Approval of minutes from Joint City Council/ Planning Commission meeting held on March 15, 2010
MOTION: Lucas / Diodati 2nd to approve the minutes as presented. VOTE: 5-0.

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

A. Downtown Visioning (Planning Commission Subcommittee).
Luhr gave an update report on the status of this Subcommittee

Irons asked for an update from staff as to the status of the remaining Future Agenda items. Livick clarified the remaining Agenda items will be presented as soon as staff resources allow.

- 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:** 595 Anchor

Applicant: Ann Travers and Barbara Nordin

Request: The applicant requests a Variance (AD0-050) from the required front and exterior side setbacks to allow the construction of a swimming pool.

Recommended CEQA Determination: Categorically Exempt pursuant to Section 15332, Class 32

Staff Recommendation: Consider the Variance and take appropriate action.

Staff Contact: Kathleen Wold, Senior Planner, (805) 772-6211

Wold gave the staff report and noted that an email letter supporting the proposed project was received by Planning staff from the Applicant's neighbor at 601 Anchor Street. A copy of the email was distributed to Commissioners.

Johnson asked if the Commission had questions for staff.

- Lucas asked if there is any history of associating pools with geologic conditions and security through a higher fence instead of a pool cover. Livick said a soils report would address that issue.
- Diodati asked if the hedge dies is there anything to block the pool from the street and Wold clarified the Owner feels the hedge secures the pool and there will be a heavy duty weight-bearing pool cover added.
- Irons asked if the pool was proposed for the back yard, what would the variance request be? Wold responded that the pool would be wider, but to construct the pool the size that the applicant proposes, due to topography, it would be more difficult to construct the pool in the back yard. However, the proposed project requires a variance whether it is built in the front or back yard.

Johnson opened the Public Hearing.

Applicants, Ann Travers and Barbara Nordin, explained the proposed project.

Johnson asked Commissioners if they had questions for the Applicants.

- Irons asked for the location of the sewer lateral and if it would be a problem if the pool location was moved closer to the house.
- Diodati and other Commissioners discussed their concern about the hedge and whether Applicant would be agreeable to a condition to include hedge maintenance if property is ever sold in the future.
- Commissioners also discussed the proposed height of the fence compared to the minimum height fence requirement.

- Johnson asked Applicant to clarify fence style. Applicant said the proposed fence is a window pane lattice.

Seeing no further comment, Johnson closed the Public Hearing.

Commissioners and staff discussed both the unique nature of the property, the visual impact of the hedge and the concern over its maintenance. Commissioners also discussed the setback along Shasta and whether the requested setback of 3 feet can be increased to 5 feet. Commissioners agreed that as long as there is a pool, there must be a living, maintained hedge to add to the security and screening of the pool. Wold clarified that a deed restriction could be placed on the property to ensure the hedge remains and is properly maintained.

MOTION: Luhr / Diodati 2nd to approve the project with the following conditions:

1. A minimum five foot high continuous vegetative screen shall be maintained at the property lines along Anchor and Shasta and be trimmed to the City requirements in regards to acceptable sight lines to the intersection as long as the pool remains.
2. A minimum five foot setback shall be allowed to the pool from Shasta Avenue.
3. A five foot fence shall be required enclosing the pool, specifically but not inclusive of Shasta and Anchor Streets.
4. A deed restriction shall be reflected in a covenant recorded against the property to require that the vegetative screen shall be maintained as long as the pool is in place.

VOTE : 5-0.

B. Site Location: 575 and 591 Embarcadero

Applicant: Smith Held

Request: The applicant requests Precise Plan approval via a Use Permit (UP0-140) for the demolition of existing buildings and construction of two commercial lease sites and six hotel rooms. Existing docks will be removed and replaced with one floating dock. An existing deck will be reconstructed within the same footprint and a vertical access way from Embarcadero Road through the project site is proposed to connect to a proposed boardwalk.

Recommended CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Consider the Precise Plan request and take appropriate action.

Staff Contact: Genevieve Lehotsky, Associate Planner, (805) 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

- Irons asked about the removal of fire hydrant to open pedestrian sidewalk access. Lehotsky replied that Fire Department wants the fire hydrant to remain for public safety.
- Johnson asked whether there was discussion about the water supply for the Aquarium during construction and asked for clarification on type of lighting. Lehotsky clarified.

Johnson opened the Public Hearing.

Steve Carnes, Engineer for the project, presented the project.

Hearing no further comments, Johnson closed the Public Hearing.

Johnson asked if Commissioners had questions for the Applicant.

- Johnson asked about the garage door requirement. Applicant clarified the requirement was placed by the Coastal Commission and garage doors are specified as galvanized roll-up doors.
- Lucas asked to confirm proposed tower height is the same as what was proposed in the Concept Plan. Applicant clarified that tower height is the same and the building height is still 25' above natural grade. Applicant later indicated that tower was taller than what was shown in the Concept Plan and offered to lower the tower height to what was proposed in the Concept Plan.
- Diodati asked about public access to the proposed floating dock. Applicant said an existing wood deck in the water will be reconstructed for public access and clarified the floating dock will not have public access.
- Luhr asked applicant to clarify the design for the roof line and the ability to lower the height of the sidewall block wall. Applicant responded that due to the 2 hour firewall requirement, it would be very hard to lower the height.
- Commissioners discussed the landscape plans, lighting sconces, location and type of trash receptacles. Also discussed were the hours of operation for public restrooms. Lehotsky clarified restrooms would be open only when commercial buildings are open.

Commissioners asked staff to clarify if the Precise Plan is approved and the project goes back to Coastal Commission, would the Planning Commission see this project again? Wold responded no.

Diodati stated that trash cans should have an equivalent amount of trash versus recycling cans, a 50/50 ratio. Luhr stated that cigarette butts are a problem and proper disposal is needed.

Wold said a public dock and boardwalk access has already been conditioned by the Coastal Commission and the City Council. Wold recommended the Planning Commission adhere to the condition already in place since it was proposed that way and it is in the past minutes from the Concept Plan approval showing that the dock should be public. Lucas responded that the intent has always been to have a public walkway. Wold suggested integrating all conditions from the Coastal Permit to Precise Plan approval.

Commissioners stated to leave the conditions as proposed since the applicant must abide by the Coastal Commission requirements.

MOTION: Luhr / Diodati 2nd to approve the project with the following conditions:

1. Towers shall be lowered to the height as depicted and approved in the concept plan.
2. The proposed gable roof shall be revised to a hip roof to lower the height of the side walls and the building shall be designed with a 2-hour roof assembly, if allowed by the building code.
3. The proposed bike rack shall be replaced with an alternate style of bicycle rack that more securely holds bicycles.
4. Waste receptacles shall not be concrete but more in keeping with the building's modern design. Waste receptacle areas shall provide for a 50%/50% ratio of containers for trash and recyclables. A receptacle to collect cigarette butts shall be provided on-site and additional trash enclosures shall be located outside the restrooms on the north side of the waterfront.
5. The landscape plan shall be revised to include additional plants in pots to the satisfaction of Planning Division staff.

6. A five day work week (Monday through Friday) shall be adhered to until on-site parking is available, at which time, a six day work week (Monday through Friday seven a.m. to seven p.m. and Saturday eight a.m. to seven p.m.) shall be allowed solely for the purposes of completing interior improvements.
7. Proposed second floor sconces shall be replaced with goose-neck lighting as proposed on the first floor.

VOTE :5-0.

- C. **Site Location:** 350 Java
Applicant: Kathy and Greg Kircher
Request: The applicant requests a Variance (AD0-049) to exceed lot coverage and to reduce the required rear setback and a Use Permit (UP0-251) for an addition to a non-conforming house.
Recommended CEQA Determination: Categorically Exempt pursuant to Section 15301, Class 1
Staff Recommendation: Consider the Variance and Use Permit and take appropriate action.
Staff Contact: Genene Lehotsky, Associate Planner, (805) 772-6270

Lehotsky presented the staff report.

Johnson asked if the Commission had questions for staff.

- Luhr asked about the height of the brick wall in the public right-of-way. Lehotsky responded.
- Irons asked whether there were any project comparisons for FAR. Wold responded comparisons are no longer being performed.
- Luhr noted the back of the existing kitchen is only one foot from the property line and inquired if that is allowed in the fire code. Lehotsky said no concerns were received from the Building department. Wold clarified that this issue would be reviewed during the building plan check process
- Johnson asked for the existing lot coverage. Lehotsky clarified existing is 55.2% and proposed is 55.1%. Actual lot coverage would actually decrease by 0.1%.

Johnson opened the Public Hearing.

John MacDonald, the applicant's architect, explained the project proposal.

Johnson asked if Commissioners had questions for the applicant.

- Luhr asked about the window being only 1 foot from the setback. Applicant responded openings are allowed to be 25% of the total wall space.
- Lucas asked about the reduced side-yard setback being triggered due to the laundry location in the garage and asked if Applicant considered putting laundry in a different configuration so that the side yards setbacks are not impacted. Applicant clarified side yard setback requirement on one side is only 3 feet.
- Johnson asked what the plan for the courtyard would be and whether it would have permeable surfaces. Applicant clarified that the Owner intends for the area to include pavers and a BBQ.

Hearing no further public comments, Johnson closed the Public Hearing.

MOTION: Luhr / Diodati 2nd to conditionally approve the project. VOTE: 5-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

XII. NEW BUSINESS - None

XIII. ADJOURNMENT

Johnson adjourned the meeting at 9:49 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, April 19, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary