

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
April 19, 2010

Chairperson Nancy Johnson

Vice-Chairperson Gerald Luhr
Commissioner Jamie Irons

Commissioner Michael Lucas
Commissioner John Diodati

Rob Livick, Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE- Commissioner Lucas led the pledge.

III. ROLL CALL

Chairperson Johnson noted Commissioner Diodati will be arriving late and all other Commissioners are present. Diodati arrived at 6:11 p.m.

Staff Present: Rob Livick, Kathleen Wold, Genene Lehotsky, Sierra Davis 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 April 12, 2010 City Council meeting and also on items scheduled for the upcoming April 26, 2010 City Council meeting.

Johnson asked the Commissioners if there were any questions.

Johnson asked if there used to be a sign ordinance where people would pay a fee to get a permit for their A-frame. Livick said the existing ordinance prohibits A-frame signs.

VI. PUBLIC COMMENT

Johnson opened public comment period at 6:13 p.m.

- Susan Hinman, resident of Morro Bay, spoke and invited everyone to the 24th Annual Spring Garden tour on Sunday April 25th from noon to 5pm
- Ken Vesterfelt, resident of Morro Bay, announced that the Crusin' Morro Bay car show starts next Thursday the 29th. He requested the event to not have political signs displayed. He wanted to remind everyone that the 600 Morro Bay project has gone through all issues except for selling them. Also, the Pharmacy is scheduled to open on May 15th, but is waiting on the pharmacy license. Anyone with questions should call him at 235-8708.

Hearing no further comment, Johnson closed public comment period.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on April 5, 2010

MOTION: Lucas/ Diodati 2nd to approve the minutes as corrected. VOTE: 5-0.

Lucas wanted to clarify the second bullet paragraph on page four of the minutes where he asked about the proposed tower height being the same. He stated that the applicant said at the time the tower height was the same, but later admitted, it had been raised and then said he would lower the tower height.

Lucas wanted to make it clear that the proposed front towers were actually higher and that the Commission is not asking Applicant to lower the towers from where they were previously, the Commission is asking him to lower them *to* where they were previously.

VIII. PRESENTATIONS – None

IX. FUTURE AGENDA ITEMS

A. Downtown Visioning (Planning Commission Subcommittee).

Luhr presented an update on last week's community meeting which was the first of two meetings for the Downtown Visioning Committee. Cal Poly's City and Regional Planning's Graduate Program is working with the City to redevelop the downtown area. The next meeting will be Wednesday, April 28th from 6-8pm at community center at 1001 Kennedy Way.

Diodati added the event was well attended and thanked everyone for their input. He encouraged people to attend the next event to get involved.

- 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:** 1290 Embarcadero

Applicant: Steve Goschke

Request: For a Coastal Development Permit (CP0-290) to allow the abandonment of an existing well and the drilling of a new well. The existing well #3 will be decommissioned and backfilled. The pump house associated with the existing well will be relocated to the new well site.

Recommended CEQA Determination: Adopt a Mitigated Negative Declaration

Staff Recommendation: Review and take action on Coastal Development Permit and Mitigated Negative Declaration.

Staff Contact: Sierra Davis, Planning Intern (805) 772-6297

Commissioner Irons recused himself from this public hearing item due to a conflict of interest.

Davis gave the staff presentation.

Lucas asked if the aquifer would be degraded by use. Livick clarified that Dynegy, being the property owner, may use that water as long as it is put to beneficial use under state law. The City as a user does not have a superior right to that water.

Commissioners asked if the fence will be removed. The Applicant responded that the pump house and mechanism will be relocated and it won't impact the vegetation.

Diodati asked staff if the trench cut in the bike path will go all the way through the width. Davis said yes. Diodati asked if there will be a visual trench that could fail and cause a dip in the bike path. Livick said not if it is constructed correctly. Diodati and Livick discussed the warranty period of one year for public works projects and whether that could be increased.

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

Steve Goschke, manager of the Morro Bay Power Plant presented an overview of the proposed project.

Commissioners discussed how to address the trench cut to ensure it does not fail or sag. Applicant said he will hire a reputable contractor and forward these concerns to the contractor to ensure it is done right.

Lucas asked the Applicant how the location of the proposed well was determined. The Applicant replied it is due to both environmentally sensitive habitat and the recommendation of well drilling experts.

Johnson closed the public hearing at 6:54 and brought it back to Commissioners for discussion.

Commissioners discussed the impacts to the existing bike path. Luhr stated his concerns about back fill into the trench and the possibility that expansive soil may raise or lower over this section. Livick clarified existing City engineering standards would address this matter.

Diodati stated he would like to entertain the possibility of a 5 year warranty versus the customary 1 year warranty.

Lucas stated concern regarding the aquifer and the lack of a mechanism to monitor both the usage and protect the City's water supplies. Livick clarified the Power Plant drilled the wells in 1951 prior to the City's incorporation in 1964, so the Power Plant would have prevailing water rights.

Commissioners noted it would have been preferable to have the City Attorney present to join in this discussion. Lucas asked Livick, if as the City's Public Works director, he could provide a letter stating that the aquifer will not be compromised as a City water source and specifying the City's water rights as it relates to this project. Livick responded yes, he could have that by the next Planning Commission meeting.

Luhr stated he would like to see the slab removed as that is a very visual sight from the bikeway. Luhr asked the Applicant to clarify whose property is on the fence line. The Applicant stated the property is theirs and the fencing is just to protect equipment on other side of fence but once the slab is gone, Applicant agreed fencing could probably be minimized.

Wold clarified for Commissioners the water in this project is not being used for public consumption. The proposed project is simply replacing what's existing and it is not growth-inducing.

Lucas commented that he would like the City Attorney to clarify the legal status of the City's interests in the aquifer and also for Rob Livick as the City Engineer to provide a letter stating the City is not concerned with the draw of the well on the aquifer.

Commissioners agreed to continue this public hearing to the next Planning Commission meeting on May 3, 2010.

MOTION: Lucas / Diodati 2nd to continue the project to the May 3rd meeting. VOTE: 4-0.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Chairperson Johnson asked the record to note that Commissioner Irons rejoined the Planning Commission meeting at 7:42 p.m.

XII. NEW BUSINESS

A. Report on front porches within the front yard setback

Lehotsky presented the staff report.

Luhr asked for clarification if decks above garages are allowed only 5 feet from setback or the full distance from garage. Wold clarified, in some instances due to topography, the deck can not be constructed to the full distance of the garage.

Lucas stated porches are good on the first floor; the concern is when the porch is on the second floor and the setbacks are being violated up there. Wold stated this will be looked at when the zoning ordinance is brought back from the Coastal Commission as we may have to refine our porch definition.

XII. ADJOURNMENT

Johnson adjourned the meeting at 7:56 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, May 3, 2010 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Rob Livick, Secretary