



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.*

**Regular Meeting -Tuesday, October 1, 2019  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Vice-Chairperson Michael Lucas  
Commissioner Jesse Barron

Chairperson Gerald Luhr

Commissioner Joseph Ingrassia  
Commissioner Susan Stewart

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Commission at this time.

Public comment is an opportunity for members of the public to provide input to the governing body. To increase the effectiveness of the Public Comment Period, the Commission respectfully requests the following guidelines and expectations be followed:

- When recognized by the Chair, please come forward to the podium to speak. Though not required, it is helpful if you state your name, city of residence and whether you represent a business or group. Unless otherwise established by the Chair, comments are to be limited to three minutes.
- All remarks should be addressed to Commission, as a whole, and not to any individual member thereof.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Planning Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Planning Commission meetings is welcome and your courtesy will be appreciated.
- The Commission in turn agrees to abide by its best practices of civility and civil discourse according to Resolution No. 07-19.

## PRESENTATIONS

### A. CONSENT CALENDAR

- A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- A-2** Approval of minutes from the Planning Commission meeting of August 20, 2019.  
**Staff Recommendation:** Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of September 3, 2019.  
**Staff Recommendation:** Approve minutes as submitted.

**B. PUBLIC HEARINGS**

**B-1. Case No.:** ABN19-001

**Site Location:** 197 Panay Street , Morro Bay, CA

**Project Description:** This request is for a determination of consistency with the General Plan of a proposed summary vacation (abandonment) of unused portions of 2 individual existing utility easements which reside upon subject property using the procedures provided by the California Streets and Highways Code, Division 9, Part 3, Section 8300 et seq. The project is in the R-1/ S.2A zone. If these summary vacations are determined to be consistent with the General Plan, then a Planning Commission Resolution is requested which will be provided to the City Council for subsequent action.

**CEQA Determination:** Categorically Exempt

**Staff Recommendation:** Approve

**Staff Contact:** Herb Edwards, Assistant Engineer, (805) 772-6564

**C. NEW BUSINESS**

**D. UNFINISHED BUSINESS**

**E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS**

**F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

**G. ADJOURNMENT**

Adjourn to the next regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on October 15, 2019 at 6:00 p.m.

**PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the Department at 805-772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication

of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morrobayca.gov/planningcommission](http://www.morrobayca.gov/planningcommission) or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to [www.morrobayca.gov/notifyme](http://www.morrobayca.gov/notifyme) and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

## **APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$277 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



City of Morro Bay  
 Community Development Department  
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions  
 New Planning items or items recently updated are highlighted in yellow.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date October 1, 2019

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready Projects:</b>										
1	Ellis	120 Main Street	9/5/19	MUP19-05/PKG19-03	Minor Use Permit and Parking Exception for an addition to a home with a non-conforming garage	Deemed complete 9/17/19. Admin action to occur on or after 9/30/19.				wu
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
2	TLC Family Enterprises	833 Embarcadero	9/9/19	CUP19-11	Precise Plan CUP - Demo/reconstruct / Harborwalk Plaza multi-use redevelopment project including restaurant, retail, second floor hotel units, public access improvements.	Submittal under Review.				cj
3	Ernsdorf	450 Oahu	9/6/19	CDP19-035	Admin CDP to convert portion of existing garage into new Accessory Dwelling Unit.	Submittal under review.				wu
4	Rhine LP/Morro 94	3300 Panorama	8/20/19	MAJ 19-005	After the fact permit application for removal of 3 sheds and possible siding treatment for transformer building.	Submittal is under review. Deemed incomplete 8-29-19				nh
5	Angelucci	953 Pacific	8/20/19	CUP19-10	459 sf 2nd story addition, new 246 sf detached garage with auto lift, 167 sf 2nd	Submittal under review. Correction letter sent 9/19/19.				wu
6	Borges	1078 Monterey Street	8/15/19	CUP19-08/ CDP19-032	New managers dwelling unit over community shower/laundry storage facility	Submittal is under review. Deemed incomplete 8-29-19				nh
7	Le Bris	516 Shasta Ave	8/15/19	CDP19-031	New ADU partially over existing garage, storage space below.	Submittal is under review. Deemed complete 8-29-19				nh
8	Nolan	2991 Juniper	8/2/19	CDP19-029	Convert existing downstairs space into an accessory dwelling unit.	Submittal under review. Correction letter sent 9/10/19.				wu
9	Guesno	210 Atascadero Road	7/30/19	MAJ19-03	Amend existing CUP/CDP to change from vintage auto display to batting cages, adding arcade gaming area near café and merchandise areas	Submittal is under review. Planning disapproved 8/23/19. Resubmitted 9/13/19, under review.				nh

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
10	Sinclair	484 Piney	7/8/19	CDP19-025	<b>CDP for New single story SFR - 1656 sf living, 739 sf attached garage and 98 sf covered</b>	Deemed incomplete 7/17/19. Awaiting resubmittal.				wu
11	Zive	1309 Berwick	7/3/19	CDP19-024	<b>CDP for New SFR - 2871 sf living, 628 sf attached garage, and 189 sf deck.</b>	Deemed incomplete 7/17/19. Awaiting resubmittal.				wu
12	Boyko	2670 Laurel Ave	7/26/19	CDP19-027	<b>CDP for New SFR - 2135 sf living, 505 sf garage, 160 sf lower balcony and 160 sf upper</b>	Submittal under review. Incomplete letter sent 8/19/19. Awaiting resubmittal.				wu
13	Friesen	196 Panay St	7/23/19	LTM19-03	<b>Addition to existing SFR requiring abandonment of existing easement.</b>	Requires Conditional Use Permit. CUP submittal scheduled for PC 9/17/19. Approved at meeting. Lot merger under				wu
14	Morro Bay Recovery	2460 Main Street	5/28/19	MUP19-04	<b>Minor Use Permit for Change in use from hotel/motel to recovery center</b>	Submittal is under review. Deemed incomplete 6-25-19.		PN-Disapproved 6/21/2019		nh
15	Cleary	1282 and 1290 Embarcadero R	5/23/19	CDP19-016	<b>CDP for removal of major vegetation.</b>	Submittal is under review. Correction letter sent 6/10. Awaiting resubmittal.				wu
16	Moss Lane Ventures, LLC	839 Morro Bay Blvd	5/6/19	CUP19-04/CDP 19-013	<b>CDP and CUP for Demo existing carwash, construct new 600 sf single sided drive up coffee shop.</b>	Application received 5-6-19 and is under review. Submittal deemed incomplete, letter sent 5-30-19. Resubmitted 6-13-19. Deemed incomplete 6-27-19		PN-Conditionally Approved 5/16/2019		nh
17	Eisemann	535 Atascadero Road	3/7/19	PAR19-01	<b>Final Parcel map</b>	Submittal is under review. Planning disapproved 3/14/19. Resubmittal disapproved on May 14, 2019. Resubmittal received , review comments provided 6-5-19				nh
18	Ryan	1170 Marengo	2/26/2019 (LLA) and 5/13/19 (LTM)	LLA19-001/ LTM19-01	<b>Lot line adjustment to reconfigure 3 5000 sf residential lots into 2 larger residential lots.</b>	Submittal is under review. Project deemed incomplete 3-21-19. Requires resubmittal . April 18 project deemed incomplete. Resubmittal requires an application for a Lot Merger to be process together with the LLA. Lot Merger application received May 13, 2019 - both to be processed together. Resubmitted 6-7-19, under review. Final maps and certificates submitted for City Engineer review and approval 7-2-19. Revisions required, waiting for final documents for signature. Final documents received September 19, 2019, circulating for signature.				nh
19	Najarian	1339 Berwick	11/30/18	CDP 18-014	<b>Admin CDP for new construction of SFR and ADU with attached garage</b>	Application deemed incomplete, comments sent to applicant on 12/27/18.				nh
20	Henry	411 Trinidad	7/5/18	CP0-584	<b>CDP for construction of a new single-family residence on a vacant lot</b>	Under Intial Review. Correction letter sent 7/16/18. Additional review and correspondence with owners on March 7, 2019. Waiting for resubmittal. Resubmitted with new design on September 13, 2019. Under review.		PN- conditionally Approved 7/19/2018		nh
21	Fields	731 Butte	6/14/18	CP0-582/UP0-534	<b>CDP and CUP for Multi-Family residences. A 1,500 sq. ft. manufactured residence, a 448 sq. ft. studio unit above a 441 sq. ft. garage with an attached 220 sq. ft. carport</b>	Under Initial Review. Correction letter sent 7/11/18. Resubmitted 10/22/18. Correction Letter sent 11/14				nh

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
22	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	<b>Coastal Development Permit &amp; Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots</b>	Under initial review. Incomplete letter sent 6/4/18. Resubmittal received 7/3/18. Additional comments sent to Applicant's Agent 8/3/18, and 8/22/18. Proposals received for environmental review. Reimbursement agreement sent to applicant for environmental review on 10/15/18. Resubmittal received 5-10-19 - comments returned 5-28-19		PN- Conditionally Approved 7/17/2018		cj
23	T-Mobile	1478 Quintana	2/26/18	A00-056	<b>Modification to UP0-052/CP0-073 for upgrade to existing wireless site</b>	Under initial review. Correction Letter sent 3/30. Unauthorized work completed by owner. Spoke with the agent 11/5 about process moving forward. Spoke with agent again 2/7. Resubmittal 2/26. Correction letter sent 3/13. Awaiting resubmittal.		JW approved		wu
24	Morgan	101 Fig St.	4/12/17	UP0-476	<b>Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.</b>	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project. Project Inactive as of 10/2018		PN-Conditionally approved 5/11/17		nh

**Projects Appealed to Planning Commission or PC Continued projects:**

25	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, CUP18-04	<b>Coastal Development Permit &amp; Conditional Use Permit to install modular building for office space, parking and landscape improvements at Morro Bay State Park</b>	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans. Plans resubmitted with additional information on 10-26-18. Project deemed complete. Scheduled for PC on December 18, 2018. Continued to date uncertain by PC on 12/18/18. Applicant to provide additional information.		PN- Approved 9/4/2018		nh
26	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- Needs new MND for concrete tank, less truck trips. Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		cj

**Projects Appealed or Forwarded to City Council:**

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
27	City of Morro Bay	LCP Text Amendment	6/4/19	MIN19-006	Clarification of density transfer allowed from CRR zoned land within the Cloisters Subdivision.	Public noticed on June 19, 2019. Planning Commission forwarded their recommendation for approval to City Council on July 16, 2019. City Council hearing August 13, 2019. City Council Approved and this has been forwarded to CA Coastal Commission for certification				nh
28	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11. City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg

**Environmental Review**

29	Patel	233 Atascadero	6/13/18	CP0-581/UP0-533	<b>CDP and CUP for New 83 room hotel on vacant 2 acre lot</b>	Under Initial Review. Incomplete letter sent 7/13/18. Resubmitted 9/11/18. Comment letter sent 10/19/18. Environmental review required. Cj. Met with Applicant's Agents 11-8-18 to review flood plain and height requirements. Project currently overheight and does not meet parking requirements. Story poles erected on 1/3/19 and scheduled for Conceptual Review by PC to evaluate height, parking, and findings of significant public benefit as allowed under the Planned Development (PD) overlay zone. PC comments provided to Applicant after 1-15-19 meeting. Applicant considering project revisions. Environmental review in progress.				cj
30	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj

**Final Map Under Review Projects - No pending applications currently.**

**Projects requiring coordination with another jurisdiction:**

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
31	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
32	City of Morro Bay Desal Plant	170 Atascadero			<b>Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.</b>	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finaled. Phase 2 on hold as of 7/22/14.		
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
33	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit <a href="http://www.morrobayca.gov/planmb">www.morrobayca.gov/planmb</a> . Project to be complete with documents ready for adoption and certification by end of 2019. Public draft of combined General Plan/ LCP released May 2018 for review. Working with Coastal staff on CCC input.				
34	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.</b>	No review performed.			

wm

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<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
35	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		gj
<b>Grants</b>										
36	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg
37	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
38	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
<b>Projects in Building Plan Check:</b>										
1	AJ Wright and Phil Davis	2996 Alder	9/28/18	B18-0033	New 3 story 3-unit apartment building, 2 story housing over ground level garage	Submitted 9-28-18. Not approved, comments sent on 10-11-18. Resubmitted March 6, 2019, under review. Planning disapproved submittal 3/19/19. Planning approved on 5/23/19. Requires minor mod to planning approval for design change at garage level.	Ready to issue			nh
2	Sayers	994 Balboa	9/17/19	B19-0209	Demo 444 sf portion of existing 980 sf SFR, demo 242 sf non-conforming garage. New 825 sf addition to remaining SFR, and new 538 sf tandem garage. See permit B19-0208 for new 490 sf attached Accessory Dwelling Unit (ADU).	Submittal under review				wu
3	LaPlante	3093 Beachcomber	4/24/17	B-31487	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. cj. Requested permit extension.	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
4	Zive	1309 Berwick Dr.	7/3/19	B19-0139	New SFR, 2871 sf living, 628 sf attached garage, & 189 sf deck	Project on hold until planning permit obtained.	Bldg - Disapproved 7/29/19			wu
5	Jones	1362 Berwick Dr.	8/5/19	B19-0169	Interior remodel, remove existing roo over existing garage and replace with 352 sf deck.	Disapproved 9/11/19.	Bldg - Disapproved 9/4/19			wu

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6	Geil	1359	Bolton	8/20/19	B19-0183	Minor interior improvements, 148 sf bathroom addition and 17 sf addition to permeable wood deck.	Conditionally approved 9/10/19.	Bldg - Disapproved 9/11/19			wu
7	Kurz	2720	Elm Ave.	7/18/19	B19-0154	New Accessory Dwelling Unit (ADU), 370 sf detached ADU with upper floor loft.	Approved 7/30/19	Bldg - Disapproved 8/12/19			wu
8	Ferrin	2770	Elm Ave.	9/11/19	B19-0205	Tandem garage addition w/roof deck.		Bldg - Approved 9/12/19			wu
9	Branch	885	Embarcadero	3/12/19	B19-0043	Addendum #1 to B18-0043 - Minor framing alterations (interior), confirm slopes per ADA requirements, and install siding at west elevation (previously stone).	Plng approved 3-19-19 - cj.	Bldg - Approved 8/12/19			cj
10	Van Beurden	945	Embarcadero	8/1/19	B19-0163	Remodel existing area of restaurant into dining space, add outside public seating (at west side of site), add 71 sf trash enclosure to building footprint, modify wharf area to create accessible Harborwalk, repair pilings and gunny sack batter wall.	Approved.	Bldg - Disapprove 9/19/19			cj
11	Paige	2780-A	Greenwood	8/16/19	B19-0181	Garage to living alteration - ADU	Approved 9/19/19	Bldg - Disapproved 9/12/19			nh
12	Patel	2790	Indigo Circle	7/31/19	B19-0164	New SFR in the Cloisters - 2424 sf living, 420 sf garage, and 82 sf entry.	Disapproved 8/26/19. Awaiting resubmittal.	Bldg - Disapproved 8/23/19			wu
13	Linker	594	Kings Ave.	4/16/19	B19-0068	New two story SFR - 2996 sf living, 491 sf attached garage, 304 sf deck at front and 85 sf deck at rear.	Planning approved	Bldg - Ready to issue			nh
14	Hilton -Limited Partnership	430-A	LaJolla	1/24/19	B19-0013	Enclose interior stairs to create ADU. Add closet on upper level, new french doors, new exterior door and new kitchen on lower level.	Planning approval 2/4/19.	BLDG- Approved 7/10/19			wu
15	Richardson	441	LaJolla	3/8/19	B19-0040	Kitchen, bathroom and laundry room remodel in existing dwelling.	Submittal under review. Approved 3/19/19	Bldg - Disapproved 3/15/19			nh
16	Borello	100	Main St.	6/19/19	B19-0128	SFR addition & remodel, remove single car garage & 363 sf of residence, new 2 car garage w/SFR above. Interior remodel.	Disapproved 7/1/19. Resubmittal under review.	Ready to issue			wu
17	Ellis	120	Main St.	5/14/19	B19-0097	SF Addition - add 126 sf master bath to the existing master bedroom, add 178 sf of new living room space, add 456 sf of covered patio space to the front and rear of SFR.	Disapproved 6/7/19. Awaiting resubmittal.	Bldg - Approved 9/5/19			wu
18	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg - Approved 2/27/19 Fire - Approved 2/26/19	Disapproved on 3/14/19		sg
19	Sonic	1840	Main St.	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
20	Horizon Realty	939	Main St.	9/23/19	B19-0217	New drywall, new electric, lighting, new kitchen sink, new interior drywall office walls, new insulation, new roof, ADA improvements, parking lot improvements.		Plancheck			sg
21	Ryan	1170	Marengo Dr	5/14/19	B19-0096	Deck Demolition Approx. 275 sq ft	Planning approved 5/17/19	Ready to issue			nh
22	Leage	918-A	Mesa St	6/14/19	B19-0124	Convert existing 398 sf non-conforming garage to ADU & add 139 sf addition increasing ADU size to 537 sf	Approved 8/28/19.	Bldg - Disapproved 7/1/19			wu
23	Miller	525	Monterey Ave	9/17/19	B19-0207	12'x18', 216 sf deck addition, new front fence (in ROW, copy of special encroachment SE19-0060 included)	Submittal under review	Bldg - Disapproved 9/18/19			wu
24	Elster	530	Morro Ave	7/9/19	B19-0142	New SFR (three levels), 2613 sf living, 734 sf attached garage, 639 sf basement & bath, 846 sf of open decks, and 318 sf covered decking. The lower level will be recessed into the existing grade to contain garage, parking areas, and basement storage spaces. See B19-0143 for attached ADU with garage.	Disapproved 7/22/19	Bldg - Disapproved 8/5/19			wu
25	Elster	530-A	Morro Ave	7/9/19	B19-0143	New 636 sf attached Accessory Dwelling Unit (ADU) with 258 sf garage. See B19-0142 for SFR permit.	Disapproved 7/22/19	Bldg - Disapproved 8/5/19			wu
26	Krupa	845	Morro Ave	7/23/19	B19-0157	Barrier removal, remodel & 147 sf office addition. New accessible parking, remove steps & improve path of travel. Barrier removal & remodel guest room bath, remodel lobby & office addition.		Bldg - Disapproved 9/18/19			
27	Fletcher	435	Napa Ave	6/27/19	B19-0137	Accessibility remodel, 740 sq ft addition to existing residence; addition of 460 sq ft	Approved 7/25/19	Bldg - Approved 8/26/19			wu
28	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application under review.	Bldg - Approved 3/27/19			wu
29	Ernsdorf	450	Oahu St	9/6/19	B19-0200	Convert portion of existing garage into new accessory dwelling unit (213 sq ft)		Bldg - Approved 9/18/19			
30	Freisen	196	Panay St.	3/15/19	B19-0045	Additional 1000 sf to SFR	Disapproved 4/3/19. Requires CUP and Lot Merger. Awaiting resubmittal.	Bldg - Plancheck			wu
31	Daley	365	Quintana Rd.	8/21/19	B19-0184	Addendum to B19-0144 (T.I.) Add accessible van parking space and sidewalk to front door	Approved 8/28/19.	Ready to issue			wu
32	ABS-CA-O, LLC	730	Quintana Rd.	10/22/18	B18-0055	Remove & replace parking lot light poles and light fixtures on existing concrete bases. This permit includes 6 parcels in the Cypress Plaza, (600-780 Quintana Rd).	Approved 10/30/18	Ready to issue			jg

#	Applicant/ Property Owner	Project Address		Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
33	Reyneveld	1060	Quintana Rd.	9/20/19	B19-0213	Install new 36" "storefront" door with fixed side window in place of an existing 6040 window, install side light, and new handrails along sloped concrete walk.	Submittal under review.	Plancheck			wu
34	Giannini	750	Radcliff Ave	7/22/19	B19-0156	Remove three existing panel antennas, three radios and replace with three radio integrated antennas and associated cabling. Install equipment expansions to the top of existing cabinets (approx 1'-2') with associated electrical wiring.		Bldg - Plancheck			cj
35	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal.	Bldg - Approved 3/27/19			wu
36	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback.	Bldg - Approved 7/10/19			nh
<b>Planning Projects &amp; Permits with Final Action:</b>											
1	Castro	1105 Las Tunas		6/14/19	CDP19-021	<b>New 474 sf ADU above existing attached garage, 150 storage room on ground level adjacent to garage</b>	Submittal under review. Correction letter sent 7/11/19. Resubmittal deemed complete. Scheduled for PC hearing September 3, 2019.				wu
2	Setting	2784 Indigo Circle		7/22/19	MIN19-011	<b>Minor modification to UP0-507 &amp; CP0-559. New SFR to be flipped in opposite direction.</b>	Deemed complete. Admin action date on or after 8/27/19				wu
3	Ferrin	2770 Elm Ave		7/12/19	MIN19-010	<b>Convert existing carport to tandem garage 264 sf, new roof deck 265 sf, new stairs 45 sf.</b>	Deemed complete. Permit issued 9/10/19.				wu
4	Wood	361 Main		4/6/18	AD0-134 / UP0-526	<b>Conditional Use Permit and Parking Exception for Addition to existing residence; 2nd floor addition 386 sq. ft.; 2nd floor deck 329 sq. ft. with variance AD0-134</b>	Under Initial Review. Correction letter sent 5/1. Applicant notified 1-4-19 that Project requires a CUP and CDP, needs new application, fees and resubmittal for processing. Project resubmitted 4-29-19, under review. Deemed incomplete May 23, 2019. Resubmitted July 9, 2019, under review. Deemed complete July 26, 2019, scheduled for PC hearing September 17, 2019. PC approved project, permit issued 9/20/19		PN- Conditionally Approved 5/7/2019		nh
5	AJ Wright and Phil Davis	2996 Alder		8/28/19	MIN19-012	<b>Minor modification to garage parking area to facilitate required fresh air ventilation.</b>	Submitted 8-28-18. Deemed complete 8-30-19 and permit issued 9/20/19.				nh
6	Frye	3400 Toro Lane		9/3/19	MIN19-013	<b>Minor modification to south facing exterior façade.</b>	Submitted 9-3-19, Deemed complete and permit issued 9/24/19.				nh
7	Friesen	196 Panay St		8/21/19	CDP19-033/ CUP19-09	<b>Addition to existing SFR requiring abandonment of existing easement.</b>	Deemed complete. Scheduled for 9/17/19 PC meeting				wu
8	Owen	545 Fresno		6/25/19	CDP19-023	<b>CDP for Demo/reconstruct</b>	Deemed incomplete 6/25/19. Deemed complete. Noticing began 9/9/19. Approved 9/23/19.				wu
9	Erb	2630 Nutmeg Ave		7/30/19	VAR19-002	<b>Add posts to complete deck repair</b>	Deemed complete.				wu

AGENDA ITEM: <u>    A-2    </u>
DATE: <u>OCTOBER 1, 2019</u>
ACTION: <u>    DRAFT    </u>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – AUGUST 20, 2019  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr Michael Lucas Joe Ingraffia Susan Stewart	Chairperson Vice-Chairperson Commissioner Commissioner
ABSENT:	Jesse Barron	Commissioner
STAFF:	Scot Graham Nancy Hubbard	Community Development Director Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/DZt4LkLJ0mY?t=1m58s>

Vice-Chair Lucas stated he and Scot Graham attended the California Conference at Cal Poly last week. Lucas spoke about the issues brought up in the conference.

PUBLIC COMMENT PERIOD - NONE  
<https://youtu.be/DZt4LkLJ0mY?t=7m28s>

PRESENTATIONS - NONE

A. CONSENT CALENDAR  
<https://youtu.be/DZt4LkLJ0mY?t=8m4s>

- A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.
- A-2** Approval of minutes from the Planning Commission meeting of June 4, 2019.  
**Staff Recommendation:** Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of June 18, 2019.  
**Staff Recommendation:** Approve minutes as submitted.
- A-4** Approval of minutes from the Planning Commission meeting of July 16, 2019.  
**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Vice-Chair Lucas moved to accept the Consent Calendar. Commission Stewart seconded, and the motion passes 4-0.

## B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

### **B-1 Case No.:** CDP 19-018

**Site Location:** 3009 Beachcomber Drive, Morro Bay, CA

**Proposal:** Application for a Coastal Development Permit (CDP19-018) to request approval for four small additions totaling 375 square feet to an existing 2,404 square foot home with an 841 square foot existing garage. The site is located at 3009 Beachcomber Drive and is in the R-1/S.2A Zoning district and is located within the Coastal Commission Appeal Jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1.e.(1).

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Nancy Hubbard, Contract Planner, (805) 772-6211

<https://youtu.be/DZt4LkLJ0mY?t=8m40s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
Commissioner Stewart communicated with the owner Joanne and their representative Cathy Novak.

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/DZt4LkLJ0mY?t=14m45s>

Cathy Novak, applicant's representative, thanked staff and presented her report.

The Commission presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/DZt4LkLJ0mY?t=25m15s>

Discussion and comments between the Commissioners and staff.

**MOTION:** Vice-Chair Lucas moved to approve Resolution PC 19-19, Coastal Development permit CDP19-018, a request for exterior upgrades and four (4) small additions to the existing home located at 3009 Beachcomber. Commissioner Stewart seconded, and the motion passes 4-0.

### **B-2 Case No.:** Continuance of CUP18-06, CDP 18-008, PKG18-01

**Site Location:** 1130 Scott Street, Morro Bay, CA

**Proposal:** On June 4, 2019, Planning Commission continued this item asking for revisions in the plans. The applicant submitted revisions on June 20, 2019 requesting approval for approval of the revised plans: a two-story new building with a 1282 square foot caretaker residence on the 2nd floor and a 1406 square foot commercial space with open parking spaces on the ground floor level. The project requires a parking exception related not providing covered and enclosed residential parking spaces and is requesting approval for in-lieu fees for 3 parking spaces not provided on site. The property is in the C-2/PD/SP zoning district and is not within the appeals jurisdiction of the California Coastal.

**CEQA Determination:** Categorically Exempt, Section 15303, Class 3e.

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Nancy Hubbard, Contract Planner, (805) 772-6211

<https://youtu.be/DZt4LkLJ0mY?t=33m27s>

#### COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/DZt4LkLJ0mY?t=42m50s>

Emily Baranek, Jade Architect/Agent for applicant, presented her report.

Gordon Fox, property owner in Morro Bay, stated he was happy that a project on Scott Street was moving forward. Fox also spoke about the issues on Scott Street, and noted he supports the project.

Sean Green, lot owner on Scott Street, stated any development whatsoever on Scott Street would be providing a public benefit because it's one of the worst streets in Morro Bay. Green supports the project.

Frank Scognamillo stated he owns the property adjacent to the project. Scognamillo stated he approves the project and hopes the Commission will allow the project to move forward.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/DZt4LkLJ0mY?t=52m18s>

The Commissioners presented their questions to the applicant.

Discussion and comments between Commissioners and staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/DZt4LkLJ0mY?t=1h6m11s>

Baranek answered the Commissioners questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/DZt4LkLJ0mY?t=1h7m36s>

**MOTION:** Commissioner Ingraffia moved to adopt PC Resolution 20-19 for the approval of Conditional Use Permit CUP18-06, Coastal Development Permit CDP18-008 and Parking Exception Permit PKG18-01 for the proposed construction project at 1130 Scott Street, with the additional conditions of parking in lieu fees and lighting schematics to only have internal lit signage and no items or structures over maximum building height. Commissioner Stewart seconded, and the motion passes 4-0.

<https://youtu.be/DZt4LkJ0mY?t=1h8m47s>

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/DZt4LkJ0mY?t=1h10m53s>

Commissioner Ingraffia presented questions regarding commercial businesses on second floors and requirements for an elevator.

Chairperson Luhr asked staff for status on commercial guidelines.

Vice-Chairperson Lucas spoke of reviewing the General Plan regarding underground utilities.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

<https://youtu.be/DZt4LkJ0mY?t=1h26m49s>

Graham informed the Commission about the 4<sup>th</sup> Annual SLO County Citizen Planning Academy.

G. ADJOURNMENT

The meeting adjourned at 7:32 p.m. to the next special scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on September 3, 2019 at 6:00 p.m.

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Gerald Luhr, Chairperson

ATTEST:

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Scot Graham, Secretary

AGENDA ITEM:     A-3    

DATE: OCTOBER 1, 2019

ACTION:     DRAFT    

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – SEPTEMBER 03, 2019  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr Michael Lucas Joe Ingraffia Susan Stewart Jesse Barron	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Willow Urquidi Damaris Hanson Rob Livick	Community Development Director Assistant Planner Environmental Programs Manager Public Works Director

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/BUYst0qTiFA?t=1m28s>

Commissioner Barron expressed his condolences for the lives lost on the vessel Conception and the head-on collision in Paso Robles.

PUBLIC COMMENT PERIOD - NONE

PRESENTATIONS - NONE

A. CONSENT CALENDAR  
<https://youtu.be/BUYst0qTiFA?t=2m28s>

**A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.

**MOTION:** Commissioner Barron moved to approve the Consent Calendar A-1. Commission Stewart seconded, and the motion passes 5-0.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

**B-1 Case No.:** CDP19-021/CUP19-06/PKG19-02  
**Site Location:** 1105 Las Tunas Street, Morro Bay, CA  
**Proposal:** Coastal Development Permit, Conditional Use Permit, and Parking Exception to allow construction of an accessory dwelling unit over an existing attached garage with a non-conforming interior width. The existing primary residence is also non-conforming with regards to the front setback. The project is located in within the R-1 zoning district and outside of the Coastal Commission Appeals Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3(a).  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Willow Urquidi, Assistant Planner, (805) 772-6270  
<https://youtu.be/BUYst0qTiFA?t=3m9s>

Chairperson Luhr recused himself due to owning a property near the project. Vice-Chairperson Lucas will take over the item.

Urquidi presented the staff report.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=10m25s>

Tim Becher, architect for the applicant, stated he is available for any questions.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=11m16s>

The Commissioners presented their questions to staff and to the applicant.

**MOTION:** Commissioner Barron moved to approve Coastal Development Permit CDP19-021, Conditional Use Permit CUP19-06 and Parking Exception Permit PKG19 02, with the conditions as detailed. Commissioner Ingraffia seconded, and the motion passes 4-0.  
<https://youtu.be/BUYst0qTiFA?t=15m27s>

**B-2 Case No.:** TRE19-068  
**Site Location:** 445 Main, 455 Main, Morro Bay, CA  
**Proposal:** Appeal of proposed tree removal located in public right of way at Morro Cove, adjacent to 445 and 455 Main Street. The Morro Cove Homeowners Association (HOA) applied for tree removal on 5/13/2019. City Public Works Department posted a Notice of Tree Removal on 6/20/19 based on an Arborist report dated 1/7/2019. Appellant filed appeal on 6/29/19 requesting tree to be retained. The project is located in within the R-2 zoning district and outside of the Coastal Commission Appeals Jurisdiction.  
**Staff Recommendation:** Deny Appeal  
**Staff Contact:** Damaris Hanson, Environmental Programs Manager, (805) 772-6265  
<https://youtu.be/BUYst0qTiFA?t=16m50s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Commissioner Barron spoke to Betty Winholtz.

Chairperson Luhr spoke to a member of the audience earlier.  
Commissioner Stewart spoke to one of the residents in the neighborhood.  
Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=18m4s>

Nancy Bast requested the item be moved back due to Betty Winholtz not being in attendance.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=18m40s>

Hanson presented the staff report.

The Commission presented their questions to staff.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=28m59s>

Nancy Bast, MB, presented her report.

Betty Winholtz, MB, presented her report.

Roger Ewing, MB, read comments for Morro Bay resident, Mr. Gary Broering. Ewing added his own comments.

Melody DeMeritt, former Council member, stated reasons why the tree shouldn't be removed.

Phil Hornburg, President of the Morro Cove HOA, presented his issues and concerns with the trees.

Richard Laymon, Treasurer for the Morro Cove HOA, stated the City is responsible for any damages the trees cause. Laymon is in the process to determine if the HOA would be liable for the trees.

Ed Krovitz, Morro Bay, stated his concerns regarding the trees. Krovitz would like the Commission to deny the appeal.

Laurie Park, Secretary for the Morro Cove HOA, stated her concerns with the trees.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=57m37s>

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/BUYst0qTiFA?t=1h6m45s>

Park answered the Commissioners questions.

The Commissioners spoke to Betty Winholtz and Nancy Bast regarding an agreement.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/BUYst0qTiFA?t=1h30m5s>

Comments from the Commissioners.

**MOTION:** Chairperson Luhr moved to approve a 30-day continuance or to the next Planning Commission meeting, to allow the negotiation between the City, HOA and appellants to try and come to an agreement on the landscape plan, removal of trees, and the selection and replacement of the trees. If an agreement is not made it will come back to the Planning Commission for a decision. Commissioner Stewart seconded.

<https://youtu.be/BUYst0qTiFA?t=1h54m59s>

The Commissioners discussed the motion. The appellants agree for more time to reach an agreement.

The motion passes 3-2, for a continuance to a date certain. Commissioners Stewart and Barron voted no.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/BUYst0qTiFA?t=2h4m53s>

Chairperson Luhr commented he would like to see more tree removals, Right-of-way projects, etc. come to the Planning Commission.

Commissioner Stewart asked staff for the status on wayfinding signs.

Commissioner Barron updated the Commissioners and staff regarding the WRFAC (Water Reclamation Facility Citizen Advisory Committee) meeting.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT - NONE

G. ADJOURNMENT

The meeting adjourned at 8:16 p.m. to the next special scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on September 17, 2019 at 6:00 p.m.

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Gerald Luhr, Chairperson

ATTEST:

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Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: October 1, 2019

## Staff Report

TO: Planning Commissioners DATE: September 25, 2019

FROM: Rob Livick, PE/PLS, Public Works Director/City Engineer

**SUBJECT:** Determination of Consistency with City of Morro Bay General Plan for the summary vacation (abandonment) of multiple utility easements which currently exist on portions of the subject property located at 196 Panay Street (Permit No.: ABN19-001), Using the authority established by Section 8333 and procedures provided by the California Streets and Highways Code, Section 8335 et seq.

### **RECOMMENDATION:**

Adopt Planning Commission Council Resolution Number 25-19 (Attachment 1), finding that the summary vacation (abandonment) of the public utility easement(s) within the subject property are consistent with the General Plan and recommend that the City Council adopt a resolution of intention of the abandonment with findings and conditions.

### **ALTERNATIVES:**

1. Recommend denial of the abandonment, based on findings of inconsistency with the General Plan or other policies.
2. Continue the abandonment, if additional information is needed, with specific directions provided to staff.

### **APPLICANT/OWNER:**

Jay and Cynthia Friensen  
3512 Paradise Rd.  
Modesto, CA 95358

### **AGENT:**

Leaha Magee, MBS Land Surveys

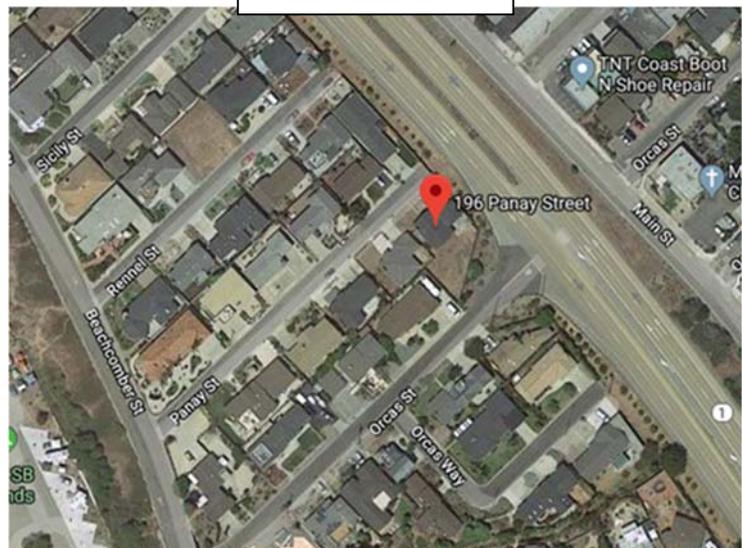
### **ADDRESS/APN:**

196 Panay Street; 065-106-046 and  
065-106-147

### **ZONING:**

R-1/S.2A  
(Single-Family Residential)

**THIS PROJECT**



Prepared By: HE Department Review: RL

**GENERAL PLAN DESIGNATION:**

Single Family Residential, Special Building Site & Yard Standards.

**COASTAL DESIGNATION:**

Coastal Appeals Area -N/A (Easement Abandonments are not Subject to a Coastal Permit)

**ENVIRONMENTAL STATUS:**

Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15601(b)(3) of the guidelines consistent with the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The activity in question is not a project, but instead is the abandonment of portions of the existing utility easement(s). The exceptions to the categorical exemptions identified in Section 15300.2 of the guidelines do not apply.

**SITE DESCRIPTION:**

The project area is bounded by developed single family residential, and Highway 1. The two utility easements proposed for abandonment are confined to the subject property.

**PROJECT DESCRIPTION:**

This request is for a determination of consistency with the General Plan of a proposed summary vacation (abandonment) of unused portions of 2 existing utility easements (Attachment 1, Exhibits A and B), using the procedures provided by the California Streets and Highways Code, Division 9, Part 3, Section 8300 et seq. The project is in the R-1/S.2A zone. If these summary vacations are determined to be consistent with the General Plan, then a Planning Commission Resolution is requested which will be provided to the City Council for subsequent action.

**DISCUSSION:**

The State of California Streets and Highways Code §8300 et seq, Public Streets, Highways, and Service Easements Vacation Law contains procedures under which a local agency can vacate (or abandon) its Rights-of-Ways. The Code requires that if the proposed abandonment of a street, highway, or public service easement is within an area for which a General Plan is adopted by a local agency, the legislative body of the public entity shall consider the General Plan prior to vacating the street, highway, or public service easement.

The applicant has requested the City abandon approximately 1,408 square feet of the existing utility easement(s) which range in width from 2.5 feet to 10 feet that currently reside within the subject property (See attachment 2). Currently only a portion of the existing utility easement at the southwesterly part of the property is occupied by an existing city sewer main. This sewer main will remain and shall be within a portion of the existing utility easement that will be reserved for this purpose. The applicant has provided letters from the primary franchise utility companies indicating no respective utility presence is currently

within these areas to be abandoned. The proposed abandonments will allow the applicant to construct an addition to the existing single-family residence and to also construct a new detached Accessory Dwelling Unit (ADU) which was previously approved by the Planning Commission on September 17, 2019.

With regards to the vacation of easements and rights of way, the Planning Commission's only role is to review for consistency with the City's General Plan and to make a recommendation to the City Council. The Planning Commission should be aware that the California Streets and Highways Code requires a public service easement vacation (abandonment) be done in the interest of the public and not an individual property owner. The public interest finding (benefit) is by allowing the property to be developed to the fullest extent permitted by the general plan and allowing the construction of an ADU and potentially providing additional affordable housing. If approval is recommended to the City Council, The City Council will consider whether to adopt a "Resolution of Intention," which would set a public hearing to consider the matter of final abandonment. If passed, a final "Resolution of Abandonment" will be adopted and recorded with the County Recorder.

**PUBLIC NOTICE:**

Notice of this item was posted at the site and at public posting boards as of September 20, 2019. Also, a notification was published in the San Luis Obispo Tribune newspaper on September 22, 2019, and all property owners and occupants of record within 500 feet of the subject site were notified by U.S. postal service mail delivery of this evening's public hearing and invited to voice any concerns on this application.

**CONCLUSION:**

The proposal can be found consistent with the California Streets and Highways Code and the City's General Plan. The proposal is exempt pursuant to State CEQA guidelines, and it appears that all of the required findings can be made to recommend abandonment to the City Council for approval.

**ATTACHMENTS:**

Attachment 1: Planning Commission Resolution No. 25-19  
Attachment 2: Site Plan

# ATTACHMENT 1

## RESOLUTION NO. 25-19

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DETERMINING THE PROPOSED UTILITY EASEMENT(S) ABANDONMENT LOCATED UPON THE PROPERTY AT 196 PANAY STREET IS CONSISTENT WITH THE MORRO BAY GENERAL PLAN

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted hearings at the Morro Bay Veteran’s Hall, 209 Surf Street, Morro Bay, California, on October 1, 2019 for the purpose of considering consistency with the General Plan of utility easement(s) abandonment on the property located at 196 Panay Street; APN’s 065-106-046 and 065-106-147 described as follows:

*That portion Block 9D of Atascadero Beach, in the City of Morro Bay, County of San Luis Obispo, State of California, according to the map filed in Book 2, page 4 of Maps, described in those certain Voluntary Mergers filed as Instrument No. 2007-073790 and 2007-073791, in the office of the County Recorder of said County; and*

**WHEREAS**, pursuant to California Government Code Section 65402(a), the Planning Commission shall determine that the proposed portion of the existing utility easement(s) abandonment is in conformance with the adopted General Plan; and,

**WHEREAS**, the Planning Commission has duly considered all evidence, including public testimony, testimony of interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

**Section 1: Findings.** Based upon all the evidence, the Commission makes the following findings:

#### California Environmental Quality Act (CEQA) Findings

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15601(b)(3) of the guidelines consistent with the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The activity in question is not a project, but instead is the abandonment of portions of the existing utility easement(s).
2. The exceptions to the categorical exemptions identified in Section 15300.2 of the guidelines do not apply.

# ATTACHMENT 1

**Section 2. Finding.** The Planning Commission of the City of Morro Bay has evaluated the suitability of the portion of the utility easement(s) abandonment in relation to applicable provisions of the General Plan, Local Coastal Plan and Zoning Code, including Section 17.24.040 of the Zoning Ordinance and finds that a portion of this easement can be abandoned consistent with these policy documents and that there are not special circumstances applicable to the easement to justify any future requests for either a variance or exception. Potential public interest (benefit) is by allowing the property to be developed to the fullest extent permitted by the General Plan and allowing the construction of an ADU and potentially providing additional affordable housing.

**Section 3. Action.** The Planning Commission does hereby find that the disposition of existing utility easement(s) located at 196 Panay Street (APN's 065-106-046 and 065-106-147) is in conformance with the adopted City of Morro Bay General Plan

**Section 4. Recommendation.** The Planning Commission does hereby recommend the City Council adopt a resolution of intention to abandon the subject utility easement(s) as described, and shown on attached Exhibits A and B.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 1st day of October 2019 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson Gerald Luhr

ATTEST

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Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 1st day of October 2019.

LEGAL DESCRIPTION  
EASEMENT VACATION

That portion Block 9D of Atascadero Beach, in the City of Morro Bay, County of San Luis Obispo, State of California, according to the map filed in Book 2, page 4 of Maps, described in those certain Voluntary Mergers filed as Instrument No. 2007-073790 and 2007-073791, in the office of the County Recorder of said county, more particularly described as follows:

That portion of the easements for installation and maintenance of utilities and drainage facilities reserved over the rear five feet of each lot in Block 9D according to the "Declaration of Protective Covenants Affecting Portions of Atascadero Beach, County of San Luis Obispo, State of California, made by Morro Beach Company" recorded January 16, 1953 in Volume 693, page 403 of Official records of said county.

Excepting therefrom that portion of said easement lying southwesterly of the northeasterly nineteen (19) feet of Lots 12 and 21 of said Block 9D.

The above described property is shown graphically on Exhibit "B" attached hereto and incorporated herein.

\* \* \*

\_\_\_\_\_  
Michael B. Stanton, PLS 5702      Date



**DRAFT**

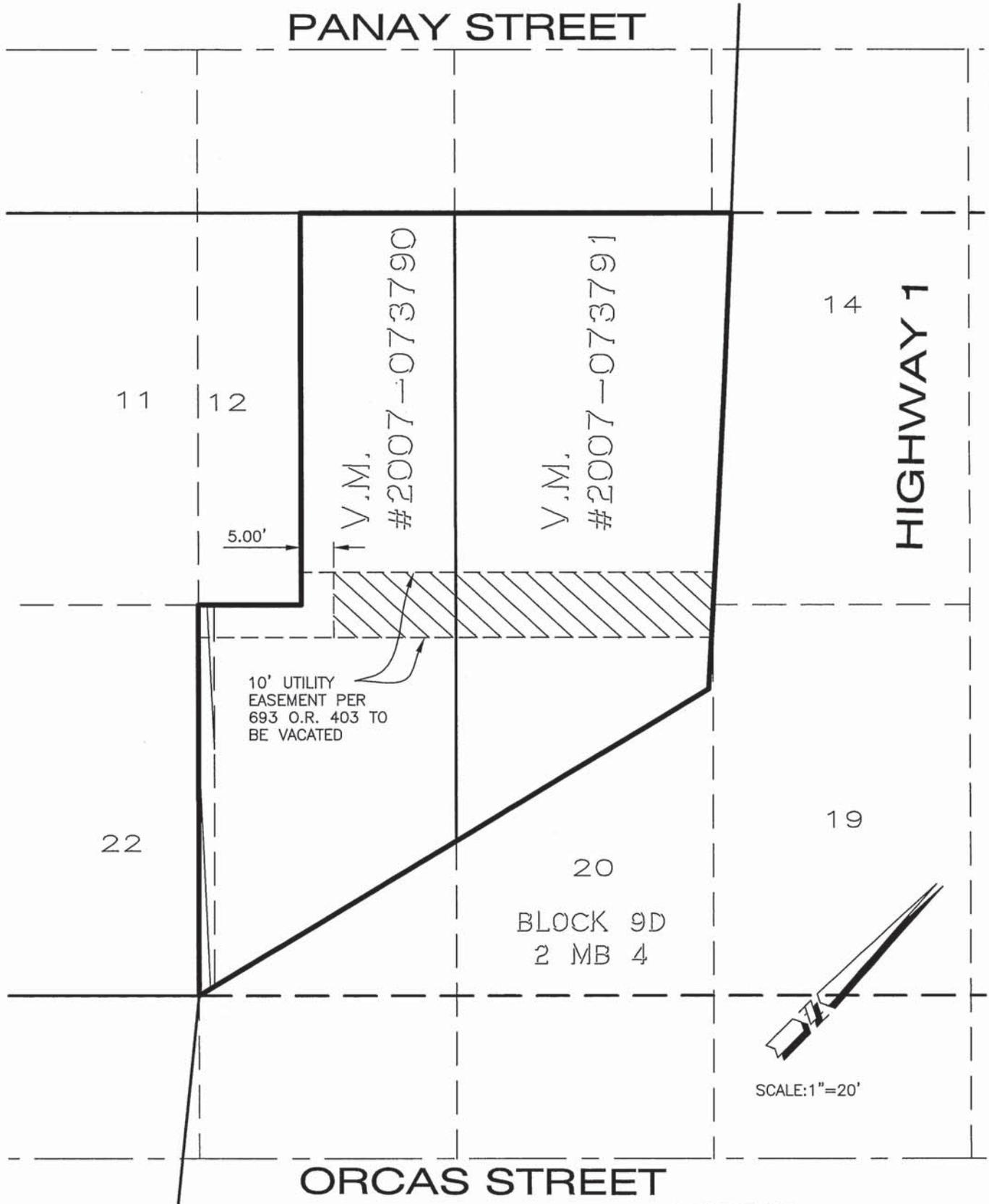
April 9, 2019

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EXHIBIT A: 10' UTILITY EASEMENT  
PAGE 1 OF 2

EXHIBIT EASEMENT VACATION  
**PANAY STREET**

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MICHAEL B. STANTON, PLS 5702  
 3559 SOUTH HIGHWAY STREET  
 SAN LUIS OBISPO, CA 93401  
 805-594-1960

**LEGEND**

 = AREA OF EASEMENT VACATION

JOB NO. 07-143

EXHIBIT A: 10' UTILITY EASEMENT  
 PAGE 2 OF 2

LEGAL DESCRIPTION  
EASEMENT VACATION

That portion Block 9D of Atascadero Beach, in the City of Morro Bay, County of San Luis Obispo, State of California, according to the map filed in Book 2, page 4 of Maps, described in those certain Voluntary Mergers filed as Instrument No. 2007-073790 and 2007-073791, in the office of the County Recorder of said county, more particularly described as follows:

That portion of the easements for construction, installation, maintenance and repair of sewers, manholes, water pipes, hydrants, gas pipes, electroliers, electric pole and conduit lines, and work incidental or appurtenant thereto and of work incidental to other public utilities dedicated over the two and one-half feet in each side of the side and rear lot lines for each lot in Block 9D according to the Dedication of Streets, Highways and Rights of Way recorded May 2, 192 in Volume 029, page 463 of Official records of said county.

The above described property is shown graphically on Exhibit "B" attached hereto and incorporated herein.

\* \* \*

\_\_\_\_\_  
Michael B. Stanton, PLS 5702      Date



**DRAFT**

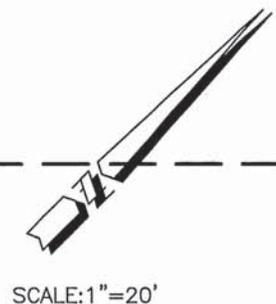
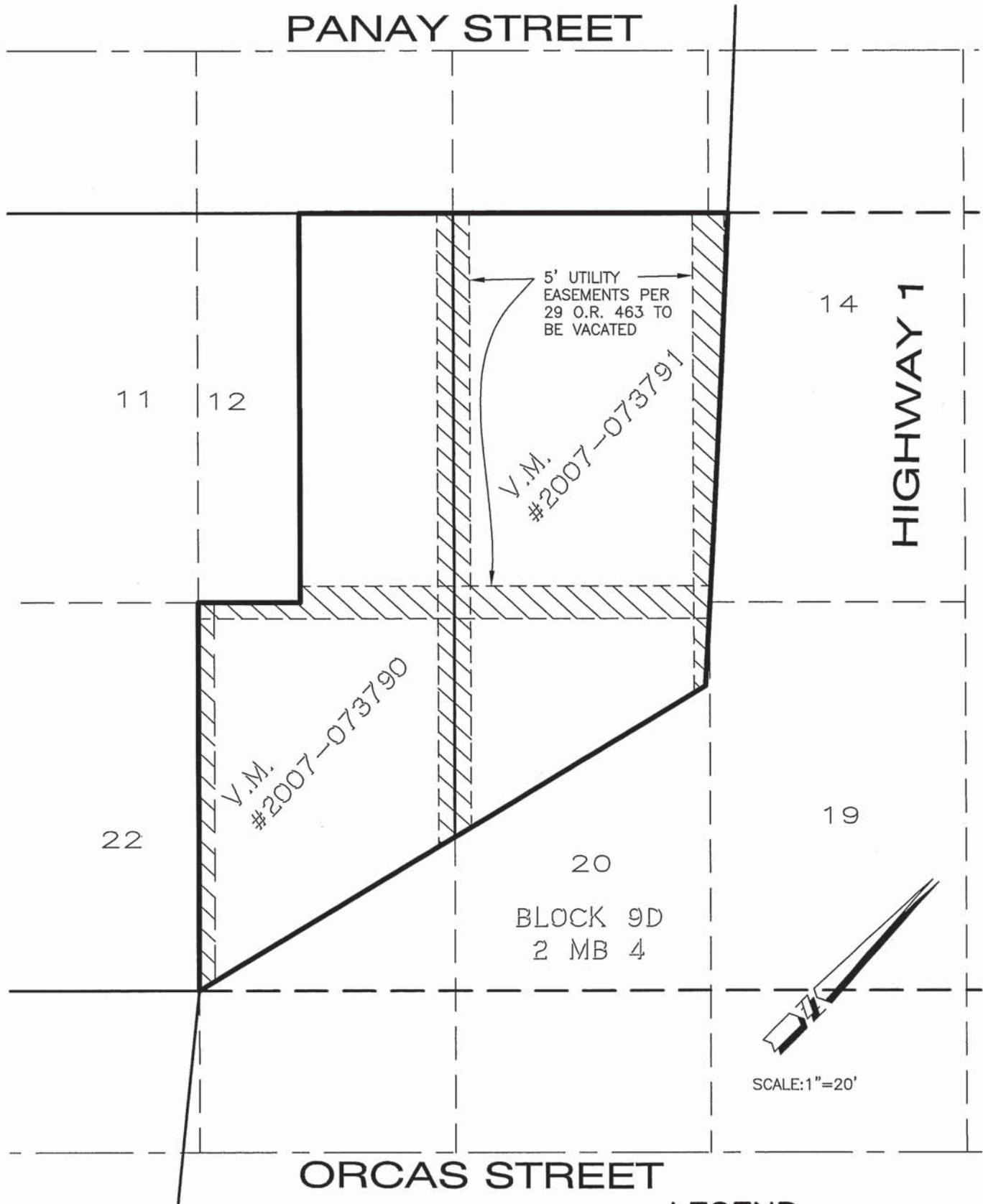
April 9, 2019

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EXHIBIT B: 5' UTILITY EASEMENT  
PAGE 1 OF 2

EXHIBIT EASEMENT VACATION  
PANAY STREET

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**LEGEND**

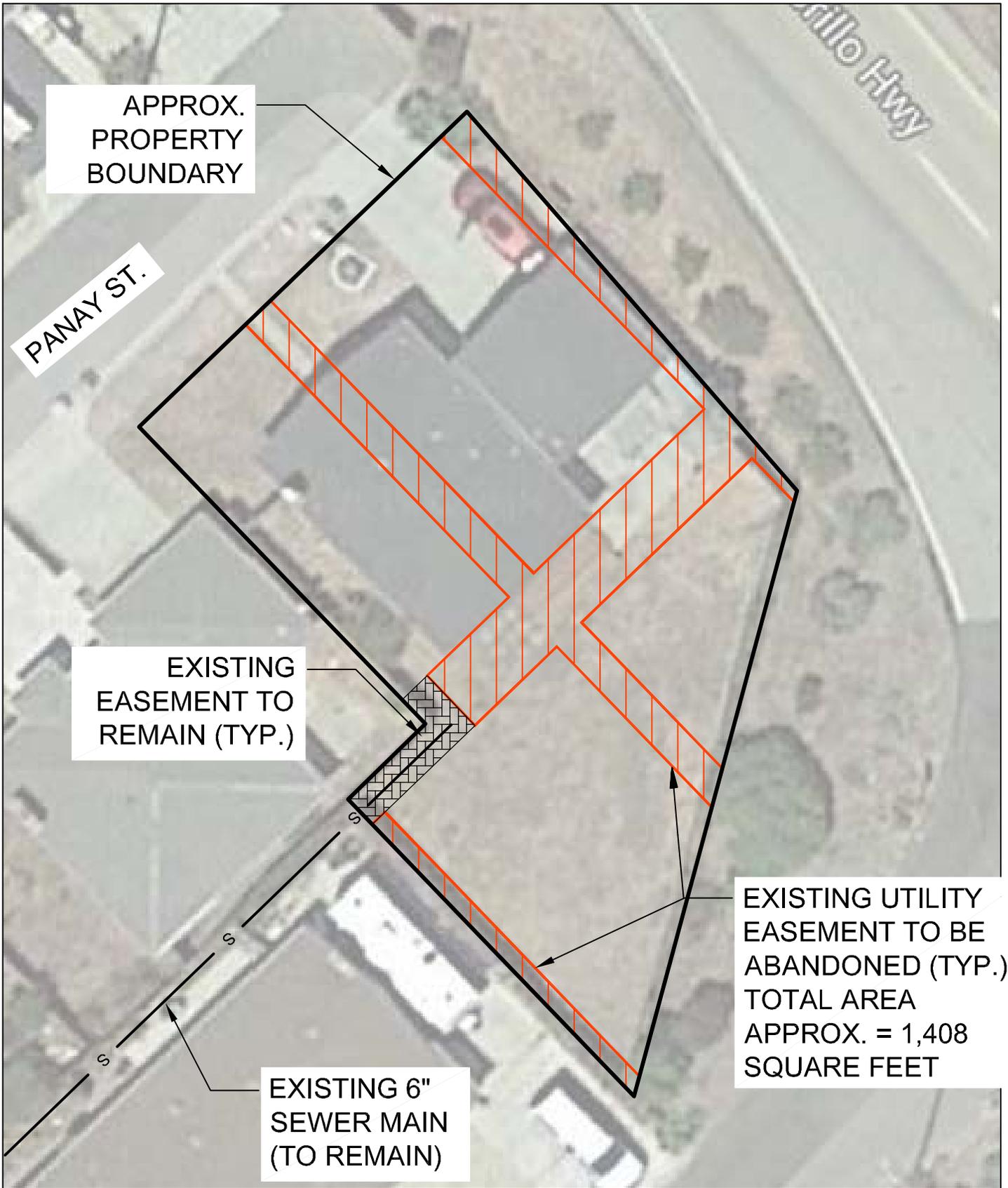
= AREA OF EASEMENT VACATION



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805-594-1960

JOB NO. 07-143

EXHIBIT B: 5' UTILITY EASEMENT  
PAGE 2 OF 2



ATTACHMENT-2: SITE PLAN (196 PANAY ST.)  
NO SCALE