

AGENDA ITEM:   A- 1  

DATE:   July 3, 2013  

ACTION:   APPROVED  

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – June 19, 2013  
VETERANS MEMORIAL HALL – 6:00 P.M.

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

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner
ABSENT:	John Fennacy	Commissioner
STAFF:	Kathleen Wold	Planning Manager
	Erik Berg-Johansen	Planning Intern
	Katie Mineo	Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham noted Commissioner Fennacy was absent.

MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period, and hearing none, closed Public Comment period.

PRESENTATIONS – None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

A. CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of May 29, 2013  
**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Chairperson Grantham moved to approve the Consent Calendar.

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Commissioner Lucas seconded and the motion passed (4-0), with Commissioner Solu sustaining as he was not at the May 29, 2013 meeting.

B. PUBLIC HEARINGS

**B-1 Public hearing continued from June 20, 2012.**

**Case No.:** Zoning Text Amendment #A00-015 (continued originally from June 20, 2012 meeting)

**Site Location:** Citywide

**Proposal:** The City of Morro Bay is proposing a Municipal Code Amendment modifying Section 17.68 “Signs.” Recommendations from the previous sign workshops, sign survey results, previous work for the 2004 Planning Commission report and direction from City Council (2012) will be presented at the June 19, 2013 meeting. The Planning Commission will review these items, take public testimony and provide direction to staff.

**CEQA Determination:** To be determined.

**Staff Recommendation:** Review draft ordinance, take public testimony, and provide direction to staff.

**Staff Contact:** Erik Berg-Johansen & Katie Mineo, (805) 772-6291

Berg-Johansen presented the staff report. Staff has decided to present the proposed ordinance one district at a time, so the district presented at this meeting was the Embarcadero.

Commissioner Solu asked if the feedback from the previous two workshops has been included in the proposed ordinance. Berg-Johansen confirmed he incorporated past research and feedback in the proposed ordinance.

Commissioner Lucas asked Berg-Johansen to briefly summarize the workshops. Berg-Johansen stated similar questions were asked at the workshops that were asked on the survey distributed for the update. Workshop participants also had questions about the four different sign districts and how they were determined.

Berg-Johansen noted the draft ordinance presented tonight has not yet been disseminated to the public.

Commissioner Tefft asked Berg-Johansen if many non-business owners were involved in the previous public outreach process. Berg-Johansen stated very few non-business owners attended the meetings, indicating that it was not worthwhile to send hard copies of the survey to every resident in the City, thus it was only sent to business owners.

Wold added some of the feedback from the original workshop in 2012 was whether or not the one square foot per foot of building frontage is equitable. She stated the public would like to see better quality signs, that are more aesthetic, more equitable, and more in relationship to the building. The existing ordinance is being amended to reflect this feedback, and the proposed ordinance states allowable signage shall be calculated based on façade size, and not on the length of the building.

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Commissioner Solu asked how window signs would be affected by the proposed ordinance. Berg-Johansen stated the proposed ordinance does not allow window signs so that views of the bay from the Embarcadero are not obstructed.

Commissioner Solu asked for clarification regarding how dock signs are treated in the proposed ordinance. Berg-Johansen stated one dock sign is allowed per property, and noted the Master Sign Program (MSP) will be discussed later in the presentation. The MSP would be applied to buildings with four or more lease sites.

Commissioner Tefft asked for clarification regarding how pub (*projecting*) signs are treated in the proposed ordinance, specifically he asked if only one pub sign is allowed per business, and if it must be approved through the MSP. Berg-Johansen stated many of the businesses along the Embarcadero will be subject to the MSP which would have to be approved by the Planning Commission before being implemented. Wold further clarified the MSP is intended to remove the City as a regulator, and thus grant responsibility to the master lease holder to decide which businesses' signs occupy the façade. The City's responsibility, then, would be to review the MSP. She stated the MSP is also intended to remove blight and reduce competition. Wold and Berg-Johansen stated the MSP is designed to address the issue of inequitable sign area on building facades. Berg-Johansen stated a MSP would be required to be implemented any time a new tenant moves into a building so that new business owners will be incorporated into a plan that will provide them adequate signage.

Commissioner Lucas asked staff if the proposed ordinance addresses multiple facades or just the façade fronting the street. Wold clarified this issue is addressed with the MSP which tries to accommodate the needs of all business owners along the Embarcadero. She stated the goal of the MSP is to get foot traffic off the street and into the rear of the building.

Commissioner Lucas clarified with staff that the signs associated with public restrooms as required by the City are exempt from the calculated allowable sign area.

Commissioner Solu asked how the proposed ordinance addresses the issue of new businesses sharing space with an existing business. Berg-Johansen stated the proposed MSP only applies to buildings with four or more tenants. Wold further clarified the new business would need to negotiate with the existing business to utilize some of their allowable sign area as there is a maximum allowable sign area.

Wold stated the City intends to leave legal nonconforming signs as they are, and as tenants turn over, the signs will be required to be updated so that they are in compliance with the code. This way, the master lease holder will be encouraged to develop a thoughtful and creative sign program. Wold stated the proposed MSP applies to buildings with four or more lease sites but this may be changed upon the Commissioners' request.

Wold clarified issues arise when the businesses facing the harbor have difficulty acquiring signage along the Embarcadero. Wold stated it is this issue that the proposed ordinance aims to address.

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Commissioner Tefft asked for clarification regarding how allowable signage is calculated, and whether it depends on *building* façade or *business* façade. Berg-Johansen clarified signage is calculated based on business façade.

Commissioner Solu asked Berg-Johansen to clarify the discussion of allowable signage for buildings with multiple facades. Berg-Johansen explained this is calculated based on different percentages for the primary, secondary, and/or tertiary facades. Berg-Johansen then explained how the proposed ordinance applies to larger buildings in the City.

Chairperson Grantham asked Berg-Johansen if he addresses such matters as temporary signs, change of business, change of ownership, change of location in the proposed ordinance. Berg-Johansen stated the proposed ordinance does not address temporary signs but the other topics *are* discussed.

Chairperson Grantham suggested hiring a part-time compliance officer until the proposed ordinance is adopted so that businesses in the City begin to conform to the existing ordinance. He stated the proposed ordinance will not succeed without an instrument for compliance. He also stated he would like to see a simplified ordinance.

Chairperson Grantham opened Public Comment period.

Liz Bedmoor, resident of Morro Bay, stated she would like to see A-frame signs allowed in other districts aside from Downtown, as other districts in the City are struggling as well. Specifically, she would like to see signs allowed in north Morro Bay and in the Quintana districts.

Craig Schmidt, CEO of the Morro Bay Chamber of Commerce, commended staff on the work they have done to update the sign ordinance. He stated he shared Bedmoor's concerns regarding A-frame signs in north Morro Bay.

Susan Stewart, business owner in Morro Bay, expressed appreciation for Berg-Johansen's work. She stated she supports the idea of hiring someone to enforce the existing sign ordinance in the City. She stated most noncompliance in the City is due to a lack of understanding, and education would help solve the issue.

Chairperson Grantham asked if there was once a blanket encroachment permit for the City that removed liability from the City. Wold stated there was once such a permit. Grantham further stated any business that had A-frame signs was required to have a binder on their insurance policy.

Commissioner Tefft asked for clarification of the definition of "nonpermitted" signs according to the proposed ordinance. Berg-Johansen explained the difference between unpermitted and nonconforming signs. Tefft suggested reviewing the definition of nonconforming signs on page 31 of the proposed ordinance.

Commissioner Tefft asked for clarification regarding the prohibition on brand names, as discussed in the proposed ordinance. Wold stated the City would like to see signs that advertise

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*local businesses* versus signs that advertise *products*. Tefft would like this section of the proposed ordinance “fleshed out” more.

Commissioner Solu asked staff about the Tourism Sign Program and stated he would like it to be implemented at the same time the proposed ordinance is implemented. Wold clarified the Tourism Sign Program is a component of the proposed sign ordinance and they will both be implemented at the same time.

Commissioner Lucas offered the following comments:

- He stated he was concerned about how the allowable signage for businesses with multiple facades is calculated. He stated he does not favor the idea of limiting the square footage of signs, but instead favors the idea of calculating signage proportionally (based on a percentage of the façade area).
- He stated he was concerned about the lack of incorporation of window signs in the proposed ordinance, and he would like the window sign section of the ordinance reexamined.

Commissioner Tefft offered the following comments:

- He stated the total allowable signage for buildings with multiple facades should be increased because some buildings are accessible from all sides.
- He stated a section should be added to the proposed ordinance for “Exempt Signs.”
- Regarding A-frame signs, he stated the City should impose standards as to what the sign will be like in order to be consistent with the results of the survey that mention the quality of signs.
- He suggested giving business owners with unpermitted signs 30 days to comply with the sign ordinance before requiring them to remove the unpermitted sign.
- He stated the amortization schedule should not be based on the material of the sign but on the value of the sign. He also stated he would like the schedule to start when the sign was erected.
- He stated the proposed ordinance should strive to better guide pedestrians to the lateral access ways along the Embarcadero.
- Regarding enforcement, he stated he would like to enlist the public to report “illegal” signs.

Commissioner Solu offered the following comments:

- He stated he would also like to see window signs better addressed in the proposed ordinance.
- Regarding amortization, he suggested revisiting this section as there may be some conflicts with the proposed schedule in the other districts.
- He stated he was concerned about the proposed maximum sign area allowed for business along the Embarcadero and that a 65 foot maximum is too small. He suggested calculating the allowable sign area solely on on percentages.

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- He stated the Tourism Sign Program must go “hand-in-hand” with the adoption of the proposed sign ordinance.

Chairperson Grantham offered the following comment:

- Regarding the proposed amortization schedule, he stated there are too many variables involved for the City to be able to determine the value of signs.

Commissioner Lucas offered the following suggestions:

- He also stated he does not agree with the previous suggestion to enlist the public to report unpermitted signs.
- He stated he is pleased that different districts have been established to address the different problems.
- Regarding prohibited signs, he stated he was pleased this section was added to the proposed ordinance.
- He expressed support for the project and noted he would like to primarily discuss with staff window signs and allowable square footage.

Wold clarified with Commissioners the direction provided to staff for the next Planning Commission meeting:

- Allowable sign area should be calculated based on a percentage of the façade (so that the sign area is equitable) versus linear footage of the building, and perhaps adjust percentages so that it is larger for larger facades and smaller for smaller facades. If a building is demised, each business is responsible for the façade that they lease (so that sign area is not double-counted).
- Remove the 65 square foot maximum allowable sign area.
- Berg-Johansen will provide graphics at the next meeting with examples of signs from the community of various façade percentages.
- Examine a two-tiered system where there is a certain percentage of sign area granted by right, but if a higher quality of signage is proposed, greater sign area is allowed.
- A specific section discussing “Exempt Signs” will be included in the proposed ordinance.
- Staff will clarify the allowable façade percentage for buildings with *multiple facades* versus the allowable façade percentage for buildings with *multiple tenants*.

Wold stated the intent of the proposed sign ordinance, and the MSP specifically, is to address the goals of the community: to make the ordinance simple for the public to understand; and to make the ordinance more equitable.

Wold stated the City is not required to amortize signs in the City—the Commission has the option to decide whether or not they would like to enforce this.

Chairperson Grantham asked if menu signs and drive-thru signs compute into the allowable sign area. Wold clarified menu signs are not incorporated into the allowable sign area.

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Commissioner Tefft noted signage on facades facing residential development, especially when the signs are illuminated, should be addressed. Berg-Johansen stated there is language in the ordinance which states illuminated signs shall be turned off at the time of close or at 10 pm, but this can be amended if desired by the Commission.

Chairperson Grantham confirmed with staff that off-site and movable signage will be addressed in the proposed ordinance.

The district to be discussed at the next meeting will be the Downtown/Old Town District.

**MOTION:** Commissioner Solu moved to continue Zoning Text Amendment #A00-015 to the July 3, 2013 Planning Commission meeting.

The motion was seconded by Chairperson Grantham and the motion passed unanimously. (4-0).

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.  
**Upcoming Projects:** To be determined.

Wold reviewed the Work Program with Commissioners.

Wold stated upcoming projects include the continued update to the sign ordinance, various advanced planning projects, and a grant application for funds to update the Local Coastal Plan.

NEW BUSINESS

None.

DECLARATION OF FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting adjourned at 7:53 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, July 3, 2013 at 6:00 pm.

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Rick Grantham, Chairperson

ATTEST:

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Kathleen Wold, Secretary