

AGENDA ITEM:   A- 1  

DATE:   November 4, 2014  

ACTION:   APPROVED  

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – OCTOBER 7, 2014  
VETERAN’S MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Gerald Luhr	Vice Chairperson
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
STAFF:	Rob Livick	Public Services Director
	Scot Graham	Planning Manager
	Joan Gargiulo	Contract Planner

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

Vice Chairperson Luhr stated there is an online marketing survey for the boat yard and haul out facility available on the City website.

Chairperson Tefft stated applications for the vacant Planning Commission seat are due tomorrow.

Chairperson Tefft stated the San Luis Obispo Airport will be holding its annual airport day on October 18, 2014.

Livick stated the Water Reclamation Facility Citizen Advisory Committee will meeting on October 8, 2014 from 3-5 p.m.

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period and seeing none closed Public Comment period.

PRESENTATIONS - None

CONSENT CALENDAR

A-1 Approval of minutes from the Planning Commission meeting of September 2, 2014  
**Staff Recommendation:** Approve minutes as submitted.

A-2 Approval of minutes from the Planning Commission meeting of September 16, 2014  
**Staff Recommendation:** Approve minutes as submitted.

Commissioner Sadowski stated the joint meeting between the Planning Commission and the Public Works Advisory Board that was discussed during future agenda items needed to be included in the September 16, 2014 minutes.

**MOTION:** Commissioner Lucas moved to approve the consent calendar as amended. Commissioner Sadowski seconded the motion and the motion passed unanimously. (4-0)

PUBLIC HEARINGS

B-1 **Case No.:** UP0-388

**Site Location:** 938 Anchor Street, Morro Bay, CA

**Conditional Use Permit:** Request to allow an addition of more than 25% of the existing floor area to a nonconforming structure with a front setback of 19.42 feet where 20 feet is required. Project plans show a 675 square-foot two-story addition with a roof deck and balcony to an existing 1,898 square-foot single family dwelling.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1: Additions of less than 50 % of existing floor area.

**Staff Recommendation:** Approve the Conditional Use Permit

**Staff Contact:** Whitney McIlvaine, Contract Planner, (805) 772-6211

Graham presented the staff report.

Commissioner Lucas and Graham discussed the variance and whether future requests for an addition would need to comply with zoning ordinance requirements.

Vice Chairperson Luhr stated the conditions do not reflect the previous Commission discussion to flag a future project as we are swapping out air space in the front for the variance approval in the back. Graham stated a future project would come to the Commission and information on the variance would be in the written record and part of a future project's review.

Chairperson Tefft opened Public Comment period.

Mike Sherrod, Applicant, stated he fully supports and requests the Commission adopt staff's recommendation.

Chairperson Tefft closed Public Comment period.

**MOTION:** Vice Chairperson Luhr moved to approve Conditional Use Permit UP0-388 to allow the addition exceeding 25% of floor area to a nonconforming residential structure at 938 Anchor Street. Commissioner Lucas seconded the motion and the motion passed unanimously. (4-0)

B-2 **Case No.:** UP0-384 and AD0-092

**Site Location:** 990 Balboa, Morro Bay, CA

**Conditional Use Permit and Parking Exception:** Request to allow an addition exceeding 25% of existing floor area to a nonconforming single-family residence with 3 and 4 foot side-yard setbacks where 5 feet is required and a front setback of 19.5 feet where 20 feet is required. Project Plans show a 380 square-foot addition to an existing 969 square-foot single-family dwelling. This is also a request for a parking exception to allow a single-car garage with tandem parking in driveway to provide for the required second parking space.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1: Additions of less than 50 % of existing floor area.

**Staff Recommendation:** Approve the Conditional Use Permit and Parking Exception

**Staff Contact:** Joan Gargiulo, Contract Planner, (805) 772-6270

Gargiulo presented the staff report.

Chairperson Tefft opened Public Comment period.

Pat Hibbard, Applicant, thanked the staff and Commission for their time.

Chairperson Tefft closed Public Comment period.

Commissioner Lucas and staff discussed the hedge and parking in the right of way.

Vice Chairperson Luhr and staff discussed adding a condition to require getting an encroachment permit for hedge and wall.

Commissioner Sadowski stated support for the project.

Chairperson Tefft and Livick discussed improvements in the right of way that do not require a special encroachment permit and liability and maintenance issues.

Chairperson Tefft stated the project is consistent with the architectural style of the house, is in keeping with the character of the neighborhood and supports the project.

**MOTION:** Vice Chairperson Luhr moved to approve Resolution PC 22-14 with the addition of requiring a special encroachment permit for the existing garden wall if required. Commissioner Lucas seconded the motion and the motion passed unanimously. (4-0)

## C. UNFINISHED BUSINESS

### C-1 Discussion of Neighborhood Compatibility and Design Guideline Options

Graham presented Policy A regarding relationship to adjacent neighborhood.

Commissioner Lucas stated Policy A is not big enough for an immediate neighborhood and would like a larger comparison, noting adjacent streets and streets behind the property should be included. Graham replied looking at the distance of 500 feet could be used.

Vice Chairperson Luhr and Commissioner Sadowski stated support for the larger distance.

Commissioner Sadowski stated for the item 3 on building materials, he would like to see it left open to the individual and not design it too closely. Commissioner Lucas concurred materials should be broad while size should be more defined.

Chairperson Tefft concurred with Commissioner Lucas but noted houses on the same street seem to be more related to the house but not to houses on other streets. He stated concern with going too far out and getting into other neighborhoods, and recommended a larger distance going up and down the street with a smaller distance going in front and behind.

Chairperson Tefft stated he would like to add the following language to Policy A-1:

- The concept of compatibility does not require that a new or renovated structure duplicate the design of adjacent homes nor is it intended to inhibit creativity. Compatibility merely requires a proposed project integrate itself harmoniously into the existing neighborhood and does not appear out of place.

Chairperson Tefft, Commissioner Lucas and Graham discussed the policies as a guideline for a starting point not a comment on how individuals can participate in the review process.

Vice Chairperson Luhr stated he would support a larger noticing distance for projects and a tighter distance for compatibility.

Commissioners and Graham discussed bringing something back with a 300 foot distance, including overlaying that distance on several neighborhoods to see what that looks like.

Commissioner Sadowski stated there is information about neighborhood compatibility at morrobayviews.org. Vice Chairperson Luhr stated that was highly contentious and is a one-sided resource.

Chairperson Tefft stated A-4 regarding the main entrance should be broadened to include tall walls, fences, landscaping and other design elements.

Chairperson Tefft opened Public Comment period.

Dorothy Cutter, Morro Bay resident, stated neighborhood compatibility is when you don't destroy your neighbor's view and take away their light and air and devalue their property. She requested the Commission consider that not every property should be able to have a secondary unit and floor to area ratio.

Katherine Cauldwell, Morro Bay resident, provided the Commission with information from other cities on neighborhood compatibility. She stated the policy needs more definitive and less passive wording.

Jeff Heller, Morro Bay resident, stated compatibility, scale and views are important. He stated the relationship to adjacent homes presented would be good for main streets but there are well defined neighborhoods that make it diverse and appealing, noting compatibility is subjective but the project should fit with others in the neighborhood.

Janet Ridell, Morro Bay resident, stated a family in the neighborhood moved because a two story house was built that blocked their view, noting that compatibility should include views.

Chairperson Tefft closed Public Comment period.

Commissioners and Graham discussed why floor area ratio is not included.

Commissioner Lucas and Graham discussed whether the Commission has the ability to restrict second units in an R-1 zone.

Graham clarified with Commissioners to leave A-1 alone and change A-4 to include the second sentence from Chairperson Tefft's comments that were handed out to Commissioners.

Graham presented Policy B regarding scale and mass.

Commissioner Lucas stated B-2 doesn't work and B-3 is what the public should look at in relation to comments they have made.

Vice Chairperson Luhr stated B-1 reduces the ability of the homeowner to put in a second story, noting once we limit sizes, we take away the capability of design to solve of the problem. He stated concern about giving more rights to a person who has lived here longer than to a person who recently buys a home.

Commissioner Sadowski stated the policy should be a catalyst for innovative design but also address the neighborhood as we see it.

Commissioner Sadowski and Graham discussed the review of storm water runoff for submitted projects.

Commissioner Lucas agreed with Vice Chairperson Luhr's concerns.

Chairperson Tefft stated, regarding scale and mass, that viewpoints other than the street front view should be considered, such as hillside lots, corner lots and lots adjacent to parks and other open spaces. He stated scale and mass is somewhat dependent on siting of the structure on the lot.

Vice Chairperson Luhr recommended changing terms such as "significantly limit" to "reduce" and look at changing "limit" to another term, as well as emphasize these are options that may be applied.

Commissioners Lucas and Sadowski agreed with Vice Chairperson Luhr's language change that is more design thoughtful.

Graham presented Policy C regarding surface articulation.

Commissioner Sadowski stated he liked what was presented.

Vice Chairperson Luhr agreed with Commissioner Sadowski, noting he would like to see the actual lot sizes portrayed in the examples.

Commissioner Lucas stated addressing volume is the way to accomplish surface articulation, not with materials.

Chairperson Tefft stated we need to emphasize articulation is not a cure for excessive mass.

Graham presented Policy D regarding building orientation.

Vice Chairperson Luhr stated he liked what was presented.

Commissioner Lucas concurred with Vice Chairperson Luhr, noting D-2 is the most significant.

Commissioner Sadowski concurred with Commissioner Lucas.

Commissioner Sadowski and Graham discussed the need for D-1.

Chairperson Tefft stated for D-3, need to recognize when homes are set closer to the street that bulk may need to be reduced to appear compatible because of lot placement. He noted that front door placement is important for emergency workers where time may be critical.

Graham confirmed there was no consensus to included changes based on the written comments from Chairperson Tefft regarding D-3.

Graham presented Policy E regarding garage placement.

Commissioner Lucas stated in tight sites, seeing less pavement may be a benefit. He noted caution because of large versus small lots, because some of the features don't serve the small lot.

Commissioner Sadowski stated he liked what staff presented.

Vice Chairperson Luhr stated he had a problem with setbacks on small lots as it takes away more building area of the lot. Graham replied he would come back with something to address smaller lots.

Chairperson Tefft stated his comments were directed at larger lots and we need to have separation between smaller and larger lots.

Chairperson Tefft, Vice Chairperson Luhr and Graham discussed the 50% policy.

Chairperson Tefft stated he would like to see item included speaking to design of the garage door and the driveway.

Commissioner Lucas stated we need to look at terrain issues as well and should be advocating permeable materials where feasible.

Vice Chairperson Luhr and staff discussed landscaping.

Graham presented Policy F regarding building materials.

Commissioner Lucas stated he would like materials be left open.

Vice Chairperson Luhr stated to consider not including numerical factors.

Chairperson Tefft and Commissioner Sadowski stated support for what staff presented.

Graham presented Policy G regarding architectural elements.

Commissioners Lucas, Sadowski and Vice Chairperson Luhr stated support for what staff presented.

Vice Chairperson Luhr stated balance is not always symmetrical.

Chairperson Tefft suggested deleting the second sentence in G-2 and ending the first sentence with “as dictated by the architectural style.” Graham responded this is to address problems staff sees being submitted.

Graham presented Policy H regarding additions to existing homes.

Commissioner Lucas stated this is one of the more restrictive things we have, noting none of these apply to the house presented tonight on Anchor.

Vice Chairperson Luhr concurred with Commissioner Lucas, noting wanting to keep ability for innovative design. Graham responded that he would come back with language that would address that.

Commissioner Sadowski stated he would like to eliminate H-1, noting this would already be addressed in the earlier policies.

Graham presented Policy I regarding additions to solar access.

Vice Chairperson Luhr stated he has a problem with this policy, as there is a state law requiring solar access and this policy as written restricts someone on the south side from building a second story because someone on the north side exists there. He stated the way the policy is written seems like an excessive setback for minimal gain.

Chairperson Tefft, Vice Chairperson Luhr and Graham discussed solar access in relation to smaller lots.

Chairperson Tefft stated taking out “actively used outdoor areas” would make the policy less onerous.

Vice Chairperson suggested having this be for lots larger than 6,000 square feet.

Commissioner Lucas stated solar access is covered by state law, but for the other, it should be a consideration to offer as mitigation for being large, not a mandatory requirement.

Commissioner Sadowski stated he would like to see what other areas have related to solar access.

Chairperson Tefft suggested the language be softened to encourage consideration of the neighbors’ access but is not mandatory.

Graham presented Policy J regarding additions to privacy.

Vice Chairperson Luhr stated he would like to eliminate everything in J-1 after “minimize views into the living spaces” noting you are reducing the living space of the upslope lot and giving excessive rights of one group of owners over another group of owners.

Commissioner Sadowski stated support for the policy presented by staff, noting the policy would help open up a dialogue with the neighbors.

Commissioner Lucas stated this policy should be taken into consideration as a good neighbor, noting the problem is more of a mass problem than privacy problem.

Chairperson Tefft stated 1 through 4 are simply being a good neighbor. He stated J-5 is stuck on one solution, noting there need to be other ways to address the issue.

Graham suggested eliminating J-5 and bolster the other four with examples of things that could be done in general to preserve privacy.

Vice Chairperson Luhr stated he does not have a problem with the adjacent windows, noting his concerns are decks and balconies on small or hill side lots.

Chairperson Tefft, Vice Chairperson Luhr and Graham discussed policies J-3 and J-4 relating to the window’s floor location and where the window is located.

Graham clarified with Commissioners to alter J-3 to address just windows and combine language in J-3 and J-4, getting rid of references to decks and balconies and provide other options to consider for offsetting privacy issues.

C-2 Current and Advanced Planning Processing List  
Staff Recommendation: Receive and File

Graham reviewed the work program with the Commissioners.

D. NEW BUSINESS - None

E. DECLARATION OF FURTUE AGENDA ITEMS - None

F. ADJOURNMENT

The meeting adjourned at 9:32 p.m. to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Tuesday, October 21, 2014 at 6:00 p.m.

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Robert Tefft, Chairperson

ATTEST:

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Rob Livick, Secretary