

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
Monday, January 7, 2008

Chairperson Nancy Johnson
Vice-Chairperson Bill Woodson Commissioner Michael Lucas
Commissioner Gerald Luhr Commissioner Gary Ream
Michael Prater, Secretary

I. CALL MEETING TO ORDER

Johnson called the meeting to order at 6:04 p.m.

II. PLEDGE OF ALLEGIANCE

Woodson led the pledge.

III. ROLL CALL

Johnson asked that the record show all Commissioners were present.

Staff Present: Bruce Ambo, Michael Prater, Rachel Grossman, Joan Drake

IV. ELECTION OF NEW CHAIR AND VICE CHAIR

MOTION: Ream, Woodson 2nd to defer this item to the second meeting in February or until new members have been appointed. Vote: 5-0.

V. ACCEPTANCE OF AGENDA

There was consensus to accept the agenda as printed.

VI. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the December 10, 2007 meeting, City Council:

- Accepted the offer of dedication of right-of-way in conjunction with a project located at 461 Piney Way
- Amended the Conditional Use Permit Conditions on Tract Map 1996 and the associated precise plan
- Extended the urgency ordinance prohibiting medical marijuana dispensaries for a year
- Continued the hearing on 214 Beach Street indefinitely
- Considered the City's involvement in the business improvement district
- Authorized additional funds to the Visitors and Conference Bureau
- Authorized a contract for an organizational analysis of the City staffing services
- Gave staff direction to put out an RFP to update the City website
- Authorized the Fire Chief to purchase a new fire engine
- Authorized funding to defend a lawsuit with Linker & Patterson

At the January 14, 2007 meeting, Ambo said City Council would:

- Consider a resolution authorizing a representative to apply for and enter into a grant agreement with the California Department of Water Resources Local Groundwater Assistance Grant for a nitrate study in the Chorro Valley
- Accept letters of resignation from members of the Promotions Committee and Public Works Advisory Board
- Discuss the annexation of the back bay and Chevron property as part of the City's Sphere of Influence
- Discuss the ballot measure to increase the Transit Occupancy Tax

- Consider regulating newspaper racks on the Embarcadero
- Discuss limiting chain stores on the Embarcadero and downtown area
- Set date for interviews of Commissioner/Advisory Board vacancies
- Review Mayor and Council compensation
- Appoint a Vice-Mayor for a one-year term
- Appoint Council representatives to County Advisory Boards

VII. PUBLIC COMMENT:

Marla Jo Bruton stated the City is not following the Coastal Commission regulations and process for cutting trees.

Richard Sadowski accused several elected and appointed officials and staff of conflicts of interest.

Betty Winholtz, speaking as a citizen, announced a talent show fundraiser for a school in Africa on Saturday, January 5, and the deadline of January 18 for people who want to apply for City advisory group openings.

Cathy Novak provided additional information regarding neighbor concerns for Consent Item B, 1140 Front Street.

VIII. CONSENT CALENDAR

A. Approval of minutes from hearing held on December 17, 2007

Woodson asked that a sentence on page 7 be revised to read, "Woodson asked if Staff could come back with specific text the next meeting, so that they could have a better basis for further discussion." Grossman asked on item X-A the name of the applicant's agent be changed to David Main. She also asked on page 4 the date be changed to January 7, 2008 and on page 5 the name be changed to David Nelson.

MOTION: Ream, Luhr 2nd to approve the minutes as corrected. Vote: 5-0

B. 1140 Front Street, UP0-179

Woodson stepped down, stating he lives within 500 feet of the project.

MOTION: Luhr, Ream 2nd to accept it. Vote: 4-0.

Woodson rejoined the meeting.

IX. PRESENTATIONS – None

X. FUTURE AGENDA ITEMS

A. Pedestrian pathway and circulation plan.

B. Secondary unit design competition and consideration to waive development fees for secondary units.

C. More effective announcement of Planning Commission agendas.

D. Develop a specific list of items all project have on the plans before going to Planning Commission.

Ream suggested appointing a sub-committee of Woodson and Luhr to work on Item D and bring it back to a future meeting for discussion. All Commissioners agreed.

Johnson stated the City Attorney informed her roll call votes are not necessary for Public Hearing Items. Commissioners agreed there should be voice votes when there was consensus, but roll calls for split votes.

XI. PUBLIC HEARINGS

A. Site Location: 694 Ponderosa Street in the R-A (PD) District. Applicant: Bob Dalton. A continued request for a Conditional Use Permit and Coastal Development Permit to construct a new 2,075-sqft single-family residence with attached four-car garage and convert the existing 854-sqft residence into the secondary unit. Mitigation for the previous removal of three trees is included along with archaeological monitoring. This site is located outside the Coastal

Commission's Appeal Jurisdiction. (CEQA Determination: Categorical Exemption – Class 3). Staff Recommendation: Conditionally Approve the Project

Prater highlighted the modifications made by the applicant since the previous meeting. Johnson asked if there were questions of Staff. Lucas clarified the location of the driveway areas and that erosion control was in place. Luhr clarified the use of the concrete slab. Woodson confirmed the tree replacement ratio of 2:1 and a landscaping donation to the city was possible. Ream confirmed only one tree needed to be replaced at that ratio.

Johnson opened the Public Hearing. Paul Dalton, the applicant's son, presented photographs of the original house. Hearing no other comments, Johnson closed the Public Hearing and asked for Commissioner questions and comments. Luhr confirmed Dalton concurred with Staff's rendering of the driveway areas. Woodson obtained Dalton's agreement to be flexible about landscaping options. Ream confirmed a drip system would be installed.

MOTION: Ream, Lucas 2nd to approve UPO-188/CPO-255 including Exhibits "A" and "B". Lucas expressed concern that this was one of several projects where work began without a City permit and the importance of individuals following the permitting process.

Woodson suggested the following changes in Exhibit B:

- Condition 10 – A qualified archeologist shall be on site during excavation
- Condition 16 – Per Condition 11 on the site plan dated November 30, 2007, all surface pavements shall be pervious
- Condition 12 – Landscaping, plus a drip system, to be installed within 30 days of occupancy

There was consensus on these amendments. Voice Vote: 5-0

B. Site Location: 206 Main Street in the R-1 zoning district. Applicant: Candy Botich. The applicant requests Parking Exception approval to legalize an illegally converted garage, and to permit a one-car garage where a two-car garage is required. This site is located inside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301). Staff Recommendation: Deny the requested parking exception

Grossman presented the Staff Report. Johnson asked if there were questions of Staff. All Commissioners declared they visited the site had met with the applicant and their agent. Luhr clarified a two-car garage is required. Grossman stated the City file contains a number of building plans, but none are what was constructed or are stamped approved.

Johnson opened the Public Hearing. Cathy Novak, the applicant's representative, stated their case against the Staff Report. Bob Tefft, Alex Beattie, Tom Wilzbach and Tay Fariss spoke in support of the project. Anne Sidaris-Reeves gave Commissioners a letter in support of the project. Johnson closed the Public Hearing and asked for Commissioner questions and comments.

During discussion Johnson established the City's Stop Work Order was issued for unpermitted work on the deck and is being resolved. Grossman and Novak disagreed whether the five parking spaces assigned to 225 Main are public or private. Johnson clarified only the parking exception was being considered at this meeting. Luhr clarified the second garage door had been removed and stucco placed over the opening. Woodson determined utilities would need to be relocated if the space was converted back to a garage.

MOTION: Woodson, to grant the parking exception, with the proviso that no future building permits will be granted on the property until the issue of the five public/commercial parking spaces has been either removed or significantly reduced. If the applicant is successful in this endeavor, then the applicant will install the required second covered parking space.

Prater pointed out the Commission doesn't have authority over building permits.

MOTION: Woodson, Lucas 2nd to grant the parking exception.

Ream determined it was possible to condition the project so if and when the five parking spaces are no longer required, the site must have at least two covered parking spaces. Woodson revised his motion to include the change. Lucas removed his second.

Grossman clarified Ream wanted at least two covered parking places. Ream seconded the motion. Lucas said he wasn't in favor of requiring the second parking space. Luhr said he believed this was a unique situation and a good solution. Commissioners agreed illegal conversions and un-permitted work set up Staff and the Commission as the bad guys. They said staff did their job on this item and the Commission had to decide whether the exception should be granted despite the associated issues. Lucas cited safety and other issues caused by people doing work without permits.

Roll Call Vote: 4-1 (Lucas opposed)

C. Site Location: 270 Bradley Street in the R-1 zoning district. Applicants: Terry and Ann Simerly. The applicants request Conditional Use Permit approval to construct an 886 square foot addition to an existing nonconforming residence. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301). Staff Recommendation: Conditionally approve the project.

Grossman presented the Staff Report. She said the power lines are outside the minimum required clearance. Johnson asked if there were questions of Staff. Commissioners clarified the middle elevation drawing was mislabeled and was actually the view from the West. Commissioners raised concerns about the driveway encroaching on the adjacent lot. Grossman replied Condition 16 addresses that issue. Luhr clarified the driveway approach met code. Ream stated he met with the project owner.

Johnson opened the Public Hearing. Gary Glandon, agent for the applicants, offered to answer questions and said there may be easements on record. Hearing no more comments, Johnson closed the Public Hearing and asked for Commissioner questions and comments. Luhr confirmed details on the plans with Glandon. Woodson received confirmation that pervious materials would be used.

MOTION: Woodson, Luhr 2nd to approve UPO-189 by adopting the Findings included as Exhibit "A" subject to the Conditions included as Exhibit "B" and the site development plans dated October 18, 2007, with the following:

- Condition 8 – Change the word "project" to "structure"
- Add Condition 22 – Any replacement paving shall be pervious

Lucas stressed copies of any easements should be on file. Grossman noted the APN for the property on the south could be added to Condition 16. Woodson and Luhr concurred.

Voice Vote: 5-0

Johnson called a 3-minute break, then resumed the meeting.

D. Site Location: 196 Orcas Way in the R-1/S.2A zoning district. Applicant: Pete Dillard. The applicant requests Coastal Development Permit approval to construct a 298 square foot non-conditioned sunroom and a 600 square foot garage. This site is located inside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically exempt, Class 1, Section 15301). Staff Recommendation: Conditionally approve the project.

Grossman presented the Staff Report. She explained the planning staff made an error, already allowing the sunroom to be permitted and finalized. Johnson asked if there were questions of Staff. Johnson clarified the living room encroaches into the existing garage. Woodson said he approved of Condition 18 and confirmed the plans were approved by the building department. He stated he met with the applicant.

Johnson opened the Public Hearing. Applicant Pete Dillard explained he recently retired and needed storage space for tools and files from his former automotive business, plus another automobile. Hearing no other comments, Johnson closed the Public Hearing and asked for Commissioner questions and comments.

Lucas clarified 3/8-inch shear wall meets code. Luhr stated he felt the addition was incongruous with the existing house and suggested an alternative roof line. Dillard explained his decision and Luhr stated he would accept his word.

MOTION: Ream, Woodson 2nd to approve CPO-264 by adopting the Findings included as Exhibit "A" subject to the Conditions included as Exhibit "B". Vote: 5-0

E. Site Location: 186 Orcas Way in the R-1/S.2A zoning district. Applicant: Ken Mimura. The applicant requests Coastal Development Permit approval to construct a 252 square foot garage addition. This site is located inside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorically Exempt, Class 1, Section 15301). Staff Recommendation: Conditionally approve the project.

Grossman presented the Staff Report. Johnson asked if there were questions of Staff. Ream confirmed the loft in the existing garage is being removed. Luhr confirmed there were no special drainage conditions.

Johnson opened the Public Hearing. Mike McMullen, contractor for the applicant, explained the project and offered to answer questions. Hearing no other comments Johnson closed the Public Hearing and asked for Commissioner comments. Luhr recommended pervious paving. Woodson asked that the curb and gutter be extended. Johnson clarified the fence to be removed.

MOTION: Woodson, Lucas 2nd to approve CPO-265 by adopting the Findings included as Exhibit "A" subject to the Conditions included as Exhibit "B" and the site development plans dated October 15, 2007 and adding Number 14 requiring the applicant to extend the curb and gutter and use pervious paving for any new paved areas. Vote: 5-0.

XII. OLD BUSINESS

A. Current Planning Processing List

Projects submitted for Administrative Approval (not single-family residential unless in MCR)

1. None

There was discussion about upcoming agenda items.

XIII. NEW BUSINESS – None

XIV. ADJOURNMENT

Johnson adjourned the meeting at 8:55 to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Tuesday, January 22, 2008, at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Michael Prater
Secretary