

AGENDA ITEM: A- 1

DATE: September 19, 2012

ACTION: APPROVED

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 15, 2012
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
	Paul Nagy	Commissioner
	Jessica Napier	Commissioner
	John Fennacy	Commissioner
STAFF:	Andrea Lueker	City Manager
	Mary Reents	Contract Planner
	Erik Berg-Johansen	Planning Intern
	Cindy Jacinth	Administrative Technician

ESTABLISH QUORUM AND CALL TO ORDER
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 July 18, 2012
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Solu moved to approve the Consent Calendar. Commissioner Fennacy seconded and the motion passed unanimously. (5-0).

B. PUBLIC HEARINGS

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B-1 **Case No:** Variance ADO-O67

Site Location: 3202 Beachcomber Street

Proposal: A variance to construct a new single family residence with intermediate floors and a roof deck.

CEQA Determination: Categorical Exemption Class 1.

Staff Recommendation: Denial

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Reents informed the Commission that after the staff report was released, the Applicant contacted staff to request a continuance of the hearing item to the second meeting in September.

Chairperson Grantham opened Public Comment period.

Phillip Johnson, resident of Morro Bay, spoke against the proposed project stating his understanding is that this house will be used for a retreat. As a retreat, this would be a business and expressed concern regarding traffic impacts.

Kevin Elder, Attorney representing Sally and Steve Norcross urged the Commission to accept the staff recommendation to deny the request for a variance and stated the Applicant's plan for a 10,000 square foot residence is in violation of the overlay zone for this neighborhood. He also stated that his home could be built as a one story home, instead it exceeds the height limitation and does not fit into the small scale of the neighborhood.

David Brown, Applicant's Architect, confirmed that he is requesting a continuance due to a mix up on the noticing. He stated that what he requested is not what was advertised. He stated his request is to review a code related question not the house.

Charles Martin, resident of Morro Bay, stated this is a unique property. He spoke in favor of the basement style for this property due to the configuration of the property. The existing garage now seems fine for the property and stated the question of basement versus floor needs to be examined.

Tim Gailey, resident of Morro Bay, spoke against the property based on two variance exceptions requested. Mr. Gailey stated the scope and scale of the project does not match the neighborhood.

Chairperson Grantham closed Public Comment period.

Chairperson Grantham stated to the Commission that the consideration is for a continuation and not a review of the variance request. Grantham stated support for the continuance.

Commissioners stated support for the continuance to the second meeting in September.

MOTION: Chairperson Grantham moved to grant the continuance to no later than the September 19, 2012 Planning Commission meeting.

The motion was seconded by Commissioner Nagy and the motion passed unanimously. (5-0).

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- B-2 **Case No:** Coastal Development Permit CP0-364; Use Permit UP0-341 (Amendment to CUP-12-92)
Site Location: 780 Quintana Road
Proposal: Request to remodel exterior of McDonald's Restaurant and additions to dining, storage area and bathrooms.
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Erik Berg-Johansen presented the staff report.

Chairperson Grantham opened Public Comment period.

Mel Cruz, McDonald's representative, spoke and stated McDonald's is seeking to revitalize the restaurant facilities.

Mrs. Bleems, resident of Morro Bay, stated she has no objections against a larger McDonald's but expressed concern about construction noise impact to neighbors as well as the customer noise impact to neighbors since it is a 24 hour operation.

Mel Cruz, responded to the concerns about noise and stated noise impacts can be minimized to daytime hours. The project duration will be 12 weeks.

Chairperson Grantham closed Public Comment period.

Commissioners stated that noise issues should be addressed.

Commissioner Nagy addressed the issue of signs and stated the need to be fair to local business needs.

MOTION: Commissioner Grantham moved to approve Conditional Use Permit 12-92 and other associated permits with Planning Condition as follows:

- Limit exterior construction noise to the hours of 7am to 7pm

The motion was seconded by Commissioner Fennacy and the motion passed unanimously. (5-0).

- B-3 **Case No:** Conditional Use Permit UP0-340; Parking Exception AD0-O69
Site Location: 660 Bay Street
Proposal: Request to remodel an existing single family residence with a 557.9 square foot addition to existing 671.9 square foot single family residence. The parking exception includes request for tandem parking.
CEQA Determination: Categorical Exemption Class 1.
Staff Recommendation: Approval
Staff Contact: Mary Reents, Contract Planner (805) 772-6270

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Reents presented the staff report.

Chairperson Grantham opened Public Comment period.

Richard Low, Applicant's Architect and Agent, stated he supports the staff recommendation and is available to answer any questions.

Chairperson Grantham closed Public Comment period.

Commissioners stated support for the project.

MOTION: Commissioner Napier moved to conditionally approve Conditional Use Permit UPO-340 and Parking Exception ADO-069 and adopt the findings included as exhibit A.

The motion was seconded by Commissioner Nagy and the motion passed unanimously. (5-0).

Chairperson Grantham called for a five minute break and the meeting resumed at 6:56pm.

B-4 **Case No:** Tentative Tract Map #SOO-111

Site Location: 300 Piney Lane

Proposal: Request to divide an existing one acre parcel into four parcels, the first three parcels are to be flag lots and the fourth parcel will remain in its existing use as a single family residence. Access is via a private easement to the four parcels.

CEQA Determination: Categorical Exemption Class 3.

Staff Recommendation: Approval

Staff Contact: Mary Reents, Contract Planner (805) 772-6270

Reents presented the staff report.

Commissioners asked Reents to clarify the road and who is responsible for 20 foot extension road. Reents stated this is a private access road similar to a long driveway.

Chairperson Grantham acknowledged that additional correspondence and a petition regarding the project were received.

Chairperson Grantham opened Public Comment period.

Chris Parker, Applicant's Representative, spoke to further clarify the proposed project. Parker addressed the circulating rumors against the project and explained the various ways the project has been designed to lessen impacts to neighbors such as the project is proposing a larger side yard setback than what is required. Also, the front yard setbacks are larger than what is required and the building envelope is designed to be less than the maximum allowed. A fire access turnaround will be added which will also benefit neighborhood garbage collection. Parker also clarified other issues such as drainage, grading and two story compatibility. Parker stated that nothing is proposed to be built right now and that the request is for subdivision.

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Randall Dennis, property owner, resident of Morro Bay, spoke to urge the Commission to support the project. He stated he worked really hard to get the map correct and the request tonight is to approve the map, and not to “sneak anything by anyone”. The roads and sewer will be improved on Barlow. He stated he lives in this neighborhood and he also wants to protect the neighborhood when the lots are sold.

Matt Beautz, Applicant’s Representative and Civil Engineer and Land Surveyor, discussed the existing road width, the height concerns and the existing sewer main and drainage.

Will Perry, resident of Morro Bay, spoke against the project and asked the Commission to deny the permit. He stated a project on Cabrillo was denied a request to subdivide and the developer was denied the permit. He stated this project will be non-conforming in lot size and setbacks.

Otis Negrubs, resident of Morro Bay, spoke against the project, and addressed issues of the street light, the street width and 40 foot right of way. He expressed concern that the traffic will increase 30% and the street cannot handle this increase.

Eugene Tripp, resident of Morro Bay, spoke against the project and expressed concern about pavement width and possibility for parking. He expressed concern about traffic and blockage of views and stated this will unbalance the neighborhood.

Tom Coryell, resident of Morro Bay, spoke against the project and addressed the issue of two story homes. He stated these are small lots compared to the rest of the neighborhood and suggested that it be approved as two additional lots instead of three. He also stated the project is not consistent with the neighborhood.

Rich Meyer, resident of Morro Bay, spoke against the project and agreed with Mr. Coryell’s comments and agreed with the lot size. He also addressed the issue of utilities arrangement and asked whether they would be underground.

Sue Perry, resident of Morro Bay, spoke against the project and expressed concern about the flag lots and private driveway necessary in order to reach the three lots. Perry stated issues of streets, sewer lateral, storm water, and drainage mitigations, retaining walls, and utilities all must be considered. Perry stated this is a badly designed project which is not in conformity to the houses and lot sizes in the immediate neighborhood. Perry asked the Commission to deny the Applicant’s request for subdivision.

Jay Jay King, spoke in favor of the project. He stated he reviewed the plans and visited the site. He worked on a similar infill lot in Pismo Beach. The applicant has done a lot of things not required in order to make this a better project and he urged the Commission to support and approve the project.

Amy Bowatta, resident of Morro Bay, spoke against the project and requested the Commission require the Applicant to complete an Initial Study. She stated the Class 3 CEQA exemption is wrong because Morro Bay is not an urbanized area which is defined as an area of 50,000 or more. She stated this is not a typical residential project; it has inadequate access to public streets and utilities and does not fit the Morro Heights neighborhood.

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Michelle Nesbit Penzel, resident of Morro Bay, spoke against the project and expressed concern about the proposed three homes that would block views. She also expressed concern about the narrow street.

Robert Penzel, resident of Morro Bay, spoke against the project and stated the Commission should look at the benefit involved not to one person, but to the community. Penzel questioned that when homes are vacant most of the year, where is the benefit to the majority of Morro Bay. Morro Bay is a quaint, ocean village and should stay that way.

Chairperson Grantham asked Mr. Beautz to respond to the utility question. He stated new services would be underground.

Chairperson Grantham closed Public Comment period.

Chairperson Grantham asked Reents to respond to the CEQA comments made during Public Comment. Reents clarified the definition of a urbanized area stating that a Class 3 exemption can be used for projects where it is surrounded by developed urban uses and an infill parcel. Some environmental research of the property has been done relating to archaeological resources and the property does not contain habitat for rare, threatened or endangered species, nor does it have listed grass species. Drainage has been addressed as well as geological concerns. Utilities are adequate for the property. Visual impacts are not protected by CEQA or the City's Local Coastal Plan.

Reents also addressed the Public Comment regarding the Cabrillo project. She stated the denial of the previous Cabrillo project was based on its location in Tract 41 and this project is not located in Tract 41. She stated that according to conversation with the City Attorney, the results of that court case do not apply in this situation.

Commissioners discussed the street width and the street light.

Commissioner Nagy asked about view protection. Reents stated that view protection does not apply to residential views but only views from a public road or area. Reents suggested a condition could be added to do a visual analysis of the view corridor at the time that the property is developed.

Commissioner Fennacy stated support for the project with a condition added to require a view study to support the neighborhood. He stated he supports concerns for the street on existing Piney Lane. He also stated that this is a conforming project and it is not within our tools to address the view impacts.

Commissioner Solu asked Reents to explain the process on a visual study. Reents explained that a view study would show the roof line of a house and show the view corridor.

Commissioner Solu asked about if a street sign can be required to be put on Piney Way stating that Piney Lane is a dead end road. Solu also asked whether conditions of use could be applied such as prohibiting use as a vacation rental. Reents stated she was unfamiliar with the City's

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local ordinance but stated these vacation rental prohibitions are done in other California cities and a deed restriction would need to be placed on the property.

Chairperson Grantham asked Lueker for clarification from City Attorney Rob Schultz regarding vacation rental restrictions. Lueker noted that Schultz was currently not available.

Chairperson Grantham and Commissioner Nagy stated this is a clean project and stated support for the project.

Commissioner Solu commented that individuals have a right to appeal this to the City Council.

Chairperson Grantham called for a five minute break and resumed the meeting at 8:25pm.

Commissioner Fennacy stated he would make a motion without the view study requirement since the issues have been adequately addressed.

MOTION: Commissioner Fennacy moved to approve Tentative Tract Map #S00-111

Commissioner Solu stated he would be voting no, due to the lack of conditions and that it does not meet the criteria for the neighborhood.

The motion was seconded by Commissioner Nagy and the motion passed unanimously. (4-1).

UNFINISHED BUSINESS

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

Reents reviewed the Work Program with Commissioners.

Commissioner Solu requested that work continue on the Sign Ordinance so that it can be forwarded to City Council for approval.

NEW BUSINESS

D-1 Present and take action on the findings of the Subdivision Ordinance subcommittee.
Recommendation: Forward findings of the Subdivision Ordinance subcommittee to the City Council.

MOTION: Commissioner Nagy moved to send this on to City Council.

The motion was seconded by Commissioner Solu and the motion passed unanimously. (5-0).

DECLARATION OF FUTURE AGENDA ITEMS - None

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ADJOURNMENT

The meeting adjourned at 8:33 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, September 5, 2012 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary