

AGENDA ITEM:   A- 1  

DATE:   August 21, 2013  

ACTION:   APPROVED  

SYNOPSIS MINUTES - MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JULY 3, 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
	John Fennacy	Commissioner
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner
STAFF:	Rob Livick	Public Services Director
	Cindy Jacinth	Associate Planner
	Erik Berg-Johansen	Planning Intern

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

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

Susan Stewart, resident of Morro Bay, spoke in favor of amending the zoning code to better regulate new businesses, keep the downtown core strong, and promote pedestrian activity. She expressed concern about losing retail to residential conversions. She supports keeping key areas of Main Street and Morro Bay Boulevard designated for restaurants and retail businesses.

Chairperson Grantham 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.

CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of June 19, 2013

**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Commissioner Solu moved to approve the Consent Calendar.

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Chairperson Grantham seconded and the motion passed (4-0), with Commissioner Tefft abstaining as he was not in attendance.

A. PUBLIC HEARINGS

B-1 **Public hearing continued from June 19, 2013.**

**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, Planning Intern (805) 772-6291

Berg-Johansen presented the staff report. The presentation was organized into two parts:

Part I: Continued Items from the 6-19-13 Planning Commission Meeting

Part II: Sign Discussion for the Downtown District

Chairperson Grantham opened Public Comment period.

Susan Stewart, resident of Morro Bay, made the following comments:

1. She would like clarification regarding what type of illuminated signs are regulated under the proposed sign ordinance. Stewart noted several businesses keep their open signs turned on during the day to alert the public that they are open.
2. She encouraged the Commission to visit her shop to see the sidewalk sign she is currently using. She noted the dimensions of her sign and the adjacent sidewalk and stated there is sufficient space for the sign.
3. Stewart stated she would like to see iconic signs, such as the one found at the Shell Shop, remain as they are.

Berg-Johansen addressed Stewart’s comment regarding illumination. He stated the proposed ordinance could be amended to only regulate illuminated signs over a certain size. Berg-Johansen stated the purpose of the clause to turn off illuminated signs during the day is to conserve energy. Jacinth noted “Open” signs are not considered signs as they convey information and do not advertise a business.

Livick addressed Stewart’s comment regarding A-frame signs. He stated any “off-premise” sign, whether it is an A-frame sign or a pole sign, would be treated the same way under the City’s standards.

Chairperson Grantham closed Public Comment period.

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**PART I**

Commissioners and staff discussed how signs that advertise products would be regulated under the proposed ordinance. Staff clarified that signs advertising specific products, produced by companies other than their own, would not be allowed.

Commissioner Fennacy made the following comments:

1. Regarding amortization, he stated he favors a simplified amortization schedule or no schedule at all since the Local Coastal Plan does not mandate an amortization schedule.
2. He stated he is in favor of window signs, but would like to limit window signs to a certain percentage of the window.
3. Regarding the Master Sign Program (MSP), he stated he favors the decrease from four to three tenants and giving the Director discretion when reviewing MSP applications.

Chairperson Grantham noted for the record that Commissioner Tefft had joined the meeting.

Commissioner Lucas made the following comments:

1. He noted neon signs are not defined in the proposed ordinance. Lucas suggested staff consider what sort of message these signs portray and consider whether or not the City wants to encourage them.
2. He asked for clarification regarding how the City will calculate allowable sign area on facades with more than one business, or where the façade is divided between commercial and residential. Berg-Johansen stated each tenant would only be able to calculate allowable sign area based on their portion of the façade.
3. Lucas asked staff to clarify how hotels with residential units would be treated under the proposed ordinance. Berg-Johansen stated this is an issue that will be considered in the next draft of the ordinance. Berg-Johansen also noted a table will be created for lodging establishments in all zones.
4. Regarding A-frame signs, Lucas stated he is in favor of considering sidewalk width when approving or denying the signs. Livick noted an encroachment permit will be necessary to erect A-frame signs if the sign code is amended to allow them.

Commissioner Lucas and Livick discussed the requirements for other items in the public right of way along the Embarcadero and how they affect pedestrian activity.

Chairperson Grantham confirmed with Livick that Livick is the chief enforcement officer for signs. Grantham asked Livick what percentage of A-frame sign users have insurance policies as required by the City. Livick stated the City currently prohibits A-frame signs so no A-frame users have such insurance policies.

Commissioner Tefft made the following comments:

1. He clarified with staff the purpose of the amortization table is for permitted nonconforming signs. The amortization schedule would not apply to non-permitted or

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illegal signs. Tefft stated it would be practical to eliminate the amortization schedule from the proposed ordinance.

2. He commented on the terminology of the proposed ordinance. Specifically, he suggested the definition for directional and community promotional display signs be separated, and he suggested clarifying the definition of snipe signs.
3. Tefft stated there should be a provision for certain types of illuminated signs.
4. He suggested A-frame signs should instead be called “sidewalk signs” or “portable signs” to encourage people to be more creative. He also agreed sidewalk width should be considered.
5. He stated window signs should be allowed on the Embarcadero.

Commissioner Solu made the following comments:

1. He stated he does not favor the proposed amortization schedule. He instead favors *maintaining* existing nonconforming signs.
2. Regarding off-premise signs, Solu agreed a four foot minimum width should be required for such signs but expressed concern that this minimum distance may not always be observed by business owners. Livick explained how the four foot minimum for off-premise signs would be regulated.

Livick stated the existing amortization schedule does not work and is difficult to enforce. He stated maintenance may be the most appropriate way to approach amortization. He also stated the proposed amortization schedule may be amended so that is based on change of use or major remodel rather than change of ownership. Solu agreed with Livick’s comments.

Commissioner Solu asked staff where public announcement signs, such as bird nesting signs, would fall in the proposed ordinance. Livick stated such regulatory, informational, or educational signs do not typically require a permit. Livick stated the intent of the sign ordinance is to regulate advertising signs, and not regulatory signs.

Solu stated window signs along the Embarcadero should be allowed. Jacinth clarified the importance of developing an ordinance that maintains vertical consistency with the Coastal Commission.

Chairperson Grantham expressed concern that there may not be sufficient space on the City’s sidewalks to allow A-frame signs. He stated four feet is tight.

Commissioner Fennacy echoed Solu’s comment regarding abandoning the proposed amortization schedule. He also stated he favors allowing A-frame signs as long as they do not restrict sidewalk passage.

Chairperson Grantham suggested the City could require a certain amount of clearance in front of a business in order to allow an A-frame sign at that location.

Grantham asked Commissioners to discuss the potential for accommodating A-frame signs. All Commissioners agreed the sidewalks are too congested to accommodate A-frame signs on the Embarcadero. Fennacy stated he did not want to see businesses affected by a lack of advertising

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opportunities and stated he would like to provide alternative options if A-frame signs are prohibited. Lucas stated eight feet may be an appropriate width if such signs are allowed.

Livick explained City Council passed an emergency ordinance for pub signs (projecting signs) to be approved administratively. This is an effective way to provide advertising information at the pedestrian level while not encumbering the sidewalk.

Lucas stated nonconforming signs should be addressed when the building is remodeled or reconstructed, and not when there is a change of tenancy.

Chairperson Grantham called for a five minute break.

Fennacy made the following comments:

1. Regarding multi-sided buildings, he stated he would like to see a single percentage used for all sides of the building.
2. Regarding window signs, Fennacy stated they are necessary on the Embarcadero. He stated some businesses should be allowed a greater percentage depending on the size of the window.

Jacynth stated many buildings along the Embarcadero do have multiple facades and it is important to remember that signs facing the water are factored into the total signage. She stated window signs would also factor into the total signage.

Commissioner Lucas stated he favors the simplicity of calculating allowable signage of buildings with multiple sides with the same percentage. Regarding window signs, he stated individual letters are the nicest type of window sign and perhaps these should not be included in the total allowable signage.

Commissioner Tefft suggested allowing business owners to designate the primary, secondary, and tertiary sides of their building. Regarding window signs on the Embarcadero, Tefft stated they are seen from a close distance and, therefore, a relatively low percentage of window area would be appropriate.

Commissioner Solu agreed that business owners should be able to decide which side of their building is the primary, secondary, or tertiary side. Regarding window signs, he stated determining an allowable percentage of window area would be an appropriate way to address the issue.

Chairperson Grantham also agreed that business owners should be able to decide how to classify the various sides of their building.

Grantham stated 20 percent would be an appropriate percentage for window signs on the Embarcadero.

Commissioner Fennacy stated 25 percent would be appropriate. He also stated it is the Commission's job to be subjective so he supports letting the business owner decide.

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Commissioner Tefft stated he favors a smaller window area on the Embarcadero, such as 10 percent.

Commissioner Solu stated he favors between 10 and 20 percent of allowable area for window signs on the Embarcadero.

## **PART II**

The Commission concluded their discussion of the Embarcadero District and proceeded to discuss signs in the Downtown District. The discussion was organized by topic:

### **A-frame Signs**

Commissioner Fennacy stated he is in favor of A-frame signs as long as there is a minimum passable space, such as four feet.

Chairperson Grantham asked staff if the existing ordinance includes language that regulates the location of A-frame signs. Livick stated such signs are not allowed under the existing ordinance so there is no language regulating their location. Livick stated he favors signs being placed against the building as they would be out of the way. Livick stated staff will consider developing a plan view detail illustrating where these signs should be placed along the right of way so as to maximize public safety.

The Commission and staff discussed the appropriate minimum passable space for A-frame signs in the Downtown District. Livick stated four feet is the legal minimum passable space required on sidewalks pursuant to ADA guidelines. The Commission agreed only one A-frame sign per business would be allowed under the proposed ordinance, and decided A-frame signs that are not placed on the property would be called “off-premise” signs. The Commission also agreed that A-frame signs should only be placed on the property to which it belongs.

Commissioner Solu stated he does not support the erection of A-frame signs.

Commissioner Lucas stated he is in favor of allowing A-frame signs as they encourage pedestrian traffic.

Commissioner Tefft suggested writing standards into the updated sign code which would regulate the aesthetic qualities of A-frame signs. Tefft continued to discuss with staff the possibility of regulating aesthetics.

Livick stated, under the proposed ordinance, sidewalk signs are not factored into the total allowable sign area. They would be considered “bonus” signs.

Commissioner Lucas clarified with staff the sidewalk signs would not be displayed when the business is not in operation.

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**Window Signs**

The Commission agreed 30 percent is an appropriate area of a building's window for window signs.

**Murals**

Chairperson Grantham stated if a mural advertises a business it is considered a sign.

Commissioners Fennacy, Tefft, and Solu agreed murals are an artistic piece and should not be considered signs.

Commissioner Tefft suggested murals should not illustrate a logo or business name as a prominent feature.

Commissioner Lucas stated he does not believe anything with letters should be considered a mural. A mural is considered a graphic.

Chairperson Grantham confirmed murals will not be considered signs and discretion will be left to City staff to determine whether a proposed mural is appropriate for the location.

**Façade Percentages**

Commissioner Fennacy stated 15 to 20 percent of the building facade for all facades would be an appropriate amount of signage.

Commissioner Lucas stated 10 to 15 percent of the building façade would be appropriate, but would support the granting of a higher percentage to businesses depending on the location of the entry to the building.

Commissioner Tefft clarified with staff that the projecting sign at The Bike Shop is included in the total allowable sign area for the building. The projecting sign would be a bonus under the proposed ordinance.

Jacynth explained to the Commission that under the current ordinance, businesses are allowed a 2:1 ratio for each linear foot of building frontage if only one type of sign is proposed, but if more than one type of sign is proposed, the allowable sign area ratio drops to 1:1. With this explanation, Tefft stated he favors a 10 percent allowance.

Commissioner Solu stated 10 percent for the primary façade and five percent for the secondary façade would be an appropriate allowance.

Chairperson Grantham stated he favors allowing 15 percent of the building façade for signs.

Commissioner Lucas stated he would like business owners to come forward and express whether they think the proposed percentages are fair or too restrictive.

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The Commission agreed 15 percent for all facades is an appropriate percentage.

Commissioner Fennacy discussed the issue of when a business has two primary facades and how determining one facade as the primary façade may be detrimental to their business when different percentages are established for different sides of the building. To address this issue, Tefft suggested that the sign on the secondary façade could be 10 percent of the façade area, but it may not be larger than the sign on the primary façade. The Commission supported this suggestion.

The Commission agreed that if a business owner selected an awning sign, they would also be allowed to erect a surface sign near the entrance to the business.

**Pole Signs**

Commissioner Tefft stated he favors providing business owners with a variety of sign types.

Berg-Johansen stated staff does not recommend pole signs in the Downtown District.

Commissioners Solu, Lucas, and Tefft stated they do not favor pole signs in the Downtown District. Tefft suggested staff add another sign type, such as an “architectural sign,” that is greater than eight feet tall but is not considered a “traditional” pole sign.

Commissioner Fennacy stated he favors allowing pole signs in the Downtown District.

Commissioner Lucas asked for clarification from staff whether existing pole signs would be grandfathered in. Berg-Johansen clarified that once a new business occupies the building, the nonconforming pole sign would need to be removed.

The Commission agreed they would like to encourage monument signs rather than pole signs.

Commissioner Tefft noted the proposed ordinance offers a 10 square foot bonus for individual lettering on wall signs, and asked staff whether they would consider offering the same bonus for window signs. The Commission agreed they would like to offer this bonus for business owners that “want to be creative.”

The Commission decided to discuss signs in the Quintana District at the next Planning Commission meeting.

**MOTION:** Chairperson Grantham moved to continue Zoning Text Amendment #A00-015 to the July 17, 2013 Planning Commission meeting.

UNFINISHED BUSINESS

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

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Livick reviewed the Work Program with Commissioners.

NEW BUSINESS

None.

DECLARATION OF FUTURE AGENDA ITEMS

Staff stated the 360 Cerrito project will be discussed at the next Planning Commission meeting.

ADJOURNMENT

The meeting adjourned at 8:18 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, July 17, 2013 at 6:00 pm.

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Rick Grantham, Chairperson

ATTEST:

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Rob Livick, Secretary