

AGENDA ITEM: A-1

DATE: November 6, 2013

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013
VETERANS MEMORIAL HALL – 6:00 PM

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 Department
	Kathleen Wold	Planning Manager
	Cindy Jacinth	Associate Planner

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

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period and, seeing 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.

CONSENT CALENDAR

A-1 Approval of minutes from Planning Commission meeting of September 18, 2013
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Fennacy moved to approve the Consent Calendar.

Commissioner Tefft seconded and the motion passed unanimously. (5-0).

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013

Rob Livick, Public Services Director, announced the City is preparing for the annual state water maintenance shutdown which will occur from November 1, 2013 through November 26, 2013. The City will be off of state water during that time, and the City will be making water at the desalination plant, using the brackish water reverse osmosis system. The water supply will be supplemented with water from the Morro Valley wells, and if necessary, the City has an emergency exchange agreement with the California Men's Colony to supply the City with water. Livick encouraged the public to limit outside water use as much as possible and run irrigation systems on as-needed basis.

Grantham asked Livick to report on the nitrate levels in the wells. Livick stated the levels fluctuate but they are probably a little higher right now because there is less water coming into the basin.

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

B. PUBLIC HEARINGS

B-1 Case No.: Amended #UP0-342

Site Location: 901-915 Embarcadero and 945 (waterside) Embarcadero

Proposal: Applicant has proposed various amendments to previously issued Conditional Use Permit #UP0-342 regarding waterside and landside improvements which would result in a total floor area of 6,852 sf and total walkway area of 1,279 sf. The modifications include constructing a new retail unit, remodeling and enlarging two existing restrooms, converting glass court outdoor dining to general public seating, enlarging existing harbor walkway, installing floating docks with slips and gangway, restriping existing parking spaces and minor building façade improvements.

CEQA Determination: Mitigated Negative Declaration (State Clearinghouse #2012091063)

Staff Recommendation: Conditionally Approve Amended Conditional Use Permit #UP0-342 and adopt the Mitigated Negative Declaration

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

Jacinth presented the staff report.

Lucas asked staff if the lease for this site has been negotiated yet. Jacinth stated City Council will discuss at the November 12, 2013 City Council meeting the request by the Harbor Department to have lease site boundaries amended.

Lucas expressed concern that the proposed project should be heard by the Harbor Advisory Board, and not the Planning Commission, because it involves a lease site in the harbor. Livick stated the Planning Commission hears projects both on land and in the harbor. Lucas clarified with staff that the City Council authorized the City Manager to sign the landowner's consent form and move forward with the lease line adjustment before the lease was negotiated.

Commissioner Lucas asked staff if the set of conditions for noise mitigation for pile driving is standard for this operation. Wold stated the set of conditions provided is not standard but the

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013

City is using NOAA's methodology to devise a reasonable set of conditions that is not overly burdensome to the applicant but still protects marine wildlife. The process is ever-evolving.

Commissioner Solu asked staff if the City Council made any other modifications to the proposed project aside from the façade height. Jacinth stated the façade height was likely the only alteration.

Chairperson Grantham opened Public Comment period.

Cathy Novak, applicant's representative, provided a brief history of the project background and explained the project was approved by the City Council on December 11, 2012. Per the request of the California Coastal Commission, the project was modified in the following ways:

1. The view deck has been eliminated.
2. The floating finger dock slip links have been reduced and the floating docks have been pushed westward.
3. The gangway has been relocated to the west.
4. The size of the three new retail units have been reduced, as has the existing retail unit in order to make two retail shops of reasonable size.
5. The harbor walk is now eight feet wide, and has been increased to 10 feet wide on the southern portion of site.

Novak stated the applicant was given the opportunity to expand the dock project to include a portion of an adjacent water lease site. With direction from the City, the applicant revised the project description to include new dock area behind Roca's lease site.

Novak also stated Fire condition #10 needs to be modified because it does not clearly indicate that sprinklers need to be installed under the wharf behind Rocca's. The condition will be requested to be modified when presented to City Council for adoption.

Chairperson Grantham closed Public Comment period.

Commissioner Fennacy expressed support for the project.

Commissioner Lucas expressed concern regarding the proposed height of the façade and stated he did not understand the need for the long fascia on the Embarcadero side.

Commissioner Tefft confirmed with staff the restrooms on site will be open to the public. He confirmed with Novak that signage will be installed to inform the public that there are restrooms available in the passageway. Tefft stated he would like to see this language included in the project description when the project is presented to the City Council.

Commissioner Tefft expressed concern regarding the lateral access and stated he would like to see a Planning condition included which states that furniture must be arranged in way that leaves five feet for clear space for pedestrian transit. Novak clarified the dimensions of all access ways and noted the smallest clearance will be five feet. She stated she will be working with the Coastal Commission in order to determine appropriate public seating arrangements for the proposed

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013

project. She will report back to the Planning Commission with more information when the precise plan is presented at a later date.

Commissioner Solu expressed support for the project. He also asked for clarification regarding why the City does not require applicants to remove abandoned pilings. Novak clarified that when a piling is “abandoned,” it is cut off at the mud line and only the remainder is left in the ground.

Chairperson Grantham expressed support for the project. He also asked who is responsible for mandating the rental costs of the slips. Livick stated the landlord mandates the rental costs.

MOTION: Commissioner Fennacy moved to adopt the following actions:

- A. Adopt the amended Draft Mitigated Negative Declaration (SCH#2012091063) in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et. Seq.) and adopt the Findings included as Exhibit “A,” including findings required by the California Environmental Quality Act (CEQA); and
- B. Approve Amendment of Conditional Use Permit #UP0 -342 subject to the Conditions included as Exhibit “B” and the site development plans dated May 30, 2013.

Livick requested the motion be modified to include the phasing request as well as direction to work with the Fire Department to modify Condition #10. Commissioner Fennacy approved the modified motion.

Chairperson Grantham seconded and the motion passed unanimously. (5-0).

B-2 Item continued from the September 18, 2013 meeting.

Case No.: A00-013 (Text Amendment)

Site Location: Citywide

Request: Zoning Text Amendment proposing to amend Section 17.48.320 (Secondary Units) modifying the section to be consistent with State regulations.

CEQA Determination: Mitigated Negative Declaration.

Staff Recommendation: Forward a favorable recommendation to the City Council to approve the proposed Zoning Text Amendment and adopt the Mitigated Negative Declaration.

Staff Contact: Kathleen Wold, Planning Manager (805) 772-6211

Wold presented the staff report.

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

Commissioner Tefft expressed concern about the proposed parking regulations for secondary units and stated tandem parking is not workable in any case. He stated parking in the front yard setback may be acceptable as long as there is appropriate screening.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013

Commissioner Solu stated secondary units are not causing the parking problems in the City; rather the illegal units and the multiple cars per household are causing the problems. Solu stated he favors using the side yard or front yard setbacks as parking options.

Commissioner Lucas stated the difference between allowing 900 square feet and 1,200 square feet is the difference of an additional bedroom which may cause greater parking impacts to the neighborhood. He stated he would like to see cars screened if they are to be allowed in the front or side yard setbacks.

Commissioner Fennacy stated secondary units and parking should not be examined together because they are separate issues. He stated residential parking is difficult to regulate. He also stated the discussion of square footage is irrelevant because each property in the City is uniquely situated and has different constraints. Lastly, Fennacy stated he supports allowing parking in the front yard setback.

Commissioner Tefft made the following comments:

1. He stated enforcement is always difficult, but if the City ensures that secondary units have a guaranteed off-street parking space, enforcement becomes less difficult.
2. While there are many different types of parking issues in the City, it would be beneficial to start addressing parking issues related to secondary units. This way, the City can solve the problem one issue at a time.
3. Tefft stated he supports allowing Conditional Use Permits for secondary units over 900 square feet on a case-by-case basis.

MOTION: Commissioner Tefft moved to reduce the allowable size of secondary units to 900 square feet with an allowable size up to 1,200 square feet with a Conditional Use Permit and to eliminate the section of the ordinance which allows for tandem parking for secondary units.

Commissioner Fennacy seconded the motion.

Commissioner Solu asked staff to confirm the State regulations regarding the allowable size and lot coverage requirements for secondary units. Wold explained these regulations pursuant to California Government Code Section §65852.2. She stated the City's existing ordinance is consistent with State law. She also explained the State's intention is to make affordable units easier to permit, so long as they are consistent with the City's standards.

Commissioner Solu confirmed with staff the City's standards for secondary units do not differ depending on whether the unit is *attached* or *detached*.

AMENDED MOTION: Commissioner Tefft moved to amend the initial motion to exclude the language regarding tandem parking, and address only the allowable size of secondary units.

Commissioner Lucas seconded the motion.

Commissioner Solu stated the amended motion restricts landowners from using their property to its fullest potential and thus he does not support the amended motion.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013

Chairperson Grantham and Commissioner Lucas expressed support for reviewing the allowable square footage of secondary unit projects on a case-by-case basis.

The motion passed (4-1), with Commissioner Solu dissenting.

SECOND MOTION: Commissioner Tefft moved to revise the motion to state tandem parking should not be prohibited outright, but should be allowed with a conditional use permit.

Commissioner Lucas seconded the motion.

Commissioner Tefft confirmed with Livick that the Director does not have the right to deny tandem parking on a specific piece of property because it is permitted by code. Livick added the Director's permission is granted via the permit process that includes a certain degree of analysis.

Wold stated Findings could be included in the secondary residential unit ordinance which states that tandem parking may be allowed only if there is no other way to accommodate the parking.

Commissioner Tefft stated he would like the consideration for tandem parking for secondary units to be done at the Planning Commission level.

The motion passed (4-1), with Commissioner Fennacy dissenting.

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 the Commission.

NEW BUSINESS

- D-1 Joint Meeting City Council/Planning Commission Discussion Items

DECLARATION OF FUTURE AGENDA ITEMS

- The Climate Action Plan will be presented to the Commission at one of the November meetings; it will then be presented to the City Council in December.
- The bridge project will be presented to the Commission at the December meeting.
- The housing element update will also be presented to the Commission at an upcoming meeting.

ADJOURNMENT

The meeting adjourned at 7:43 pm to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, November 6, 2013 at 6:00 pm.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 16, 2013

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary