



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life.
The City shall be committed to this purpose and will provide a level of municipal service and safety
consistent with and responsive to the needs of the public.*

**Regular Meeting - Tuesday, November 4, 2014
Community Center Multipurpose Room – 6:00 P.M.
1001 Kennedy Way, Morro Bay, CA**

~ PLEASE NOTE CHANGE IN LOCATION ~

Chairperson Robert Tefft

Vice-Chairperson Gerald Luhr
Commissioner Richard Sadowski

Commissioner Michael Lucas
Commissioner Katherine Sorenson

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

PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services' Office Assistant at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. CONSENT CALENDAR

- A-1 Approval of minutes from the Planning Commission meeting of October 7, 2014
Staff Recommendation: Approve minutes as submitted.
- A-2 Approval of minutes from the Planning Commission meeting of October 21, 2014
Staff Recommendation: Approve minutes as submitted.
- A-3 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

- B-1 **Case No.:** AD0-075
Site Location: 1000 Ridgeway, Morro Bay, CA
Staff denial of a Time Extension request for a Parking Exception: The City of Morro Bay Planning Division has received an appeal of a staff decision denying a one year time extension request for a parking exception. The parking exception allows for an 11-foot garage setback where 20-foot would otherwise be required. The Parking exception was approved by the Planning Commission on October 17, 2012 and was due to expire on October 17, 2014. The Time extension request was filed on September 4, 2014 and subsequently denied by staff on September 5, 2014.
Appellant: Reed Adamson
Staff Recommendation: Deny the appeal
Staff Contact: Scot Graham, Planning Manager, (805) 772-6291

C. UNFINISHED BUSINESS

- C-1 Discussion of Design Guidelines
Staff Recommendation: Review, comment, and provide direction.

D. NEW BUSINESS - None

E. DIRECTOR AND PLANNING MANAGER COMMENTS

F. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on November 18, 2014, at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Public Services Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6261 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Public Services Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Public Services Department, at Mill's/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Public Services Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

APPEALS

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Public Services Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

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.

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
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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.

Robert Tefft, Chairperson

ATTEST:

Rob Livick, Secretary

front, side and garage setbacks, and to allow a second open parking space where two covered and enclosed spaces are required. The applicant is proposing a second-story addition of 594 square feet plus a 140 square-foot second-story deck to an existing 1,215 square-foot single-family residence and garage. The project is located on a 2,800 square-foot lot at the corner of Zanzibar Street and Panorama Drive. Plans show a second parking space to be located partially in the front setback with access from Zanzibar Street, or in tandem in the driveway and partially in the right-of-way with access from Panorama Drive.

CEQA Determination: Categorically Exempt, Section 15301(e), Class 1, for additions of no more than 10,000 square feet where all necessary public services are available and the site is not environmentally sensitive.

Staff Recommendation: Approve with conditions

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

McIlvaine presented the staff report.

Commissioner Lucas asked if there were any parking variances or exceptions in the area. McIlvaine replied she did a windshield survey of how parking was working in the neighborhood, noting there are more two car garages than one car garages but there are many one car garages with parking on the street or on the site.

Commissioner Lucas asked if staff recommended the two parking studies. McIlvaine replied the studies came from the Applicant.

Vice Chairperson Luhr stated he met with the Applicant and her representative at the site. Vice Chairperson Luhr and McIlvaine discussed the Panorama option for parking as opposed to on Zanzibar.

Vice Chairperson Luhr and Livick discussed the width of the street and potential widening if development continues in that area.

Commissioner Sadowski stated he visited the site and noted Panorama is narrow so putting a car on that side would be a problem.

Chairperson Tefft stated he met with the Applicant and her representative at the site. Chairperson Tefft and Livick discussed the criteria necessary for a stop sign at this location.

Chairperson Tefft opened Public Comment period.

Cathy Novak, representative for Applicant, stated two options for parking were provided. She requested the Commission replace the word “pavers” with “materials so long as soil conditions allow” in condition 8 to allow other options, and eliminate condition 9 regarding the landscape plan and add language to condition 5 to limit the height of any plant material. She stated two design changes have been added on the Panorama side to provide more articulation to break up the flat plane.

Chairperson Tefft clarified with Novak the width of the wrap around deck.

Commissioner Sorenson asked if the changes included both the wrap around on the deck and the changing the entry. Novak replied yes.

Commissioner Sadowski and Novak discussed the elevation of the garage and reason for not having a two car garage.

Donte Caris, Morro Bay resident, requested whoever is doing construction for this project be respectful of those in the neighborhood.

Chairperson Tefft closed Public Comment period.

Commissioner Sadowski stated he is concerned with the parking exception as there are not many single car homes in the area and there are a lot of vacation rentals.

Commissioner Sorenson stated concern for the option to allow blocking the right of way and would support the parking exception.

Commissioner Lucas stated concern for the parking issue, noting there is more traffic on Panorama. He stated he would not like to see the deck wrapping as it makes the house look more massive on the corner, but noted he liked the articulation of the entrance on Zanzibar.

Vice Chairperson Luhr stated if using the design guidelines being developed, the location of the second story would not be where it is and the wrap around decking would not be allowed. He stated the location of the second story could change to the rear over the garage.

Vice Chairperson Luhr stated he does not support the parking exception on Panorama and asked if the variance was just for setbacks. McIlvaine replied yes.

Vice Chairperson Luhr and staff discussed the ability of applying policies in the design guidelines being developed in regard to this project. Livick noted the design guidelines are an interpretation of existing policies, not new law.

Vice Chairperson Luhr and McIlvaine discussed the setbacks.

Chairperson Tefft stated more articulation on the Panorama side of the house would be a significant improvement but doesn't believe wrapping the deck is the way to achieve that. He stated regarding the parking exception, he supports option 1 rather than option 2.

Chairperson Tefft and McIlvaine discussed the landscape plan. Chairperson Tefft stated support for a landscape plan so long as it is not onerous.

Chairperson Tefft stated he is not opposed to the project with the increased articulation proposed on the Panorama side.

Commissioner Lucas stated there is a precedent for all the houses around this house that they are not pushed back on the upper floor, noting he would like to reduce the impact of the upper floor deck on the corner and liked the articulation of the front entrance.

Commissioner Sadowski agreed with Commissioner Lucas and stated he would like a two car garage.

Commissioner Sorenson stated support for the existing project with the proposed changes for articulation on the Panorama side and option 1, noting it is similar to what is existing in the neighborhood.

Chairperson Tefft stated he liked option 1 as it is not tandem parking.

Commissioner Lucas and McIlvaine discussed the parking exception in relation to the ability of others in the neighborhood to request and be granted a parking exception for a future project.

Chairperson Tefft asked if the additional articulation needed to be added to the conditions. McIlvaine replied yes.

Commissioner Sadowski stated he would like to see the change to the front porch but not the wrap around deck.

McIlvaine stated language such as “increase entry articulation on the Panorama elevation” could be added to the conditions.

Commissioner Sorenson stated she would like the landscape plan to state it does not have to be done formally by a landscape architect.

Vice Chairperson Luhr stated he is not against the parking exception where it is difficult to add a second covered parking structure. He stated he would like a landscape plan, is supportive of option 1, would like to see more articulation on the windows and does not want the second story deck to wrap around.

Commissioner Lucas, Chairperson Tefft, and Graham discussed the parking exception in relation to a future project. Graham stated the Commission could place a condition on the project that the parking exception be terminated for a future project and have it come back to the Commission. He also stated it would be recommended that it be recorded.

Commissioner Sadowski and Graham discussed the location of the parking for Option 1.

Graham clarified with Commissioners the size for the upper deck.

Chairperson Tefft stated there is consensus to add a couple of conditions: 1) to work with staff to provide more articulation of the west elevation of the house and 2) condition regarding permeable pavers be made a little more general.

Vice Chairperson Luhr proposed another condition be added to leave the west facing second story roof free of vents and obstructions to allow for easy solar deployment.

McIlvaine stated a condition regarding adding the deed restriction discussed previously could be worded as “prior to the issuance of a building permit, the applicant shall record a deed to the

effect that any future addition to the habitable area of the structure will render the parking exception null and void.”

Mellvaine stated a condition regarding option 1 could be worded as “final plans shall incorporate option 1 as a solution for the second parking space with access from Zanzibar.”

MOTION: Commissioner Lucas moved approval of UP0-380 and AD0-090 with the amendments and conditions as discussed. Commissioner Sorenson seconded the motion and the motion passed. (4-1; Vice Chairperson Luhr voting no)

B-2 Case No.: A00-018

Site Location: Citywide

Applicant: City of Morro Bay

The City of Morro Bay is proposing amendment of both the General Plan and Local Coastal Program. Review of text amendments include alteration to the General Plan Land Use, Open Space and Conservation Element Section 13.C2a and Coastal Land Use Plan Section II.C1, to allow for density bonuses in residential zones for affordable housing, consistent with State Housing Law (Government Code Section 65915).

CEQA Determination: Categorically Exempt, Section 15061(b)(3)

Staff Recommendation: Review and recommend City Council approval of Amendments to both the General Plan and Local Coastal Program.

Staff Contact: Scot Graham, Planning Manager, (805) 772-6291

Graham presented the staff report.

Commissioner Lucas stated ultimately we will need to consider density in relation to resources, noting he hopes there will be incentives in the density in the future that will cost us fewer resources.

Commissioner Sadowski and staff discussed water and sewer capacity in relation to the General Plan.

Chairperson Tefft and Graham discussed the Coastal Commission added language regarding density bonuses for affordable houses being granted to the extent that they have access to adequate water and sewer services.

Vice Chairperson Luhr asked if the City offers other bonuses for distributed services such as rain water harvesting or net zero homes. Livick replied there is a monetary program for those.

Vice Chairperson Luhr asked if there is a requirement for low cost housing that gets these bonuses to apply newer technologies to reduce their impacts such as grey water harvesting and solar. Graham replied the current ordinance does not require that.

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

MOTION: Commissioner Lucas moved to recommend the City Council adopt PC Resolution 25-14, proposed amendments to the General Plan, Use Open Space Conservation Element and

Coastal Land Use Plan use designations. Commissioner Sadowski seconded the motion and the motion passed unanimously. (5-0)

C. UNFINISHED BUSINESS - None

D. NEW BUSINESS - None

E. DIRECTOR AND PLANNING MANAGER COMMENTS

Graham announced the following:

- The next meeting on November 4, 2014 will be at the Community Center Multipurpose Room due to the election
- There will be an opportunity of a joint meeting with City Council on December 2, 2014 from 9 a.m. to 2 p.m. for a workshop to discuss the plan for the General Plan
- On the November 4 meeting: 1000 Ridgeway appeal and further review of the design guidelines

Livick announced the following:

- The Water Reclamation Facility Citizen Advisory Committee (WRFACA) will meet October 22, 2014 from 3-5 p.m. and will tour the Rancho Colina site
- City Council will meet November 12, 2014 meeting to discuss conclusions on where the Water Reclamation Facility should be sited
- WRFACAC reviewed at its last meeting and City Council will review at its October 27, 2014 meeting the hydrogeology report for the Water Reclamation Facility

F. ADJOURNMENT

The meeting adjourned at 8:00 p.m. to the next regularly scheduled Planning Commission meeting at the Morro Bay Community Center Multipurpose Room, 1001 Kennedy Way, on Tuesday, November 4, 2014 at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Rob Livick, Secretary



City of Morro Bay
Public Services/Planning Division
Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning Division

New Planning items or items recently updated are highlighted in yellow. Building items highlighted in green are pending action from the applicant.

Approved projects are deleted on next version of log.

Agenda No: A-3

Meeting Date: November 4, 2014

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
Hearing or Action Ready									
1	LaPlante	3093 Beachcomber	11/3/11	CP0-365	Coastal Development Permit for New SFR in appeals jurisdiction. Proposed SFR of 3,495sf w/ 500 sf garage on vacant land.	SD-- Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Environmental in process. Letter sent 4/11/2012 requesting environmental study. MR-Met with Applicant and discussed potential impacts of project and CEQA information requested to complete MND. Applicant is preparing Biological Report. Biological report received 3/13 and under review. Project referred to environmental consultant and Coastal. MND in process. Applicant revising bio report and snail study. Spoke w/ Applicant Representative 3-13-14. Snail study complete and sent to Dept of Fish and Wildlife for concurrence review. Spoke w/ environmental consultant re completion of environmental 4/7 CJ. Met with application 7-18-14 to request addendum to bio report in order to complete CEQA. Bluff determination and snowy plover report submitted 8-14-14. CJ. MND complete. Anticipate routing to State Clearinghouse on 9/18/14. Anticipated Public Hearing Date 11/4/14. Coastal Commission comment letter received 10-20-14. City responded to Coastal on 10-27. Applicant working to address comments. CJ.	Review complete, applicant to obtain building permit prior to construction.	DH comments submitted 1/18/2012. Provide EC, drainage report, SW mgmt.	No Comments to date
2	Theis	960 Balboa	9/26/14	CP0-453/AD0-094	Coastal Development Permit and Parking Exception to demolish carport and construct 1 car garage.	Parking Exception request to allow tandem parking in driveway to count for 2nd required parking space. Site visit completed. Approved. Noticed 10/23. JG.	BC- conditionally approved.	ME- Approved 10/7/14	
3	Romans	433 Oahu	9/19/14	CP0-452	Admin Coastal Development Permit of 1,663 sf SFR with 458 sf garage	New SFR on vacant lot. Project deemed complete and noticed on 10/22. JG.			
4	Goodwin	2920 Juniper	5/21/13	CP0-399	Coastal Development Permit for new 3,645sf SFR with 1,028sf garage on vacant lot	CJ- Application deemed incomplete. Requested corrections 6/10/13. Sent Intent to Deem Withdrawn letter on 8-28-14. JG. Spoke with applicant who requested to keep application active. JG. Resubmittal received 9/25/14. Ready to be noticed. Deed restriction required. JG	BC-please route to building.	RS&DH-Plan revisions reqd per memo 5/29/13	
30 -Day Review, Incomplete or Additional Submittal Review									
5	Lowe	510 Fresno	10/20/14	UP0-391	Conditional Use Permit for Addition to a Non conforming single family residence				
6	Najarian	2295 Juniper	10/13/14	CP0-454	Administrative Coastal Development Permit	New SFR on vacant lot.	BC- incomplete	ME/DH - conditionally approved 10/23/2014. Comments in memo	

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7	Christensen	670 Shasta	10/9/14	UP0-390/ AD0-095	Conditional Use Permit and Parking Exception for SFR Addition	Addition greater than 25% to a nonconforming structure plus parking exception to allow a single car garage where two spaces are required. Needs historical eval. Incomplete letter sent 10/23. JG	BC- conditionally approved.	RPS - Conditionally Approved per memo of 10/23/14	
8	Fowler	1185-1215 Embarcadero	10/6/14	UP0-058	Precise Plan submittal for landside improvements	Under review. CJ.			
9	Leage	833 Embarcadero	9/15/14	UP0-389	Demolish existing building. Reconstruct new 1 story building (retail/restaurant use) & outdoor improvements	Under review. Deemed incompleated. Letter sent 10-13-14. CJ	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14	
10	Jeffers	2740 Elm Street	9/3/14	CP0-450	Admin Coastal Development Permit	Demo/Reconstruct of SFR. Demolition of 830sq home and reconstruct 1523 sf home with 2 car garage. Under review. Correction letter sent 9-12-14. Resubmitted 9-26-14. Correction letter sent 10/15/14. JG.	BC- conditionally approved.	JW- Approved 10/1	
11	Verizon / Knight	750 Radcliffe	8/13/14	CP0-449/ UP0-385	CDP and CUP for upgrades to telecommunications facility	Correction letter sent 9-17-14. CJ.	BC- conditionally approved.		
12	Salin	845 Ridgeway	8/8/14	CP0-448	Admin Coastal Development Permit for new SFR	Correction letter sent 8-28-14. with follow-up direction emailed 9/10/14. Confirmed with Applicant's Representation 9-30-14. CJ	BC- conditionally approved.	DH/ME- Began resubmittal review 10/28	
13	Wordeman	2900 Alder	7/28/14	CP0-447	Administrative Coastal Development Permit for new construction of duplex in R-4 zone.	Proposed Duplex unit A at 1965sf w/ 605 sf garage and unit B at 1,714sf w/ 605sf garage. Under Review. Correction letter sent 8-27-14. CJ.	BC- conditionally approved.		
14	Romeiro	219 Marina	7/22/14	CP0-446	Addition to Non conforming SFR in Coastal Appeals Jurisdiction	Addition that exceeds 10% in appeals area requires CDP. Incomplete letter sent 9-23-14. WM.	BC- conditionally approved.		
15	McCallister	176 Java St.	7/21/14	CP0-444	Coastal Development Permit for addition to existing SFR within coastal appeals jurisdiction.	Addition that exceeds 10% in appeals area requires CDP. Correction letter sent 8-25-14. corrections and bio report submitted 10/16/14. Under review. JG. Correction letter sent 10/24. JG.	BC- conditionally approved.		
16	Sotelo & Chanley	420 Island	7/17/14	CP0-443	CDP for construction of new 1,678sf SFR w/ 482sf garage adjacent to ESH	Under Review. Correction letter sent 8-15-14. SG. Resubmittal received 8/29/14. 2nd Incomplete letter sent 9-16-14. MND completed 10-28-14. SG.	BC- conditionally approved.	BCR - conditionally approved. Needs Floodplain Dev. Permit	
17	Johnson	301 Little Morro Creek Rd	6/26/14	CP0-442 & UP0-081	CDP and Special/Interim Use Permit for new BMX Bike Park	Under Review. Correction letter sent 8-26-14. Meeting held 9-9 w/ Applicant to discuss outstanding issues. CJ.	BC- incomplete	BCR- Conditionally improved with stormwater exemption. Needs floodplain dev. Permit	
18	Dennis	290 Piney Ln	6/26/14	CP0-440	Administrative Coastal Development Permit for new 3,108 SFR with 591sf garage and 316sf balcony	Under Review. Correction letter sent 9-08-14. Corrections resubmitted 10/15/14. JG. Correction letter sent 10/24. JG Under review	BC- conditionally approved.	BCR/DH drainage plan under review	
19	Dennis	270 Piney Ln	6/26/14	CP0-439	Administrative Coastal Development Permit for new 3,108 SFR with 591sf garage and 316sf balcony	Under Review. Correction letter sent 9-08-14. Corrections resubmitted 10/15/14. JG. Correction letter sent 10/24. JG Under review	BC- conditionally approved.	BCR/DH drainage plan under review	
20	Dennis	280 Piney Ln	6/26/14	CP0-438	Administrative Coastal Development Permit for new 3,108 SFR with 591sf garage and 316sf balcony	Under Review. Correction letter sent 9-08-14. Corrections resubmitted 10/15/14. JG. Correction letter sent 10/24. JG Under review	BC- conditionally approved.	BCR/DH drainage plan under review	

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21	Frye	250 & 244 Shasta Street	6/17/14	CP0-213 Amendment	Amendment to CP0-213 & Variance Request (amendment to original 2006 CDP for 250 Shasta)	Amendment to Administrative Coastal Permit CP0-213 and Variance Request to allow a north side yard setback of less than the required 5 feet at 244 Shasta. Including encroachment of garage into required side yard setback and allow home at 0 ft. setback. Correction letter sent 8-28-14. 2nd letter sent 9-18-14 regarding administrative permit modification for a non-conforming structure. Spoke with applicant 10-27. CJ	BC- incomplete	BCR_ 7/8/13 cond appr. Complete frontage improvements required	
22	Strasburg/Oehler	371 Piney	3/20/14	CP0-427	New SFR - Admin CDP	Received 3/25/14. Under Initial review. CJ. Correction letter sent 4/25 NC. Resubmittal received 5/21. Corrections sent 6-3-14 and 7-10-14. WM	BC- conditionally approved.	JSW- conditionally approved.	
23	Hough	289 Main	10/16/13	CP0-410 & UP0-369	CDP and CUP to construct a 2,578sf single family home on vacant lot	CJ- under review. Met with Applicant's representative 11-21-13. Project subject to bluff development standards. Met w/ Applicant representative 3-3-14 regarding bluff determination per LCP maps. Letter sent 4-1-14 re completeness and bluff standards. CJ. Visited site to review project 10-24-14. Concurrent request sent re bluff to Coastal Commission 10-27-14. CJ.	BC- conditionally approved. TP-Disapprove 12/6/13.	BCR: Conditionally approved: ECP and sewer video required per memo of 10/28/13	
24	Redican	725 Embarcadero Rd.	6/26/13	UP0-359	Use Permit for seven boat slips and gangway	Under review. Incomplete letter sent 7-23-13. Resubmittal received on October 1, 2013. Additional info requested and resubmittal received 12-2-13. Incomplete letter sent 12-30. Meeting with Applicant on 2-13-14. Emailed Applicant 2-26-14 to clarify eelgrass study requirements for environmental review. CJ. Met with environmental consultant to review CEQA requirements 4-17-14. Seeking additional fee estimate for CEQA review. Met with consultant 7-2-14. Revised fee estimate provided to applicant 7-25-14. Draft environmental MND received from consultant and under review for completeness. Info hold letter sent 9-2-14. Resubmitted 10-28-14. CJ.	Bldg -- Review complete, applicant to obtain building permit prior to construction. Disapproved 4/21/14TP- Disapprove 11/19/13.	N/R	Harbor conditions: 1. one slip to be reserved for public use; 2. southern-most end tie to remain vacant in order to not encroach on neighboring lease site. Note-water lease line will need to be extended out to accommodate slips. EE 12/16/13
25	Perry	3202 Beachcomber	9/8/2011 & 10/25/2012	AD0-067 / CP0-381	Variance. Demo/Reconstruct. New home with basement in S2.A overlay. Variance approved for deck only; the issue of stories was resolved due to inconsistencies in Zoning Ordinance.	Variance approved at 8/15/12 PC meeting. Appealed by 3 parties to City Council. Appeal to be heard. City Attorney reviewing. Appeal in abeyance until coastal application complete. Incomplete letter for CDP sent 12/13/12. No response since 2012. Sent Intent to Deem Withdrawn Letter 9-2-14. JG. Applicant responded with Request for Meeting to keep CDP application open. SG.	Review complete, applicant to obtain building permit prior to construction.	See above	
Continued projects									

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26	Frye	3420 Toro Lane	1/13/14	CP0-419 & UP0-383	Coastal Development Permit and Conditional Use Permit for New 2,209sf SFR and 551sf garage w/ approx. 300 sf of decking on vacant lot.	Under initial review. Met w/ Applicant 1-17-14 re Incomplete Submittal of Plans. Resubmitted 1-23-14. Correction letter sent 2-20-14 CJ Met w/ Applicant 2-28-14 to review process - CJ. Correction letter sent 3-28-14. Met w/ environmental consultant 4/7. Draft initial study under review and plans resubmitted 6/25/14. WM. Project subject to Bluff Development Standards. Mitigated Negative Declaration routed to State Clearinghouse with tentative PC hearing date for 9/2/14. Correspondence received from Coastal Commission and Ca Dept of Fish and Wildlife regarding environmental. Applicant addressing concerns. PC hearing date continued to date uncertain. Met with Applicant 9-30-14. WM	BC-disapproved- need geologic and engineering geology report.FD/TP Approve2/24/14	RS/DH 7/22/14 under review	
27	Gonzalez	481 Java	12/30/13	UP0-374	Conditional Use Permit for Non conforming single family residence	KM - Under initial review. GN - Incomplete letter sent 1/30/14. Met w/ applicant 4/3 WM/GN. Applicant resubmitted 4/3/14. GN - Third incomplete letter sent 4/8/14. Project does not conform to standards. Applicant responded 5/1/14 wishes to proceed to PC w/ project as submitted. WM. Noticed 5/23 NC. Continued to a date uncertain by Planning Commission at the 6/3 meeting to address parking non-conformities. WM. Resubmitted 9/26/14.	BC- conditionally approved.	BCR - Began resubmittal review 9/30/14	
28	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW-Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips.Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16	
Projects in Process									

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29	Frye	244 Shasta	3/6/13	CP0-396 and AD0-081	Secondary Unit and Parking Exception.	Proposed creation of secondary unit from garage. Parking exception. First Noticed 5-16-13. Setbacks noted on plan incorrect, therefore project required to be re-noticed on 6/26/13. Applicant now required to comply with or amend existing permit #CP0-013 before proceeding with proposed project. Met with applicant's representative regarding previously approved permit. Waiting for applicant's resubmital. Wayne Adams submitted a letter 1/6/14 requesting that the City determine the remaining permit considered abandoned. Letter sent re permit amendment request on 3-31. CJ. Permit modification received 6-17-14. Correction letter sent re. permit modification 8-27-14. CJ.	No review performed.	N/R	
Environmental Review									
30	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirement on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. CJ	Bldg -- Review complete, applicant to obtain building permit prior to construction.FD-Disapprove UPO 364/CPO 404 9/11/13	RPS: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17. 7/22/14 Resubmittal review underway	
31	Turner	356 Yerba Buena	10/30/13	CP0-412	Single Family Addition & Remodel to a total of 2,767sf with 599sf garage	Property located within ESH area. Wetlands delineation study received. Incomplete letter sent 11-26-13. CJ. Resubmittal received. Draft initial study under review. 2nd incomplete letter sent 8-29-14. CJ. Public Works comments sent 8/29 to Applicant necessary to complete MND. Draft MND received from consultant. Resubmittal received 9/5/14. CJ.	BC- conditionally approved.TP-Cond Approve 11/25/13.	JW-Disapproved; additional easement in question 10-1-2014. JW-Disapproved; additional easement in question 10-28-2014	
32	City of Morro Bay	N/A			MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review-tentatively scheduled for 10/14/2013.	No review performed.	N/R	
Grants									
33	Coastal Conservancy, California Coastal Commission, California Ocean Protection Council	City-wide			\$250,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.	Application submitted July 15, 2013. Awaiting results. Agency requested additional information and submitted 10-7-13. Notice received application was successful for amount requested. City funded \$250,000. Staff in contact with CA Ocean Protection Council staff to commence grant contract.	No review performed.	N/A	

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34	City of Morro Bay	City-wide			CDBG funding to CAPSLO for operation of the Prado Day Center & Homeless Shelter, & Senior Nutrition Program and ADA Pedestrian Accessibility project.	Staff has ongoing responsibilities for contract management. 2012 contracts in progress. 2013 contracts in progress. City Council approval 6/10/14 for City participation in Urban County consortium for Fiscal Years 2015-2017. Upon approval, agreement to be forwarded to County Board of Supervisors for 7/8/14 meeting. HUD monitoring visit conducted 7/17/14 for Fair Housing and Public Participation federal compliance. Needs Assessment Workshop scheduled for 9/11/14 in tandem with Cities of Atascadero and Paso Robles at Atascadero City Hall 5pm.	No review performed.	N/R	
Project requiring coordination with another jurisdiction									
35	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	Coastal staff is working with staff. Coastal letter received 4/29/2013.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond	
36	City of Morro Bay Desal Plant	170 Atascadero			Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.	Waiting for outcome from the CDP application for the outfall	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and finalized. Phase 2 on hold as of 7/22/14.	
Preapplication projects - None currently									
Final Map Under Review									
37	Medina	3390 Main	10/7/11	Map	Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12	SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH buffer setback requirement.	No review performed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to applicant to submit mylars for CC meeting.	
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive									

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38	Maritime Museum Association (Larry Newland)	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with applicant indicating they would be resubmitting new plans based on our discussions.	KW--Incomplete 12/15/05. Incomplete 3/7/07. Incomplete Letter sent 6/27/07. Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011. Sent Intent to Deem Withdrawn letter 9-2-14. JG.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.	
39	Sequoia Court Estates	670 Sequoia	4/3/12	UP0-349 & S00-112	Parcel Map. 3 parcels and an open space parcel. A revised subdivision map was submitted for review on August 6, 2012.	Incomplete letter sent to applicant/agent. Project submitted without necessary materials for processing. Applicant submitted a revised plan reducing the number of lots, and is providing additional information as requested addressing City requested information. Additional information submitted; waiting for biological report. Report should be submitted in September 2012. Needs drainage plans. MR: Second incomplete letter sent 11/13/12. MND in preparation. Susan Craig, Coastal Commission staff confirmed property is entirely outside coastal zone. Met with applicant on 1/30/2013 project moving ahead, staff waiting on resubmittal. Applicant directed to obtain wetland determination. Project waiting on applicant. Resubmittal received 9-10-13. Corrections sent to applicant. Project still does not meet code requirements. Subdivision Review Committee to review project 2/11/14. Sent Intent to Deem Withdrawn letter on 9-2-14. JG.	Review complete, applicant to obtain building permit prior to construction. TP/FD Disapprove SOO-112 w/corrections 10/18/13. FD Disapprove 1/31/14.	BCR- comments submitted 4/17/12. Drainage issues need to be addressed. 1/17/14 Drainage report incomplete. Developer needs to show how water quality requirements will be addressed. Peak flow mitigation not required at this phase.	
40	Lucky 7	1860 Main	3/12/13	CP0-394	Construct Fuel Island Canopy	CJ- Requested additional info. 3-29-13 Resubmittal received 7-22. Project deemed not exempt from CEQA. Initial Study in process. Requested photometric plan for new lighting of canopy via phone 1-28-14 for initial study. Photometric plan and revised plans received 2-10-14. Reviewing new material submitted for inclusion in Initial Study. Initial Study complete and ready for signature 5/1/14. Reviewed with applicant 5/12. Waiting on Applicant to sign mitigations. WM. Sent Intent to Deem Withdrawn letter 8-28-14. JG.	Review complete, applicant to obtain building permit prior to construction. FD Approval CPO 394 8/23/13	Approved BCR 3/18/13	

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41	AT&T	590 Morro	1/16/14	CP0-126 / UP0-084	Upgrade of unmanned telecommunications facility	Under initial review. Emailed update to Applicant 3-3-14. Correction letter sent 3-19-14. WM. Intent to Deem Withdrawn letter sent 8-28-14. JG. Spoke with applicant 9-16, intends to resubmit. JG.	BC- conditionally approved.	BCR- ADA ramp upgrade required	
42	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	Parcel Map. CDP & CUP for 3 townhomes. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	KW-Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Letter sent to applicant/agent indicating the City's intent to terminate the application based on inactivity. City advised there will be a new applicant and to keep the application viable.MR: Received letter from applicant's rep 11/15/12 requesting project remain open. Called B. Elster for further information. Six month extension granted. Sent Intent to Deem Withdrawn Letter 8-28-14. JG.	Please route project to Building upon resubmittal.	N/A	
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing									
43	City of Morro Bay	Citywide	4/18/14	A00-021	2014-2019 Housing Element Update / Council Resolution 41-14	Sent to Department of Housing and Community Development for review and certification on 4/18/14. Initial Study/ Negative Declaration routed to State Clearinghouse 5/12/14. Final Housing Element to be agendized for 6/17/14 PC mtg and 6/24/14 Council meeting. Adopted by Council with amendments on 6/24/14. Resubmitted to HCD for final 90 day review period on 7/3/14.	No review preformed.		
44	City of Morro Bay	Citywide	10/16/13	A00-013	Zoning Text Amendment - Second Unit	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission.	No review performed.		
45	City of Morro Bay	Citywide		LCP-3-MRB-14-0409	Housing Element Implementation	Ordinance 584 sent as LCP Amendment to Coastal Commission. Coastal letter received 4-28-14. City response letter sent 5-21-14. C.J. Received Coastal response via consultant 7-30-14. LCP Amendment tentatively scheduled for August Coastal Commission hearing.	No review preformed.		

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46	City of Morro Bay	Citywide	2/1/13	Ordinance 556	Wireless Amendment - LCP Amendment CHAPTER 17.27 Amendment for "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas" and Modify THE TITLE PAGE TO REFLECT THE NEW CHAPTER.	Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues.	No review performed.	N/A	
47	City of Morro Bay	Citywide	6/12/12	Ordinance 578 / A00-014	North Main Commercial Parking. LCP Amendment to Zoning Ordinance , Title 17 Section 17.44.020 Parking Facilities.	LCP Amendment to Zoning Ordinance, 17.44.020 submitted to Coastal 9-2013. Amend ordinance to exempt the North Main Street Commercial Area from the provisions required by 17.44.02 A.1 which would allow businesses to change use intensity without providing additional parking. Comments received back from Coastal 11-2013., working on addressing outstanding items requested by Coastal.			
Projects Appealed or Forwarded to City Council									
48	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. PC made recommendations and forwarded to Council. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report on the status of this project brought to PC on 2/7/2011. The item to be back to City Council first meeting in Nov. Workshops scheduled 9/29/11 & 10/6/11 .-Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Currently an intern is working on the Sign Ordinance. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 PC meeting scheduled to review North Main Street District. Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014, North Main business workshop held 4/28/14 and Embarcadero business workshop to be held 5/19/14. Result of sign workshops to be agendized for Planning Commission.	No review performed.	N/R	
Projects in Building Plan Check									

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
49	Sangren	675 Anchor	11/28/12	B-29813	SFR Addition	Requested corrections 1/9/13. CJ. Resubmittal received and under review (November 14, 2013). Denial letter sent 4/24/14 GN	BC- Returned for corrections 1/9/13.	N/A	
50	Sherrod	938 Anchor	11/8/13	B-30053	SFR Add/ Remodel	KM -Under review. Corrections returned 12-9-13. Variance granted by PC for rear yard. Front yard setback non-conforming.	BC- on hold pending planning process.	DH-7/22/14 needs sewer video	
51	Hill	445 Arcadia	7/8/14	B-30204	SFR Carport/ Deck	CJ - Corrections sent 7-14-14. Left msg w/ applicant requesting site visit 9/25/14. CJ.	BC- Resubmitted 9/10/14.	JW-Disapproved, Correction Memo filed 7/18/2014; JW-Approved 10/28/2014	
52	LaPlante	3093 Beachcomber	11/3/11	B-29586	New SFR	SD-Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. MR: Met with applicant to go over environmental issues.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC.	
53	Beckett	175 Easter	8/19/14	B-30245	SFR Add	Approved 8-21 CJ	BC- under review.	JW- 10/21/14 corrections needed.	
54	Jeffers	2740 Elm	3/12/14	B-30126	SFR Demo/ Reconstruct	GN - Needs CDP; Correction memo sent 4/10/14. Pending CDP approval. CJ. Correction letter sent. JG	BC-returned for corrections 4/15/14.	JW- 4/7/14 corrections needed. JW- 9/9/14 2nd Submittal: Corrections and SWP Video	
55	Caldwell	801 Embarcadero	8/18/14	B-30250	Commercial Hood System		BC- returned for corrections 10/8/14.		
56	Fowler	1213 Embarcadero	9/11/14	B-30270	Phase 1-B Water Site Improvements	Requested correction 10-7-14 - CJ	BC-under review.		
57	PG&E	1290 Embarcadero	10/2/13	G-040	Soil Removal	CJ- Monitoring Well location partially in Coastal original jurisdiction. Coastal Commission processing consolidated permit. Waiver granted by Coastal 9-14-1491-W	BC- on hold pending planning process.	Memo of 11/29/13. CDP application should address soil revegetation or stablization of excavated area	
58	Buquet	647 Estero	3/14/14	B-30129	New SFR	GN- conditionally approved, need to add conditions as a separate plan sheet. 3/27/14	BC- RTI 5/12/14.	DH - approved 5.8.14	
59	Appleby	381 Fresno	7/31/14	B-30227	Carport& Storage Shed	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG	BC-on hold pending Planning process.	RPS - No PW comments if street access is not required for storage	
60	Montecalvo	510 Fresno	5/16/14	B-30212	New 2car gargaie w/ storage	Corrections sent 8-11-14. WM.	BC- returned for corrections 8/22/14.	Assigned to ME/DH for review	
61	Conrad	2820 Greenwood	12/30/13	B-30079	SFR Add/ Second Unit	Under review. 2nd unit will require CDP.	BC- returned for corrections 2/28/14.		
62	MB Friends of the Library	625 Harbor	10/6/14	B-30263	Disabled Access Site Improvements	approved. JG.	BC- under reievw		
63	MB Friends of the Library	625 Harbor	10/7/14	B-30290	Courtyard Improvements	approved. JG.	BC- under reievw		
64	Meissner	1387 Hillcrest	7/31/14	B-30226	New SFR	Corrections sent 8-22-14. WM.	BC- under reievw		
65	Wass	2910 Ironwood	9/30/14	B-30285	SFR Remodel/ Stuctural Modifications		BC- under reievw		
66	Groom	3039 Ironwood	1/15/14	B-30084	New SFR	Needs CDP.	BC-Ready to Issue 7/10/14.	BCR-7/1/14 approved. SW O&M plan rec'd 7/10/14	
67	Sotello	420 Island	6/30/14	B-30192	New SFR	Needs CDP.	BC- Returned for correction 10/2/14.		
68	McCallister	176 Java	6/3/14	B-30179	SFR Remodel	Project exceeds 10% in coastal appeals area. Will require a CDP prior to Building. CJ	BC-Returned for corrections 6/18/14.	BCR- under review	
69	Gonzalez	481 Java	10/6/13	B-30029	SFR Addition/ Remodel	KM - Disapproved due to nonconforming issues 10/22/13. GN - Sent out incomplete letter 1/30/14 with revisions. Resubmitted 4/3/14. Third incomplete letter sent 4/8/14.	BC- on hold pending planning process.	Return for resolution of Planning issues	
70	Ramsay/ Chivens	431 Kern	3/11/14	B-30078	SFR Demo/ Reconstruct	Needs CDP prior to Building Permit	BC-Issued 9/16/14.	RS 3/24/14 Cond Appr. w/ frontage Improvements	

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
71	Ramsey	330 Kings	8/13/14		SFR Addition	Approved 8/21/14. CJ.	BC-Issued 9/22/14.	BCR 9/9/14 Resubmittal approved	
72	Gong	217 Main	2/27/14	B-30115	New SFR	Correction memo sent 4/24/14 GN. Approved 8/25/14. CJ.	BC- Issued 8/28/14.	BCR- 2nd review complete, several items from first review not addressed	
73	Senior Appartments	555 Main	6/30/14	B-30190	21 Unit Senior Apartments	Corrections sent 8-5-14. CJ.	BC-Returned for corrections 9/2/14.	To BCR for review 7/17/14	
74	AT&T	788 Main	6/23/14	B-30194	Recycling Facility and Site Improvements	Correction sent 7-14-14. WM	BC-under review.	RPS -Conditional Approval with modifications per memo of 10/14/14	
75	Dyson	1177 Main	8/18/14	B-30248	Covered Patio		BC-Returned for corrections 9/8/14.		
76	Naran	2176 Main	5/13/13	B-29918	Partial change of occupancy	CJ - Corrections sent 5-29. Resubmittal received 11-20 and corrections sent 12-10-13.	BC-returned for corrections 12/16/13.	N/R	
77	Domino's	2360 Main	9/16/14	B-30278	Commercial remodel		BC-RTI 10/8/14.		
78	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom	Approved	BC-returned for corrections 10/2/14.		
79	Arriana's	525 Morro Bay Blvd	7/14/14	B-30208	Commercial Foodservice Facility	Approved. WM 7-31	BC-out for corrections.		
80	Valelley	460 Olive	9/12/14	B-30273	New SFR, previously constructed second unit, address changed to 468 Olive	approved 10/16/14. JG			
81	Nagy	371 Piney	8/11/14	B-30237	New SFR		BC-out for corrections.		
82	T-Mobile	750 Radcliffe	7/25/14	B-30221	Fiber Utility Connection	Under review.	BC-Returned for corrections 9/30/14.		
83	Adamson	1000 Ridgeway	9/11/13	B-30008	New SFR	CJ - on hold until CDP approval. CDP under appeal. CDP denied by Planning Commission 6/17. Council denied appeal 8-12-14 thus denying project.	BC- on hold pending planning process.	BCR: Revise plans per memo of 10/14/13	
84	Frye	244 Shasta	5/7/13	B-29910	Garage to Second Unit conversion	KM - Needs to comply with or amend existing CDP. Wayne Adams submitted a letter 1/6/14 requesting that the City determine the remaining permit considered abandoned.	BC- on hold pending planning process.	BCR-approved 5/13/13	
85	Rodgers	445 Shasta	9/26/14	B-30243	New SFR		BC- resubmitted 9/29/14. No WEU required, house previously demo'd on site 2003.	RPS - Approved with deferred submittal of frontage improvement plans per memo of 10/14/14	
86	Riles	155 Tahiti	10/6/14	B-30289	Convert portion of storage room to bathroom and closet.		BC-under review.		
87	Williams	320 Trinidad	7/24/14	B-30220	Convert Existing Storage Space to Guest House	Deed restriction required prior to issuance. Approved. CJ	BC-RTI pending covenant.		
88	James	341 Vashon	9/18/14	B-30279	New SFR	Approved. CJ.	BC-under review. 1 WEU required.	JSW- Corrections/Revisions Needed, Re-submittal required 10/29/2014	
88	Wammack	505 Walnut	12/31/13	B-30076	New SFR	CJ - needs CDP. Appealed. Ready to be noticed.	BC-on hold pending Planning process.	BCR sidewalk deferral agreement	
89	Haeuser	501 Zanzibar	3/21/14	B-30133	SF Addition	NC - Corrections sent 4/25	BC-Returned for corrections 4/28/14.	RS: Comments provided 3/21/14	

Projects & Permits with Final Action

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations
90	Hauser	501 Zanzibar	5/23/14	UP0-380/ AD0-090	Conditional Use Permit & Parking Exception	Single Family Addition of more than 25% to a non-conforming SFR. Parking Exception. Correction letter sent 9-5-14. WM. Resubmitted 9/29/14. Tentative Planning Commission hearing date 10-21-14. WM. Approved	BC- incomplete	RPS- Conditions established in Memo of 3/21/14 for B-30133	
91	Najarian	471 Nevis	7/22/14	CP0-445	Administrative Coastal Development Permit for new 1,686 SFR with 507sf garage and 192sf of decking	Under Review. Correction letter sent 9-9-14. JG. Resubmittal received 9-14-14. Project noticed for pending permit 9-26-14. Comment period ends 10-6-14. Admin CDP issued 10-8-14. JG	BC- conditionally approved.	JSW- conditionally approved.	
92	Wammack	505 Walnut	12/31/13	CP0-417	Coastal Development Permit for new 3,236sf SFR including 489sf garage on vacant lot - concurrent permitting for Building Permit	GN - Incomplete letter sent 1/31/14. Resubmittal received 4-1-14. GN - 2nd incomplete letter sent 4/15/14. Waiting on plan changes to identify second unit and required parking. Resubmittal received. Planning Commission hearing project at 8/19 meeting and continued with direction for resubmittal. Planning Commission approval on 9-16-14. Appealed by 3 separate parties with Council to hear appeal at 11-12 meeting. WM.	BC- conditionally approved.	BCR-approved with deferral of frontage improvements	



AGENDA NO: B-1

MEETING DATE: November 4, 2014

Staff Report

TO: Planning Commissioners **DATE:** November 4, 2014
FROM: Scot Graham, Planning Manager

SUBJECT: Appeal of a staff denial for a one year time extension request of permit ADO-075; parking exception allowing a reduced garage setback of 11 feet where 20 feet is required, for the property located at 1000 Ridgeway. The parking exception was approved by the Planning Commission on October 17, 2012 and was valid for a period of 24 months.

RECOMMENDATION:

Staff recommends the Planning Commission deny the appeal and uphold staff's denial of the Time Extension request for Permit No. ADO-075 (Parking Exception) located at 1000 Ridgeway Avenue.

APPELLANT: Reed Adamson

AGENT: Novak Consulting (Cathy Novak)

APN: 066-246-006

BACKGROUND: On October 17, 2012, the Planning Commission approved a parking exception request from Reed and Carol Adamson. The Parking Exception permit (ADO-075) is attached as Exhibit 1 and allowed for an 11-foot garage setback where 20'-foot was required. The site plan associated with the approval is attached as Exhibit 2. The Parking Exception permit is valid for a period of two years and was due to expire on October 17, 2014.

After receiving approval of the Parking Exception permit, the Adamson's submitted a Coastal Development Permit application for construction of a new single family residence at 1000 Ridgeway, which made use of the parking exception. The Coastal Development Permit was eventually denied by the City Council, on appeal from the Planning Commission, on August 12, 2014. The City Council Resolution denying the project is attached as Exhibit 3. The Parking Exception remains unaffected by the Council denial of the Coastal Development Permit and therefore remains valid until the permit expiration date.

Prepared By: ___SG___

Department Review:

DISCUSSION:

The applicant's representative, Cathy Novak, submitted a time extension request for the Parking Exception on September 4, 2014 (See Exhibit 4). Staff reviewed the Time Extension request and issued a denial letter on September 5, 2014 (See Exhibit 5).

Staff denied the time extension request for two reasons: 1. The City no longer has an active application for development of the site due to the Council upholding the Planning Commission denial of project CPO-408, 2. Development of the site could easily be achieved without the parking exception. The basic thought process behind the denial was that any future application for development of the site should include a design that does not necessitate exceptions to the required development standards.

Reed Adamson submitted an appeal of staff's denial on September 15, 2014. The appeal form and Grounds for Appeal letter are attached as Exhibit 6.

The following section states the appellant's grounds for the appeal with a statement formulated by staff that examines the validity and comprehensiveness of each appeal point.

Appellant Reed Adamson's grounds for appeal of the Time Extension denial:

Appeal Point 1.

The Parking Exception Permit was granted to run with the land at 1000 Ridgeway based upon future plans to be submitted to the City of Morro Bay. This permit has given the property entitlements for a reduction in the garage setback, and the holders of the Permit the ability to apply for up to two (2) one-year extensions. This is the first application for an extension of the Parking Exception Permit.

The above described extensions may be granted "upon a finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request." (Standard Conditions No. 2.)

The Planning Manager's denial of the time extension inaccurately concludes that since there is not an active development application and that the site can accommodate a conforming garage, there is no compelling reason to extend the previously issued Parking Exception Permit. There is, however, no factual basis to conclude that the project (parking exception) does not conform to the Municipal Code, LCP and General Plan.

Staff response 1:

Parking Exception condition of approval 2 includes language indicating that the parking exception approval is good for a period of two years (See Exhibit 1) and that a time extension

“**May**” be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of extension request. The operative word in condition 2 is “**May**”, meaning the Director at his discretion can choose to approve the time extension request if the project complies with all applicable provisions of the City’s land use policies. Compliance with City Land Use policies is the minimum finding necessary to approve the time extension request. The time extension is not automatic, nor is the Director mandated to approve the request. The term “**May**” simply grants the Director the option of approving the time extension or allowing the permit to expire.

In this particular instance, the decision was made to deny the time extension request because the parking exception was associated with a project that was denied for failure to comply with the City’s General Plan and Local Coastal Plan policies related to neighborhood compatibility (see Exhibit 3). Given that the City does not have a current development application associated with the property at 1000 Ridgeway, and given that the site could likely be developed in a manner that does not necessitate any type of parking exception, Staff felt it prudent to deny the time extension request.

Appeal Point 2:

On October 17, 2012 the Planning Commission determined that the project was consistent with City codes and regulations and adopted findings for approval. No other action to determine whether this project is consistent has been taken, nor have the applicable codes and regulations been modified in such a way that would make this project inconsistent.

Staff Response 2:

The Planning Commission originally approved the project finding it consistent with City codes and policies. This point is not disputed nor was lack of consistency with City policies cited as the reason for staff denial of the time extension request. Again, compliance with the City land use documents/regulations is the minimum necessary finding for any City issued permit approval.

Appeal Pointe 3:

In addition, the City of Morro Bay has historically granted time extensions to numerous other projects. The denial of this request is a major deviation from its policy to grant extensions, especially in light of the fact that the City of Morro Bay has taken more than nine months to review and provide a determination on the Coastal Development Permit No. CP0-408 to demolish one sing-family home to build another. That in itself has created a significant delay in allowing the project to proceed in a timely fashion, and therefore, necessitates this request for an extension.

Mr. and Mrs. Adamson respectfully request that the Planning Commission consider all the efforts they have made, and to understand that it is fair and reasonable for for the City of Morro Bay to grant the extension based upon the forgoing.

Staff Response 3:

The City has traditionally granted time extension requests for projects, when filed in a timely manner. The parking exception is not actually a project, nor was it approved in association with a development application. Arguably, a more significant deviation from standard City practice, was the fact that the parking exception was processed and approved without an associated development application. In almost every instance, parking exception requests are processed in concurrent with actual project applications or use permit requests.

The fact that the development application was in process for 9 months has little to do with the time extension request. The project was ultimately denied. Had the development application been processed concurrently with the parking exception, as is typically the case, the parking exception would have been denied along with the project.

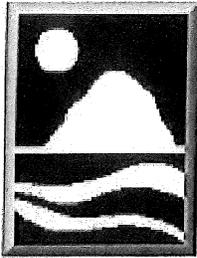
CONCLUSION:

The Appellant is requesting that the Planning Commission overturn Staff's denial of a time extension request for a parking exception approved back in back in October of 2012. Time extension requests are a discretionary actions approved by the Director and in this instance Staff did not feel that the extension was warranted. The time extension was denied for the following two reasons:

1. The actual project proposed at 1000 Ridgeway was recently denied on appeal by the City Council. Therefore the parking exception was a standalone permit without benefit of an associated project. Parking exceptions are not typically processed without an associated development application and as such staff denied the time extension request.
2. The site could easily accommodate a garage with conforming setback, thereby negating the need for a parking exception.

EXHIBITS:

- Exhibit 1 – Parking Exception Permit AD0-075
- Exhibit 2 – Parking Exception Site Plan
- Exhibit 3 – Council Resolution 54-14, Denying project
- Exhibit 4 – Novak Time Extension Request Letter
- Exhibit 5 – Staff Time Extension Denial Letter
- Exhibit 6 – Appeal Form and Grounds for Appeal
- Exhibit 7 – Resolution 26-14



City of Morro Bay

Public Services Department
955 Shasta Ave
Morro Bay, CA 93442
(805) 772-6261
www.morro-bay.ca.us

 FILE COPY

October 18, 2012

Site Address: 1000 Ridgeway Avenue

APN: 066-246-006

Permit Number: AD0-075

Project

Description: Parking exception to construct a garage with a reduced garage setback of 11 feet

Dear Reed and Carol Adamson:

On October 17, 2012, the City of Morro Bay Planning Commission reviewed and approved your request for a Parking Exception. The Parking Exception is subject to conditions, which are specified in the attached conditions of approval.

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals, which are not coastal permits within the appeals jurisdiction of the California Coastal Commission.

Please also find enclosed the Notice of Exemption for your project. The City of Morro Bay no longer files notices of exemptions. You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing fee is \$50.00.

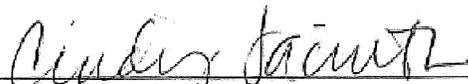
Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

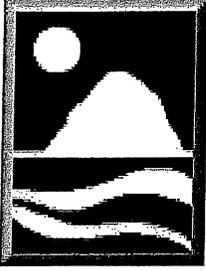
Rob Livick
Director Public Services Department

By:



Enclosures: Permit, Acceptance of Conditions, Notice of Exemption, Findings & Conditions of Approval

Copy to: Ruel Czach, Architect



City of Morro Bay

Public Services Department
955 Shasta Ave
Morro Bay, CA 93442
(805) 772-6261
www.morro-bay.ca.us

Parking Exception Permit

This approval is conditional and is valid only if the Conditions of Approval are met and only after the applicable appeal period. Failure to comply with the conditions of this permit shall, at the discretion of the Public Services Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

Your property is located in the City of Morro Bay Jurisdiction and *there is an appeal period of ten (10) calendar days* within which your permit is appealable to the City Council.

PROJECT
DESCRIPTION:

PERMIT NUMBER: AD0-075

SITE ADDRESS: 1000 RIDGEWAY

APN: 066-246-006

APPLICANT: REED AND CAROL ADAMSON

APPROVED BY: PLANNING COMMISSION

DATE APPROVED: 10-17-2012

CEQA
DETERMINATION:

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: 10-29-2012

ATTEST: *Cindy Smith* DATE: 10-18-2012

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT OR A COASTAL DEVELOPMENT PERMIT

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. AD0-075

SITE LOCATION: 1000 RIDGEWAY

APPLICANT NAME: REED AND CAROL ADAMSON

APPROVAL BODY: PLANNING COMMISSION

DATE OF ACTION: 10-17-2012

I, Carol Adamson / Reed Adamson the undersigned, have read and
(APPLICANT'S NAME - PLEASE PRINT)

reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: AD0-075

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

Carol Adamson / Reed Adamson
APPLICANT'S SIGNATURE

10/22/12
DATE

CITY OF MORRO BAY
NOTICE OF EXEMPTION

TO: San Luis Obispo Co. Clerk
County Government Center
San Luis Obispo CA 93401

FROM: City of Morro Bay
Public Services Department
955 Shasta Avenue
Morro Bay, CA 93442

Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

Project Title: _____

Project Location - Specific: 1000 Ridgeway

Project Location - City: Morro Bay County: San Luis Obispo

Description of Project:
Parking Exception to construct a garage with a reduced garage setback of 11 feet.

Name of Public Agency Approving the Project: CITY OF MORRO BAY

Name of Person or Agency Carrying Out Project: Reed and Carol Adamson

Exempt Status: (Check One)

Reasons why project is exempt:

- Ministerial (Sec. 21080(b)(1); 15268); Categorical Exemption: _____
Type and Section Number: 15303, Class 3
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Declared Emergency (Sec. 21080(b)(3); 15269(a)) Statuary Exemption Code No. _____

Lead Agency: City of Morro Bay

Contact Person: Cindy Jacinth Telephone: 805-772-6577

Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Certification:

I hereby certify that the public agency has made the above finding and that the project is categorically exempt from CEQA.

Signature: _____ Title: Asst. Planner Date: 10-18-2012

EXHIBIT A

FINDINGS

SITE: 1000 RIDGEWAY STREET

PROJECT DESCRIPTION: Parking Exception #AD0-043 is Applicant's request to construct a garage with a reduced garage setback of 11 feet rather than the required 20 feet setback.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- A. Pursuant to the California Environmental Quality Act the project is categorically exempt pursuant Section 15303, Class 3 for new construction or conversion of small structures. The exemption provides for accessory structures including garages.

PARKING EXCEPTION FINDINGS

- A. Special Circumstances. The exception will not constitute a grant of a special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the reduced parking or alternative to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use. *The proposed setback is consistent with other properties on this block which have varying reduced garage setbacks. The proposed driveway and proposed garage will be adequate to accommodate the on-site parking needs; therefore it is not a grant of special privilege.*
- B. Health, Safety or General Welfare. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity and that no traffic safety problems will result from the proposed modification or parking standards. *There will be no adverse effect because this is a dead-end street with no through traffic going past the Applicants' home. In addition, the floor plans submitted at this time provide for a 3 car garage which exceeds the minimum parking requirements.*
- C. Applicant's Full Enjoyment. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property. *The parking exception is reasonably necessary to accommodate the Applicant's future plans for development of a single-family residence on the site. Additionally, it would allow the Applicant to construct a garage large enough to accommodate for their two cars plus storage to ensure they have sufficient room to park vehicles inside and not outside where the coastal air can cause their vehicles to deteriorate and accumulate dirt.*

EXHIBIT B

CONDITIONS OF APPROVAL

SITE: 1000 RIDGEWAY STREET

PROJECT DESCRIPTION: Parking Exception #AD0-075 to construct a garage with a reduced garage setback of 11 feet rather than the required 20 feet setback.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated October 10, 2012, for the project depicted on plans dated August 30, 2012 on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

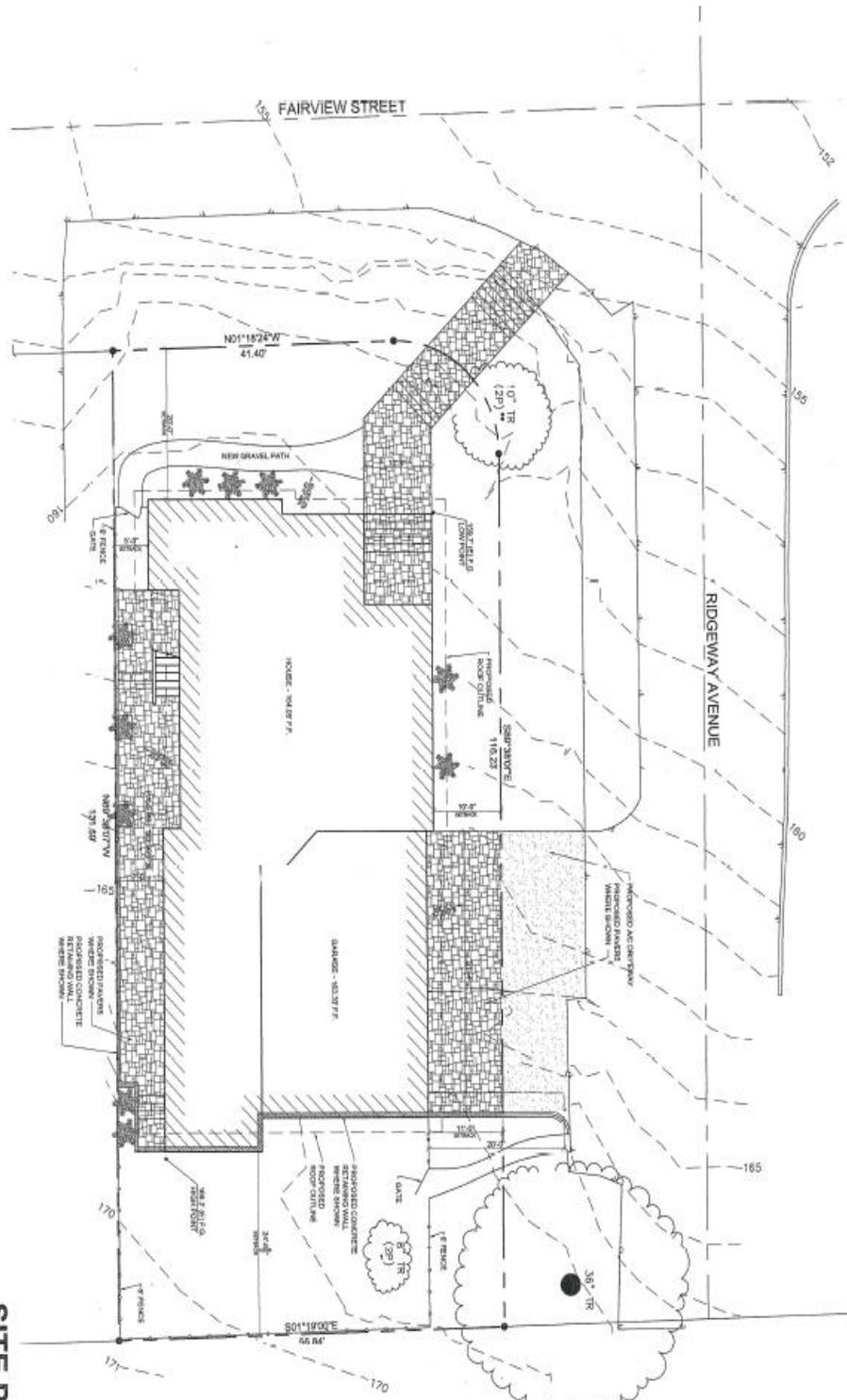
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. Applicant understands and acknowledges that City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

PLANNING CONDITIONS

1. The garage shall have an automatic rolling type garage door opener.
2. In no case shall vehicles parked in the driveway encroach on the paved travelled right of way.

Exhibit 2

Parking Exception Site Plan



SITE PLAN

EXHIBIT 3

RESOLUTION NO. 54-14

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
TO DENY THE APPEAL AND UPHOLD THE PLANNING COMMISSION
DENIAL OF COASTAL DEVELOPMENT PERMIT (CP0-408) FOR THE
DEMOLITION OF THE EXISTING RESIDENCE AND CONSTRUCTION OF A NEW
TWO STORY SINGLE-FAMILY RESIDENCE AT 1000 RIDGEWAY AVENUE**

WHEREAS, on June 3, 2014, the Morro Bay Planning Commission held a duly noticed public hearing to consider an appeal filed on December 30, 2013 for Administrative Coastal Development Permit #CP0-408, for the demolition of an existing 1,649 square foot house and construction of a new two-story single-family residence proposed as revised to be a 3,725 square foot home with a 1,142 square-foot garage/workshop and 317 square feet of upper deck and lower porch located at 1000 Ridgeway (“Project”); and

WHEREAS, on June 17, 2014, the Morro Bay Planning Commission adopted Resolution 15-14 with findings for denial of Coastal Development Permit #CP0-408; and

WHEREAS, on June 25, 2014 an appeal was filed to the City Council on the Planning Commission denial of Coastal Development Permit #CP0-408 specifically requesting the Council approve Coastal Development Permit #CP0-408 as revised and overturn the Planning Commission decision (“Appeal”); and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the City Council has duly considered all evidence, whether written or oral, including without limitation, the testimony of the appellant, the applicant, interested parties, written petitions, consultants, City staff and all written and oral evaluations and recommendations by staff, presented at Planning Commission hearings and the City Council hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Council makes the following findings:

California Environmental Quality Act (CEQA)

1. Pursuant to the California Environmental Quality Act Guidelines Section 15270, CEQA does not apply to projects that are disapproved or denied by the approval body.

Coastal Development Permit Findings for Denial

1. The Project, as proposed, is not in conformance with the General Plan and Local Coastal Program because it is not consistent with the Zoning Ordinance Section 17.48.190 which implements the General Plan and is part of the Local Coastal Program. Specifically,

- a. The Project, as proposed, is not visually compatible with the character of the surrounding neighborhood in terms of bulk, size, and scale.
2. The Project, as proposed, is not consistent with the Land Use Element Policy LU-15 which states, "The present human scale and leisurely, low-intensity appearance of Morro Bay should be maintained through careful regulation of building height, location and mass."

Section 2. Action. The City Council does hereby deny the Appeal and approves the Planning Commission's decision to deny Coastal Development Permit #CP0-408.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on this 12th day of August, 2014 on the following vote:

AYES: Irons, C. Johnson, Smukler
NOES: N. Johnson, Leage
ABSENT: None
ABSTAIN: None



JAMIE L. IRONS, MAYOR

ATTEST



JAMIE BOUCHER, City Clerk

CATHY • NOVAK

consulting

RECEIVED
SEP 04 2014
City of Morro Bay
Public Services Department

September 4, 2014

Mr. Scot Graham
City of Morro Bay Public Services Department
955 Shasta Street
Morro Bay, CA 93442

RE: Parking Exception Permit time extension

Dear Scot,

On behalf of Mr. Reed Adamson, I would like to respectfully request a one year time extension for Parking Exception Permit, AD0-075 at 1000 Ridgeway.

The parking exception permit allows for two administrative extensions up to one additional year each so therefore I would like to request an extension until October 17, 2015.

Thanks for your time and consideration in this matter. Please let me know if you have any questions.

Sincerely,



Cathy Novak
Project Representative

*Paid 00
\$145.*

cc: Mr. Reed Adamson

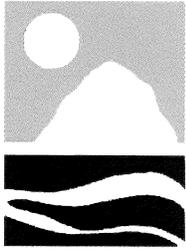
GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

Exhibit 5



City of Morro Bay

Morro Bay, CA 93442

(805) 772-6261

www.morro-bay.ca.us

September 5, 2014

Cathy Novak

PO Box 296

Morro Bay, CA 93443

SUBJECT: Denial of One year time extension request for Parking Exception Permit, AD0-075 at 1000 Ridgeway

Dear Cathy:

The City of Morro Bay Planning Division is in receipt of your letter dated September 4, 2014 in which you request that the city grant a one year time extension for Parking Exception Permit AD0-075 for the property at 1000 Ridgeway. As you are aware the City Council, on August 12, 2014, denied the Coastal Development Permit for construction of a new single family residence at this location (CP0-408). Given that the City does not have an active development application and given that the project site can easily accommodate a conforming garage, staff sees no compelling reason to extend the previously issued parking exception.

By this letter, and for the reasons stated above, the time extension request is hereby denied.

The expectation moving forward is that any future submittal for redevelopment of the subject lot include a design that does not necessitate a parking exception. However, if the owner is still interested in requesting a parking exception for the subject property, then it should be accompanied by an application for development of the site. Other than under very rare circumstances, the Planning Division will no longer support requests for parking exceptions that are not otherwise accompanied by an actual development application.

FINANCE
595 Harbor Street

ADMINISTRATION
595 Harbor Street

FIRE DEPT.
715 Harbor Street

PUBLIC SERVICES
955 Shasta Avenue

HARBOR DEPT.
1275 Embarcadero Road

CITY ATTORNEY
595 Harbor Street

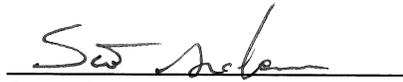
POLICE DEPT.
870 Morro Bay Boulevard

RECREATION & PARKS
1001 Kennedy Way

September 5, 2014
Page 2

Should you have any questions regarding the information provided in this letter, please do not hesitate to contact me.

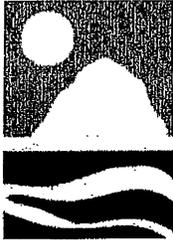
Sincerely,

A handwritten signature in cursive script, appearing to read "Scot Graham", is written over a solid horizontal line.

Scot Graham
Planning Manager
City of Morro Bay

cc: Reed Adamson, property owner

Exhibit 6



CITY OF MORRO BAY

Public Services Department
 Planning Division
 955 Shasta Avenue
 Morro Bay, CA 93442
 (805) 772-6577

APPEAL FORM

In CCC Appeals Jurisdiction?

YES - No Fee
 NO - Fee Paid: Yes No

Project Address being appealed: 1000 Ridgeway	
Appeal from the decision or action of (governing body or City officer): <input checked="" type="checkbox"/> Administrative Decision <input checked="" type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: Appeal of Planning Manager's action to deny the time extension for the Parking Exception Permit for 1000 Ridgeway.	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): Time extension for Parking Exception Permit ADO-075	
Date decision or action rendered: September 5, 2014	
Grounds for the appeal (attach additional sheets as necessary): See attached sheet.	
Requested relief or action: Approve Parking Exception Permit (#ADO-075) time extension request for one year and disregard the decision of the Planning Manager, acting on behalf of the Public Services Director, to the contrary.	
Appellant (please print): Reed Adamson	Phone: (661) 201-6120
Address: 1504 Thornlake Drive, Bakersfield, CA 93312	
Appellant Signature:	Date: September 15, 2014

FOR OFFICE USE ONLY	
Accepted by:	Date appeal filed: 9-15-14
Appeal body:	Date of appeal hearing:

Grounds for Appeal – Parking Exception Time Extension

1000 Ridgeway

September 2014

Summary

Mr. and Mrs. Reed Adamson are the applicants. They own the single family residence and property located at 1000 Ridgeway. An application for a Parking Exception Permit was submitted and approved by the Planning Commission on October 17, 2012, permit # AD0-075.

This permit granted Mr. and Mrs. Adamson a reduced garage setback from twenty (20) feet to eleven (11) feet for land described in the staff report dated October 10, 2012, for the project depicted on plans dated August 30, 2012 on file with the Public Services Department. The project as presented met all applicable requirements under the Morro Bay Municipal Code, and was consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

The Parking Exception Permit issued by the City of Morro Bay is a separate permit from the development plans that were later submitted to the City for permission to demolish the existing single family residence and reconstruct a new single family residence on the property.

The development plan for the single family home was initially approved, as evidenced by a Coastal Development Permit No. CP0-408, issued on December 20, 2013. The approval of this project was appealed to the Planning Commission. Subsequently, Mr. and Mrs. Adamson made significant revisions to the plans and design of the single family home project to satisfy any potential concerns by the Planning Commission and members of the public. Thereafter, the Planning Commission denied this project, as revised, by adopting Resolution No. 54-14. Mr. and Mrs. Adamson then appealed to the City Council for Morro Bay, which approved the Resolution on August 12, 2014. The project is not within the jurisdiction of the California Coastal Commission; therefore, the Adamsons have exhausted their administrative remedies and intend to file a petition for writ with the San Luis Obispo County Superior Court.

Conclusion as to Why the Time Extension Should be Approved

The Parking Exception Permit was granted to run with the land at 1000 Ridgeway based upon future plans to be submitted to the City of Morro Bay. This permit has given the property entitlements for a reduction in the garage setback, and the holders of the Permit the ability to apply for up to two (2) one-year extensions. This is the first application for an extension of the Parking Exception Permit.

The above described extensions may be granted “upon a finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.” (Standard Conditions No. 2.)

The Planning Manager’s denial of the time extension inaccurately concludes that since there is not an active development application and that the site can accommodate a conforming garage, there is no compelling reason to extend the previously issued Parking Exception Permit. There is, however, no factual basis to conclude that the project (parking exception) does not conform to the Municipal Code, LCP and General Plan.

On October 17, 2012 the Planning Commission determined that the project was consistent with City codes and regulations and adopted findings for approval. No other action to determine whether this project is consistent has been taken, nor have the applicable codes and regulations been modified in such a way that would make this project inconsistent.

In addition, the City of Morro Bay has historically granted time extensions to numerous other projects. The denial of this request is a major deviation from its policy to grant extensions, especially in light of the fact that the City of Morro Bay has taken more than nine months to review and provide a determination on the Coastal Development Permit No. CP0-408 to demolish one sing-family home to build another. That in itself has created a significant delay in allowing the project to proceed in a timely fashion, and therefore, necessitates this request for an extension.

Mr. and Mrs. Adamson respectfully request that the Planning Commission consider all the efforts they have made, and to understand that it is fair and reasonable for for the City of Morro Bay to grant the extension based upon the forgoing.

Exhibit 7

RESOLUTION NO. PC 26-14

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING THE APPEAL AND UPHOLDING STAFF'S DENIAL OF A TIME EXTENSION REQUEST FOR PARKING EXCEPTION ADO-075 AT 1000 RIDGEWAY AVENUE.

WHEREAS, on October 17, 2012, the Planning Commission approved a parking exception reducing the garage setback to 11 feet where 20 feet is required (ADO-075); and

WHEREAS, Parking Exception Permit ADO-075 was valid for a period of two years and due to expire on October 14, 2014; and

WHEREAS, Cathy Novak, acting as representative for Reed Adamson submitted a 1-year time extension request on September 4, 2014; and

WHEREAS, City Staff denied the time extension request on September 5, 2014; and

WHEREAS, Reed Adamson submitted an appeal of Staff's denial on September 15, 2014; and

WHEREAS, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Community Center, 1000 Kennedy Way, Morro Bay, California, on November 4, 2014, for the purpose of considering an appeal filed against Staff's denial of a time extension request for Project ADO-075; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, whether written or oral, including without limitation, the testimony of the appellant, interested parties, written petitions, consultants, City staff and all written and oral evaluations and recommendations by staff, presented at the November 4, 2014 hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

California Environmental Quality Act (CEQA)

1. Pursuant to the California Environmental Quality Act Guidelines Section 15270, CEQA does not apply to projects that are disapproved or denied by the approval body.

Time Extension Request Denial

1. The Time Extension request is being made in furtherance of a Parking Exception that is no longer associated with an active development application.

2. The justification for a parking exception should be accompanied by an actual development application to provide rationalization for the exception requested. Without an actual live application, the parking exception can no longer be justified.
3. A parking exception can be resubmitted along with any future application for development of the subject lot, if so desired.

Section 2. Action. The Planning Commission does hereby uphold Staff's decision denying the appeal and denying the Time Extension request for Parking Exception ADO-0075.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 4th day of November, 2014 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Tefft, Chairperson

ATTEST

Rob Livick, Planning Secretary

The foregoing resolution was passed and adopted this 4th day of November, 2014.



AGENDA NO: C-1

MEETING DATE: November 4, 2014

Staff Report

TO: Planning Commissioners

DATE: November 4, 2014

FROM: Scot Graham, Planning Manager

SUBJECT: Design Guidelines

RECOMMENDATION:

Staff recommends that the Planning Commission review the proposed design guidelines for single family homes and provide direction to staff.

DISCUSSION:

The Planning Commission, at the regularly scheduled meetings of August 19, 2014 and October 7, 2014 reviewed proposed design guidelines for residential development and provided comment/direction to staff. Staff has reviewed notes from the October 7th meeting, meeting minutes and video in support of the changes noted further along in the staff report. Staff has addressed Planning Commissioner comments related to Design Guideline sections A – E. Staff is still working on changes to sections F – J, which will likely be complete for the December 2nd Planning Commission meeting.

The changes made in response to Commissioner comments from the October 7th meeting are indicated below.

- Section A. Provide radius map options for Neighborhood Compatibility and slight alteration to item A-4.
- Section B. Altered language of item B-1 and deleted language B-3
- Section C. Added language to item C-2. Provided revised figure for articulation showing house on a small lot.
- Section D. No changes.
- Section E. Added a new section E-4 outlining treatment options to reduce the visual impact of driveways.

Language removed from the Design Guidelines section of the staff report is **STRICKEN** and language that has been added is identified by *bold italics*.

Prepared By: S Graham

Department Review: _____

Design Guidelines” now includes language clearly stating implementation of the policies is not meant to discourage innovative design. The paragraph also includes unambiguous language allowing approval of designs that vary from the guidelines when findings can be made that the project is otherwise better than would be possible if designed to adhere to the guidelines.

Neighborhood Compatibility

Neighborhood compatibility can be a somewhat nebulous concept, but in general, the idea is represented by how a neighborhood looks and feels. The basic features that help define a neighborhood include: landscaping, pedestrian routes, street improvements, building material, architectural style, home size, scale, bulk, proximity of homes to one another, building height, and setbacks.

A majority of the neighborhoods in Morro Bay contain a wide variety of architectural styles, which helps focus policy language on scale, height, bulk and consistency or integrity of the chosen architectural style. To that end staff has reviewed single family residential Architectural Design Guidelines from many sources in order to development the policies provided below.

The intent behind implementation of design guidelines is to conduct design review on all single family residential construction (additions included). The guidelines are meant to implement the neighborhood compatibility guidelines found in the General Plan and Local Coastal Plan and as such, serve as a basis to provide consistent design review by both City Staff and the Planning Commission.

By applying the Design Guideline as part of the project review process, The City of Morro Bay, has the opportunity to provide positive, constructive direction to the development within the City. The Design Guidelines can save time, facilitate a positive response to community concerns about development proposals, avoid divisive controversy, reduce unnecessary delays and expenses, and most importantly, achieve high quality designs and more livable neighborhoods.

Single Family Residential Design Guidelines

The following guidelines are not meant to encompass the entire range of design possibilities, but instead are meant to provide basic guidance as to what is expected when development is proposed. The policies are not meant to discourage innovative designs nor encourage any specific style or design concept. Variations from these guidelines should be considered when proposed project elements provide for a better project than would be possible adhering to the specific direction provided within the guidelines.

Design Guidelines

A. Relationship to Adjacent Homes

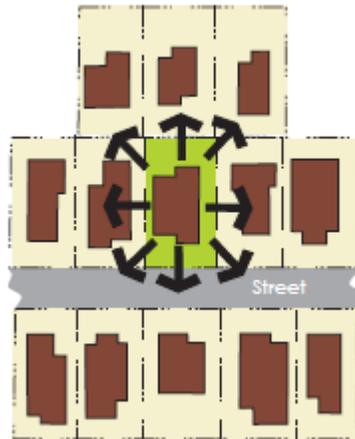
1. The overall design of the home should be visually compatible with the adjacent homes.
2. Maintain architectural integrity with design and material consistency on all facades.
3. When replacing or changing the exterior materials, use materials compatible with homes in the surrounding area.
4. Entryways or features, such as front doors and porches should be visible from the street. Use of tall walls or fences **and landscaping or other design elements** that block view of entry features should be avoided.

Utilize the diagram below when determining what constitutes the immediate neighborhood within a standard subdivision. There are factors where the diagram may not be applicable including, but not limited to, location and visibility of the building (e.g., terrain of the lot, lots with multiple frontages, small lot sizes).

Option 1. 300 foot radius example



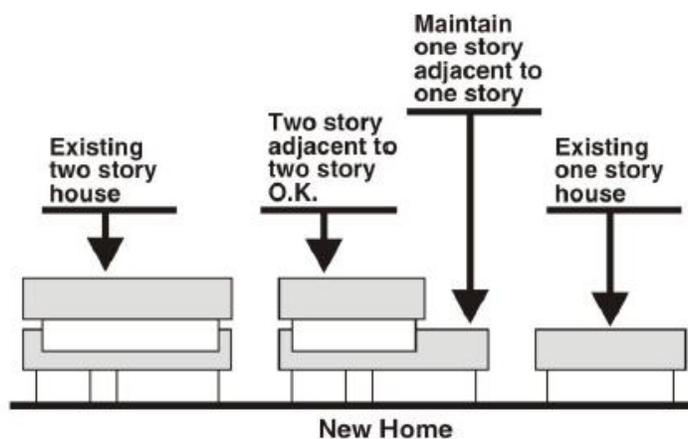
Option 2. Smaller block radius making use of homes on that same street and homes abutting the site.



B. Scale and Mass

Building scale refers to the proportional relationship of a structure to objects/structures next to it. Mass is basically the size of a structure.

1. The perceived scale and mass of a home should be compatible with homes in the nearby area. Features that accentuate the size of the home should be minimized so that it does not appear significantly larger than adjacent homes. **Special attention should be given project elevations that are visible to the public way. Vantage point, other than street frontages may also be important for corner, hillside and bluff top lots and lots adjacent to parks or other public open space areas.**



2. The perceived scale and mass of a proposed addition to an existing residence should be of similar form and shape as those of the original home.
3. Blocks where single story houses or small two story house are the predominant block pattern, a second story may require special attention. Scale may be minimized by employing one or more of the following technique's:
 - a. Limit the house profile of the expanded or new home to an area generally consistent with the profiles of the existing homes.
 - b. Setting the second floor back from the front and sides of the first story a distance sufficient to reduce apparent overall scale of the building.
 - c. ~~Significantly~~ Limit the size of the second story relative to the first story.
 - d. ~~Significantly increasing~~ Increase the front and/or side setbacks for the entire structure
 - e. Place at least 60 to 70 percent of the second floor area over the back half of the first story.
 - f. Sloping the new roof away from the adjacent homes.
 - g. Incorporate the second story into the roof.



Second floor within roof form helps to relate larger home to smaller neighbors

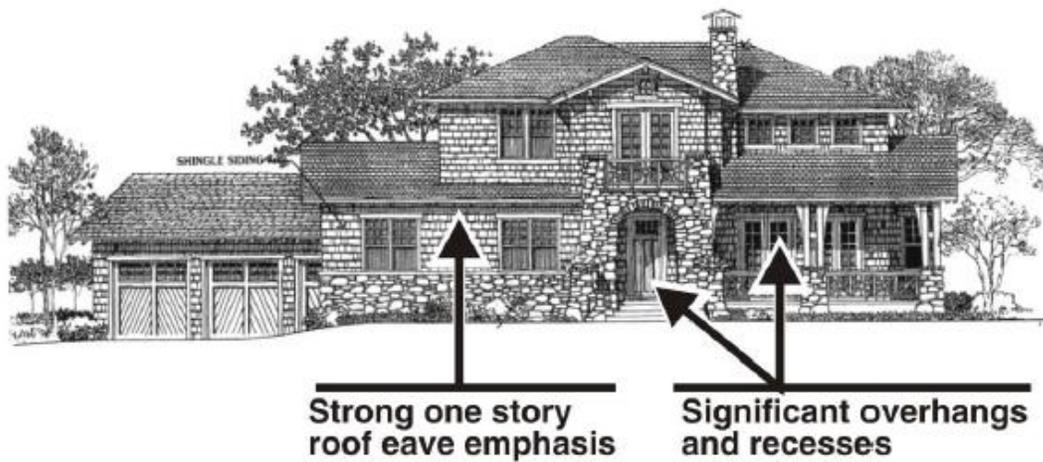


Second floor is pulled into the center of the roof providing a setback from the building edges helping to maintain adequate space, light and sense of openness to the adjacent residences.

C. Surface Articulation

Residences should be designed with relief in building facades. Long unarticulated wall and roof planes should be avoided, especially on two story elevations.

1. Changes within the wall and roof planes can be accomplished when one of the forms is setback several feet or when a gable end fronts the street and through the use of porches that run across the street facing elevation of the home.
2. Changes within the wall and roof planes can also be achieved through the use of various textures and materials. This can be seen in the use of horizontal wood lap siding, wood trim around windows and doors, shingle textures on the roof, ***deep recessed entries, use of roof segments separating the first and second floor facades.***



Design exhibits use of differing wall planes, two story entry element and covered porth to break up the front facade.

D. Building Orientation

1. Residences should contain visible front entryways, in scale with neighboring properties and oriented toward the public street.



Avoid exaggerated tall entries like this



Avoid formal entries (above) in neighborhoods with informal homes and in Ranch Style neighborhoods where entries are located under roof eaves as in the example below.



2. Avoid structures with height and bulk at front and side setback lines which are significantly greater than those of the adjacent homes.

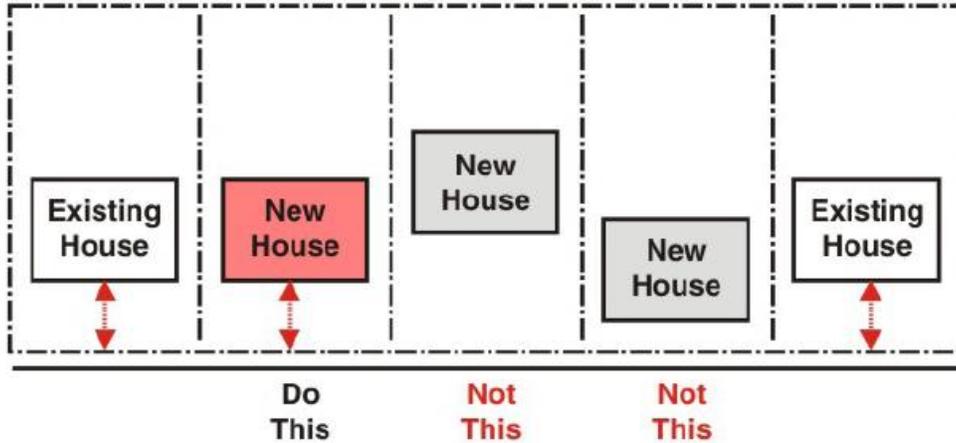


3. Homes should be located on the lot in a similar manner as adjacent homes and within the applicable setback requirements.



Similar front setbacks help define the street edges

4. In cases where setback are varied in the neighborhood, new homes should match those of adjacent homes.
5. Where adjacent homes have differing setback, try placing the home such that it uses an average of the two.



Exception: Where the adjacent lots have a nonconforming setback, the applicant may have the option of conforming to the required zoning setback. In some instances, a varied setback from the neighborhood pattern may be necessary or appropriate (Such lot constraints include topography, trees, creeks, lot size and Environmental Sensitive Habitat).

E. Garage Placement

The living area of a home should be the most prominent feature of the front façade. To reduce the prominence of garages **and driveways**, home designs should incorporate a least one of the measures below.

1. Garages placed along the front elevation of a home should not exceed 50% of the linear front elevation width where possible. The remainder of the front elevation should be devoted to living area or a porch.
2. Garages exceeding 50% of the linear front elevation should include one of the following design options:
 - a. Recess garage from the front wall of the house a minimum of 5'
 - b. Provide an entry porch trellis extending in front of the face of the garage.



Limiting the width of garages and setting them back from the front facade can minimize their visual impact

3. Orient garage entry away from the street where possible. This can be accomplished through placement of the garage at the rear of property or through use of a side loaded garage.





Side loaded garages are helpful in minimizing the visual impact of larger garages on the streetscape of a block

4. Mitigate the impact of driveways on the street scape

- ***Limit width of curb cuts to the minimum size needed to access the garage. This preserves on street parking and reduces paving in the front yard.***
- ***Utilize decorative paving materials or special patterns or colors to break up paved driveway areas in front setbacks.***
- ***Utilize single width driveways or make us of “Hollywood” driveways (see below).***



5. Other similar features as approved by the review authority.

Staff Recommendation

The Commission should review the revised guidelines and provide comments and/or direction to staff. It is anticipated that with this next round of changes, staff will return to the Commission on December 2, 2014, with finalized guidelines and a resolution recommending approval of the guidelines to City Council.

The guidelines are intended to be interim in nature, lasting for a one year time period from adoption by the Council. At the end of the one year period, staff will report back to both the Planning Commission and Council on the effectiveness of the guidelines and to receive additional direction related to continuation of their use. The hope is that the interim guidelines can help bridge the gap between today and when the City adopts permanent guidelines through the General Plan/Local Coastal Plan update process.