

AGENDA ITEM: A-1

DATE: November 3, 2015

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – OCTOBER 6, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT: Robert Tefft Chairperson
Katherine Sorenson Vice-Chairperson
Gerald Luhr Commissioner
Michael Lucas Commissioner
Richard Sadowski Commissioner

STAFF: Scot Graham Community Development Manager
Cindy Jacinth Associate Planner
Whitney McIlvaine Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS – NONE

PUBLIC COMMENTS

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=3m19s>

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=3m42s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR
<https://youtu.be/CSw0mXgmykM?t=3m47s>

- A-1 Approval of amended Planning Commission Resolution No. 34-15 with added findings and condition of approval for Burger King Restaurant at 781 Quintana; continued from the 9/15/2015 Planning Commission meeting.
Staff Recommendation: Approve Planning Commission Resolution No. 34-15
- A-2 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.

MOTION: Vice-Chairperson Sorenson moved to approve the Consent Calendar. Commissioner Sadowski seconded. The motion passed 4-1 with Commissioner Lucas dissenting.

B. PUBLIC HEARINGS

- B-1 Case No.:** #UP0-359 (*continued from the 3-3-15 Planning Commission hearing*)
Site Location: 725 Embarcadero, Morro Bay, CA
Proposal: Concept Plan approval of Conditional use permit for construction of new gangway, dock, and seven (7) boat slips which will be 6 private month-to-month rentals and 1 public slip controlled by the Harbor Dept.
CEQA Determination: Mitigated Negative Declaration, State Clearinghouse #2015011002

Staff Recommendation: Continue the Project to a date uncertain
Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577
<https://youtu.be/CSw0mXgmykM?t=4m46s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Jacinth presented the staff report.

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=6m26s>

Chairperson Tefft closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=6m31s>

MOTION: Commissioner Lucas moved to continue to a date uncertain. Vice-Chairperson Sorenson seconded the motion and the motion passed unanimously (5-0).
<https://youtu.be/CSw0mXgmykM?t=7m18s>

B-2 Case No.: CP0-419, UP0-383 (*continued from the 8-18-15 Planning Commission hearing*)

Site Location: 3420 Toro Lane, Morro Bay, CA

Project Description: Continued review from the 8-18-15 Planning Commission meeting of a proposal to grade for and construct a 1,538 square-foot dwelling and a 579 square-foot garage on a vacant 10,019 square-foot beach front parcel. Plans also show a 242.4 square-foot patio area. The proposed lot coverage is 21.2%. The project site is located in a Single Family Residential (R-1) zone with an S.2.A Overlay which limits the height of the structure to a maximum of 17 feet. The site contains areas of environmentally sensitive habitat and is subject to development standards for coastal bluff properties. This project is located in the Coastal Commission Appeals Jurisdiction.

CEQA Determination: The Community Development Director determined the project qualifies for a Mitigated Negative Declaration of Environmental Impact (MND). Mitigation is recommended to reduce any environmental impacts to a less than significant level.

Staff Recommendation: Adopt the Mitigated Negative Declaration and conditionally approve the project.

Staff Contact: Whitney McIlvaine, Contract Planner, (805) 772-6211
<https://youtu.be/CSw0mXgmykM?t=7m53s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
Commissioner Luhr spoke to the applicant's representative over the phone.

McIlvaine presented the staff report.

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=40m48s>

Laura Cogan, Morro Bay resident, stated she supports the project.

Victoria Arthur, Morro Bay resident, stated she supports the project.

Phil Both, Morro Bay resident, stated he supports the project.

Betty Winholtz, Morro Bay resident stated her concerns on the issues stated in the Coastal Commission letter. She stated she would like to have the buildable area defined and noted there was no updated information on the geologists load and configuration report for the bluff. She also noted her concerns about the trail.

Carol Raines, Morro Bay resident, stated she and her husband have been using the designated parking lots and stairs for 15 years and have no issues with using them. She stated she is in support of the project.

Chairperson Tefft closed Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=46m19s>

MOTION: Commissioner Luhr moved to approve Resolution PC 28-15 with the deletion of planning condition 16 regarding fencing at the ESH boundary and amended language for planning conditions 19, 20, 21, 22 and 23 regarding the coastal access trail. Commissioner Lucas seconded the motion and the motion passed 4-1 with Commissioner Sadowski dissenting.

<https://youtu.be/CSw0mXgmykM?t=1h16m1s>

B-3 Case No.: #CP0-410 & UP0-369 (*continued from the 9-1-15 Planning Commission hearing*)

Site Location: 289 Main Street

Proposal: Coastal Development Permit & Conditional Use Permit to construct a 2,882sf single family residence with 503sf basement and 520sf garage on a vacant lot. This project is located inside the Coastal Commission appeals jurisdiction.

CEQA Determination: Categorically exempt, Class 3

Staff Recommendation: Conditionally approve

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

<https://youtu.be/CSw0mXgmykM?t=1h19m53s>

Chairperson Tefft recused himself because he lives within the 500 foot proximity of the project.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

- Vice-Chairperson Sorenson received an email correspondence from the applicant's representative.
- Commissioner Lucas received an email from the applicant's representative.
- Commissioner Luhr communicated on the telephone with the applicant's representative.

Jacinth presented the staff report.

Vice-Chairperson Sorenson opened Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=1h45m12s>

Cathy Novak, applicant's representative, presented her staff report.

Betty Winholtz, Morro Bay resident, stated there should be public access to the water or to Tidelands through the private driveway . Ms. Winholtz also noted her concerns with the bulk and scale of the project. She would like the Planning Commission to consider maintaining and keeping the character of the neighborhood.

Vice-Chairperson Sorenson closed Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=1h57m12s>

Vice-Chairperson Sorenson opened Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=1h57m21s>

Commissioner Luhr asked Novak for the elevation at the edge of asphalt on the west end of the driveway and also the distance to the front door entry from the closet corner of asphalt.

Novak responded, the elevation for the west end was 28.5 and the distance to the front door to closet corner of asphalt was 7 feet.

Vice-Chairperson Sorenson closed Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=1h59m47s>

Vice-Chairperson Sorenson opened Public Comment period.

<https://youtu.be/CSw0mXgmykM?t=2h11m36s>

Commissioners discussed the proposed changes to the project and reviewed the bulk and scale of the home as well as lack of neighborhood compatibility.

Staff reviewed options for the Commission to choose. Planning Commission asked the Applicant's agent for their response.

Novak stated her clients have agreed to take Option 4, to have the Planning Commission deny the project and have the staff bring back findings.

MOTION: Commissioner Lucas moved to deny the project as proposed. Commissioner Sadowski seconded the motion and the motion passed unanimously (4-0).

B-4 Case No.: UP0-428

Site Location: 300 Shasta Ave., Morro Bay, CA

Proposal: The applicant proposes to add a 930 sq. ft. second-story addition to an existing 1,859 sq. ft. nonconforming residence. The existing single-story residence is considered nonconforming because it has a 10-foot front yard setback where 20 feet is required. The project is located outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Categorically exempt, Section 15301, Class 1

Staff Recommendation: Conditionally approve

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

<https://youtu.be/CSw0mXgmykM?t=2h17m53s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
None

McIlvaine presented the staff report.

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h31m48s>

Chairperson Tefft closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h33m23s>

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h34m58s>

MOTION: Vice-Chairperson Sorenson moved to approve Resolution PC 37-15. Commissioner Sadowski seconded the motion and the motion passed 4-1 with Commissioner Lucas dissenting.
<https://youtu.be/CSw0mXgmykM?t=2h42m40s>

B-5 Case Number: N/A

Site Location: Vacant Mindoro Street lot, West side of Highway 1 abutting the HWY 1 right of way. APN: 065-113-066

Proposal: Planning Commission review of General Plan conformance in association with City property disposal/sale. The City has listed the subject property for sale and prior to any property sale, California Government Code Section 65402 requires the Planning Commission to review and report on the property disposition as to conformity with the City's General Plan.

CEQA Determination: Exempt Per Section 15061(b)(3)

Staff Recommendation: Continue item to a date uncertain to allow staff time to prepare a site evaluation taking into consideration lot size and easement locations.

Staff Contact: Scot Graham, Community Development Manager, [\(805\) 772-6291](tel:8057726291)

<https://youtu.be/CSw0mXgmykM?t=2h49m45s>

Graham presented staff report.

Chairperson Tefft opened Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h53m12s>

Lindsey Castro, a Bakersfield resident, stated she and her husband were very interested in purchasing the property and has already placed an offer for it.

Chairperson Tefft closed Public Comment period.
<https://youtu.be/CSw0mXgmykM?t=2h54m41s>

MOTION: Commissioner Luhr moved to continue item to a date uncertain. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).
<https://youtu.be/CSw0mXgmykM?t=2h54m54s>

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

- Commissioner Lucas stated he was glad the Castro's came in tonight to voice their interest in the Mindoro lot.
- Commissioner Sadowski stated he would like to have a future discussion on vacation rentals. Commission Luhr concurred and would also like the discussion to include fire code violations and health and safety issues.
- Commissioner Sadowski stated he would like the City Voice Survey to include what the public's opinion on what the value of Morro Bay is.
- Vice-Chairperson Sorenson commended staff on the new yellow noticing signs.
- Chairperson Tefft stated to staff the need to have a discussion about the concept of greater than normal public benefit.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

- Graham notified the Commissioners the City Voice Survey signs will be up until the 12th and collaborated on what type of questions are being asked on the survey.

G. ADJOURNMENT

The meeting adjourned at 9:16 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on October 20, 2015, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary