

CITY OF MORRO BAY
CITY COUNCIL/PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Joint Meeting, 5:00 p.m.

209 Surf Street, Morro Bay
Monday, September 15, 2008

Janice Peters – Mayor
Betty Winholtz - Council Member
Bill Pierce - Council Member
Rick Grantham - Council Member
Melody DeMeritt-Council Member

Nancy Johnson, Chairperson
Bill Woodson, Vice Chairperson
Gary Ream, Commissioner
Gerald Luhr, Commissioner
Michael Lucas, Commissioner

I. CALL JOINT MEETING TO ORDER

Mayor Peters called the meeting to order at 5:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Mayor Peters asked the record to show Council Member Melody DeMeritt is absent but has a statement from her and Chairperson Johnson stated Vice Chairperson Bill Woodson is not present.

Staff Present: Andrea Lueker, Bruce Ambo, Rob Schultz, Michael Prater, Rachel Grossman and Kay Miller

IV. ACCEPTANCE OF AGENDA

V. DUTIES AND RESPONSIBILITIES

Each member of the City Council and Planning Commission made comments on the primary topic of neighborhood compatibility study, (FAR - Floor, Area, Ratio). There was general discussion on the following:

- Council directed the Planning Commission to design a FAR ordinance with a menu of options suitable for Morro Bay. The FAR ordinance should include a list of variable numbers based on lot size, thresholds, neighborhood characteristics, bulk/scale, and slope. The goal is to create attractive neighborhoods.
- Property Owners having a granny unit so long as they comply with the FAR ordinance
- The FAR ordinance should be sensitive to minimize non-conforming properties

VI. ADJORN CITY COUNCIL

Mayor Peters and Chairperson Johnson adjourned the meeting at 5:50 p.m.

VII. CALL REGULAR PLANNING COMMISSION MEETING TO ORDER

Johnson called the meeting to order at 6:00 p.m.

Luhr led the pledge of allegiance.

Johnson asked the record to show Vice Chairperson Bill Woodson is not present.

VIII. ACCEPTANCE OF AGENDA

MOTION: Ream/Luhr 2nd to accept the agenda as presented. VOTE: 4-0

IX. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Ambo reported at the September 8, 2008 meeting, City Council:

- Directed the neighborhood compatibility standards (FAR ordinance) to go back to staff, work on it and bring it back to the Planning Commission in November with a draft ordinance
- Directed staff to get a proposal from AGP Video for video streaming of Channel 20 on the city's webpage
- Scheduled a joint meeting with the Community Promotions Committee to discuss marketing for the Community

Ambo reported at the September 22, 2008 meeting City Council would:

- Sign lease agreement for Morro Dunes Recreational RV Park to lease to a Management Company
- Address Grossman's Greenhouse Gas Emissions Inventory Resolution for city support and participation in that program and another one for the Creek Day Proclamation
- Bring back the 735 Cabrillo project with clarifications to the Planning Commission
- Address the Conference Center Proposal

X. PUBLIC COMMENT

John Barta expressed his concern about creating a non-conforming situation with homes under FAR.

Dorothy Cutter had concerns about existing homes decreased value because of new homes that block views, block natural light and the city's right to rezone.

XI. CONSENT CALENDAR

A. Approval of minutes from hearing held on September 2, 2008

MOTION: Ream/Luhr 2nd to approve the minutes as presented. VOTE: 4 – 0.

XII. PRESENTATIONS – None

XIII. FUTURE AGENDA ITEMS

A. Planning Commission interpretation on decks in the front yard setback and what elements are allowed on them.

XIV. PUBLIC HEARINGS

A. Site Location: 247 Main Street (Lease site 35W-36W) in the H District. Applicant: Frank Loving. The applicant proposes to re-occupy a water lease site 35W-36W for tying up boats. The dock structure already exists and following this approval the applicant will sign an agreement with the City. The reason a Conditional Use Permit is required is because the docking of vessels has not occurred for greater than 6 months and the use has been voided. (Recommended CEQA Determination: Categorical Exemption, Class 1, Section 15301) Staff Recommendation: Conditionally approve the project. Staff Contact: Mike Prater, Planning Manager.

Prater presented the staff report.

Staff and Commission discussed the following:

- To grant permission for lease and authorizing a conditional use permit
- The conditions of parking, fire safety, hours of operation, and traffic
- Commission wants staff to clarify if this is an appropriate lease site for this business. Staff clarified the zoning is partially waterfront and R-1 compatible
- Staff clarified the applicant is not re-occupying this lease

Johnson opened the public hearing:

Applicant Frank Loving asked for approval to tie up vessels to the dock and clarified his proposal.

Dorothy Cutter, Bruce Badrigian, Don Hudson, Bill Martony, Bernadette Pekarek, Ken Kolb opposed this proposal and stated their concerns.

Linda Somersmith (attorney for Bill Martony and Bernadette Pekarek) wanted clarification on the issues raised in the staff report.

Gene Doughty questioned why the Harbor Advisory Board did not have the opportunity to review the project.

Jay Coakley cautioned the Commission on the conditions of the proposal and the need for fire hydrants.

Prater responded to public comment.

Johnson closed public hearing.

In addition to the previous discussion above, Commission discussed:

- The number and size of vessels, noise levels, sanitation, utilities, lighting, and minimizing neighborhood conflicts
- A more detailed plan is needed and wants to continue the proposal

MOTION: Ream/Luhr 2nd to continue the applicant's proposal to a future date with the following recommendations:

- Commitment to hours of operations such that operations do not or have minimal impacts to residential neighborhood
- Types of Vessels tied up, include photos of your vessels and indicate the number at any given time that can be docked along the 300-foot mooring
- Include a utility plan that shows where the connections to land will occur and any lighting demonstrating there will be no impacts to the residential neighborhood
- Please prepare a written statement and estimates of the amount of litter that might be generated. The statement should include how you plan on proper removal and disposal. The written statements for your proposal will become conditions if approved
- If possible, discuss the types of noises and sound levels that may be generated from your operations.
- Conflict with Neighboring Properties; please discuss your attempts to limit conflicts and strategies to work with neighbors if issues arise
- Access & Emergency Access; explain how and document that your access to this facility is workable and manageable given your operations. Please include how the emergency access will be achieved.
- Document how your sanitation facilities work and meet State standards for not polluting the harbor or waters
- Provide the location and potential duration of stay for how you will meet parking needs
- Structural Stability; explain how repairs fit within your plans to occupy the dock. Cost estimates, or other elements should be discussed to assure the use is workable

VOTE: 4-0

B. Site Location: 1080 Balboa Street in the R-1 zoning district. Applicant: Ag Nguyen. The applicant requests Conditional Use Permit approval to construct a 249 square foot habitable floor area addition on an existing single-family residence that will result in a structure in excess of 2,500 square feet. This site is located outside of the appeals jurisdiction of the California Coastal Commission. (Recommended CEQA Determination: Categorical Exemption, Class 1, Section 15301). Staff Recommendation: Conditionally approve the project. Staff Contact: Rachel Grossman, Associate Planner, 772-6261

Grossman presented the staff report.

Johnson opened public hearing.

Ag Nguyen, the applicant, stated he needed more room for his growing family.

Dorothy Cutter stated this is an example of an oversized house.

Johnson closed public hearing.

The Commission felt this proposal is an example of why FAR would not work and applauds the applicant for being honest.

MOTION: Luhr/Ream 2nd to approve the project as presented. VOTE: 4-0.

C. Site Location: 3460 Toro Lane in the R-1/S.2A District. Applicant: Derrel Ridenour. The applicant requests to demolish an existing single-family residence and construct a new residence. The property is just outside of the North Point development, which creates some unique circumstances and resides within the coastal appeals zone that requires the Planning Commission to act on the application. An interpretation is requested by the applicant to decide if the lot configuration and surrounding elements functionally make this site a flag lot. This would allow the structure to be within 5-feet of the property line rather than the district stand of 15-feet, however the garage is setback 40-feet. The applicant has filed for a variance if the Planning Commission decides the lot is not a flag to deviate from the front setback due to site constraints justified by their supplemental findings and analyzed in the staff report. (Recommended CEQA Determination: Categorical Exemption, Class 3, Section 15303). Staff Recommendation: Conditionally approve the project.
Staff Contact: Mike Prater, Planning Manager, 772-6261

Prater presented the staff report. The Commissioners asked about archaeological studies, architectural value, landscaping, flag lot definition and accessibility to the property.

Johnson opened public hearing.

Marshall Ochyski, John Pryor, and Leonard Lenger, representatives for the applicant, clarified this project is a flag lot and addressed access is through an easement.

Jacque Dallair spoke in support of the project.

Johnson closed public hearing.

MOTION: Luhr/Lucas 2nd to approve the project as presented and designated the property as a flag lot.
VOTE: 4-0

D. Site Location: 285 Main Street in the R-1 (PD) District. Applicant: John & Alair Hough. The applicant's are proposing a Tentative Parcel Map 08-0019 and Coastal Development Permit for the demolition of an existing garage and reconfiguration of the existing lot into two lots with the potential for future single-family residential homes. The map would also record the relinquishment of 1,370 square feet of City right-of-way and acquisition of 1,400 square feet of private property for use as right-of-way. An easement across the northerly boundary line of Parcels 3 & 2 would facilitate vehicle access, and utilities for all three lots. Parcel A would be 7,690 square feet with an average cross slope of 10.8 percent. Parcel B would be 8,630 square feet with an average cross slope of 13.7 percent. (Recommended CEQA Determination: Categorical Exemption, General Rule, Section 15061.b.3). Staff Recommendation: Conditionally approve the project.
Staff Contact: Mike Prater, Planning Manager, 772-6261

Prater presented staff report. Discussion between staff and commission included; driveway, bikeway, utilities, slope, and vegetation.

Johnson opened Public Hearing.

Carol Florence, representing the applicant, clarified the need for excess right of way for the bicentennial bikeway and the applicant's commitment to underground existing and proposed utilities.

Dorothy Cutter and Bob Tefft expressed concern regarding the access on the northern border, speeding cars and the need for safety.

Prater requested Josh Alipaz's letter be submitted for the record.

Seeing no further comment Johnson closed the Public Hearing.

The Commission discussed the issues raised during public comment.

MOTION: Luhr/Ream 2nd to approve the project with the following conditions:

- The applicant shall enter into an agreement with the City for future frontage improvements through a document that is recorded against the property that states at such time at a future date the owners will perform on that agreement when requested by the City.
- A common access driveway shall not utilize the northern boundary of Parcel A but rather maintain access so Parcel 1 & 2 are not landlocked. The driveway shall provide the best access solution and be reviewed by the City Engineer before final recordation.
- The applicant has agreed to underground all existing and future proposed utilities including those along Main Street.
- No trees shall be removed unless hazardous conditions exist

VOTE: 4-0

XV. OLD BUSINESS

- A. Current Planning Processing List
Projects submitted for Administrative Approval (not single-family residential unless in MCR)
1. None

XVI. NEW BUSINESS - NONE

XVII. ADJOURNMENT

Johnson adjourned the meeting at 9:30 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, October 6, 2008, at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Michael Prater, Secretary