



CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

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

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
Monday, June 1, 2009

Chairperson Nancy Johnson
Vice-Chairperson Bill Woodson Commissioner Michael Lucas
Commissioner Gerald Luhr Commissioner John Diodati
Bruce Ambo, Secretary

I. CALL MEETING TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Bruce Ambo led the Pledge of Allegiance.

III. ROLL CALL

Chair Johnson asked that the record show all Planning Commissioners were present.
Staff Present: Kathleen Wold, Aileen Nygaard and Christine Rogers

IV. ACCEPTANCE OF AGENDA

MOTION: Woodson, Lucas 2nd to accept agenda as stated. VOTE: 5-0

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Wold stated Bruce Ambo's absence was unplanned and she did not attend the previous City Council meeting therefore no Director's Report would be provided.

Lucas inquired as to when the GP/LCP issue will return. Wold stated it will return when the report is prepared. It may be the next meeting, or the one following.

VI. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

Chair Johnson opened Public Comment.

Ani Lyne – Invited Planning Commission, City Staff and Residents to the 2nd Annual Morro Bay Music Festival to be held June 6th from 11:00 a.m. to 7:00 p.m. at 714 Embarcadero, Morro Bay in the parking lot across from Rose's Landing. The event is free of charge. Thirty-three vendors will be represented along with raffles and prizes, music, food and dancing.

Ken Vesterfelt – Announced the Car Seat Check Up will be held June 17th from 10:00 a.m. – 2:00 p.m. at Spencer's Market, 2600 Main Street, Morro Bay. Event is sponsored by Neighborhood Watch, Morro Bay Police, and the SLO County Coalition. Event is funded by Morro Bay Peace Officers and State Farm Insurance.

Betty Winholtz, Individual - Shared her personal perspective related to two ordinances amended by the City Council:

- 1) Projects exceeding the 2,500 square foot building footprint require Planning Commission review. Interpreted the public intent to be that the Planning Commission would scrutinize and make sure that special circumstances exist before going over 2,500 square feet, not that this size would be the norm.
- 2) Second Units ordinance set building footprint limitation at 900 square feet. Ordinance has a clause allowing 1,200 square feet as a maximum. Planning Commission was not asked to make findings to exceed 900 square feet, and perhaps should have been. May bring this issue back to City Council for review.

Requested that Commission look at standards Community set, and if it goes over, consider whether special findings should be made. Decisions should be made on General Plan and Local Coastal Plan primarily, in addition to Staff Reports.

Chair Johnson closed Public Comment.

VII. CONSENT CALENDAR

- A. Approval of revised minutes from hearing on April 20, 2009.

MOTION: Lucas, Luhr^{2nd} to approve the minutes as presented. VOTE: 5-0

- B. Approval of revised minutes from May 4, 2009.

Page 3 of 7 - Future agenda items, B - Revise to read, “the lease for the Whale’s Tale, where the gates were locked, was going out to bid.”

Page 7 of 7 - Future agenda items – Revise to read “August 3rd” as indicated elsewhere.

MOTION: Luhr, Diodati to approve the minutes as amended. VOTE: 5-0

- C. Approval of minutes from May 18, 2009.

Page 5 of 8 – Clarification - Revise to read “issues impacting our ability....”.

Page 8 of 8 - Planning Commission Recommendations – Chair Johnson asked for clarification of “Expansion of mobile homes section” comment. Staff verified this was related to expanding the entire section, noting that changes will be addressed in Final Housing Element document.

MOTION: Diodati, Luhr 2nd to approve the minutes as revised. VOTE: 5-0

VIII. 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.

None.

IX. FUTURE AGENDA ITEMS

- A. Planning Commission interpretation on decks in the front yard setback and what elements are allowed on them.
- B. Gates on the Embarcadero Harborwalk

X. PUBLIC HEARINGS

- A. **Site Location:** 1305 Teresa Drive, RA-PD zone
Applicant: New Life Trust
Request: Vesting Tentative Tract Map, Conditional Use Permit Precise Plan and Coastal Development Permit and for a ten-lot custom residential Conservation Subdivision with open space easement.
Recommended CEQA Determination: Mitigated Negative Declaration
Staff Recommendation: Conditionally approve the project.
Staff Contact: Aileen Nygaard, Associate Planner, 772-6211

Aileen Nygaard, Associate Planner presented as follows:

- Conditional Use Permit Concept Plan approved and Mitigated Negative Declaration adopted by City Council on April 13, 2009.
- Lot line adjustment proposed to provide boundary as shown on the Vesting Tentative Tract Map.
- Applicant has requested an exception of the detailed vesting map development plan requirements in consideration of the information contained in the Design Manual and CC&Rs.
- Applicant requested the Commission adopt these documents as a Condition of Approval. Staff recommends that an HOA or equivalent entity provide review prior to application to the City.
- Open space easements to be located on each lot. Floating building envelope maximum of 6,600 square feet (3,600 sq. ft. building footprint, 1,000 sq. ft. fenced yard, 2,000 sq. ft. unfenced yard) to be located within the development limits of each lot. Precise plan process to determine final building envelope with remaining development area to be incorporated into the open space easement.
- Provision for maintenance of Open space and tract landscaping proposed.

Staff requested the Planning Commission specifically address the following:

- A) A Finding that Architectural Design Committee or City shall enforce the Design Manual;
- B) Clarification to Planning Commission Condition #3 – Term “accessory” being placed in front of the term “structures” in reference to the calculation of the building footprint; and
- C) Clarification that guest parking shall be included within the 6,600 square foot building envelope.

Staff provided clarification as follows:

- Private Street proposed to be 20’ wide with 4’ pedestrian access along one side.
- Design Manual was previously approved in February 2008 thus was not open for review.
- Precise Plan will be required for all Single Family Residential units. Because the project is a custom home subdivision, this information is not available at this time and will be provided prior to building permit issuance.
- City Council adopted the conditions with the applicant paying the in-lieu fee for Affordable Housing.

Chair Johnson opened the public hearing.

Cathy Novak, Applicant's Agent presented as follows:

- Potential changes to the Staff Report:
 - Page 8 – Stream setback – minimum 50' setback from the top of bank is required. If the setback cannot be accomplished, Applicant will request a 25' setback consultation with the California Department of Fish and Game.
 - Page 10 – Chart - Planning Commission was presented with and also approved a 3,600 square foot building footprint, and 1,000 square foot private fenced yard, and a building height of 18'6" in the Design Manual.
 - Page 11 – Site Design "D" – There will be one exterior parking space for guests within the building envelope, however, not all guest parking will be provided in the building envelope as some will occur on Teresa Drive.
 - Page 11 - Site Design "E" - Fencing is limited to 1,000 private yard space only.
- Requested Conditions of Approval modifications:
 - Page 25 – Planning Condition #3 – Modify to read "Building Footprint Definition – "The 3,600 square foot building footprint is the cumulative square footage of all "covered" structures within the envelope." For example home, garage, and accessory buildings, and "Uncovered patios, decks, and walks are not included as structures."
 - Amend with Condition #7 – "The Design Manual shall be used as the basis for the City of Morro Bay Planning Commission approval for necessary permits of the homes.
- Applicant referenced the following changes to project since February 4, 2008 approval:
 - CC&Rs no longer identify a Homeowner's Association, City attorney to review CC&Rs and make a determination on identified a Homeowners' Association or "similar entity".
 - Design Manual – Deleted references to Homeowner's Association.
 - Lot Line Adjustment – Equal trade off to address easement to care facility.

Chair Johnson closed Public Hearing.

Clarifications by Applicant Agent and Architect, Tim Woodle of Steven D. Pults, AIA & Associates:

- Cul-de-sac is in the same position though narrowed to 20' versus 25'. Lot 6 and 7 grades for the driveway approaches are not identified. Architect verified driveways can be achieved in compliance with City standards. Architect agreed the approaches could be defined to allow for tract landscaping to be finalized.
- Landscape screening is strictly for tract improvements. Landscaping installation to be completed with tract improvements. Home site landscaping will be submitted with Precise Plan.
- Amenable to including decks 30" and above within the "structure" definition, defining others as flatwork.
- Lift Station 3, Page 24, Condition #3 – Stated his understanding of the condition, if capacity is exceeded the applicant will construct the lift station, if capacity is sufficient, they will pay the appropriate pro-rata share for capacity used.

Public Comment period closed.

Commission discussed landscaping timing, Precise Plan Review, and the disposition of the Homeowners' Association. Evaluation occurred of whether a continuation might be appropriate to allow the applicant to address concerns raised, the potential for third-party review and to revise documents as discussed.

Wold clarified the City attorney has not yet made a determination on the Design Manual or CC&Rs because they are not in their final form or ready for review. A completed set of CC&Rs is not customarily compiled until all the conditions are final. The current Design Manual is a draft document, which is currently in conflict with the Concept Plan approved by the City Council, and requires modification.

Woodle responded and confirmed the potential for third-party review has been discussed with the Owner. Pulte & Associates, author of the Design Manual, would be the entity to complete reviews.

Novak reiterated the Commissioner's requests for additional information as follows:

- Address potential for Pulte & Associates to complete third party review.
- Clarification of language related to Lift Station #3
- Timing of the Landscaping
- Driveway Placement
- Design Manual review and changes consistent with City Council approval.
- CC&Rs to be provided for review as submitted to the City Council.
- Condition #3, to add 30" criteria for inclusion of deck structures.
- Draft wording related to Design Manual implementation.

MOTION: Woodson, Luhr 2nd to continue the project to the next regularly scheduled Planning Commission meeting in two weeks. VOTE: 4-1 Johnson opposed.

XI. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Woodson commented #4 on Page 1, the Commission might be interested to see that an appeal was filed on 560 Bernardo. Wold confirmed it was the neighbor to the rear who filed the appeal.

XII. NEW BUSINESS

A. None

XIII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, June 15, 2009 at 6:00 p.m.

Nancy Johnson, Chairperson

ATTEST:

Bruce Ambo, Secretary