

AGENDA ITEM:     A-2    

DATE:   OCTOBER 2, 2018  

ACTION:     APPROVED    

**ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JUNE 5, 2018  
MORRO BAY COMMUNITY CENTER – 6:00 PM**

<b>PRESENT:</b>	Gerald Luhr	Chairperson
	Michael Lucas	Vice-Chairperson
	Richard Sadowski	Commissioner
	Joe Ingraffia	Commissioner
	Jesse Barron	Commissioner
<b>STAFF:</b>	Scot Graham	Community Development Director
	Joan Gargiulo	Assistant Planner
	Martha Miller	Lisa Wise Consulting

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

**PUBLIC COMMENT PERIOD**

<https://youtu.be/eophUo0RTtM?t=2m47s>

Betty Winholtz, Morro Bay resident, stated the meeting is being held on election day, and being held at another location. Winholtz feels it's non-serving of the community and stated this has happened in the past and knows this will happen again when the General Election comes around. Winholtz would like to encourage the Commission to request the meeting be moved to another day of the week at the regular location.

Carole Truesdale, Morro Bay resident, spoke of the height limit, and stated it should be about the neighborhood compatibility and the town character. Truesdale also noted the City of Morro Bay does not have an ordinance for rent control and affordable housing.

Bill Martoney, Morro Bay resident, asked staff if the Harbor Zoning was going to be discussed tonight. Martoney would like the Commission to keep the neighborhood compatibility in mind, as well as the character of Morro Bay as we go forward.

Staff responded it would be a part of the Module 3 discussion tonight.

Dorothy Cutter, Morro Bay resident, stated she was tired of fighting variances, and noted variances should be for hardship cases. Cutter's hoping the Commission would think about the residents and the neighborhood instead of the developers.

Eric Fore, Morro Bay resident, stated he is against the height increase, because it would change the character of the neighborhood. Fore believes the issue should be voted upon by the citizens of Morro Bay.

Kacey Caldwell, Morro Bay resident, asked the Commission if the citizens would have to keep coming back to the Planning Commission meetings every time someone wants to build over 25-foot. Caldwell would like to know if City staff has the discretion to know what to accept or not to accept for different zoning areas. Caldwell would like tonight's project to adhere to the 25-foot height limit. Caldwell spoke against the height increase in the downtown area and asked why the Planning Commission meeting was being held on an election day.

Jerry Lane, Morro Bay resident, spoke about how a property owner has a right to build what they want on their property and the height limit issue should be left up to the Planning Commission to decide.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/eophUo0RTtM?t=14m59s>

Chairperson Luhr commented there was miscommunication with the public. Luhr asked staff to explain to the community what the purpose of tonight's Public Hearings were all about.

Graham explained it would be better if the presentation was shown first, then have the conversation afterwards.

#### PRESENTATIONS - NONE

##### A. CONSENT CALENDAR

<https://youtu.be/eophUo0RTtM?t=16m23s>

**A-1** Current and Advanced Planning Processing List  
**Staff Recommendation:** Receive and file.

**A-2** Approval of minutes from the Planning Commission meeting of February 20, 2018.  
**Staff Recommendation:** Approve minutes as submitted.

**A-3** Approval of minutes from the Planning Commission meeting of March 6, 2018.  
**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Vice-Chairperson Lucas move to approve the Consent Calendar. Commissioner Ingraffia seconded, and the motion passed (5-0).

##### 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.

##### **Items B-1 & B-2 presented together.**

**B-1** **Case No.:** CP0-563/UP0-522

**Site Location:** 300 Tahiti Street, Morro Bay, CA

**Proposal:** Request for a Coastal Development Permit and Minor Use Permit for the construction of a new single-family residence (SFR) and accessory dwelling unit (ADU). Specifically, the Applicant proposes to construct a 1,262 sq. ft. SFR with an attached 631 sq. ft. ADU and an attached 546 sq. ft. garage.

The proposed height of the structure is 28'9" above average natural grade. The Minor Use Permit is to allow for an SFR on a 2,400 sq. ft. parcel zoned MCR/R-4/SP located outside of the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Categorically exempt Section 15303, Class 3.

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Joan Gargiulo, Assistant Planner, (805) 772-6270

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

**MOTION:** Vice-Chairperson Lucas move to a date uncertain. Commissioner Barron seconded, and the motion passed (5-0).

<https://youtu.be/eophUo0RTtM?t=2h5m15s>

**B-2 Case No.:** CP0-570/UP0-523

**Site Location:** 310 Tahiti Street, Morro Bay, CA

**Proposal:** Request for a Coastal Development Permit and Minor Use Permit for the construction of a new single-family residence (SFR) and accessory dwelling unit (ADU). Specifically, the Applicant proposes to construct a 1,322 sq. ft. SFR with an attached 658 sq. ft. ADU and an attached 636 sq. ft. garage. The proposed height of the structure is 29'2" above average natural grade. The Minor Use Permit is to allow for an SFR on a 2,400 sq. ft. parcel zoned MCR/R-4/SP located outside of the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Categorically exempt Section 15303, Class 3.

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Joan Gargiulo, Assistant Planner, (805) 772-6270

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

Gargiulo presented the staff report.

Staff responded to the Commissioners questions regarding zoning for the area.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=35m29s>

Joel Schneider, architect, presented his report for the projects.

Ken Stollmeyer, applicant, spoke of how he came up with the concept for the design. Stollmeyer noted he is aware of the shortage of affordable homes in Morro Bay.

Chad Best, current business owner at Stollmeyer's building, spoke of how the city should consider changing the zoning in certain areas to accommodate tattoo shops like his. Best noted the stereo typing by the city should stop.

Martoney, gave his suggestions on how to meet the 25-foot height requirement.

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Will Roth, Los Osos resident, stated he is in favor of the project because he is currently looking for a place like this to live in. Roth noted there are a lot of young professionals currently looking for projects like this. Roth doesn't feel by reducing the roof height below 25-foot is a viable solution.

Winholtz, spoke about the preconcept meetings regarding the project and how it misleads the public. She feels when the project does come to the Planning Commission meeting as a Public Hearing, the Planning Commission would vote in favor for it because the project had met all the requirements request by the Commission. Winholtz wished Morro Bay would tell people to build to the City's standards with no exception. Winholtz stated the project is not providing affordability and noted if the increased height limit was approved, it would mean more projects uphill will be approved and there would be no view shed which the Planning Commission is supposed to be protecting.

Cutter, stated because the city wants affordable homes it would create increased density which would hurt the city.

Kristen Headland, Morro Bay resident, stated she opposes the project and is concerned about her neighborhood if the increased height limit is approved. She asked the Commission to keep the height limit at 25-foot.

Tina Metzger, Morro Bay resident, stated she understands the ideas the applicant and designer are presenting. Metzger also noted there are expectation for property owners who have already invested in their properties and did their research of how other properties could affect their views. She doesn't understand why the Commission would change the rules when the other neighbors followed the rules.

Linda Merrill, Morro Bay resident, is concerned about the Planning Commission not following the rules. Merrill stated the project should've stopped at the Planner's desk and shouldn't have gotten this far. Merrill felt the owner should know the rules before starting the project. Merrill asked the Commission to keep the height at 25-foot.

Jason Pall, Morro Bay business owner, spoke of how the City's height limit is not a set rule if the Planning Commission could use their discretion on what the building height would be. Pall is in favor of a project.

Fore, stated the Planning Commission's decision will affect Morro Bay. Fore stated there should be a democratic vote for the city.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=1h16m8s>

Chairperson Luhr opened the Public Comment for the applicant.

<https://youtu.be/eophUo0RTtM?t=1h16m39s>

The Commission presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=1h29m52s>

Discussion and comments made by the Commissioners.

Chairperson Luhr opened the Public Comment for the applicant.

<https://youtu.be/eophUo0RTtM?t=1h42m50s>

Schneider presented his comments to the Commission.

The Commission presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=1h48m41s>

Discussion between the Commission and staff.

Chairperson Luhr opened the Public Comment for the applicant.

<https://youtu.be/eophUo0RTtM?t=1h56m58s>

The applicant answered questions from the Commissioners.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=2h5m6s>

Discussion and comments made by the Commissioners.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=2h3m46s>

Stollmeyer stated why his project should move forward.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eophUo0RTtM?t=2h5m9s>

**MOTION:** Vice-Chairperson Lucas move to a date uncertain. Commissioner Barron seconded, and the motion passed (5-0).

<https://youtu.be/eophUo0RTtM?t=2h5m15s>

C. NEW BUSINESS

<https://youtu.be/eophUo0RTtM?t=2h12m>

C-1 **Plan Morro Bay:** Draft Zoning Code Update, Module 3: Use Regulations; Continued Review of Draft Zoning Code Module 2: Community Commercial (CC) downtown height standards.

**Staff Recommendation:** Review staff report and draft Zoning Modules 2 and 3, hear presentation by consultant, take public comment, discuss and provide feedback to staff.

**Staff Contact:** Scot Graham, Community Development Director, (805) 772-6291

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Commissioner Barron recused himself due to living in the proximity of the Module 2 zoning.

Martha Miller presented the staff report for Module 2.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/eophUo0RTtM?t=2h39m23s>

Erica Crawford, Morro Bay Chamber of Commerce, commented on Module 2 and let the Commission know the Chamber is in accord with it.

Martoney, spoke of the negative affects if the height limit is increased to 37-feet. Martoney gave some suggestions to the Commission.

Headland, spoke about noticing so the public could be notified of changes in Module 2.

Ted Dumont, Morro Bay commented on how San Luis Obispo has dramatically changed the character by raising the height limit. Dumont spoke about Class A Commercial and the negative impacts it would have for Morro Bay. Dumont asked the Commissioners to keep in mind how things will change in the next 10 years.

Metzger, spoke how the height increase would be great for an urban area, but not for the Morro Bay residents. Metzger suggested the Commission not decide until they do a view shed analysis of how the increased heights would change the view shed. Metzger also stated the City should contact the property owners in the neighborhood.

Ed Hamp, Cypress RV owner, stated most of the parcels marked for probable development are located around his property. Hamp spoke about a parcel that's already seven feet above his property. Hamp commented if bigger building are built around his property, it will have a negative impact on his property and business.

Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/eophUo0RTtM?t=2h39m21s>

Discussion between the Commissioners and staff.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/eophUo0RTtM?t=3h46m50s>

Winholtz, commented the Commission should concentrate on bringing the vacation rentals into the downtown areas away from the residential areas. Winholtz asked the Commissioners to think about the idea before making their decision.

Crawford, commented on how the Chamber is working in partnership with the City and other partners on economical development. The Chamber will be reaching out to the commercial property owners to discuss economical development in their district.

Discussion between the Commissioners and staff.

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Chairperson Luhr closed the Public Comment period.  
<https://youtu.be/eophUo0RTtM?t=3h51m35s>

Chairperson Luhr opened the Public Comment period and seeing none, closed the Public Comment period.  
<https://youtu.be/eophUo0RTtM?t=3h52m33s>

**MOTION:** Second to continue Module 3 to the next Planning Commission meeting. The motion passed (4-0), Commissioner Barron recused himself.

- C-2 Annual Water Report FY2017/2018 and Recommendation for Allocation of Water Equivalency Units (WEU) for FY2018/2019  
**Recommendation:** Recommend approval to City Council  
**Staff Contact:** Damaris Hanson, Environmental Programs Manager, (805) 772-6265  
<https://youtu.be/eophUo0RTtM?t=3h54m1s>

Graham presented the staff report.

The Commissioners presented their questions to staff.

**MOTION:** Commissioner Ingraffia moved to approve the Annual Water Report FY2017/2018 and Recommendation for Allocation of Water Equivalency Units (WEU) for FY2018/2019. Vice-Chairperson Lucas seconded, and the motion passed (4-1), with Commissioner Sadowski voting no.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

Commissioner Ingraffia reminded people of the Kent Nagano concert for the preservation of Cerritos Peak on Friday, June 8<sup>th</sup>. Tickets available on Morro Bay Open Space Alliance.

Vice-Chair Lucas thanked the public who sent emails regarding comments on the topics of tonight's meeting.

Chairperson Luhr seconded Vice-Chair Lucas' comment.

Commissioner Sadowski wanted to notify the public about the children getting out of school soon and for everyone to slow down.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

Graham notified the Commissioners there will be a Vacation Policy reform on June 20<sup>th</sup>, at the Community Center, 6 p.m. – 8 p.m. The meeting will be held by two City Council members, John Headding and Marlys McPherson. Staff will be placing the updated vacation rental policy on the website.

The Commissioners were notified about Gary Clay's Cal Poly's Class presentation. Scot will forward the information to the Commissioners.

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The Commissioners were notified there will be a quorum for the Special Joint Meeting on July 3<sup>rd</sup> to review the EIR at 3 p.m. – 6 p.m. The regular Planning Commission meeting to follow.

G. ADJOURNMENT

The meeting adjourned at 10:37 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on June 19, 2018, at 6:00 p.m.

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Gerald Luhr, Chairperson

ATTEST:

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Scot Graham, Secretary