



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, December 7, 2009

Nancy Johnson, Chairperson  
Vice-Chairperson – Gerald Luhr  
Commissioner Michael Lucas  
Commissioner John Diodati  
Commissioner Jamie Irons  
Bruce Ambo, Secretary

**I. CALL MEETING TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

Cathy Novak led the Pledge of Allegiance.

**III. ROLL CALL**

Chair Johnson asked the record show Michael Lucas absent, all other Planning Commissioners present. Staff present included Bruce Ambo, Kathleen Wold, Genevieve Lehotsky and Christine Rogers.

**IV. ACCEPTANCE OF AGENDA**

MOTION: Diodati, Luhr 2<sup>nd</sup> to accept the Agenda. VOTE: 4-0

**V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS**

**A. Oral Report**

Mr. Ambo reported that December 14, 2009, City Council will:

- ◆ Consider a resolution for entering into an abandoned watercraft abatement grant agreement with the Dept. of Boating and Waterways.
- ◆ Consider a resolution authorizing Capital Projects Manager to apply for a Proposition 84 Clean Water Grant for Desalination Plant improvements.
- ◆ Consider a resolution authorizing Parks and Recreation Department to submit a California Energy Commission Conservation Block Grant.
- ◆ Hear a report on the potential to participate in the Assembly Bill 811 Assessment District Pilot Program and State Energy Program Grant.
- ◆ Consider a resolution formalizing sale of property at Market (formerly Anthony's) and Pacific Streets (parking lot on Market and Pacific).
- ◆ Consider increasing the Transit Occupancy Tax and placing the issue on the Ballot.

- ◆ Consider lifting mandatory water conservation requirements. A temporary extension of the shut-down was enacted as a result of necessary repairs. The City is now receiving state water.
- ◆ Hear a status report on Floor Area Ratios.
- ◆ Hear the Annual Water Report allocating water usage for the following year.
- ◆ Hear an update on the Strategic Plan for Managing the Greening Process/Development of the Preliminary Climate Action Plan.
- ◆ Discuss the use of Housing In-lieu Fund for non-capital expenditures.
- ◆ Hear an update from Planning Commission on Downtown Visioning.
- ◆ Consider the 600 Morro Bay Blvd. parking in-lieu fee waiver request.
- ◆ City Clerk will discuss interviews for City Board and Commission vacancies

Mr. Luhr requested clarification that the Downtown Visioning item is relative to funding sources relative to the Cal Poly proposal. Mr. Ambo clarified this was the case.

**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 the Public Comment.

John Webster – Spoke in regard to an addition to his house at 401 Panay and a related parking exception application.

Chair Johnson announced this weekend is the Morro Bay Beautiful Decorating Contest. Be sure you have your decorations lit on Friday and Saturday night for the judges who will be driving around the neighborhoods. On Monday, generous awards for the winners will be distributed from the trolley.

Chair Johnson closed the Public Comment.

**VII. CONSENT CALENDAR**

- A. Approval of minutes from hearing held on November 16, 2009

MOTION: Luhr, Diodati 2<sup>nd</sup> to accept the minutes as presented. VOTE: 4-0

**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.

**IX. FUTURE AGENDA ITEMS**

- A. Downtown Visioning (Planning Commission Subcommittee).
- B. Restrictions/rules on installing gates on driveways for residential and commercial properties.
- C. Research information on allowing front porches within the front setback.

**X. PUBLIC HEARINGS**

- A. **Site Location:** 1478 Quintana Road  
**Applicant:** Tricia Knight, Metro PCS  
**Request:** Conditional Use Permit #UP0-246 and Coastal Development Permit #CP0-298 to allow construction of a new wireless telecommunications facility to include a lease area of 143 square feet for the ground mounted equipment enclosure, a new antenna array with 3 panel antennas located on the roof of the existing church and screening of all facilities.  
 This site is located outside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 3, Section 15303.  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Gene Lehotsky, Associate Planner, 772-6270

Gene Lehotsky presented the Staff Report, directing the Commission’s attention to the memo prepared by the City Attorney, and provided for review, regarding a temporary moratorium on wireless facilities.

Discussion occurred regarding the ability to co-locate on the existing monopine, mitigation of visual impacts, height limits, utility undergrounding, and emergency backup power. The applicant agreed to provide a 10’ utility easement to allow the City to reconstruct Lift Station #3, requesting property lines be verified in conjunction with preparing the easement.

Ms. Lehotsky read into the record a memorandum from the City Attorney regarding the moratorium of wireless communications stating that Section 9 of the Ordinance allows the Public Services Director to grant relief from the moratorium if the applicant proves that the moratorium, as applied to them, is unlawful. It was the City Attorney’s opinion that to deny the applicants request would be discriminatory since there is already a wireless telecommunication facility on the site. Therefore, the Public Services Director granted the relief.

Chair Johnson opened the Public Comment period and invited the applicant to come forward. Tricia Knight provided additional information as follows:

- Batteries contained within the equipment will provide power for 24 hours, allowing adequate time to provide a generator, per their agreement with the Church.
- To avoid interference with frequencies, at least 10’ of vertical separation between the antennas is required by Nextel.

Seeing no further comments, Chair Johnson closed the Public Comment.

Additional discussion occurred. Ms. Knight confirmed:

- The lease agreement includes the cell site facilities.
- MetroPCS engineers confirmed the infeasibility of extending the monopine and evaluated the impacts of the existing building. Nextel was not contacted.
- The current draw of the site is 200 amps. Cabling size is 1 5/8 inches, and reduces to 1 1/2 inches in the bends to access the proposed faux chimney.
- MetroPCS will be operating the cell site. If the company were to fail, others could not utilize the same facilities.
- Alternate sites within the City had been considered.

Mr. Diodati requested that the option for screening the conduit not be negotiable, suggesting tree planting along the Highway 1 corridor, and a proposal to address both Nextel and proposed facilities to remove and replace the chain link fence.

Mr. Luhr stated he would be willing to accept engineering data regarding amp hours required on an emergency facility as verification that backup power could not be provided. Ms. Knight suggested the project be conditioned to provide 72 hours backup power, with the actual design to be determined. Mr. Luhr indicated that would be acceptable.

All Commissioners agreed with Mr. Diodati's comments on the screening and conduit requirements. The applicant expressed her willingness to accept the changes.

MOTION: Luhr, Diodati 2<sup>nd</sup> to Conditionally Approve the project by adopting a motion including the following action(s):

- A. Adopt the Findings for Approval contained in Exhibit A of the staff report, including findings required by CEQA; and
- B. Approve the Conditional Use Permit and Coastal Development Permit subject to the Conditions of Approval included as "Attachment B" of the staff report, and the site development plans dated November 24, 2009.
- C. Amend the planning conditions to require 72 hour emergency backup power to fully operate the facility, automatically and independently, in case of power failure.
- D. Amend Planning Condition #12 – No exposed conduit or cabling trays to be visible on the exterior structure.
- E. Amend the Conditions to require equipment to be screened with adequate vegetation that will wrap around the existing and proposed ground facilities.
- F. Amend the Conditions to include a 10' utility easement on the southern edge of the project site.

Ms. Wold asked for a clarification on Condition #12 on the deletion of the sentence which states, "If the applicant provides evidence to staff that major ....." This was confirmed.

VOTE: 4-0

- B. **Site Location:** 1245 Little Morro Creek at Ridgecrest and Hillcrest.  
**Applicant:** Tricia Knight, Metro PCS  
**Request:** Conditional Use Permit #UP0-245 and Coastal Development Permit #CP0-279 to allow the installation of 6 panel and 1 microwave antennas on an existing PG&E utility tower and associated ground mounted equipment within a lease area of approximately 170 square feet to be located underneath the existing tower within an existing enclosure. This site is located outside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 3, Section 15303.  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Gene Lehotsky, Associate Planner, 772-6270

Gene Lehotsky presented the Staff Report. Ms. Lehotsky referenced the statement provided by the City Attorney regarding the moratorium, stating it is also applicable to this project.

Chair Johnson opened the Public Comment period and invited the applicant to the podium. Tricia Knight indicated the fence height would be increased to ensure the facilities will be fully screened.

Seeing no further comments, Chair Johnson closed the Public Comment.

Mr. Irons indicated a desire for the 72 hour emergency power.

Chair Johnson asked to whom the lease will be paid. Ms. Knight confirmed PG&E.

MOTION: Luhr, Irons 2<sup>nd</sup> to Conditionally Approve the project by adopting a motion including the following action(s):

- A. Adopt the Findings for Approval contained in Exhibit A of the staff report, and;
- B. Approve the Conditional Use Permit and Coastal Development Permit subject to the Conditions of Approval included as Attachment B of the staff report, and the site development plans dated November 24, 2009.
- C. Amend the Planning Conditions to include a requirement for 72 hour emergency backup power to fully operate the facility automatically and independently in case of power failure.

Mr. Diodati asked if the seven foot fence required an approval or findings. Ms. Lehotsky confirmed it is not within a setback area, thus no additional approval is required.

Mr. Luhr asked if the condition requiring 72 hour emergency backup power could be conditioned on all future cell site projects. Ms. Wold responded that the most foolproof method of ensuring this is to codify the requirements, however, staff will add these conditions to the procedures for wireless facilities.

VOTE: 4-0

- A. **Site Location:** 612 Agave Drive  
**Applicant:** Cathy Novak  
**Request:** Tentative Parcel Map #S00-101 and Coastal Development Permit #CP0-321 subdividing one parcel into three parcels along with a subdivision exception request to include the square footage of the access easement into the overall lot square footage. This site is located outside the Coastal Commission Appeals Jurisdiction.  
**Recommended CEQA Determination:** Categorically Exempt, Class 32, Section 15332.  
**Staff Recommendation:** Conditionally approve.  
**Staff Contact:** Genene Lehotsky, Associate Planner, 772-6270

Genene Lehotsky presented the Staff Report.

- Some of the easements identified on the map were previously recorded.
- Staff recommended that the subdivision exception be denied as the findings could not be made. Staff found a request to allow the access way to be reduced from 24 feet to 20 feet in width acceptable.
- Staff has conditioned the map be revised to two parcels rather than three to meet the City's Subdivision regulation requirement of 6,000 sq. ft. for single family residential zoned lots.

All Commissioners acknowledged having visited the site. Chair Johnson and Mr. Luhr also conferred with the applicant.

Chair Johnson opened the Public Comment period and invited the applicant to the podium. Cathy Novak spoke on site history, proposed project, site size and potential home sizes, reduction to two parcels. She disagreed with Staff's findings referencing two other projects which were allowed to include access easements. She addressed each of the four findings referenced in the staff report individually.

Seeing no further comments, Chair Johnson closed the Public Comment.

Additional discussion occurred regarding the source of the fire turn around condition, the potential to set precedence for inclusion of access areas, neighborhood compatibility and zoning, and the applicability of previous approvals.

Mr. Luhr stated the current applicant is suffering a detrimental impact as a result of the previous parcel's benefit. Chair Johnson suggested support for findings might include the private road to be maintained by the property owners, and the likelihood that the road will be widened. Ms. Wold confirmed that she could draft appropriate findings based upon the hardship resulting from the turnaround, noting the reductions in square footage as a result of the turnaround are severe.

Staff recommended the project be continued in order to draft appropriate findings. The applicant expressed agreement. Ms. Wold confirmed that the first meeting next year, January 4<sup>th</sup>, would be acceptable.

Mr. Irons requested an easement be negotiated with the neighbor to the south. Ms. Novak stated the road is anticipated to be widened, which will impact fire department requirements, etc. This may not be the appropriate time for those discussions.

MOTION: Diodati, Luhr 2<sup>nd</sup> to continue the project to January 4, 2010, and direct Staff to bring back language in a finding to grant an exception to the Subdivision Ordinance for the project on 612 Agave Street. VOTE: 4-0

**XI. OLD BUSINESS**

- A. Current Planning Processing List/Advanced Work Program

**XII. NEW BUSINESS**

- A. None

Mr. Luhr addressed the December 14, 2009, City Council meeting related to Downtown Visioning and the Cal Poly proposal, inviting community participation.

MOTION: Diodati, Luhr 2<sup>nd</sup> to cancel the regularly scheduled December 21, 2009 Planning Commission meeting. VOTE: 4-0

**XIII. ADJOURNMENT**

Adjourn to the next regularly scheduled Planning Commission meeting at the Community Center 1001 Kennedy Way, on Monday, January 4, 2010, at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Bruce Ambo, Secretary