

AGENDA ITEM: A-2

DATE: December 20, 2016

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – NOVEMBER 1, 2016
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT: Robert Tefft
Richard Sadowski
Joe Ingrassia
Michael Lucas
Gerald Luhr

Chairperson
Commissioner
Commissioner
Commissioner
Vice-Chairperson

STAFF: Scot Graham
Cindy Jacinth
Joan Gargiulo

Community Development Director
Associate Planner
Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS
https://youtu.be/Kj7_rwF5wfl?t=1m48s

Commissioner Sadowski announced they had a wonderful light night at Shoreline Calvary Chapel. Sadowski acknowledged all of the people who helped out.

PUBLIC COMMENT PERIOD
https://youtu.be/Kj7_rwF5wfl?t=2m22s

Carole Truesdale, Morro Bay resident and voice of the Morro Bay Stakeholders, stated she is not opposed to the tank removal, but the integrity of the company and on their history in Fresno. Truesdale stated her only goal is to protect the City of Morro Bay against potential issues which may impact the fiscal capability should the applicant go bankrupt, and or default in anyway fail to comply with Federal and State requirements during the demolition, or cause damage to the area that surrounds the project. Truesdale presented the Commissioners signatures received on a petition from the neighbors.

Ed Griggs, [REDACTED], stated Chris Mathy has an unfortunate history in their neighborhood, way before applying for the tank demolition permit. Griggs stated because of this history, the neighbors are asking for a performance bond for the benefit of the City of Morro Bay. Griggs also stated the neighbors were the ones who purchased the feed for the goats and noted Mathy's3 paid very little. Griggs also spoke about the poisoning of the goats.

Annie Pivarski, Morro Bay resident and Morro Bay Stakeholder, stated she would like the City to require a performance bond from the applicant.

Kristen Headland, [REDACTED], stated she supports the removal of the tanks but would like to be sure it's done in a safe and timely manner. Headland feels because this project poses health and safety as well as a fiscal danger to the City of Morro Bay, she feels the City should require the applicant have a performance bond before a permit is granted. Headland would like the website to be updated on the project.

Chairperson Tefft closed the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=13m44s

Discussion between Commissioners and staff.

PRESENTATIONS – NONE

A. CONSENT CALENDAR

https://youtu.be/Kj7_rwF5wfl?t=14m58s

A-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

A-2 Approval of minutes from the Planning Commission meeting of September 20, 2016.

Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Sadowski moved to approve item A-1; the Current and Advanced Processing List. Commissioner Ingraffia seconded and the motion passed unanimously (5-0).

MOTION: Commissioner Ingraffia moved to approve item A-2; minutes from the Planning Commission meeting of September 20, 2016. Commissioner Lucas seconded and Vice-Chairperson Luhr abstained, the motion passed (4-0-1).

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.

B-1 **Case No.:** #UP0-394 and #CP0-512

Site Location: Corner of Main and Cabrillo Place, Morro Bay, CA

Project Description: Continued from 9/6/2016. Request for Coastal Development Permit and Conditional Use Permit approval for installation of an unmanned telecommunication wireless facility which consists of a cylindrical antenna on top of an existing 33.5 ft. utility pole and the installation of an equipment cabinet on the ground adjacent to the utility pole within the public right-of-way. The project is located outside of the Coastal Commission Appeal Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Continue to a Date Uncertain

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

https://youtu.be/Kj7_rwF5wfl?t=16m40s

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Gargiulo presented the request for a continuance to a date uncertain from Verizon Wireless.

Commissioner Lucas suggested staff look into the aesthetics of placement of the antennas in the right-of-way.

Questions and comments for staff from the Commissioners.

Chairperson Tefft opened the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=21m20s

Bill Laffee, Morro Bay resident, Bradley Ave., stated there is a lot of concern regarding this project. Laffee noted his neighbors did not attend this meeting because everyone was under the impression there would be no discussion to the item being continued.

Chairperson Tefft closed the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=22m32s

MOTION: Commissioner Lucas moved to continue to a date uncertain. Vice-Chairperson Luhr seconded and the motion passed unanimously (5-0).
https://youtu.be/Kj7_rwF5wfl?t=23m55s

- B-2 Case No.:** #A00-042 (Amendment to UP0-058)
Site Location: 1217 Embarcadero Road, (Lease site 128W), Morro Bay, CA
Proposal: Amendment to existing Conditional Use Permit #UP0-058 for change of occupancy use for South Bay Wild. Project proposes tenant improvements to support fish unloading facility, process fish/smoke fish, retail fish sales and outdoor canopy for bird deterrent purposes. The project is located within the Coastal Commission Original Jurisdiction.
CEQA Determination: Categorically Exempt, Section 15303, Class 3
Staff Recommendation: Conditionally Approve
Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577
https://youtu.be/Kj7_rwF5wfl?t=24m34s

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS

Sadowski spoke to the Ocean Protection Council to get an overview.

Vice-Chairperson Luhr spoke with the applicant.

Jacinth presented staff report.

The Commissioners presented their questions to staff.

Chairperson Tefft opened the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=43m51s

Rob Seitz, applicant, explained the process of his business and stated he would be available for any questions.

Bob Fowler, master leaseholder, thanked the staff for their help. Fowler stated Seitz has been doing business for two years processing fish and added, the only difference would be the retail sales. Fowler asked the Commission to approve the project.

Lori French, President of Central Coast Women for Fisheries and a fishing wife, gave a history of Morro Bay regarding the fishing community and how the Seitz family have been a huge asset to the community. French asked the Commission to support the project.

Jeff Wade, Los Osos resident, stated he supports the project. Wade founded and runs Slow Money SLO which is a non-profit organization which supports the growth of small food, farm, fisheries and ranches doing business in SLO County and has supported South Bay Wild for the last year and a half.

Rigmore, Morro Bay resident, is very excited about this project and is in support of it.

Bill Laffee stated the project is consistent with the developmental standards of the zoning ordinance, the Waterfront Master Plan and applicable provisions of the General Plan and the Local Coastal Plan. Laffee explained the Commercial Recreational Fishing District is intended to promote and accommodate both the fishing industry and non-commercial recreational fishing activities. The project advances the goals of the Commercial Recreational Fishing District.

Laffee feels the condition of not having a couple of tables is wrong and feels it's an economic necessity and urges the Commission not to place the condition on the project.

Susan Heideman, Morro Bay resident, is a satisfied customer of South Bay Wild. Heideman stated she has read Measure D and believes the purpose for Measure D was to leave open opportunities for future fisherman. South Bay Wild is not taking up new space and Heideman noted the Seitz exemplifies what Measure D was written for. Heideman believes they should have tables.

Shawn Byles, Pier to Pier Lender, stated she was part of the Slow Money movement. Byles has invested in two businesses in Morro Bay and believes in supporting small businesses, and urges the Commissioners to support the project. Byles appreciates being able to eat locally and having it come from people she knows and have met on the street.

Barbara Daveson-Kurt, Pier to Pier Lender for the applicants, believes in the Seitz and has invested in them. Daveson-Kurt would like the Commissioners to approve the project.

Gene Doughty, architect, stated he doesn't see a problem with having a couple of tables outside and hopes the Commissioners approve the project.

Janet Gibson, Morro Bay resident, stated she also would like to see a couple of tables outside and feels it would financially help them get started. Gibson noted this would help bring people to the waterfront and urges the Commissioners to approve the project.

Jean Johnson, Morro Bay resident and consumer of South Bay Wild and a lender, stated she spoke to the applicants on how difficult it was for the fishing industry. Johnson is in favor of the permit and a couple of tables.

Jan Paulson, Morro Bay resident, stated she has been purchasing fish from South Bay Wild for a few months now. Paulson wanted to know why it would be a problem having tables outside. Paulson also asked why were the other restaurants allowed to have tables, and asked if there was some kind of rule.

Discussion between Commissioners and staff.

Chairperson Tefft closed the Public Comment period.

https://youtu.be/Kj7_rwF5wfl?t=1h24s

Commissioner Sadowski asked what type of smoker would be used.

Chairperson Tefft opened the Public Comment period.

https://youtu.be/Kj7_rwF5wfl?t=1h20m22s

Seitz explained to the Commissioners what type of smoker he will be using.

Vice-Chairperson Luhr asked if the applicant was going to keep the retail sales to local harvest only.

French wanted to clarify the fishing hoists are in the back and explained how outside catches are acquired.

Chairperson Tefft closed the Public Comment period.

https://youtu.be/Kj7_rwF5wfl?t=1h26m26s

Discussion between the Commissioners and staff.

MOTION: Commissioner Sadowski moved to approve PC Resolution 24-16, UP0-058 with added conditions. Commissioner Lucas seconded. Vice-Chairperson Luhr requested to change the term “fish” to “seafood”. Commissioners Sadowski and Lucas agreed to the change and the motion passed unanimously (5-0).

https://youtu.be/Kj7_rwF5wfl?t=1h44m49s

Conditions added by the Planning Commission:

- Indoor and outdoor restaurant seating shall be prohibited with the approved retail use.

- Consistent with Measure D, retail sales shall be in support of commercial fishing with a minimum 85% or retail sales to be seafood or other seafood-related consumables.

B-3 Case No.: #UP0-458

Site Location: 500 Atascadero Road, Morro Bay, CA

Proposal: Conditional Use Permit approval for an intensification of use on two parcels within the Silver City Mobile Home/RV Park. Specifically, the Applicant requests a change from a storage use to a short-term visitor-serving commercial use as an RV park on two parcels currently zoned M-1/PD/I. The project area is located outside of the Coastal Commission Appeal Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303, Class 3(d)

Staff Recommendation: Conditionally Approve

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

https://youtu.be/Kj7_rwF5wfl?t=1h47m13s

Gargiulo stated additional correspondence was received by the Planning Department and copies were forwarded to the Commissioners, extra copies were provided at tonight's meeting and the PC Resolution was updated to reflect the changes.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Discussion between Commissioners and staff.

Chairperson Tefft opened the Public Comment period.

https://youtu.be/Kj7_rwF5wfl?t=2h11m7s

Angus Keith, applicant, thanked staff and the Commissioners. Keith reviewed what process he took to acquire the proper permits. Keith noted he would be available to answer any questions.

Ralph Ebeck, resident of Silver City, explained the two lots were used for all types of storage before Mr. Keith started the project. Ebeck noted the change will benefit everyone.

Betty Winholtz, Morro Bay resident, stated she had a couple of concerns. Her first concern is if there was an archeologist or native American on site to oversee the trenching activity. Her second concern was regarding traffic. Winholtz stated if there was going to be more vehicle activity in the area, it would impact the intersection. Winholtz asked if Silver City would be required to have a turning lane due to it having only one ingress and egress.

Alberta Carter, Silver City resident, stated she's very pleased with the applicant's project and noted as far as traffic is concerned, there has always been traffic in the area. Carter stated the improvements will help with tourism and will also benefit the residents of Silver City.

Chairperson Tefft closed the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=2h18m17s

Chairperson Tefft opened the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=2h18m32s

Vice-Chairperson Luhr asked the applicant about parking.

Keith answered Vice-Chairperson Luhr's question regarding parking.

Chairperson Tefft closed the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=2h22m48s

Discussion between Commissioners and staff.

Vice-Chairperson Luhr asked staff if the Commission had the right to ask about the parking numbers. Luhr stated he noticed cars parked in the Right-of-way and is concerned about emergency vehicles being able to enter.

Chairperson Tefft opened the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=2h25m3s

Keith stated cars are not allowed to park in the street or right-of-way so there should be no issues with emergency vehicles entering and exiting.

Chairperson Tefft closed the Public Comment period.
https://youtu.be/Kj7_rwF5wfl?t=2h28m10s

Discussion between Commissioners and staff.

MOTION: Vice-Chairperson Luhr moved to approve PC Resolution 25-16, UP0-458 with additional conditions. Commissioner Lucas seconded and the motion passed unanimously (5-0).

https://youtu.be/Kj7_rwF5wfl?t=3h11m1s

Conditions added by the Planning Commission:

- Provide a landscape plan to the Planning Division, consistent with section 17.40.030 of the MBMC, for the review and approval by the Planning Commission prior to any use/occupancy of the approved RV spaces.
- The applicant shall contact the Community Development Department for a final inspection of all landscape improvements upon completion of the project and prior to rental or occupancy of the RV spaces.
- The interim use permit is effective for a period of 5 years from date of approval. Permit shall expire on November 2, 2021 unless a request for extension is granted and approved by the Morro Bay Planning Commission.

- **Archaeological Monitoring:** The Applicant shall hire a qualified Archaeological consultant to evaluate existing excavated areas and any other areas where excavation is proposed for the presence of archaeological or paleontological material. The applicant shall furnish a report identifying the findings of the site review and indicating whether further archaeological research or monitoring work is required during construction/excavation activities. The applicant may utilize archaeologists identified on the County of San Luis Obispo's list of qualified consultants.
- **Lock Box:** The Applicant shall provide and maintain a lock box or other approved method/mechanism to provide fire gate access at the gate located at the end of Errol Street. The applicant shall submit a plan showing the method of gate access to the Planning Division and Fire Department for review and approval prior to rental or occupancy of the RV spaces.
- **Low Impact Development:** Upon review by the Public Works Department, the Applicant shall include all necessary Low Impact Development (LID) Performance measures identified in the City's Stormwater Management Guidance Manual (March 2014). All stormwater measures shall be installed prior to rental or occupancy of the RV spaces.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

https://youtu.be/Kj7_rwF5wfl?t=3h12m9s

Commissioner Sadowski stated his concerns about the proposed lift station. Sadowski feels because of his experience in this field, he would like to meet with the consultants to express his concerns. Sadowski stated he is disappointed the City Council meeting was canceled. Sadowski feels it would've been a chance to have a public forum regarding the Wastewater Treatment Plant and to also educate the public.

Commissioner Ingrassia spoke about the telecommunication carriers and their installation. Ingrassia suggested during the application procedure, the applicant should hire an independent consultant who could vet their proposal as to the feasibility of the project.

Discussion between the Commissioners regarding wireless installation.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE

https://youtu.be/Kj7_rwF5wfl?t=3h25m43s

G. ADJOURNMENT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –NOVEMBER 1, 2016

The meeting adjourned at 9:26 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on December 6, 2016, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary