

The Planning Commission received and file the Current and Advanced Planning Processing List.

Chairperson Luhr presented his question to staff regarding the project for 3300 Panorama Drive.

Graham responded to Luhr's question.

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.: A00-054 (Amend UP0-284)

Site Location: 1001 Front Street, Morro Bay, CA

Proposal: Amendment to Conditional Use Permit (Precise Plan) to allow permanent use of a seasonal kiosk for Virg's at 1001 Front Street. The Applicant is proposing a 48sf kiosk (6' wide x 8' long), 7' 6" high "Tough Shed" to be located on private property at 1001 Front Street in an area between the parking lot and public sidewalk adjacent to the existing parking lot fencing. Seasonal use of kiosk to be open from April to November and removed and stored at an off-site location during off-season months. The purpose of the kiosk is an information booth to provide information and sell tickets for the Virg's sportfishing and whale watching fleet manned. No indoor customer space will be available; the booth will function as a walk up window only. The Virg's Kiosk previously received a temporary use permit on 4/21/2017 for a 6 month limited use. The project site is located in the WF/PD/S.4 Zoning District and within the Coastal Commission Original Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15311 Class 11

Staff Recommendation: Conditionally approve

Staff Contact: Cindy Jacinth, Senior Planner, (805) 772-6577

<https://youtu.be/rtK8eddwRg?t=7m59s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Jacinth presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/rtK8eddwRg?t=31m39s>

Cathy Novak, agent for applicant, spoke in support of the kiosk project.

Dustin Tardiff, representative for Patriot Sportfishing, presented objections and other issues about the Virg's Landing kiosk. Tardiff brought up the issue that Virg's doesn't have to pay for amenities and services that their competitors already pay for. Tardiff would like for Virg's to pay for their fair share with gross percent

rents similar to other waterfront businesses or have the Commission deny the permit.

Sean Green, Morro Bay resident, is not opposed to a business who would like to increase business and foot traffic. However, Green is not in favor of the location and orientation and would like the Commission to address the access issues on the north, south, and west sides of the property.

The Commissioners presented their questions to Novak.

Novak answered the Commissioner's questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/rtK8eddwnRg?t=1h4m28s>

The Commission presented their questions and comments to staff.

Discussion between the Commissioners.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/rtK8eddwnRg?t=1h45m36s>

Novak answered questions and comments from the Commissioners.

Denise DeCock, representative for Virg's Landing, spoke and explained they wanted to get the kiosk on the waterfront to help support their business . DeCock noted she is open to any ideas that the Commission presents.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/rtK8eddwnRg?t=1h58m58s>

Discussion between the Commission and staff.

MOTION: Chairperson Luhr moved to approve the Amendment to Conditional Use Permit (Precise Plan) to allow permanent use of a seasonal kiosk for Virg's at 1001 Front Street, with added conditions. Vice-Chairperson Lucas seconded, and the motion passes 5-0.

<https://youtu.be/rtK8eddwnRg?t=2h9m30s>

Chairperson Luhr re-opened the Public Comment period.

<https://youtu.be/rtK8eddwnRg?t=2h14m26s>

Chairperson Luhr asked Novak for her opinion on the options which were discussed by the Commission.

Novak stated she will discuss the options with the applicant and commented on the options given by the Commission regarding the signage. Novak also asked staff about the length of the permit.

Graham answered Novak's questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/rtK8eddwnRg?t=2h15m26s>

Planning conditions 6-11 added by Planning Commission on April 17, 2018

- 6. The public lateral access pathway shall be repainted to improve visibility of public access.*
- 7. The Beach Street public access gate entrance shall be open from dawn to dusk, but may be closed during active fish unloading activities that render public lateral access dangerous consistent with Coastal Development Permit 3-11-031.*
- 8. The applicant shall demonstrate compliance with condition of approval 1a of Coastal Development Permit No. 3-11-031 related to the southern public access area which is the public area adjacent to and near the walk-up order window for Giovanni's Fish Market. In addition, this public access area shall be consistent with the Precise Plan (UP0-284) approved by Planning Commission on May 16, 2012.*
- 9. The proposed kiosk location shall be either moved inside the fence line on Front Street or the fence shall be moved to the property line with the kiosk structure inside the parking lot, subject to meeting other project site requirements.*
- 10. The applicant may utilize an onsite parking space, within the existing parking lot, for placement of the kiosk, subject to review and approval by the Community Development Director.*
- 11. This permit to be reviewed for compliance with the conditions of approval by the Planning Commission within one year of kiosk installation.*

B-2 Case No.: UP0-495 and CP0-555 (*Request for continuance to a date uncertain*)

Site Location: 235 Marina Street, Morro Bay, CA

Staff Recommendation: Continue hearing to a date uncertain

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

<https://youtu.be/rtK8eddwnRg?t=2h16m3s>

Graham notified the Commission there were some project issues discovered after the project was noticed and noted the Planning Department is currently working with the applicant to work out a solution.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/rtK8eddwnRg?t=2h17m>

The adjacent neighbor (unknown), was confused as to what was going on with the item.

Graham notified her the item was being continued.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/rtK8eddwRg?t=2h18m17s>

MOTION: Vice-Chairperson Lucas move to continue the item to a date uncertain. Commissioner Barron seconded, and the motion passes 5-0.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/rtK8eddwRg?t=2h19m5s>

Commissioner Sadowski thanked staff for sending them to the Planning Commissioner Academy. Sadowski asked staff a question regarding the California Environmental Quality Act (CEQA) case law that changed the viewing of parceling out a project.

Graham asked Sadowski to contact him and he could provide some information to him.

Commissioner Barron also noted the Planning Commissioners Academy was very educational. Barron commented on the legislation on Housing and how it will affect the General Plan.

Commissioner Ingraffia commented on how they all received a legal memo regarding the Panorama property. Ingraffia asked staff if there would be some kind of presentation on this.

Graham responded there is a draft response in the City Attorney's office which he will need to review.

Chairperson Luhr notified staff there was an abandoned mobile home which was dropped off at Sunset Avenue and Highway 41. Luhr wanted to know if staff had any information on this.

Graham responded Code Enforcement has been involved and has been handling the issue.

Chairperson Luhr also brought up there was a new sign put up by Taco Temple. Luhr noted it might exceed the height limit.

Graham responded he will check on the issue with the sign.

Commissioner Sadowski spoke stating the City should be supporting the infrastructure i.e. water supply, sewer, etc.

Graham stated CEQA requires the city to look at supporting the infrastructure whenever it increases the density.

Chairperson Luhr commented on new legislation coming soon were bypassing the CEQA requirements for density. Luhr noted any input by the Commission would be critical.

Graham responded to the Commissioners regarding new legislation.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – APRIL 17, 2018

<https://youtu.be/rtK8eddwnRg?t=2h28m1s>

Graham notified the Commissioners the Plan Morro Bay Module 3 would be discussed in the upcoming Planning Commission meetings.

G. ADJOURNMENT

The meeting adjourned at 8:28 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on April 17, 2018, at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary