

- A-3** Approval of minutes from the Planning Commission meeting of April 2, 2019.
Staff Recommendation: Approve minutes as submitted.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/IBvpuepSzkq?t=8m24s>

Discussion between the Commissioners and staff.

MOTION: Commissioner Ingraffia moved to accept the Consent Calendar. Vice Chairperson Lucas seconded, and the motion passes 5-0.
<https://youtu.be/IBvpuepSzkq?t=11m25s>

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.: MIN19-001 (Minor Modification to CUP440 and CDP500)

Site Location: 3300 Panorama Drive, Morro Bay, CA

Proposal: Appeal of the Minor Modification Permit (MIN19-001) of the existing planning permits Conditional Use Permit UPO-440 and Coastal Development Permit CPO 500 to remove 3 small sheds and 3 fire hydrants that were not originally in the primary scope of work. One shed, and one fire hydrant are located within the ESH. The MIN19-001 Permit conditions of approval included all the conditions and mitigation measured applicable to the original permit work. The MIN19-001 permit work was completed prior to issuance of the Minor Modification Permit and prior to issuance of a building permit on or about February 26, 2019. The project site is in a (R-1) zone with a Planned Development (PD) Overlay. The site contains areas of environmentally sensitive habitat and is partially located in the Coastal Commission appeals jurisdiction.

CEQA Determination: This project is subject to the adopted Mitigated Negative Declaration of Environmental Impact (MND) dated February 2018. The MIN19 001 permit included conditions of approval based on recommendations provided by Pax Environmental specifically for this additional scope of work.

Staff Recommendation: Uphold Administrative approval of MIN19-001 and deny the appeal

Staff Contact: Nancy Hubbard, Contract Planner, (805) 772-6211

<https://youtu.be/IBvpuepSzkq?t=11m44s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/IBvpuepSzkq?t=34m59s>

Kristen Headland, Morro Bay, stated her issues with the illegal removal of the shed and fire hydrants. Headland showed videos and pictures of the tank demolition.

Carole Truesdale, Morro Bay, spoke about the asbestos issues for the tank demolition. Truesdale listed the departments she notified with her concerns.

Cynthia Hawley, spoke for Dan Sedley, Morro Bay. Hawley commented about the issues regarding the asbestos from the buildings and the uncontrolled dust while the demolition was taking place. Hawley also noted the public was misinformed.

Oliver Ries, Bedford Demolition, stated his company did the demolition for the tanks, pumps, pumphouse and water pumps. Ries stated the fire hydrants were removed because they were part of the water system. Ries noted he advised the owner to hire a licensed contractor to remove the buildings.

Michael Tiffany, Certified Industrial Hygienist (monitoring), stated he looked at the sheds but was not involved in the demolition of them. Tiffany noted he stopped monitoring in December.

Richard Sadowski, Morro Bay, asked the Commissioners to support the appeal. Sadowski stated there should have been an Environmental Impact Report (EIR) for this project.

Jeff Heller, Morro Bay, stated he was speaking as a citizen. Heller stated he had an ex parte communication with the Community Development Director and the Planner in charge of this project. Heller spoke about the violations on the project and the mismanagement by the Community Development Department. Heller stated he supports all three appeals.

The Commissioners presented their questions to the applicant.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/IBvpuepSzkq?t=1h36m23s>

Comments and discussion between the Commissioners and staff.

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/IBvpuepSzkq?t=2h8m25s>

Tiffany explained why the hazardous building wouldn't fall under a statute within the city's standard.

Hawley explained how the Commission could make the appeal easier and noted they want to rescind the permit.

Truesdale explained to the Commissioners they were also asking for an EIR.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/IBvpuepSzkq?t=2h22m56s>

Discussion between the Commissioners and staff.

MOTION: Commissioner Barron moved to uphold the appeal of minor modification MIN19-001, a minor modification to CUP440 and CDP500, and require the applicant to reapply for the demolition of the pump house buildings as

a separate permit. With the guidance to staff, it would come back as a major modification for review by the Commission. Commissioner Stewart seconded.

The Commissioners discussed the motion.

Commissioner Barron requested a formal explanation to be given by the owner and contractor to the Commission at the time of the major modification.

The motion passed 5-0.

B-2 Case No.: CDP19-004/CUP19-01

Site Location: 2790 Indigo Circle, Morro Bay, CA

Proposal: Coastal Development Permit and Conditional Use Permit approval request for construction of a 2,424 sf home with a 420 sf attached garage on a vacant lot in the Cloisters neighborhood. The property is zoned CRR/GC/PD (Coastal Resource Residential/Golf Course/Planned Development) and is located in the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303, Class 3a

Staff Recommendation: Conditionally Approve

Staff Contact: Willow Urquidi, Assistant Planner, (805) 772-6270

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Urquidi presented the staff report.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/IBvpuepSzkq?t=3h2m42s>

Will Roth, architect, thanked staff for the report and stated he had nothing more to add to the staff report.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/IBvpuepSzkq?t=3h4m30s>

MOTION: Commissioner Stewart moved to approve CDP19-004/CUP19-01, for a coastal development permit at 2790 Indigo Circle and adopt Resolution 09-19, Exhibit A. Vice-Chair Lucas seconded, and the motion passed 5-0.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/IBvpuepSzkq?t=3h7m4s>

Vice-Chairperson Lucas commented on how frustrating it was to hear about the small amount the applicant was fined.

Commissioner Barron notified the Commission there will be a WRFCAC meeting on Thursday, May 9th. Barron asked if the Commission would like to present any questions to the board.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 7, 2019

Graham notified the Commissioners to notify him with any future vacation schedules.

G. ADJOURNMENT

The meeting adjourned at 9:17 p.m. to the next special scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on May 21, 2019 at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary