

AGENDA ITEM: A-2

DATE: DECEMBER 1, 2020

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 1, 2020
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Gerald Luhr Jesse Barron Joe Ingraffia Michael Lucas Susan Stewart	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham	Community Development Director

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS -NONE

PUBLIC COMMENT PERIOD - NONE

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>
Password: 135692

Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “Raise Hand” for Public Comment

PRESENTATIONS - NONE

A. CONSENT CALENDAR

<https://youtu.be/5fLbNoolrbE?t=81>

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

A-2 Approval of minutes from the Planning Commission meeting of July 07, 2020.
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Stewart moved to approve the Consent Calendar. Commissioner Lucas seconded, and the motion passes 5-0, with Stewart, Lucas, Barron, Ingraffia, and Luhr voting yes.

<https://youtu.be/5fLbNoolrbE?t=103>

B. PUBLIC HEARING

- B-1** **Case No.:** Zoning Ordinance Text Amendment & Municipal Code Amendment
Site Location: Citywide
Project Description: An Ordinance of the City of Morro Bay amending the Local Coastal Program adding Chapter 17.41 (Short-Term Vacation Rentals) of Title 17 (Zoning) of the Morro Bay Municipal Code relating to the permitting and operation of short-term vacation rentals and repealing Chapter 5.47 (Short-Term Vacation Rental Permit) of Title 5 (Business Tax Certificates and Regulations).
CEQA Determination: The Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to sections: 15060(c)(2), 15060(c)(3) and 15061(b)(3)
Staff Recommendation: Planning Commission continue review the Ordinance, provide comment to staff and provide a recommendation for adoption to the City Council
Staff Contact: Scot Graham, Community Development Director (805) 772-6291 sgraham@morrobayca.gov
<https://youtu.be/5fLbNoolrbE?t=138>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – Vice-Chairperson Barron received an email regarding Short-Term Vacation Rentals (STVR).

Chairperson Luhr stated a citizen approached him about the STVR's and noted the citizen wanted to receive a follow-up on a complaint they filed. The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/5fLbNoolrbE?t=932>

Ashley Thomas, Morro Bay, asked if there was an allowance for STVR's being rented only once a month.

Harry Weiss, stated he has a short-term vacation rental in Morro Bay, is an advocate for the grandfathering.

Dan Sedley, Morro Bay, stated there were no contact information for STVR's. He would like the cap to be one hundred twenty-five due to the size of Morro Bay, and would like to preserve the quality and character of the neighborhoods.

Betty Winholtz, Morro Bay, hoped the Commission was able to read her letter and comments by others. She noted that majority of people are under the impression the City is getting rid of the STVR's. Winholtz voiced her concerns regarding STR's in mixed use areas & how they would be affected.

Kristen Headland, Morro Bay, stated the three year waiting period was too long, and stated it should be no longer than two years. Headland emphasized the importance of enforcement and is concerned with one hundred seventy-five linear feet distance.

Robert Elzer, Morro Bay, spoke of the negative effects it will have if homeowners have their short-term vacation rental permits taken away. Elzer also spoke of how it would also affect the City's economy.

Dawn Feuerberg, Morro Bay, asked if home hosted Airbnb's were considered unlimited due to the hardships of Covid-19. She would like for them to be considered first for approval so owners could get back to hosting. She suggested the restrictions and regulations should be different for the home hosted Airbnb. Dawn also asked if they would be included in the one hundred seventy-five linear feet distance.

Charles Klose, owner of a short-term vacation rental on Beachcomber Drive, stated he has been renting his home for the past 10-15 years. Klose is unaware of any complaints and would not know where he could go to view complaints. Klose does not see the need for his home to be regulated by the proposed distance. He agrees with Elzer's comments.

Wally Auerbach, Morro Bay, stated he sent his comment to the Planning Commission before and has not heard the Commissioners speak of any of them. Auerbach would like to know about enforcement, and how it would be paid for. Auerbach has not heard anything from staff on developing a plan for the enforcement structure or the vacation rental regulation program. Auerbach also questioned if the money would be coming out of the one hundred fifty permit holders.

Maggie Juren, Beach-n-Bay Getaways, created a website for the public (sharemorrobay.com) which provides information on all licensed STVR's in Morro Bay. Juren is a strong advocate for the proposed ordinance in which homeowner's would have to post their contact information in an event there is an issue or emergency.

Mike Fackler, owner of a Morro Bay STVR, stated he has no knowledge any complaints from the neighbors, and uses a licensed management company to handle his property. Fackler suggests the enforcement be done on “out of compliance” properties first, instead of a blanket removal of an arbitrary number.

Ian Starkey, owner of Rock Star Properties (MB), stated he does long term property management as well as vacation rental management. Starkey also agrees with Elzer’s comments. Starkey suggests a public campaign to inform the neighborhood the difference between a property owner’s second home, compared to a licensed vacation rental. Starkey noted the numerous illegal rentals which provides no increase revenue for code enforcement.

Michelle Leicester-Cadaret, Morro Bay, spoke of illegal vacation rentals & how the owner’s claim it’s their family and friends visiting. Cadaret stated the issues with smoking around the property and parking. Cadaret also noted people leave their pets alone in or outside of the property which sometimes creates noise disruption. She would also like to see outdoor wood burning fire pits banned due to the close proximity of the homes in Morro Bay.

Jack Randall, Morro Bay, stated he would rather see changes made in increments and based on data. Randall stated there should be a process when reporting complaints or enforcing rules. Randall noted active permits should work toward the City goals and is in favor of grandfathering existing permits.

Linda Reiger, Morro Bay, reiterated Elzer’s concerns regarding the cost it would place on people & the City. Reiger feels the City should be addressing illegal units before implementing changes.

Dee Dee, STVR owner, also agrees with Elzer’s concerns. Dee Dee believes they should be grandfathered in. Dee Dee stated she purchased her home with the understanding she could rent it out.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/5fLbNoolrbE?t=2685>

<https://youtu.be/5fLbNoolrbE?t=3347>

Graham answered concerns.

Commissioners discuss and review the Zoning Ordinance Text Amendment & Municipal Code Amendment.

MOTION: Vice-Chairperson Barron moved a favorable recommendation to the City Council, including the following revisions: prohibition of STR’s in residential zones, applying the 1 in every 8 density limitation for STR’s in mixed use and commercial zones, allowing guest houses to be used as hosted STR’s, changing STR cap to 175 in residential zones, one hundred and seventy five linear feet to the 3-lot separation requirement for STR’s (whichever is greater), prohibiting wood burning fire pits, setting maximum occupancy at 10 person over age three and requiring STR signage clearly visible and legible from the street for the STR ordinance of the City of Morro Bay amending the Local Coastal Program adding Chapter 17.41 (Short-Term Vacation Rentals) of Title 17 (Zoning) of the Morro Bay Municipal Code relating to the permitting and operation of short-term vacation rentals and

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 1, 2020

repealing Chapter 5.47 (Short-Term Vacation Rental Permit) of Title 5 (Business Tax Certificates and Regulations). Commissioner Stewart seconded, and the motion passes 4-1, with Stewart, Ingraffia, Barron & Luhr voting yes, and Lucas voting no.

<https://youtu.be/5fLbNoolrbE?t=11614>

- C. NEW BUSINESS - NONE
- D. UNFINISHED BUSINESS - NONE
- E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS - NONE
- F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE
- G. ADJOURNMENT
The meeting adjourned at 9:18 p.m. to the next scheduled Planning Commission meeting via teleconference, on September 15, 2020 at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary