



AGENDA NO: PC

MEETING DATE: February 14, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

From: [Pamela Dougherty](#)
To: [Council](#)
Subject: Letter to Council
Date: Thursday, February 9, 2023 4:06:30 PM
Attachments: [Dougherty Morro Bay City Council Letter Feb 9, 2023.docx](#)

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Greetings Mayor and Council Members,

I have attached a letter regarding my concerns about the Vistra lithium battery storage facility proposal. Please add this to the public comments in the minutes for the next meeting, without my address and contact information.

Thank you for your time and consideration,

Pam Dougherty

[REDACTED]

Morro Bay, CA, 93442

[REDACTED]

February 9, 2023

Greetings Mayor and Council Members,

My name is Pam Dougherty, and I am a resident of Morro Bay. I moved here over five years ago, and I feel fortunate to call Morro Bay my home. This letter is a follow up to a letter I sent on September 27, 2022, regarding the Battery Energy Storage System proposal for Morro Bay.

As I mentioned in my prior letter to the Council, I was surprised that the proposal by Vistra, to build the world's largest battery energy storage facility here, would be given consideration in our small coastal town. Morro Bay is a Marine Protected Area and part of the National Estuary Program; dozens of protected species depend on us, including once endangered sea otters. Tourists flock here on weekends and holidays because it's a beautiful and safe place to bring their families to enjoy the outdoors and the coast. Why introduce a potentially hazardous facility to our unique seaside town?

I understand the need to sustain California's energy grid, and it's clear there would be economic benefits to Morro Bay, such as huge increases in tax revenue. But the risks outweigh the benefits: There continue to be numerous reports across the nation and the world about the hazards of lithium batteries, especially large BESS facilities. These dangers include fires that release toxic gases into the air and are difficult to control. Is this something we want so close to our residential areas and schools?

The proposed BESS location at the old power plant site sits in a flood zone where recent storms caused the PG&E substation there to flood. Water/flooding is a known hazard to lithium batteries and can result in fires and toxic gas emissions. Given that climate change will continue to affect weather in the coming years, we know this area will continue to be susceptible to flooding from storms as well as potential tsunamis from earthquakes. With the recent storms, many of us were unable to drive through town or even leave town due to road closures from flooding. What happens if a fire event at the BESS facility takes place here during a storm and we are unable to evacuate?

At present we have a General Plan in place for the next 20 years. It is my understanding that the power plant site is not currently zoned for industrial use. It is also my understanding that the Council would need to amend the General Plan in order to change the zoning and allow the BESS project to move forward. If I am not interpreting this correctly, please let me know. However, if this is the case, I urge each of you to please consider how any decisions you make to the General Plan will affect the rest of us for years to come. Please represent us. Please hear our voices.

This is not the time nor place for the world's largest lithium battery storage facility. The risks are already known; public safety should come first. Each of you lives here in our beautiful town. Let's honor the beauty and healthy environment we are blessed with. Let's honor the Chumash land we live upon. Let's be the stewards we are meant to be and protect our estuary and thriving but fragile marine life. Let's raise tax revenues through local businesses that make sense for a small coastal tourist town, not industry. There are so few unique towns like ours left; please protect our community.

Thank you for your time and consideration,
Pam Dougherty

 Morro Bay, CA



AGENDA NO: PC, C-1, & C2

MEETING DATE: February 14, 2023

**AGENDA CORRESPONDENCE
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2/12/2023

Terry Simons

[REDACTED]
Morro Bay CA 94332

City Council
Carla Wixom, Mayor

RE CC Meeting 2/14/23 Public Comment-Item not on agenda; Item(s) C-1 and C-2

Item Not on the Agenda-

I recently attended the Planning Commission meeting of February 7, 2023 and followed this PC deliberations regarding the appeal of the Laurel St Residence:

- In the two and on half hours of testimony and discussion by the PC;
- It became apparent that the PC was taking on the role of a Design Review Commission;
- That they were not prepared for and the Staff assistance was needed and provided.

Fortunately, the issue seems to be resolved pending further appeal(s).

It was clear from this discussion that it would be a positive thing for public participation if the City had a Design Review Commission or an Architectural Review Commission. I addressed the Commission on this issue as I have significant experience as a former member of the City of San Luis Obispo ARC (Architectural Review Commission).

The PC also had extended discussion on there ongoing desire to initiate a Historical Preservation Commission for the City. I also spoke to this issue and recommended that the City form a Design Review Commission with the additional authority to act as the Historical Review Commission.

Since most issues of Building Preservation are prompted by proposals for redevelopment of sites containing possible Historical issues, it seems logical to have the review of Historical issues done in the context of Design Review by an appropriate Design Review Commission made up of local citizens with Staff Support provided by the Community Development Department. This system is already in place in many communities. Hopefully, a DRC would provide early input by citizens that will reduce the desire by neighbors to appeal project late in the process.

Item C-1 Award of Public Works Contract

I was pleased to see that Staff has taken the initiative to review apparent low bidders as to appropriateness per my prior concerns. I support the award of the contract to the number 2 bidder as it seems more appropriate. Thanks PW Staff.

Item C-2 Proposal regarding Down Town Design Review

Following my earlier comments re prior PC concerns regarding design review:

- I support the formation of a Design Review Commission;
- This initial work of this Commission should be to do a comprehensive study;

-Of the Downtown Height limit increase and its implications and impacts.

Issues of concern regarding the increase height would be:

- Potential removal of Historic Structures in the Downtown core;
- Significant visual conflicts between new and existing structures;
- The implied increase in density and need for Parking for expanded users;
- Study of a Downtown Parking Program to work with this increased density.

I would propose the following structure for the Design Review Commission:

- A five-person citizen commission of local residents;
- Members should have experience or interest in the following areas:
 - Architecture, Construction and Real Estate Development;
 - General Design: spatial, color, graphic;
 - Housing and low income needs.
- One additional member from CC and PC.

I would personally be willing to volunteer for a position on a Morro Bay Design Review Commission if formed by direction of the CC and would be willing to work with Staff to help develop the underlying ordinance and guidelines. There are several local models for these items that could be easily adapted for use by Morro Bay. In addition to my ARC experience, I have significant experience in Parliamentary Procedures and would be willing to act as Chair for an initial committee to be formed in advance of a formal Commission.

Thanks for your consideration of the above.

I will be making a personal appearance at next Tuesday's meeting to further the above issues and answer questions should they arise,

ts [REDACTED]



AGENDA NO: C-1

MEETING DATE: February 14, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Sunday, February 12, 2023 7:42 PM
To: Carla Wixom; Laurel Barton; Jennifer Ford; Zara Landrum; Cyndee Edwards
Cc: Dana Swanson; Eric Riddiough; Pamela Newman
Subject: agenda item c-2

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Dear City Council:

I urge you to take the alternative to the recommended action which is to reject all bids and take other action for these reasons.

1. Neither PWAB, the planning commission, nor a city council has seen the final plans for this project, only concept. Yet, you are being asked to approve the design literally sight unseen. Why is no permit required? Why was there no public review of the final product? The staff report includes nothing but a concept, not even a link to the plans. Here is a link to the bid plans:

<https://www.projectsasap.com/jobs/328/plans/city-of-morro-bay-city-park-transit-hub/?preview=14713>

2. A previous City Council, none of whose members are on the City Council today, accepted the study and approved the site, but never saw the plans:

"MOTION: Council Member Davis moved to **accept** the Morro Bay City Park Transit Hub Improvements **Study and select** the existing **site option** for vehicle pull in/pull out and passenger shelter area improvements; and direct staff to **pursue transportation grants** to fully fund the improvements. The motion was seconded by Council Member McPherson and carried 5-0 by roll call vote." (page 6, City Council Minutes October 8, 2019) [bolding mine]

3. Items to be added to the site were listed in generalities, but you have no idea as to the materials, specific locations, or sizes:

"Phase 1 activities include: pre-development planning/engineering and frontage improvements (permitting, construction plans/specifications, bus turnout, sidewalk, curb/gutter, bus shelter and pads). Phase 2 includes: on-site improvements (passenger shelter, benches, bike amenities, light poles, electrical, landscaping, internet/real time information display, demolition/removal of existing shelter)." (page 6, City Council Minutes October 8, 2019)

4. The increase in seating, and therefore the size of the project is bloated. The project is putting in infrastructure for 30 people:

"While detailed records are not kept for MBT, a reasonable estimate given the available passenger survey data and total ridership by run indicates that up to 8 passengers can be waiting for an MBT departure." (page 9, Morro Bay Transit Hub Study 2019)

5. On Sheet 10 or 16 on the bid plans, there are Notes regarding 3 different widths of sidewalks, why? If ADA requires 8 feet, why is there Notes regarding 10 foot-wide sidewalks? How much grassy area is being removed? What impact will this have on Art in the Park? Why are sidewalks in good condition being ripped out using up resources (money and material) to put in new ones?

6. Two trees on Harbor Street are marked to be cut down at a cost of \$5,000 a piece (page 44 of 60 in Staff Report). However, the trees were severely cut in January. Why, when they will be cut down? What was the cost to General Fund to do that?

7. Though most money is coming from grants, there is City money being spent. The project costs over half a million dollars. \$436,000 is grant money, but another \$90,000 is City money. I believe there are ways to curb the project through PWAB or planning commission review, so no City money is needed.

8. I have aesthetic reservations about the 2 different fences and their heights.

Please reject all bids, allow for public review through your advisor board(s), and bring the price down.

This is not the way to do the public's business.

Sincerely,
Betty Winholtz

Derek E. Dahlgren

Morro Bay, CA 93442

Speaking on behalf of all owners of 733 Harbor Street.

Request

That the city council not take any action regarding the Project No. MB2020-ST02, City Park Transit Hub Improvement Project.

Reasoning

The proposed project doesn't address the ongoing safety or congestion challenges related to the existing obsolete location. Since the house across from the hub has been occupied by various family members since 1977, we have been witnessed to many changes, events and actions over the years at the park. After reviewing the recently supplied Transit Hub Final Report one the indicated options are to relocate the hub to across on Morro Bay Blvd. would have a significant impact on safety for riders, school busses/students, residents living across from the park and decreasing congestion at the intersection of Harbor St. and Piney Way.

- Safety observations over years
 - Morning Schools Busses
 - Some Mornings seem to be organized chaos as parents continually shifting parking positions as school busses arrive and depart for each of the schools while transit busses arrive and depart.
 - Some of IOOF morning meetings are utilizing parking at the same time parents are shifting parking dropping off students for school.
 - Automotive repair facility is checking in clients in the morning just down the street.
 - Parking is typically congested at busy times and have had people sometimes blocking driveways when in a hurry dropping or picking up students.
 - Transit Riders
 - Some riders are dropped off / picked up by friends and family at transit hub throughout the day. With area congested multiple times a day sometime over the years I have observed in the past some riders almost getting hit by cross traffic during those congested times.
 - The existing hub location was designed for a much lower ridership in the 80s and needs to be relocated to handle the increasing future rider capacity.
 - Existing hub location is already overcrowded next to the playground, bathrooms, shuffle board area and basketball court. Riders are typically standing on the sidewalk since the area is already congested and the existing hub is being utilized at times by some of the unhoused and dysregulated throughout the year. With the proposed new hub replacement, it is almost expanding into the existing basketball court.
 - Locals in the Residential Area Across from Transit Hub
 - My grandnephew was hit by a car while playing basketball with some of the next-door kids chasing after a ball few years back.
 - Some of the migrating population of the unhoused and dysregulated have a tendency to utilize the hub throughout the

day and evening for shelter because of over utilized congested area next to the children play ground, bathrooms and basketball court. If it was relocated to a more open area riders can utilize the hub without being over taken by nonrider use and children can actually play in the playground.

- Congestion Observed
 - Increased IOOF meeting attendance after pandemic requiring additional parking during meetings throughout the day.
 - Expanded services at Automotive Repair Facility.
 - Permanent learned shift in traffic pattern congestion since conveyance project construction completion on Quintana Rd. going to shopping center utilizing Harbor Street as an express way by utilizing of Piney Way entrance to and from shopping center.
 - Fire Station emergency requests, resource utilization and maintenance operations at the intersection of Harbor St. and Piney Way.
 - Harbor St. is only 40' wide without parking congestion.
 - Fire Department, IOOF Facility, Automotive Repair Facility and shopping center entrance are all located at the cross roads near the existing Hub.

- Proposed Open Space Location
 - Utilize under employed street parking spots southside of the park for as per one of suggested locations to create a more welcoming environment.
 - Those underutilized parking spots used for the suggested location can be better employed where the hub bus lane is today.
 - Allow for better public access to existing underutilize areas in the park currently overcrowded.
 - Has the highest visibility, raising public awareness of the transit hub and services. This also increases the ability of police and the public to monitor the site. It also increases the public awareness of any public art displayed at hub.

Working in the industrial sector for many years with primary focus on safety over any aspect of project, schedule, budget or scope to make sure everyone goes home to their families safe and healthy. I don't feel comfortable the overall safety aspect has been addressed for this project scope.



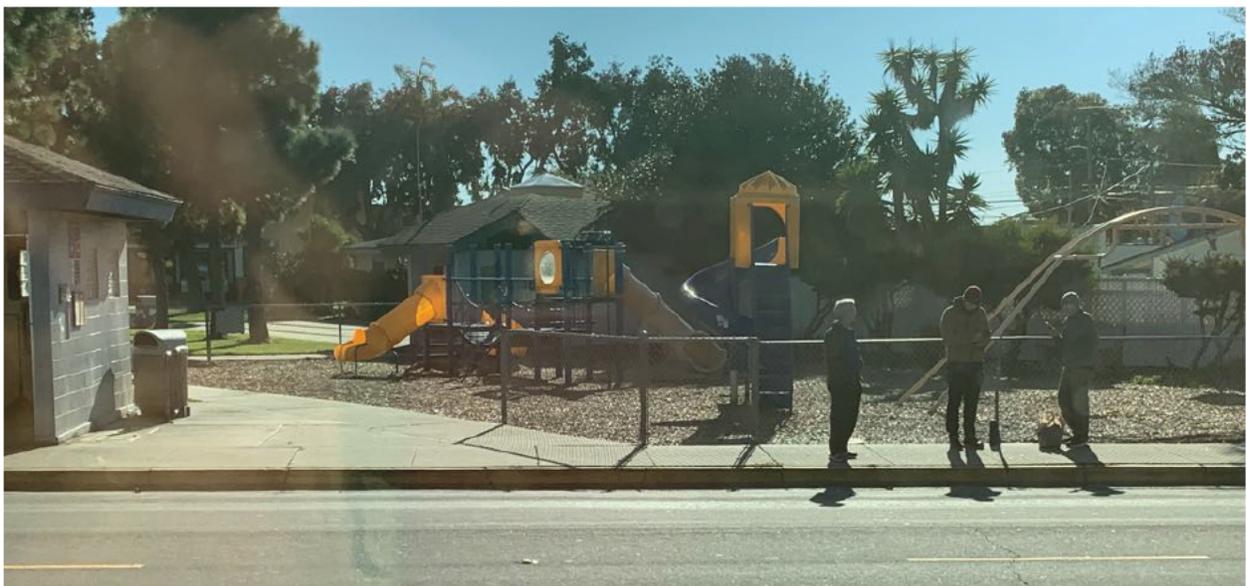
Probation Unit visited existing Transit Hub area for several hours a day or two after the permit posting at the park. (My Grand Nephew's Bus and Probation Car during Situation) Roughly 30 minutes later the local police department was on site handling another situation.



Typical daily IOOF meeting parking (Sometimes several times a day) second picture showing underutilized parking during same meeting. Note Harbor St. is 40' wide becomes very congested when multiple activities are engaged at one time. Background showing Morro Bay Blvd. 50' wide with underutilized parking.



Typical Maintenance and Dewatering Operations at Fire Department



Typically, riders wait on sidewalk areas around existing Hub for busses



One of the suggested site locations based on Morro Bay Transit Hub Final Report. Added bus bay drive with bus bay lane to add actional buffer to street traffic.



Bus Utilizing Temporary Bus Stop During Repaving Project on Harbor St.

- This site is more visible to drivers along Morro Bay Boulevard, raising public awareness of the transit hub. With an open facility with glass panels, safety/security would also be enhanced.
- Relatively inexpensive construction costs.

Disadvantages

- Would have a “presence” impact on the existing park, intruding in the large central open grass play area.
- Creates bus activity in a new area.
- Requires all routes to circle the block.

Morro Bay Boulevard Site

The final site to be considered is along the south side of Morro Bay Park, on the north side of Morro Bay Boulevard. As shown in Figure 6, the overall layout is very similar to that of the Eastern Site, consisting of a 15’ by 50’ building at the far end of the transit bus bay, with an adjacent plaza area that provides public art space, outside seating and a bike rack. A short section of sidewalk would also provide a connection to the existing picnic area just to the north.

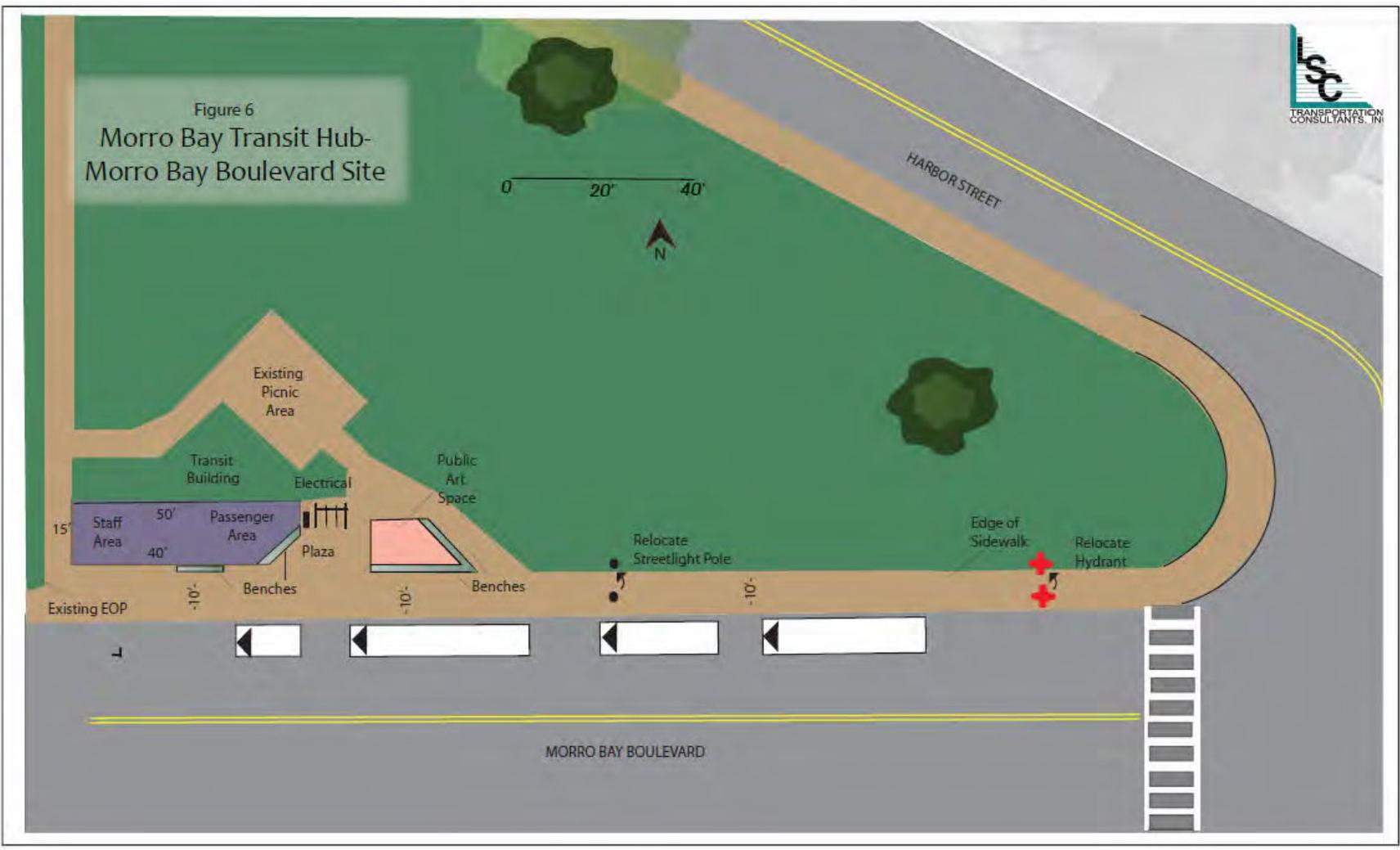
The eight on-street spaces along the north side of Morro Bay Boulevard west of the Harbor Street intersection would be eliminated. As six new spaces could be provided along Harbor Street, a net reduction of two spaces would result. There are striped cross-walks on both ends of the block within a 200-foot walk of any bus location to address safe pedestrian access consistent with the *California Manual on Uniform Traffic Control Devices*.

Construction costs on this site are estimated to total \$723,768. This is four percent (\$32,701) less than construction on the existing site, but 3 percent more than the cost of construction on the Eastern Site.

Advantages

- Has the highest visibility (along a street with 11,400 vehicles per day), raising public awareness of the transit hub and services. This also increases the ability of police and the public to monitor the site. It also increases the public awareness of any public art.
- As the first bus driver to arrive will pull to the far end of the bus lane, this will result in less need for coordination of buses at peak times or conflict between bus movements than at the existing stop.

Figure 6
Morro Bay Transit Hub-
Morro Bay Boulevard Site



- The building and plaza area would fit in the small grass area between the street and the existing picnic area in the southwestern portion of the park. As a result, it would not impact the functionality of the park, though it would be more of a presence to park users in this location than at the current site.
- While this site location would not change the overall routes for the RTA buses and the MBT trolleys, it would reduce the route length for the MBT Fixed Route/Call-A-Ride bus that would no longer need to circle the block.
This route currently approaches the park on Morro Bay Boulevard from the east and uses Piney Way and Harbor Street to reach the transit stop, then departs on Harbor Street, west on Morro Bay Boulevard and south on Piney Way. With a stop along Morro Bay Boulevard, this MBT bus could instead simply travel west along Morro Bay Boulevard, serve the stop, and then depart with a left turn onto southbound Piney Way. Over the course of a year, this would reduce mileage on MBT vehicles by an estimated 870 miles. Using the cost equation developed in the *Morro Bay Short Range Transit Plan*, this would reduce the City's annual operating costs by an estimated \$570.

Disadvantages

- While there would only be a net loss of two existing parking spaces and there is overall adequate available parking in the area, the spaces lost along Morro Bay Boulevard are more convenient to commercial uses than are the new spaces along Harbor Boulevard.
- With higher traffic volumes along Morro Bay Boulevard than along Harbor Street, there would be slightly more delay for buses pulling out of the bus loading area. However, this is not considered to be significant.
- If the School District were to choose to keep the school bus loading/unloading stop on Harbor Street, the buses would stop in the eastbound travel lane. As by state law all traffic must stop during school bus loading/unloading, this would not change the delays to through motorists from the current conditions. However, it would require the students to walk across the parking lane to/from the curb.
- If the School District were to choose to move the school bus loading/unloading stop to the Morro Bay Boulevard transit hub, traffic flow on this busy street would be stopped three times in the morning and three times in the afternoon on school days. Traffic counts indicate that the peak hourly one-way volume on Morro Bay Boulevard is 558 vehicles per hour in the westbound direction. A typical school bus stop will stop traffic for 2 to 3 minutes. This would generate a queue of up to 28 vehicles. In the westbound direction, this queue would extend back to roughly halfway from the park to the Morro Bay roundabout. It would also result in school children waiting (and being dropped off/picked up) along a busier street.

Summary of Alternative Sites

This evaluation indicates that all three sites are viable ... none have a clear “fatal flaw”. Table 4 presents a simple comparison of the relative advantages/disadvantages of the three sites.

**TABLE 4: Summary of Morro Bay Transit Hub
Relative Site Impacts**

Legend			
-	Relatively Large Negative Impact		
-	Relatively Small Negative Impact		
0	No or Negligible Impact		
+	Relatively Small Positive Impact		
+	Relatively Large Positive Impact		

Factor	Existing Site	Eastern Site	Morro Bay Blvd. Site
Impact on Functionality of Morro Bay Park	-	-	-
Impact on Parking for Adjacent Uses	0	0	-
Impact on Traffic Flow	0	0	-
Safety/Security	+	+	-
Visibility of Transit Systems	0	+	+
Transit Operations	0	0	+
Construction Costs	-	+	0



AGENDA NO: C-2

MEETING DATE: February 14, 2023

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

From: [patticake801](#)
To: [Council](#)
Subject: C-2
Date: Thursday, February 9, 2023 5:42:23 PM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Please don't waste time and energy on this height issue. It needs to be overturned. We do not want 37 ft high buildings in our downtown. I've written numerous letters on this. It will completely change the character of the downtown area . It will obstruct the view corridor and shade the downtown. There is a developer buying up the storefronts (numerous units) and the whole thing smells shady to me. We don't want to look like Pismo or SLO. We are known for our funky quaint downtown and this 37 ft height will absolutely NOT bring affordable housing to that area despite it being "sold" that way by our former council. The Chamber and former planning person had too much influence in this matter IMO. Overturn the 37ft height and be done with it once and for all. I believe the majority of the citizens agree with me. Patti Anderson

[Sent from the all new AOL app for iOS](#)

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Sunday, February 12, 2023 8:02 PM
To: Carla Wixom; Laurel Barton; Jennifer Ford; Zara Landrum; Cyndee Edwards
Cc: Dana Swanson; Scot Graham
Subject: agenda c-2

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Dear City Council:

I urge you to choose Alternative 2: "request that the height increase policy (Section 17.08.030 (B) recently approved as part of the zoning code update be brought back to Council for reconsideration."

The height expansion to downtown buildings was approved in the 11th hour of an exiting city council. It did not abide with the planning commission recommendation nor public testimony given to both the planning commission and the city council. This change was made in the new *Zoning Ordinance*, which has not gone before the CA Coastal Commission yet. There is time to bring this section back, take another look, and discuss if a design district is appropriate for Morro Bay.

If you choose to go with a design district committee of some kind, the obvious place for it is as a planning commission sub-committee since this is the Commission's charge. If you choose to form the sub-committee rather than have the planning commission form it, the public and current store front merchants should be members.

Sincerely,
Betty Winholtz

From:
To: [Council](#)
Cc: [Erica Crawford](#); [Steve Peck](#)
Subject: C-2 Downtown Design Committee
Date: Monday, February 13, 2023 11:40:23 AM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Hon. Mayor and City Council members:

In the last 40 years there has been only four (4) new buildings constructed in our downtown. Since it has been 13 years since the last one of those four (4) buildings was finished you may be chasing an issue that may never materialize.

In my opinion, a more beneficial use of your new committee's time would be to task them to develop recommendations on ways to attract individuals and/or firms who want to invest in our downtown.

Homer Alexander



February 13, 2023

RE: Agenda Item C-2

Honorable Mayor and City Council,

There has been much discussion in the community about the change in the height limitations in the CC Commercial Zone (downtown) as contained in the Zoning Ordinance update. The Morro Bay Chamber has been characterized as “advocating” and “driving” the revised (37-foot) height limit. The purpose of this letter is to clarify the Morro Bay Chamber’s position on Downtown building heights.

In sum, the Morro Bay Chamber of Commerce has not endorsed nor promoted a specific height limitation and has expressed concerns about those in the draft Zoning Ordinance. However, we did support the adoption of the Zoning Ordinance update as presented to City Council in October 2022.

In brief, our support was given in October of 2022 because:

- **We provided timely comments that were sincerely considered by the staff, consultants, and Planning Commission, and they came to an informed decision.** We supported the process by supporting the final outcome and knowing that future refinements and revisions would and should be made to the Zoning Ordinance.
- **We recognize the need to incentivize development in the downtown that would revitalize properties and increase foot traffic.**
- **We feel comfortable that new development would be subject to PC review that includes adherence to [design guidelines for the downtown \(page 82 of the link\)](#).**
- **We support the adopted [Downtown Waterfront Strategic Plan \(DWSP\)](#) that states, “In general, the height of new buildings in the downtown area should be consistent with the pattern that currently predominates of one and two-story retail structures. Increased height sufficient to accommodate additional stories should, however, be allowed to *facilitate designated types of development that will contribute positively to the vitality and street life of the area, such as residential-above-retail and visitor serving-above-retail uses.*”** The height limits in the Zoning Ordinance are intended to do that.
- **We want plans to be adopted expeditiously and implemented faithfully.** Community volunteers serving on advisory bodies, city staff, and consultants began work on the general plan and zoning ordinance update in 2015. At the October 2022 city council meeting, *seven years, thousands of hours, and 1.3 million dollars later*, we supported the completion of the effort.

The chamber advocates for business-friendly policies and assists businesses with adaptation when change occurs. As ever, please don’t hesitate to be in touch with me for follow-up and further discussion on this or other items of interest.

In closing, thank you for your service to this community as an elected policymaker and decision-maker! The power and authority to make a difference are in your capable hands. Our organization, composed of 308 members providing thousands of local jobs, is dedicated to contributing vetted and deliberative information to you from the business perspective as we work toward championing a strong and resilient community, together.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erica Crawford'.

Erica Crawford
President/CEO

A handwritten signature in black ink, appearing to read 'Ray Riordan'.

Ray Riordan
Board Chair