



AGENDA NO: B-1

MEETING DATE: December 4, 2018

**THE FOLLOWING PUBLIC CORRESPONDENCE WAS
RECEIVED BY THE PLANNING COMMISSION FOLLOWING
POSTING OF THE AGENDA**

From: Scot Graham
Sent: Tuesday, December 04, 2018 8:31 AM
To: Cindy Jacinth
Subject: FW: planning commission agenda item b-1

From: betty winholtz <
Sent: Tuesday, December 04, 2018 2:55 AM
To: Gerald Luhr <gluhr@morrobayca.gov>; Michael Lucas <mlucas@morrobayca.gov>; Richard Sadowski <rsadowski@morrobayca.gov>; Jesse Barron <jbarron@morrobayca.gov>; Joseph Ingrassia <jingraffia@morrobayca.gov>
Cc: Scot Graham <sgraham@morrobayca.gov>; Scott Collins <scollins@morrobayca.gov>
Subject: planning commission agenda item b-1

Dear Planning Commissioners:

I strongly object to the following direction addressed to the Public published in the Planning Commission agenda under item B-1:

"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."

I object to this statement for several reasons:

1. This statement is **written like an order**. It is not the right of the City to tell the Public on what they can or cannot say. It may be the City's desire, but the Public has a right. The following quote is from the First Amendment Coalition website regarding the piece "about individuals." The "Act," of course, refers to the Brown Act.

"In addition, the Act specifically provides that: "[t]he legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. (Cal. Govt. Code Section 54954.3(c)). A policy which attempts to suppress critical speech may be considered an unconstitutional content-based restriction. For example, the Leventhal court held that policies prohibiting members of the public from criticizing school district employees were unconstitutional because the policies promoted only one viewpoint — e.g. praising and maintaining the status quo. By allowing only one viewpoint to be expressed, the policies foreclosed meaningful public debate on a particular subject."

The above printed quote from the Planning Commission agenda may not be a voted on, approved policy, but its wording comes across as such. It's directing the Public as to what they can comment on ("not about individuals") and only on certain things ("important parts of the proposal"). What is important to you may not be important me, and vice versa. The whole document is under scrutiny, not just the "important parts."

2. Inserting this particular statement on this particular item is **contrary to the intent of a hearing**. Compounding that, it is a hearing on a far reaching document: the General Plan. Telling the public to "not repeat points" limits the Commission's knowledge of how broadly held an opinion is and why. How else will the Commission get feedback if the Public is being encouraged not to comment? The implication is "we just want to get through this formality, don't talk so much."

3. The statement is **offensive**. It is blatant. It is indicative of a toxic attitude about what business the City is in, rather than what business it should be in: public service and the Public's business.

At the least the Commission should question why the statement is included. Hopefully, the Commission will take the next step: condemn it and have it removed.

Sincerely,
Betty Winholtz

From: Scot Graham
Sent: Tuesday, December 04, 2018 8:23 AM
To: Cindy Jacinth; asinsheimer@placeworks.com; Junker, Paul
Cc: Gina Arias
Subject: FW: Correspondence to Planning Commission

Comments for Tonight's meeting.

From: Meredith Bates
Sent: Tuesday, December 04, 2018 8:03 AM
To: Gerald Luhr <gluhr@morrobayca.gov>; Jesse Barron <jbarron@morrobayca.gov>; Joseph Ingraffia <jingraffia@morrobayca.gov>; Michael Lucas <mlucas@morrobayca.gov>; Richard Sadowski <rsadowski@morrobayca.gov>; Scot Graham <sgraham@morrobayca.gov>; Scott Collins <scollins@morrobayca.gov>; Dana Swanson <dswanson@morrobayca.gov>
Subject: Correspondence to Planning Commission

December 4, 2018

Dear Planning Commission,

I like that responses to each comment by PC members is now addressed in the document.

Section LU-2.1 "support & facilitate access to fresh food"-please include Food Banks, Senior Nutrition and Meals on Wheels. These important programs provide fresh food to vulnerable seniors in Morro Bay.

Section about Resiliency talks about flooding, severe storms and "heat effects" due to climate change. Based on recent destructive fires in CA and newest science prediction about even more extreme fires, we might want to include more on this topic. In Europe, they are using more fire-resistant building materials. I'd like to see plans to help homebound people who need special assistance in case of emergency, beyond the PG&E system.

Item B-1 concerns me greatly. I understand and agree with the part about focusing on the proposal, not individuals. However, for the public to be told not to repeat points made by others wrong. This suppresses the public's right to be heard and discourages discourse. Sure, maybe you think to yourselves, "oh man, I've heard this before" however, is your job to listen. Please change this wording.

Respectfully,

Meredith Bates

From: Scot Graham
Sent: Tuesday, December 04, 2018 9:27 AM
To: Martha Miller (martha@lisawiseconsulting.com)
Cc: Cindy Jacinth; Junker, Paul
Subject: FW: Protect City Residents
Attachments: Grilli Flagpole.mov; Cross Section S.jpg; Incident Report p.1.jpeg; Incident Report p.2.jpeg; Incident Report p3.jpeg

Comments on the Zoning Code.

Scot

From: Robert Kraus
Sent: Tuesday, December 04, 2018 9:18 AM
To: PlanningCommission <PlanningCommission@morrobayca.gov>; Council <council@morrobayca.gov>; Scot Graham <sgraham@morrobayca.gov>
Subject: Protect City Residents

Commissioners, Council Members and Staff

RE: Flagpole and VHF/UHF ordinance – which recent code-update have not addressed the problem and vagueness of M.B.M.C. current ordinance.

1. If the Morro Bay City Council and Planning Commission are at all concerned about the health and safety of its residents, then flagpole and antenna placement on a lot should be directly related to the height of the apparatus.
 - a. **Example:** If a resident wants to install a 15' foot high flagpole, then it should be located no closer than 15 feet to a fence or property boundary; 25 feet high, then no closer than 25 feet to a property boundary, etc., etc.
 - b. **Reason:** If the wind bends and breaks the flagpole it will not do any damage to a person, fence, or neighbor's property. (See attached video)
2. Residents installing flagpole and antennas should need a NO COST permit, to make sure the erected structure meets the guideline established by the City of Morro Bay.
3. It's irresponsible for the City of Morro Bay to put its residents' health, safety and property at risk because one neighbors wants to have a 25-foot flagpole or antenna. Time, Place and Manner apply to displaying a flag - not where a pole is located.
4. Another recommendation would be for the City of Morro Bay to not allow residents to have a flagpole or antenna that would extend higher than the ridge line of their house and follow the recommendation listed above in recommendation #1.

Read the current Morro Bay City zoning ordinance (old code) below. The highlighted sentence should be incorporated into Morro Bay City's up-dated code. Language like what is being used below encourages neighbors to work together.

17.48.340 - Satellite dish antennas.

The purpose of this section is to establish regulations to allow for the reasonable use of devices designed for over-the-air reception of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service or to receive or transmit fixed wireless signals via satellite, while at the same time ensuring that these devices do not have an adverse impact on the aesthetic values and public safety of the city. **These regulations are intended to locate antennas and equipment where they are least visible from public rights-of-way and to not burden adjacent property owners with adverse visual impacts without unreasonably delaying or preventing installation, maintenance or use of these devices, unreasonably increasing the cost of installation, maintenance or use of these devices, or precluding reception of an acceptable quality signal, consistent with federal law.** Satellite dishes that transmit shall be consistent with FCC regulations. **(I would add auditory to impacts)**

The residents of Morro Bay are losing ground when it comes to common sense considerations, for their neighbors to follow and the City to require and enforce, when it comes to the Flagpole and Antenna regulations.

Both, Flagpoles and Antennas (UHF/VHF, Satellite, etc.) ordinances should include the above-mentioned sentence.

Also attached is a drawing of our situation with the owner of 416 Kern Ave. You can see from the drawing that the placement of the flagpole and unattached antenna is purely out of spite.

The owner of 416 Kern Ave., have a history of being spiteful, vindictive, verbally accusatory (see Code Enforcement Officer – Tim's report) when confronted.

In the words of Dr. Robert Tefft, "Time, Place and Manner". In the words of Commissioner Michael Lucas, "When we have teeth we exercise it. We need to give Scot some dentures". In the words of Commissioner Richard Sadowski, "We have a sign ordinance for the city". In the words of Scot Graham, "our ordinance, you would think we could do something about it, sort of has a hole in it".

Please review YouTube video: 10.04.16 CMB Planning Commission Meeting - Public comment (before and at the end of meeting).

Did you plug the holes?

Regards,

Bob and Susan Kraus

Morro Bay, CA. 93442

From: Scot Graham
Sent: Tuesday, December 04, 2018 12:58 PM
To: Cindy Jacinth; asinsheimer@placeworks.com
Subject: FW: December 4th Planning Commission Public Hearing

FYI

From: B Doerr
Sent: Tuesday, December 04, 2018 12:05 PM
To: Dana Swanson <dswanson@morrobayca.gov>; Scot Graham <sgraham@morrobayca.gov>; Richard E.T. Sadowski <retsadowski@gmail.com>; Michael Lucas <mlucas@morrobayca.gov>; Gerald Luhr <gluhr@morrobayca.gov>; Jesse Barron <jbarron@morrobayca.gov>; Joseph Ingraffia <jingraffia@morrobayca.gov>
Subject: December 4th Planning Commission Public Hearing

Date: 12-4-2018
To: Planning Commission
From: Barbara Doerr, Resident
Subject: Public Hearing - B-1 Case No.: Plan Morro Bay: General Plan/Local Coastal Program Update

During the past few years I have provided comments, written and oral, and have asked questions, but I do not feel I am being heard as there are no acknowledgements. Possibly there have been corrections. These comments are certainly not "finger pointing" at individual Planning Commissioners. It seems more like a defect in the process - no feedback. Therefore, I am providing my comments in the form of questions and am hopeful I may receive answers.

Question 1: Why does The Plan propose changing the land use designation for the very nice modular housing complex at the SW corner of Quintana and South Bay Blvd. from Residential to Visitor Serving Commercial?

Question 2: Why isn't the City instead preserving the affordable housing complex at Quintana and South Bay Blvd. into the future?

Question 3: For neighborhood compatibility and to limit the building of excessively large and intrusive homes on small lots in the Morro Heights area, why doesn't the proposed General Plan/LCP include a residential FAR standard or apply a system of required setbacks to force smaller scale and more compatible (and affordable) homes in Morro Heights?

Question 4: Why does the proposed General Plan/LCP allow the recreational acreage per 1000 residents to decrease rather than increase over the life of the General Plan/LCP thereby improving the quality/quantity of recreation in Morro Bay? We are currently below three acres per 1000 residents yet the Quimby Act allows a target of five acres per 1000 residents. Our kids need more active recreational areas.

Thank you,

Barbara