



**AGENDA NO: Public Comment**

**MEETING DATE: November 17, 2020**

**AGENDA CORRESPONDENCE  
RECEIVED BY THE PLANNING COMMISSION  
FOLLOWING POSTING OF THE AGENDA IS ATTACHED  
FOR PUBLIC REVIEW PRIOR TO THE MEETING**

**From:** Lynda Merrill [REDACTED]  
**Sent:** Thursday, November 12, 2020 5:57 PM  
**To:** PlanningCommission <PlanningCommission@morrobayca.gov>  
**Subject:** B-1 Major modification Alder and Sequoia St. Project

**Dear Chairman and Planning Commissioners,**

**B-1 Major Modification MAJ20-003 UPO-520, CPO-562 and ADO-132**

**The original drawings show exterior hooded down lights whereas those installed throw light in all directions. This is unpleasant to neighbors and adds to the undesirable night sky light pollution that enlightened municipalities are trying to curb.**

***Sincerely, Frank Merrill***

[REDACTED]

**From:** Malcolm Riordan [REDACTED]  
**Sent:** Friday, November 13, 2020 3:00 AM  
**To:** Michael Lucas <[mlucas@morrobayca.gov](mailto:mlucas@morrobayca.gov)>; Susan Stewart <[sstewart@morrobayca.gov](mailto:ssewart@morrobayca.gov)>; Joseph Ingraffia <[jingraffia@morrobayca.gov](mailto:jingraffia@morrobayca.gov)>; Gerald Luhr <[gluhr@morrobayca.gov](mailto:gluhr@morrobayca.gov)>; Jesse Barron <[jbarron@morrobayca.gov](mailto:jbarron@morrobayca.gov)>; Scot Graham <[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)>; Scott Collins <[scollins@morrobayca.gov](mailto:scollins@morrobayca.gov)>; [cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov)  
**Subject:** 11-17-20 Planning Commission Meeting: Thai Bounty

Dear Commissioners:

Regarding your November 17th meeting to review the Conditional Use Permit for the Thai Bounty Restaurant:

As a resident of 200 block of Driftwood St, I want to make all concerned aware that it is not just a few who have a lot to say about the intrusive and infernally incessant loud music from Thai Bounty Restaurant!

For each one of us who has been aggravated into making calls about the loud music from Thai Bounty, there are a handful of others who simply don't want to be drawn into the unpleasantness of making and pursuing repeated complaints over the blatant and chronic noise.

I have not canvassed the area, yet I can list 8 of us that are impacted by the 10-12 hours a day of music emanating from the restaurant. We all - the nearby businesses and residents - have a lot to say!

The worst is that the salsa drum beat bass penetrates indoors thru walls, windows, drawn blinds and curtains.

Each of the 8 neighbors/businesses I mentioned is 100 ft to 300 ft from the patio speakers at Thai Bounty!

We have *only* ever called the restaurant or MBPD to make noise complaints when we can hear the patio music from *inside* our homes or businesses with doors and windows shut. I live 260 feet from the Thai Bounty patio.

It was 2 years ago that I was tortured enough to buy a decibel meter over this issue of the intrusive music. With this device, we have found that the level at which we complain typically measures 50 to 60 decibels. This measurement is not taken at their property line, the measurement is taken at 200' to 260' from the source!

Thai Bounty's loud patio music violates in at least 4 ways:

- 1) Their patio music travels dramatically more than the allowed 50' from their property line.
- 2) Their music way exceeds the 50 decibel limit at their property line. **[Table 17.52.030(2) MuniCode]**

- 3) They seek to attract business with the music, a violation of **[9.28.30 D MuniCode]** (Thai Bounty owner and his daughter-manager have each revealed in comments that this is exactly part of their intention)
- 4) Disturbing the Peace **[California Penal Code Section 415]**

Nothing in the code makes businesses exempt from these protections for neighboring businesses or citizens.

The loud music is both chronic and egregious. It became intentional, disrespectful and defiant a long time ago.

Patio music at a level to create atmosphere to help their business thrive is *not at issue*. Please do not imagine or fall for any such justification! This is not some business to 'get along with' - this is a recalcitrant individual!

Thank-you for you time, consideration and efforts.

Malcolm Riordan

[REDACTED]  
[REDACTED]

**From:** Helen Beard [REDACTED]  
**Sent:** Thursday, November 12, 2020 2:32 PM  
**To:** Cindy Jacinth <[cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov)>  
**Subject:** Thai Bounty letter

Thought I would give you some background that got us where we are now.

The issue with loud music coming from the outside patio at Thai Bounty has been going on for over 2 years. Up until about 3 months ago we would call Thai Bounty directly. They turn it down for awhile only to turn it up loud again and again. We finally involved the City and their Code Enforcement via emails, phone calls and face to face conversations. We were encouraged to call the police when the part-time Code Enforcement officers were not available.

In addition to 2 businesses on the Embarcadero, there are 4 full time residents at [3 addresses on Driftwood Street](#) that have called the police numerous times over the excessively loud music. The only times any of us ever call the police is when we can hear the music *inside* our homes with the windows closed! While I live over 200 feet from the Thai Bounty patio, another neighbor who calls in noise complaints (Malcolm Riordan) lives 260 feet from the patio music!

The situation and our calls have escalated in the last 3 months. Chief Cox has made several visits to George personally. I have saved all the emails between myself and the City Staff regarding this ongoing issue.

George, the owner of Thai Bounty has no respect for the other businesses, his neighbors nor the police who have responded to notify and sometimes cite him. Our desire is that either he finds a way to keep the music so it's only heard on his patio or take it out completely.

We realize he is in the business district and according to the code can have music... but it's not to be heard beyond 50' from his property. Chief Cox took him out there to show him where 50' ended. We are more than 200' feet away and should not have to be subjected to this any longer. Two years is long enough.

Thank you for your consideration in this matter. Please feel free to call me if you have any questions.

Helen Beard  
[REDACTED]  
[REDACTED]



November 17, 2020

Jorge Milanés, owner of Milanés Cuban Cuisine / Thai Bounty, response to the Staff Report dated November 10, 2020 as follows:

The Staff Report paints a desperate picture of a business owner in violation of the law who is unwilling to cooperate in placating his neighbors. That picture is both inaccurate and unfair. My name is Jorge Milanés I am Cuban and business owner, who is desperately trying to keep my business afloat in this pandemic and to build on my unique Cuban brand. My restaurant Milanés Cuban Cuisine / Thai Bounty operates from 9:00 am until 9:00 pm, though many nights this time of year it closes before 9:00 pm.

Please know, there is no noise violation and there is no need to place restrictions on the restaurant's conditional use permit.

About me: I have operated my restaurant on the Embarcadero for over twelve years now. Beginning in July 2009, opening Thai Bounty as a takeout located on the north-end of the Embarcadero next to Tognazzini's Dockside restaurant. I moved to my present location on the Embarcadero over 9 years ago, now offering indoor and patio dining. I pay a premium for rent relative to other locations, just to be here in this spot across the bay.

For over nine years my customers have always enjoyed music on the patio be it live acts or recorded music. Over three years ago, I began to re-brand my business concept with a "One, Home, One Kitchen, Two Authentic Cuisines restaurant to include the dishes of my native Cuba, in addition to the popular Thai Bounty menu. While you have many options on the Central Coast for Thai food, Cuban food not so much. Actually not at all, you see authentic Cuban cuisine is not only exotic but hard to come by. The Cuban culture and ethnic dining experience that I like to provide is a treat for all the senses, with music paired to the many traditional dishes, desserts and beverages available that will make you want to dance.

For clarity, the music at issue here is prerecorded, played through two (2) small book shelf sized outdoor speakers in the patio and several speaker zones located in the restaurant dining area as well. We love music.

For those not familiar with the location, my restaurant sits on a large lot on the east side of the Embarcadero across the street from the Yacht Club. It is located in a commercial district. Its immediate north and south neighbors are parking lots. One is private, and one is public. The eastern boundary of the property is a bluff, with two or three houses on the top of the bluff across the back of the restaurant property. The frontage of my restaurant is on the Embarcadero. One of the complainants lives in a house overlooking the restaurant.

Apparently sounds from the restaurant travels up the bluff. However, the proximity of residences should not affect the commercial nature of the use. Residents choosing to live adjacent to the Embarcadero a commercial zone are on notice that commercial activities, including in the case of a Cuban restaurant, music, must occur there.

Commission members will please note that there is no communication from the majority of my restaurant's neighbors. The Commission will also note that there is no complaint that the music is played late at night. Indeed, of the two letters submitted, one is from a neighbor who admits she does not hear the music in her home but objects to hearing it when walking by *on the public sidewalk*. There is simply no justification for disallowing the reasonable use of music played on the patio that provides a unique one-of-a-kind cultural and epicurean experience because one or two neighbors do not care for the music and/or because of the frequency or volume at which they complain.

It is no coincidence that the complaints to which the staff report refers have escalated in "the last several months." In March, the restaurant was closed in accordance with the state stay-at-home orders. When it reopened, it provided only takeout from a window that opened to the patio. The city received complaints that the restaurant was serving on its patio, not then allowed. Contrary to the representation in the staff report, I was never cited for that. Additionally, staff reported I was allowing dining indoors for which a police officer responded, however, the officer would confirm the alleged customers dining in that was reported by a member of the public, was in fact my daughter, her fiancé and my grandson. Nevertheless, I received a threatening letter from the police department setting forth the complaints and warning me that if the practice continued, I would be cited and fined \$1,000. Only thing, there was no such practice. I committed no violation. In fact, what was observed and reported to law enforcement were people sitting in the outside patio waiting for their walk-up food orders. A very few patrons may have lingered after picking up their food, I cannot attest to that as I generally am busy on the cook line. Those making allegations and complaining jumped to the conclusion that the restaurant was serving on the patio in violation of the stay-at-home orders. The restaurant was placed in the difficult position of being expected to chase away its customers at a time when its revenue was severely curtailed. After receiving the city's letter in April, patrons were asked to leave as soon as they had their food. Again, a warning was given, but no citation was ever issued.

I can tell you that opportunities to promote the restaurant were extremely limited in the spring and early summer and there was no revenue for advertising. Music on the patio did help with walk-up business I must admit, thankfully! Once the restrictions were eased, only outdoor dining was allowed. While the restaurant was restricted to serving less than half of its pre-pandemic capacity, the Cuban element was really coming into its own and by all admissions is becoming a destination for not only Cubans, but for all Latin American's finding us here. Milanés Cuban Cuisine, my new venture is able to provide a pleasurable and memorable dining experience, and in no small part does music play a pivotal role, instrumental in allowing my customers to enjoy a nostalgic and in some cases emotional Cuban dining experience.

The building of the exclusive Milanés Cuban brand is intended to bring back those memories of Cuba and/or the experience of a café in Cuba or reminiscent of any other Latin American country. Did you know, over 30 countries make up Latin America? That is an incredible demographic that is connecting with my Cuban cuisine, a festive cultural experience that I create, and simply cannot be replicated without the music.

Furthermore, it is not true that I have refused to cooperate with the City, nor is it correct to assert that I have violated any noise ordinance. Visits from the Morro Bay Police Department became frequent and disruptive to my business and dining customers all through the summer, as apparently one or two residential neighbors increased the frequency and intensity of their complaints.

On September 4, 2020, I was issued a citation for violation of city ordinance 9.28.030b at approximately 4:30pm from what I recall. When inquiry was made about challenging the citation (because the citation did not meet the legal standard for violation of the ordinance), the police chief rescinded it, stating that the issue would be handled as a planning issue. The Chief's letter is attached as Exhibit 1. Planning and Development Director Scot Graham sent a letter announcing his intention to ask the Commission to review the restaurant's Conditional Use Permit (which does not prohibit music on the patio). My counsel, Jane Heath spoke with Mr. Graham, explaining that I was considering my options including moving my business out of Morro Bay, because if I cannot offer Cuban or Latin music as part of my cultural dining experience, I cannot survive as a legit Cuban restaurant, and that I would agree not to violate the local noise ordinance in the interim. That was reiterated in an email dated September 29, 2020, attached as Exhibit 2.

In spite of the Police Chief's statement that the issue would be handled as a land use issue, police officers continued to come to the restaurant every time a complaint was received. Soon, it was clear it did not matter what volume the music was being played. The neighbor complained, and the police came. To say I was becoming increasingly frustrated due to my inability to concentrate on my customers, my cooking, my staff and in general running my business is an understatement, with that frustration being expressed to the officers. On most all occurrences involving a police site visit, my associate Margarita Falcon interacted to speak with the officers. On October 5, 2020, I was issued yet another citation, however, this one not for violation of the local noise ordinance, but for "disturbing the peace" with notice to appear in court. I will contest this citation as well and its disposition will be handled by the courts. Suffice to say, I contend that the patio music does not meet the legal standard for disturbing the peace for which I was issued a citation.

For your review I have collected data concerning the music volume and the sound level at the property. I note the local noise ordinance does not specify a maximum decibel level. The staff report refers to a level exceeding 70 decibels. The chart I have prepared is attached as Exhibit 3 and demonstrates, the music has never exceeded 70 decibels off the property line.

Moreover, the local ordinance 9.28.030 states in pertinent part:

*B. Radios, Phonographs, Etc. The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operating and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of seven p.m. and seven a.m. in a residential district or between two a.m. and seven a.m. in a business or commercial district in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.*

The restaurant is located in a commercial district. It therefore is not prohibited from playing music until 2:00 am, although there is no allegation here of music that late at night. Visits from the Morro Bay Police Department and the referenced citations issued all occurred well before 9:00 pm, when the restaurant closes.

The noise element of the General Plan and Local Coastal Plan is in development. [http://www.morrobayca.gov/DocumentCenter/View/11907/3F-MB-CCC-Draft-GP\\_LCP\\_Noise\\_clean-w-revised-figures\\_KK#:~:text=The%20maximum%20allowable%20exterior%20noise,hours%20is%2065%20dBA%20Lmax](http://www.morrobayca.gov/DocumentCenter/View/11907/3F-MB-CCC-Draft-GP_LCP_Noise_clean-w-revised-figures_KK#:~:text=The%20maximum%20allowable%20exterior%20noise,hours%20is%2065%20dBA%20Lmax). The existing guidelines go back to 1993. <https://www.morro-bay.ca.us/DocumentCenter/View/498/7-Noise-VI?bidId=>. Neither the draft nor the 1993 document considers that levels under 70 decibels in a commercial district are unreasonable. As Exhibit 3 demonstrates, the levels off the patio have never exceeded 70 decibels. The ambient noise, including traffic and conversation are typically around 48 decibels. If a sea lion barks, it goes up to the levels complained of for the music.

As for my take on this situation, besides the stress and emotional toll, banning my ability to play music on my own patio, is tantamount to letting me know loud and clear that my Cuban heritage, the cultural experience that I bring to my restaurant through my food and the festive ambiance my music creates, is not welcome in Morro Bay.

In the midst of a pandemic that threatens the existence of nearly every business, I cannot afford the cost for any acoustical engineer, as what has been suggested, which could exceed \$10,000 to assess and give testimony on the matter. Moreover, no acoustic engineer with any immediate availability has been located to perform such an investigation.

In closing, I respectfully request that the commission either reject the staff recommendation to amend the CUP to prohibit the playing of music on the restaurant patio, or provide me a reasonable period in which I can marshal the resources to fully investigate the sound issues and report back on the feasibility of measures that I am agreeable to make to mitigate the issue to the Commission's satisfaction.

As it seems likely in recent days that restrictions on restaurants will tighten once again due to Covid-19 will result in constraining revenue even further, I request that the issue be tabled for at least 120 days at which time I will return to the commission with a proposal for a conditional use permit that affirmatively allows for music on the patio. I continue to experiment with measures I can take myself, like lowering the height of the patio speakers, which I completed this afternoon in an effort to contain more of the sound.

In the meantime, the commission members are invited to come to the restaurant at any time, day or night, and experience the music and experience firsthand.

Sincerely,

Jorge Milanés  
Chef/owner

# Exhibit 1

## Jane Heath

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**From:** Jane Heath  
**Sent:** Tuesday, September 29, 2020 3:03 PM  
**To:** Scot Graham  
**Subject:** RE: Thai Bounty update

Good afternoon, Scot:

Since we spoke, correspondence was received from Chief Cox rescinding the citation issued to Jorge Milanes for violation of the city noise ordinance.

After conferring with Mr. Milanes, the following is offered: Thai Bounty/Milanes is hopeful that as more dining occurs indoors, the complaints you received will abate. As you are aware, COVID-19 restrictions have limited restaurants to outdoor dining until recently. Local ordinance 9.28.030(B) prescribes both time and distance for audible music. Thai Bounty/Milanes's music is within both and will remain so. However, the restaurant is in a commercial zone and has not changed its music practices for the eight years it has been in that location. Thai Bounty/Milanes's Cuban cuisine brand in particular is dependent upon the playing of Cuban music. The restaurant does not use amplifiers and does not agree that the background music on the restaurant patio is "loud." It is at all times within the strictures of the local noise ordinance. Thai Bounty/Milanes's neighbors elected to locate in or near this commercial district, designated for exactly the type of visitor serving amenities that are offered at this restaurant. If music cannot be played in a restaurant/patio in a commercial area until a reasonable time in the evening (the restaurant closes at 9:00 pm), it is difficult to imagine where in Morro Bay anyone could listen to music while dining. You are invited to come to the restaurant anytime to hear it for yourself.

Jane Heath



Jane E. Heath, AWI-CH | Tel: 805-225-1773 | Cell: 805-550-0230  
1052 Main Street, Suite A | Morro Bay, CA 93442 |

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**From:** Scot Graham <sgraham@morrobayca.gov>  
**Sent:** Friday, September 25, 2020 8:31 AM  
**To:** Jane Heath <janeheath@sloconflictmanagement.com>  
**Subject:** Thai Bounty update

Good morning Jane,

Following up on Thai Bounty, and what course of action they will be taking to address the continuing issue with noise (loud music) complaints on the patio. We have received several additional calls since we last spoke.

Thanks,

Scot Graham

Community Development Director  
City of Morro Bay  
(805) 772-6291

# Exhibit 2



## CITY OF MORRO BAY

POLICE DEPARTMENT  
850 Morro Bay Boulevard  
Morro Bay, CA 93442



Law Office of Jane Heath  
1052 Main St. Suite "A"  
Morro Bay CA. 93442

Sept. 17, 2020

To whom it may concern,

This letter is to serve as written notice that Morro Bay Police Department will be rescinding the Notice of Violation, Administrative Citation #11714, issued to Jesus Jorge Milanés dba Thai Bounty restaurant, on Sept. 09, 2020. It is the goal of the Morro Bay Police Department to help resolve complaints brought forth by members of our community.

It has come to our attention that the ongoing issue of noise/loud music complaints involving the Thai Bounty Restaurant will be addressed through the City's Community Development Department and the Conditional Use Permit process which may involve an in-depth review by the Planning Commission. It is our belief this ongoing issue of noise/loud music complaints will be better addressed in this manner.

Morro Bay Police Department has received approximately 14 complaints of loud/disturbing music between the dates of 8-13-2020 and 9-15-2020, and approximately 6 additional complaints going back to 2014. I personally met with Mr. Milanés on 9-3-2020 and 9-8-2020 to work toward addressing this ongoing issue. During those meetings I explained both the City Municipal Code and Penal Code sections addressing the issue of loud/disturbing music and provided Mr. Milanés with several options to help correct the issues. During the 9-8-2020 meeting I escorted Mr. Milanés to the far south/east side of the parking lot (near the bluff) where Mr. Milanés agreed he could still hear the music playing. I then played two videos on my cell phone that I had personally recorded to illustrate to Mr. Milanés that the music could be heard from the residential areas to the east and above his business. Mr. Milanés assured me he would work with the city to address this ongoing issue.

I would again reiterate that I believe this issue will be best served through the city's permit review process. Morro Bay Police Department will continue to respond to all complaints from our community members and business owners and any additional or similar violations will be addressed on the circumstances of each specific incident.

Respectfully,

  
Chief J. Cox  
Morro Bay Police Department  
850 Morro Bay Blvd.  
Morro Bay CA. 93442  
(805) 772-6234  
Cc: Scott Collins, Scot Graham

# Exhibit 3

November 15, 2020

Attached is a spreadsheet with a compilation of sound readings taken over the last 7 weeks or so. My objective was two-fold. First, determine the ambient background sound level within a 50 ft. or less radius of the patio without music playing on the patio; secondly, then with music playing at a reasonable listening level (70-80 decibels) taking same readings to determine how the established ambient sound level changes or not.

Total site locations set-up were five (5): 1) Ground zero (patio); 2) Station #1-Gray's Inn; 3) Station #2-Yacht Club; 4) Station #3- Dead-end Driftwood; Station #4- Private parking lot North-side of restaurant. I also took several readings on the bluff at Driftwood above the restaurant for comparison.

A quick review of the sound levels indicate that music playing on the patio at 70 decibels up to 90 decibels, there is virtually no change in the ambient sound levels to any of the sound stations sites. I attribute this to the ½ inch tempered glass wind break surrounding the patio. It is only when music on the patio begins to exceed over 90-110 decibels that there is any sort of incremental change at the station sound sites.

It has been my observation, taking and establishing the ambient sound measurements that the passing motorcycles, hot rods, diesel trucks tend to spike the instantaneous sound levels to as much 90 decibels on a routine basis. On one occasion, while taking readings a group (7) of motorcycles cruising the Embarcadero ended up spiking the sound level to 98 decibels. You will note however that typical sound levels frequently exceed 70-80 decibels throughout much of the day.

I am glad to try to mitigate additionally the sound level more that comes from the patio, but the fact is the music being played at the level my customers enjoy without drowning out their conversations does not increase the basic ambient sounds that already permeate the vicinity.

Respectfully submitted,

Jorge Milanés

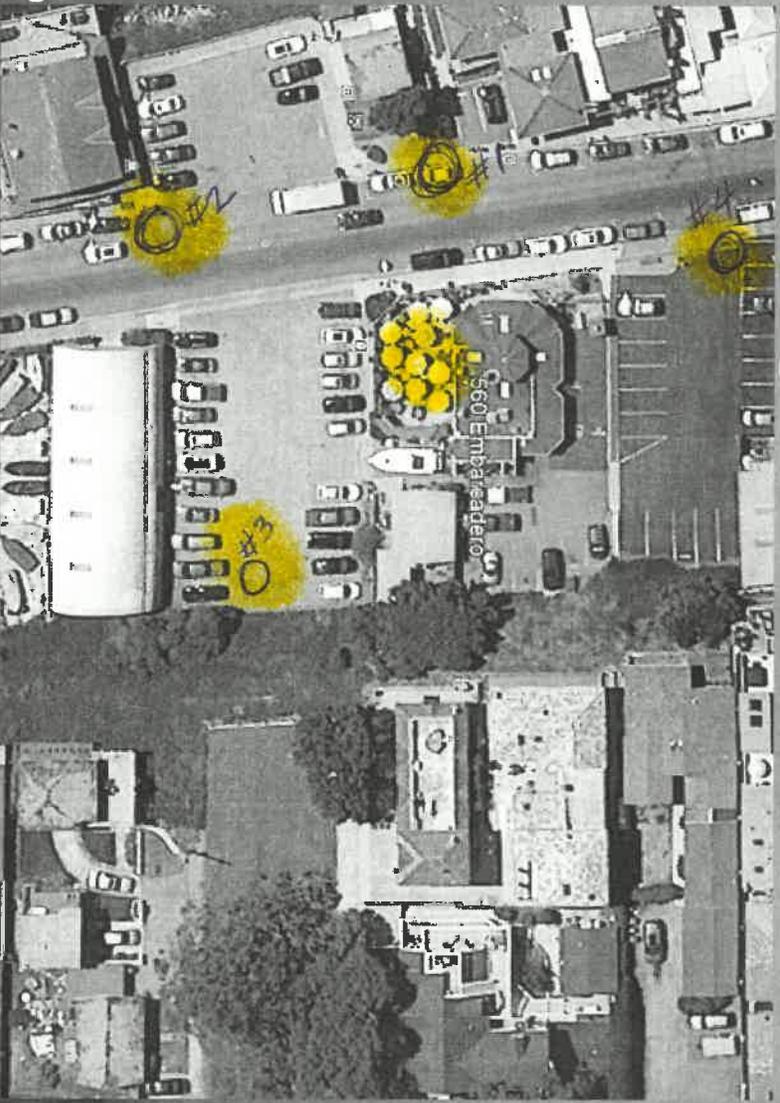
*SOUND STATION SITES - HIGHLIGHTED IN YELLOW*



# City of Morro Bay Planning Commission

EXHIBIT H

560 EMBARCADERO  
#UP0-044 & #UP0-200  
REVIEW OF CONDITIONAL  
USE PERMIT



THAI BOUNTY RESTAURANT  
PERMITTEE: JORGE MILANES  
NOVEMBER 17, 2020



**MORRO BAY**  
PUT LIFE ON COAST

Date	Time	W/O	Ground Zero		Gray's Inn #1		Yacht Club #2		Driftwood Rear #3		MCTB Parking #4	
			Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
10/3	0615	✓	34	38	33	38	34	39	33	38	32	34
THU.	1200		70	84	49	68	51	79	48	57	41	67
10/4	2015	✓	70	82	51	71	53	76	48	55	42	46
SUN.	1200		35	41	38	49	40	53	36	39	38	51
10/5	2100	✓	75	85	49	54	51	59	40	46	39	49
MON.	0900	✓	70	80	46	54	46	57	39	44	40	43
10/5	0900	✓	40	46	44	48	42	51	36	40	38	48
MON.	1900	✓	68	75	48	53	50	63	41	52	39	58
10/7	1930	✓	44	47	48	69	45	66	40	58	40	57
WED.	1200	✓	40	45	47	64	47	63	42	50	39	59
10/8	1600	✓	46	50	46	67	51	57	46	53	39	57
10/8	2015	✓	68	75	48	49	46	51	40	45	41	46
THU.	1200	✓	65	75	43	51	44	53	40	46	38	39
10/8	1330	✓	40	43	44	49	42	53	38	42	36	48
THU.	1700	✓	70	80	46	55	44	58	40	47	41	45
10/8	1000	✓	41	43	43	49	44	48	36	39	38	40
PLI	1330	✓	70	80	52	68	51	71	42	47	37	49
10/10	1405	✓	47	61	48	67	49	73	42	47	41	47
1730	✓	50	59	51	64	49	69	40	43	41	46	
2045	✓	70	80	45	53	47	51	39	44	40	49	
10/10	0730	✓	40	43	41	45	39	43	34	34	36	39
THU.	1145	✓	39	56	43	57	46	68	41	43	39	42
1415	✓	51	63	43	57	46	68	41	43	39	42	
1810	✓	50	61	55	74	54	81	52	78	49	66	
10/20	✓	50	61	54	79	49	83	41	62	41	63	
2105	✓	70	80	54	78	51	80	40	47	40	55	
10/13	0800	✓	70	80	50	72	50	77	42	44	40	58
THU.	1220	✓	34	40	35	44	39	47	36	42	36	39
1230	✓	39	45	44	59	43	62	40	42	38	39	
2015	✓	65	75	44	49	41	48	41	41	39	46	
2030	✓	65	75	46	50	46	47	39	42	40	47	
1700	✓	42	45	45	52	43	49	41	43	41	43	
WED.	1715	✓	40	43	44	49	45	52	38	42	38	50
1815	✓	70	80	46	56	47	61	39	42	39	52	
THURS	2000	✓	42	45	45	48	45	49	38	40	40	43
THURS	2000	✓	65	75	44	49	47	53	41	44	41	54

dB - Decibel readings W/DL & without (W/O) music.  
 NO PARTS AREA - INCLUDES ANY BERT SOUND CONVERSIONS.

BLUFF

BLUFF

Date	Time	W/ O	Ground Zero		Gray's Inn #1		Yacht Club #2		Driftwood Rear #3		MCTB Parking #4	
			Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
10/16	1730	✓	41	46	41	49	42	50	38	40	38	47
(FE1)	1745		70	80	44	54	44	52	40	42	40	46
	1930	✓	70	80	46	49	46	57	40	42	40	52
10/17	0930	✓	38	40	42	44	43	48	36	38	38	44
3rd	1300	✓	70	80	45	56	44	58	40	44	40	56
	1715	✓	40	43	46	51	45	55	39	42	38	54
	1815		70	80	47	57	46	57	41	45	40	49
	2045	✓	70	78	44	54	46	57	40	42	40	54
10/18	0900	✓	38	40	43	47	44	46	37	39	38	42
5th	0930		70	80	45	53	44	48	38	40	38	50
	1400		70	80	47	62	45	66	42	47	41	61
	1735	✓	70	80	45	64	47	69	41	46	41	63
	2115	✓	41	43	40	53	42	58	38	41	39	55
10/19	1200		70	80	46	52	45	56	39	43	40	51
(MON)	1700	✓	76	80	45	49	46	51	40	42	40	49
10/23	0700	✓	34	36	39	44	38	45	35	37	36	42
(FE1)	1200	✓	36	39	41	48	40	51	37	39	38	49
	1215		70	80	42	47	40	53	38	41	38	41
10/24	0815	✓	35	37	42	43	41	44	37	39	38	47
(SAT)	1200		70	80	45	54	44	57	39	41	40	47
	1745		70	80	48	58	47	63	40	45	40	60
	2115	✓	70	80	46	54	46	57	39	42	38	57
	2200	✓	39	42	43	48	45	50	35	38	36	45
10/26	0900	✓	38	41	40	45	41	45	36	39	38	44
(MON)	1310		65	75	42	47	43	49	40	42	38	49
10/28	1200	✓	39	41	40	48	42	49	37	39	38	50
(WED)	1730		68	75	43	51	46	56	39	42	40	54
	1945		50	60	45	53	43	47	38	41	39	50
	2000	✓	60	75	44	51	44	59	39	40	40	54
	2015	✓	41	43	45	50	44	57	38	39	40	53
10/29	1015	✓	38	41	40	44	42	47	34	38	34	45
(TUE)	1230		70	80	44	48	44	47	36	39	38	46
	1700		70	80	45	56	45	59	40	42	40	56
	1930		65	75	43	51	44	56	39	42	40	57
10/30	1800	✓	40	41	40	46	40	48	36	38	38	47
FE1	1100		70	80	44	55	46	57	40	42	40	57
	2030		60	70	42	52	42	57	39	41	39	55

Date	Time	W/O	Ground Zero		Gray's Inn #1		Yacht Club #2		Driftwood Rear #3		MCTB Parking #4	
			Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
10/31	0845	✓	38	39	38	42	39	47	34	36	34	42
(SAT.)	1150		70	80	44	57	42	48	38	40	38	45
	1430		70	80	46	57	45	64	40	44	40	67
	1800		70	80	46	59	45	63	39	44	40	60
	2030		65	75	42	54	43	61	40	42	38	51
	2100	✓	40	42	40	50	41	49	38	41	38	48
11/1	0945	✓	38	39	40	44	41	45	34	36	35	43
(Sun.)	1200		64	80	42	62	44	66	38	56	40	54
	1815		68	81	44	60	45	63	39	48	40	58
	2000		05	79	45	58	45	59	38	49	40	54
11/2	0900	✓	38	41	40	51	43	63	38	47	38	51
(Mon.)	1115		70	80	42	56	44	59	37	44	36	54
	1530		70	83	46	67	48	74	40	49	40	56
	2100	✓	38	42	40	46	44	54	38	44	40	53
11/6	0945	✓	38	41	41	49	43	53	38	48	36	51
(Tue.)	1130		70	80	43	59	44	68	40	50	38	50
	1730		70	80	45	63	47	69	40	52	40	67
	1815		38	42	46	69	43	73	42	54	40	64
	2300	✓	36	44	42	59	40	61	36	41	38	58
11/7	0545	✓	30	34	33	40	34	41	36	36	30	39
(SAT.)	1100	✓	33	36	44	59	42	61	36	41	36	51
	1115		70	80	42	63	43	67	38	44	38	59
	1700		70	80	45	69	44	72	40	45	40	59
	2015		65	75	44	65	42	69	40	46	40	62
11/8	0800	✓	33	35	39	49	40	53	36	39	36	55
(Sun.)	1145		70	80	43	59	41	63	38	45	38	58
	1430		70	80	46	58	45	73	38	46	38	61
	1735	✓	34	38	44	61	43	71	40	46	38	57
	1800		70	80	43	64	45	75	38	45	38	55
11/9	1000	✓	30	34	39	49	38	54	34	37	38	49
(Mon.)	1420		70	80	44	61	42	67	36	42	38	52
	1700		70	80	42	58	44	65	38	44	36	51
	1715	✓	36	43	45	61	43	66	40	47	38	59
	1935		70	80	44	66	45	63	38	44	38	54

BLU FE  
 MIN: 36 / MAX: 40

1730-41/51

See top of page 1  
 - White break 4  
 - Swell on break 4

2015-42/48

Date	Time	W/O	Ground Zero		Gray's Inn #1		Yacht Club #2		Drittwood Rear #3		MCTB Parking #4	
			Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
11/11	11:30	✓	33	35	39	48	42	53	38	44	38	50
(Wed)	11:45		70	80	42	54	43	57	38	44	38	51
	11:15		70	80	44	59	40	56	40	43	40	54
	11:30		68	83	42	51	41	54	38	44	38	51
11/12	12:15		47	81	42	55	43	63	40	45	40	56
(Thur)	15:30	✓	34	39	43	59	40	64	38	45	40	59
11/13	11:15	✓	32	35	41	49	41	48	38	42	38	50
(Fri)	13:45		69	81	43	59	44	61	40	47	38	51
	19:00		70	83	45	58	42	64	40	44	40	57
	21:20	✓	36	39	43	50	42	58	38	42	38	48
11/14	12:00	✓	32	34	44	61	46	69	40	47	40	62
(SAT.)	12:15		72	83	43	60	43	67	40	45	40	57
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	21:00	✓	32	37	43	56	44	62	38	45	38	55
11/15	10:30	✓	31	34	40	48	39	52	40	47	40	48
(Sun.)	13:45		70	82	44	53	41	59	39	48	39	42
	17:20		64	81	42	62	44	66	38	56	40	54
	20:00		52	65	40	61	39	50	39	44	40	40

BLVFF  
41/51

—12:15 46/60  
—17:00 44/63

—17:20 41/53

**From:** Scot Graham <[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)>  
**Sent:** Monday, November 16, 2020 4:22 PM  
**To:** Cindy Jacinth <[cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov)>; Amy Sinsheimer ([asinsheimer@placeworks.com](mailto:asinsheimer@placeworks.com))  
<[asinsheimer@placeworks.com](mailto:asinsheimer@placeworks.com)>  
**Subject:** FW: 11/17/2020-Public Comment-3300 Panorama Drive-Land Use Designation

FYI

**From:** Kristen Headland [REDACTED]  
**Sent:** Monday, November 16, 2020 4:18 PM  
**To:** Gerald Luhr <[gluhr@morrobayca.gov](mailto:gluhr@morrobayca.gov)>; Joseph Ingraffia <[jingraffia@morrobayca.gov](mailto:jingraffia@morrobayca.gov)>; Jesse Barron  
<[jbarron@morrobayca.gov](mailto:jbarron@morrobayca.gov)>; Susan Stewart <[sstewart@morrobayca.gov](mailto:ssewart@morrobayca.gov)>; Michael Lucas  
<[mlucas@morrobayca.gov](mailto:mlucas@morrobayca.gov)>; CityClerk <[Cityclerk@morrobayca.gov](mailto:Cityclerk@morrobayca.gov)>; Scot Graham  
<[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)>  
**Subject:** 11/17/2020-Public Comment-3300 Panorama Drive-Land Use Designation

### **Zoning History of the 3300 Panorama Drive:**

On 09/06/2016, the first Planning Commission meeting for the demolition of the jet fuel tanks located at 3300 Panorama Drive was presented to the Planning Commission. The staff report indicates “the site is within the R-1/PD/ESH zoning district (Single-Family Residential / Planned Development / Environmentally Sensitive Habitat) and designated by the General Plan and coastal Land Use Plan (CLUP) as General Light Industrial / Planned Development. The ESH overlay encompasses an existing coastal drainage along the northwest property boundary. That drainage is located in the Coastal Commission’s Appeals Jurisdiction, which extends 100 feet on either side of the drainage.”

**Agenda:**

<http://www.morrobayca.gov/DocumentCenter/View/10055/9-6-16-Planning-Commission-staff-report-plus-attachments?bidId=>

**Website:**

<http://www.morrobayca.gov/842/Current-Planning-Projects>

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Several concerned neighbors and myself provided Public Comment to voice our concern for the residential density increase noted on the map. The Community Development Director stated there was a mapping error and it would be corrected.

**Agenda:**

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/3051>

**Minutes:**

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/3139>

**YouTube:**

[01.19.17 CMB General Plan Advisory Committee Meeting](#)

GPAC Meeting 02/16/2017, the R-2 Residential Land Designation (color code) mapping error was not corrected.

**Agenda:**

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/3079>

**Minutes:**

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/3140>

**YouTube:**

[02.16.17 CMB General Plan Advisory Committee Meeting](#)

Hello,

Please see my attachment for the 11/17/2020 Planning Commission meeting. I

would like to provide a public comment regarding 3300 Panorama Drive.  
Thank You,  
Kristen Headland

11/16/2020

**Subject: Retain 3300 Panorama Drive Land Use Designation as R-1 Moderate Residential Density**

Dear Morro Bay Planning Commissioners and Staff,

The Planning Commission is moving in the direction to make a recommendation to the City Council regarding a new General Plan/Local Coastal Plan (Plan Morro Bay). The neighbors and I that live near 3300 Panorama Drive would like you to confirm where the Planning Commission stands on the Land Use Designation for the ten-acre parcel located at 3300 Panorama Drive.

In our opinion, Moderate Density matches the Zoning of R-1 as promised at previous City meetings.

**Comments:**

In the 2020 Certified Housing Element, a Zoning Map on page 3-63 identifies the property at 3300 Panorama Drive as zoning as "R-1 S, Single Family (definition on page 3-75)."

It reserves "duplexes residential" and "multi-family" for R-2 and R-3, respectively.

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Where did "medium density" come from?

Panorama's maximum density is listed as 7/acre, while the adjacent column lists the "Realistic Unit Capacity" as 45. Note, this designation does not necessarily add to the development of low or very low income. Rather the income category is "affordable to moderate." Affordable is not a defined term, so the assumption is it will be moderate-income housing.

Text on page 3-69 does not go into detail; however, there is the implication that denser housing is compatible because it's "*on the easterly side of an existing residential neighborhood, primarily zoned R-1 but with the pre-existing small lot sizes.*" (Italics added)

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In the Plan Morro Bay - Hearing Draft – October 2020 (General Plan) for Land Use, on page 3-15 is a table defining the different density designations.

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Minutes:

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Agenda:

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/3144>

Minutes:

<http://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/4223>

YouTube:

[CMB 3.28.17 Joint City Council and Planning Commission Meeting](#)

~ End

Please include my comments for the record regarding Plan Morro Bay.

Thank you for your time and interest in keeping our corner of North Morro Bay a peaceful family friendly neighborhood and a habitat for wild life along the ESHA and open hillside.

With great appreciation and respect for all of the time and attention the Planning Commissioners and our Morro Bay City Staff spend to support the citizens and environment.

Respectfully,

Kristen Headland, Family and Neighbors

From: betty winholtz [REDACTED]

Sent: Tuesday, November 17, 2020 3:25 AM

To: Gerald Luhr <gluhr@morrobayca.gov>; Michael Lucas <mlucas@morrobayca.gov>; Joseph Ingraffia <jingraffia@morrobayca.gov>; Jesse Barron <jbarron@morrobayca.gov>; Susan Stewart <sstewart@morrobayca.gov>

Cc: Scot Graham <sgraham@morrobayca.gov>

Subject: b-3, plan morro bay

Dear Planning Commissioners:

These are my comments on the Public Safety Element. Please answer the questions during your discussion and be sympathetic to suggested changes.

Sincerely,

Betty Winholtz

Page 4-94. Table, row: Drought; column: Expected Impacts, identifies population and economic impacts; but column: Vulnerable Areas, does not list residential yards and city parks as impacted areas, should it not?

Page 4-96. Repeatedly on maps throughout this document, two large future spheres of influence (SOI) are identified. Yet, to my knowledge, no application to LAFCO has been made. How is this proper, if not misleading, to mark the maps this way?

Page 4-99. Map shows the Cambria Fault as closer to Morro Bay than the Los Osos Fault, yet it is not identified in the first paragraph on page 4-98. For consistency, the Cambria Fault should be added to the text.

Page 4-101. Map of landslide areas does not have the WRF site colored in even though a landslide occurred on the property in 2020. This error should be corrected.

Page 4-102. First paragraph, last line, should the words "due to" be grammatically removed?

Page 4-102. Third paragraph, this statement is confusing, "The implementation actions are not included in the Local Coastal Program. They are part of the City's General Plan." What is the significance of making this distinction?

Page 4-102. Last line on the page, "No implementation actions specifically correspond to this goal and policies. If this is so, then what's the point of having the goal and policies?"

Page 4-105. The top paragraph lists ways ESHA can be intentionally, physically destroyed. The first two clauses are reasonable (beginning on the bottom of 4-104). However, the third clause, "and if all ESHA and related impacts are mitigated in a manner that leads to no net loss of ESHA resource value," allows

wiggle room to impact ESHA as long as it is "mitigated." This is too big of a loophole and the clause should be deleted, unless the word "and" means all 3 conditions must be met at the same time; the fear is, can the third condition stand alone?

Page 4-105. Policy PS-2.12: Grading and Cut-and-Fill Operations. Require new development to minimize grading and cut-and-fill operations. Aren't there conditions when cut-and-fill shall not occur?

Page 4-106. Policy PS-2.15: Drought Mitigation Impact. Shouldn't the word "Explore" be replaced with "Continue" since Morro Bay residents have been doing this for years?

Page 4-106. Policy PS-2.17. Impacts on Agriculture. Should this be removed? The City of Morro Bay has no control over farming practices.

Page 4-108. First paragraph. Why isn't the power plant site and the Embarcadero listed in the paragraph as assets also?

Page 4-110. First paragraph, next to last sentence, "5.5 feet or more" is an exaggeration when compared to the table on page 4-117. This phrase, "5-5 feet or more" should be replaced with "3.1 feet" for consistency.

Page 4-116. Public Utilities. Due to my advocacy, it is significant to me that the City is acknowledging that flooding is not expected to occur until 2100, 80 years away. Align that with the fact that the planned WRF is designed for only 30 years, and the reason to move the plant now due to flooding shows itself to be erroneous. This text is reinforced in the table on page 4-117.

Page 4-123. Paragraph "Northern Morro Bay." An unlisted asset is the Morro Strand Campground, and, once again, the power plant site. Shouldn't they be included? Also, isn't "armoring" against CCC policy?

Page 4-123. Paragraph "Highway 1." There are 2 not 1 "vulnerable low-lying section of Highway 1." The second section is the Highway 1 overpass of Highway 41 area, which became impassable 25 years ago during an epic rainstorm.

Page 4-124. Shouldn't the definition used here be the same definition that the CCC uses, which is more encompassing than "new development?"

Page 4-126. Is Policy PS-3.8 and PS-3.9 giving private owners/developers permission to armor?

Page 4-131. Implementation Item PS-10. Is this a stock statement and should be removed, "Specifically address potential impacts of basements?" Morro Bay doesn't have basements, particularly in the Beach Tract and Cloisters.

Page 4-131. Implementation Item PS-12 is unrealistic and therefore should be removed.

Page 4-134. Peak Load Water Supply. Should the last sentence recognize that the One Water Plan is complete?

Page 4-137. Policy PS-4.5: Transportation Requirements. Don't these standards already exist?

Page 4-137. Implementation Action PS-14, doesn't this already exist?

11/17/2020

**Subject: Retain 3300 Panorama Drive Land Use Designation as R-1 Moderate Residential Density**

Dear Morro Bay Planning Commissioners and Staff,

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I have stood before this Commission, Council during the meetings of the 3300 Panorama demolition, checking and rechecking, watching, and seeing how the applicant had side-stepped the rules and law. Stood before Commission, Council during the zoning meeting and each time I was told that this property would remain in R-1 – this was stated time and time again. Now, when the eyes this project are not looking a slip from R-1 to R-2 – What type of credibility does the Planning Department have in my eyes...”NONE!” We fought to protect the environment on this property and the citizens living around this property.

I am restating what a colleague of mine said:

In our opinion, Moderate Density matches the Zoning of R-1 as promised at previous City meetings.

**Comments:**

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~ End

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Thank you for your time and interest in keeping our corner of North Morro Bay a peaceful family friendly neighborhood and a habitat for wild life along the ESHA and open hillside.

We continue to fight to protect our ESHA, neighbors and citizens of Morro Bay.

Respectfully,

Carole & Larry Truesdale and Neighbors

From: betty winholtz [REDACTED]

Sent: Tuesday, November 17, 2020 11:39 AM

To: Gerald Luhr <gluhr@morrobayca.gov>; Michael Lucas <mlucas@morrobayca.gov>; Joseph Ingraffia <jingraffia@morrobayca.gov>; Jesse Barron <jbarron@morrobayca.gov>; Susan Stewart <sstewart@morrobayca.gov>

Cc: Scot Graham <sgraham@morrobayca.gov>

Subject: b-3 plan morro bay

Dear Planning Commissioners:

These are my comments on the Environmental Justice Element. Please answer the questions during your discussion and be sympathetic to suggested changes.

Sincerely,

Betty Winholtz

Page 4-139. First paragraph, what does this phrase mean. "greatest livability possible?"

Page 4-139. First paragraph, last sentence, why is this statement made when Environmental Justice is listed in the table on page 1-3: "This General Plan element is not part of the Local Coastal Program."?

Page 4-142. First paragraph. On what basis is this statement made: "Morro Bay does not contain areas with significant environmental justice concerns"? Is it because the City has not chosen to designate an official sub-group or area as such? It's curious, particularly after stating the socio-economic and health care issues of the community on the previous page.

The paragraph on page 4-142 goes on to say "equity impacts of planning and regulatory decisions, particularly while preparing neighborhoods and the city as a whole for the effects of climate change" will be considered. Yet, when the WRF was formulated and sited outside City limits, a climate change reaction, the City acknowledged it was the most expensive option (whose price continues to rise).

Page 4-143. This statement makes it sound like its residents' perception, not reality that makes this claim, "poor local perceptions of employment opportunities," when it is true not just perception. Remove the word "perception?"

Page 4-145. "POLICY EJ-2.5: Public Accessibility. Improve the accessibility of public spaces." What spaces would these be? The City has spent hundreds of thousands of dollars fixing and adding sides to the downtown business district over the last 15 years including appropriate curbing. Could this be considered already accomplished?

Page 4-145. "POLICY EJ-2.6: Home Care Options. Increase the availability of home care and assisted living opportunities for older and disabled adults." How is this a City responsibility?

Page 4-146. Policy EJ-3.1: Education Programming. Partner with local agencies and organizations to offer health education programs and organized activities for residents and visitors. Policy EJ-3.2: Food Access. Promote the availability of fresh food throughout the city, both at retail locations and in restaurants. Where are the City staff resources and how is it even the City's responsibility to have these 2 policies?

Page 4-147. IMPLEMENTATION ACTION EJ-4 and IMPLEMENTATION ACTION EJ-5 support the Policies on page 4-146. These read like stock statements, not applicable to Morro Bay. Both the policies and implementation actions noted should be deleted.

Page 4-149. "every 10 years" is a lot of time in times of quick change. At least this should be reduced to 5 years.

Overall, there are a lot of nice things to say in this Element, but nothing practical or possible within the City's financial constraints. Perhaps this is why this Element is not included in the LCP because it would require a more stringent report.