

AGENDA ITEM: A-1

DATE: February 17, 2015

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – FEBRUARY 17, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Gerald Luhr	Vice Chairperson
	Richard Sadowski	Commissioner
	Michael Lucas	Commissioner
	Katherine Sorenson	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Cindy Jacinth	Associate Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENTS - NONE

PRESENTATIONS – NONE

A. CONSENT CALENDAR

A-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Seeing as there was no questions or comments, Chairperson Tefft marked the Current and Advanced Planning Processing List as Received and filed.

B. PUBLIC HEARINGS

B-1 **Case No.:** #UP0-359

Site Location: 725 Embarcadero, Morro Bay, CA

Proposal: Conditional use permit for construction of new gangway, dock, and seven (7) boat slips (6 private rentals and 1 public slip) at 725 Embarcadero, Rose's Landing.

CEQA Determination: Mitigated Negative Declaration - SCH#2015011002

Staff Recommendation: Continue to the March 3, 2015 Planning Commission meeting

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

Jacinth presented the staff report, recommends to continue to the March 3rd meeting. Jacinth also noted that since the project had been duly noticed, she recommended that the Planning Commission open up public comments.

Vice-Chairperson Luhr asked staff if Planning Commission should hold off on questions until March 3rd.

Graham stated there was no staff report provided and recommended waiting until the March 3rd meeting.

Chairperson Tefft asked about the Coastal Commission comments relative to public access.

Jacinth stated there was reference to public access issues stated in the Coastal Commission letter. The letter stated the City should provide public access to docks and requested public access be provided from sunrise to sunset daily.

Chairperson Tefft stated he was also concerned with the Coastal Commission required lateral access and the restaurant seating in this area.

Jacinth stated the letter did not address this specifically and acknowledged there is currently a lateral access interior wise.

Chairperson Tefft opened Public comment period. Seeing there were no comments, Chairperson Tefft closed Public comment period.

MOTION: Commissioner Sorenson moved to approve the Request for Continuance and continue the project to the March 3, 2015 meeting. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0)

B-2 **Case No.:** #CP0-449 and UP0-385

Site Location: 750 Radcliffe -also known as 1245 Little Morro Creek Rd Morro Bay, CA

Proposal: Coastal Development and Conditional Use Permits to allow installation of six panel antennas and associated equipment on an existing 164-foot PG &E lattice tower located east of the intersection of Radcliff Avenue and Hillcrest Drive at 750 Radcliffe. Proposal also includes a new prefabricated 11'6" x 16' 10 ½" equipment shelter at the base of the lattice tower.

CEQA Determination: The project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3. That exemption applies to new construction of small structures and location of limited numbers of new, small equipments and facilities.

Staff Recommendation: Conditionally Approve.

Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

Jacinth presented the staff report.

Chairperson Tefft opened Public comment period.

Trisha Knight, Verizon Representative, stated she was available and will wait to answer questions until after public comments.

Commissioner Lucas stated the frequency tests were within the limits and asked Knight because PG&E owned the property was this to hedge their bets on things.

Knight stated all reports are done by outside third parties and noted there were no hedging of any kind.

Commissioner Lucas asked Knight what would be the distance before making notice of safety concerns.

Knight stated a person would have to be 65 feet up in the air and work directly in front of the antenna.

Commissioner Lucas asked Knight if there were warning signs posted.

Knight stated yes there were warning signs posted due to the guidelines mandated.

Chairperson Tefft asked if the vacant properties were developed would they still be within the allowable public limit for exposure.

Knight stated it would absolutely be in the limit. She noted the radio frequency (RF) report is done in the beginning with predicted levels, which would be at the most highest level. When the antennas are installed and turned on, there is a post construction RF report done which would show lower levels than the original report because they would have to show the worst case scenario in the first report.

Alfreda Kratz, Resident, stated she lives near the tower. She was told the microwaves impose health issues and she and her husband have been putting up with the lights and construction noise at night. She stated she was concerned because there was a previous microwave tower which was not allowed near the school for safety concerns but now this application wants to place a tower near her home and she is concerned. She noted there were numerous towers around town and wanted to know why we needed more towers.

Barron Kratz, Resident, stated he was concerned about the safety of living in his home. He would like to be assured he will be safe living in the area with the towers near his home. He questioned if his cancer had anything to do with the radiation coming from the microwaves that is facing directly to his home.

Knight explained the construction time(s) and noted there should be a condition regarding construction times to prevent noise from impacting the neighborhood and also explained how the antennas works with the different carriers and the federal requirements for safety. The FCC does not allow carriers to operate the antennas if they do not comply with safety requirements.. . Knight stated she could show the resident Verizon has complied with the standard.

Commissioner Sadowski asked Knight if she would explain what a microwave dish was.

Knight stated what the dish was used for and noted microwave dishes could talk to each other because there is no fiber in the area.

Chairperson Tefft asked if a radiation test was included in the study done.

Knight stated it was included in the FCC Radio Frequency report and is shown on page three of Exhibit D.

Vice-Chairperson Luhr asked Knight if it was stated there was an emergency backup power supply.

Knight stated the cabinets include batteries which provide 10-12 hours in case of an emergency.

Commissioner Luhr asked Luhr asked Knight what type of fuel was used and how big the tanks were for the generators. Luhr also asked how long it would operate.

Knight stated it was diesel fuel and it was a 210 gallon tank which would last a couple of days.

Vice-Chairperson Luhr stated the antennas run in three directions and asked if it picked up Chorro Valley.

Knight explained that in Exhibit B, A-3, the antenna layout shows it going out to the Chorro Valley.

Vice-Chairperson Luhr asked Knight about the radio frequency and noted there is knowledge that these frequencies resonate with water or the human body.

Knight stated there have been many tests. Verizon levels are low but noted they are compliant.

Vice-Chairperson Luhr asked Knight if there were any deed restrictions on the PG&E lots.

Knight stated she did not know but noted she does work with Public Works for encroachment permits in public right of way areas.

Chairperson Tefft stated the issues with the generator. He asked Knight what would be the noise impact. Knight stated it would be 65 decibels at the nearest property line and noted it would also be behind a wooden fence. Knight stated the generator comes on once a week for half an hour for testing. Knight was unsure how the noise level was measured but they could add a condition.

Chairperson Tefft asked if it was routine for Verizon to speak to the neighbors regarding the project.

Knight stated she would absolutely be willing to reach out to the neighbors.

Commissioners Sadowski stated the generator used is pretty quiet.

Vice-Chairperson Luhr stated he would like to see a minimum of 72 hours of fuel storage for generators.

Vice-Chairperson Luhr discussed with staff how the project is subject to FCC regulations.

Graham stated it comes down to what the FCC requirements are and do the sites comply with the FCC or not.

Vice-Chairperson Luhr stated he noticed more cell towers on the tracking sheet.

Jacinth stated T-Mobile, a different applicant, will be submitting an application in a few months to upgrade their existing equipment.

Commissioner Sorenson noted she also would like a post operational study and would like it to be a condition on approval. Commissioner Sorenson also stated she would appreciate if there was a community outreach to the residents. She noted she would like for the applicant to educate the residents about the process and provide a contact number to the residents.

Commissioner Lucas concurred with Commissioner Sorenson and is in favor of testing after the projects are complete. He noted he would like to see the numbers proved and appreciates the NA monitoring and fencing.

Chairperson Tefft stated a community outreach is important and would like to have a condition where the applicant would meet with the Kratz family

Graham stated there could be a condition which the applicant would provide an outreach program to residents and agrees it's an acceptable condition.

Chairperson Tefft stated he would like to see the outreach and feels the applicant needs to reach out to the Kratz family and make them feel comfortable. He also noted he would like a condition for testing generators from 10 am – 6 pm.

Chairperson Tefft agrees with the post construction study and asked staff why we needed an archaeologist and Native American representative.

Graham stated by having the archaeologist and Native American representative on site is a typical practice and assures we are not missing anything.

Chairperson Tefft stated the activity going on at night be maintenance to the equipment. He asked staff if there was a City ordinance regarding night work.

Graham stated it could have been maintenance work but if it's after hours to contact the City Police Department.

Jacinth asked the Planning Commission for clarification on the project conditions. Jacinth restated the conditions to the Commission & they concurred.

Vice-Chairperson Luhr stated he would like to include the word “routine maintenance” on the Standard Condition 8 along with construction.

Commissioner Lucas stated to Jacinth he would like the neighborhood outreach to be 500 feet instead of 300 feet.

Knight stated she wanted to verify with the Planning Commission what they wanted to see from her company. Knight noted she would produce an outreach to the residents, have a report on the Verizon website and also have a copy for the City.

Commissioner Sorenson stated it's important to have an outreach before construction starts and noted to follow up with a presentation to the study.

Knight asked staff for verification on when to start the outreach.

Chairperson Tefft stated he would like to see people communicate with the applicant before the project starts.

Commissioner Sorenson stated she would like to see staff work with Knight on how to proceed.

Graham stated to Knight on how to proceed with the outreach to the residents.

MOTION: Commissioner Sadowski moved to approve Resolution PC 6-15 with conditions of Posting Construction Compliance Report, Emergency Fuel Storage, Applicant to provide residential outreach (500 feet) and Maintenance of generator schedule from 10 am – 6 pm. Commissioner Sorenson seconded the motion and the motion passed unanimously. (5-0)

C. UNFINISHED BUSINESS - NONE

D. NEW BUSINESS – NONE

E. PLANNING COMMISSIONER COMMENTS

Commissioner Sadowski stated the largest project for the City is the Water Reclamation Facility and noted the flow study which was done. Commissioner Sadowski also spoke about the sucralose testing being done with the water and noted there is also a nitrate issue he feels should be addressed. He stated the facility is a critical infrastructure and is looking towards the future.

Chairperson Tefft asked staff if there was something the Planning Commission could do regarding pushing clean water.

Graham stated clean water is an issue with the City Council and water reclamation is their goal. He also noted there are various groups already in place which serves this function i.e. WRFCAC and PWAB.

Commissioner Sadowski stated the WRFCAC Committee consists of many brilliant people.

Commissioner Lucas asked staff if council was discussing the Chumash Heritage Marine Sanctuary Proposal.

Graham stated he was not sure, he has not seen an agenda item.

Commissioner Sorenson asked staff if she could get a follow up on the letter which was sent to the City Council.

Graham stated he forwarded the letter to the City Clerk and noted the City Council hadn't made any changes to their goals. Graham noted he would share the goals with the Planning Commission once it's finalized.

Commissioner Sorenson asked staff for the final date for the Joint Meeting.

Graham stated he would send an invitation once the date has been finalized.

Chairperson Tefft asked staff if there was a project going on over on the property on Main Street.

Jacynth stated it was a project for affordable housing for seniors.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

Graham announced the following:

- Goal Setting Process with City Council
- WEU Report approved
- Process Packets next week for the Planning Commissioners Academy

G. ADJOURNMENT

Adjourn at 7:36 p.m. to the next regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on March 3, 2015, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary