

AGENDA ITEM: A-2

DATE: OCTOBER 18, 2016

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 6, 2016
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft Michael Lucas Richard Sadowski Joe Ingrassia	Chairperson Commissioner Commissioner Commissioner
ABSENT:	Gerald Luhr	Vice-Chairperson
STAFF:	Scot Graham Cindy Jacinth Whitney McIlvaine	Community Development Director Associate Planner Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS
<https://youtu.be/jSmhRVLeE38?t=2m5s>

Commissioner Sadowski announced there will be a skate camp on September 17th at the Los Osos Skate Park.

PUBLIC COMMENT PERIOD - NONE

PRESENTATIONS – NONE

A. CONSENT CALENDAR
<https://youtu.be/jSmhRVLeE38?t=3m16s>

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

Commissioner Lucas had a question for staff regarding item 19 on the Current and Advanced Planning Processing List.

Staff responded to Commissioner Lucas' question.

A-2 Approval of minutes from the Planning Commission meeting of August 2, 2016.
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Lucas moved to approve the Consent Calendar. Commissioner Sadowski seconded and the motion passed unanimously (4-0).
<https://youtu.be/jSmhRVLeE38?t=4m39s>

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. 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.

B-1 Case No.: #CP0-365 (*Request for Continuance to the 9/20/16 meeting*)

Site Location: 3093 Beachcomber, Morro Bay, CA

Project Description: Request for Coastal Development Permit approval and Mitigated Negative Declaration (MND) for new construction of a single-story 3,038 single family home with 482 square foot 2-car garage, 38sf deck along with a 52sf entry patio and 54sf casita patio on a vacant lot in the R-1/S.2A residential zoning district that sits adjacent to environmentally sensitive habitat (ESH). The project is located within the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Mitigated Negative Declaration, (SCH#2014091051)

Staff Recommendation: Continue hearing to the 9/20/16 meeting.

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

<https://youtu.be/jSmhRVLeE38?t=5m7s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Graham requested the item be continued to the September 20th Planning Commission meeting.

Chairperson Tefft opened the Public Comment period, and seeing none closed the Public Comment period.

<https://youtu.be/jSmhRVLeE38?t=6m11s>

MOTION: Commissioner Ingraffia moved to continue item CP0-365 to the September 20th Planning Commission meeting. Commissioner Sadowski seconded and the motion passed unanimously (4-0).

<https://youtu.be/jSmhRVLeE38?t=6m47s>

B-2 Case No.: CP0-500, UP0-440

Site Location: 3300 Panorama Drive, Morro Bay, CA

Project Description: The applicant proposes to demolish and remove two large holding tanks (approximately 4,350,000 gallons each) once used by the United States Navy to store jet fuel, one approximately 131,600-gallon water tank, all piping attached to the tanks, pumps and both exposed and underground piping. The applicant proposes two staging areas on site for equipment, waiting trucks, and temporary debris storage. The project is anticipated to require some level of disturbance over approximately 8 acres and is expected to require 1.5 to 2 months to complete. The project site is located in a Single Family Residential (R-1) zone with a Planned Development (PD) Overlay. The site contains areas of environmentally

sensitive habitat and is partially located in the Coastal Commission appeals jurisdiction.

CEQA Determination: The Community Development Director determined the project qualifies for a Mitigated Negative Declaration of Environmental Impact (MND). Mitigation is recommended to reduce potential environmental impacts to a less than significant level. Copies of the MND are available for review at the Community Development Department, 955 Shasta Avenue in Morro Bay and on the City's website at the following link:

<http://www.morrobay-ca.us/DocumentCenter/View/9845>.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the demolition project subject to compliance with recommended conditions and mitigation measures.

Staff Contact: Whitney McIlvaine, Contract Planner, (805) 772-6211

<https://youtu.be/jSmhRVLeE38?t=7m26s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

McIlvaine presented the staff report.

Discussion between Commissioners and staff.

Chairperson Tefft opened the Public Comment period for the applicant.

<https://youtu.be/jSmhRVLeE38?t=32m4s>

Chris Mathys, applicant's agent thanked staff for helping with the process. Mathys presented his report and stated he was there to answer any questions.

Commissioner Sadowski asked Mathys if the tanks have lead based paint on them.

Mathys responded there would be minimal torching of tanks and there would be an onsite monitor.

Oliver Riese Bedford Enterprise, stated a lead based plan will be submitted to the Health Department. Riese doesn't anticipate there would be a lot of torch cutting, the paint will be removed before torching.

Rob Solley managing member of the CVI group to remove the jet fuel tanks. Solley, stated he went door to door and spoke to the families to get their thoughts about the fuel tanks being removed. Solley received many support from the neighbors and would like the support from the Commissioners. Solley stated he would like to provide a petition from the neighbors for the support of the project.

Chairperson Tefft closed the Public Comment period for the applicant and opened the Public Comment period for the public.

<https://youtu.be/jSmhRVLeE38?t=44m20s>

Betty Winholtz, Morro Bay resident, stated trucks are supposed to idle for only 5 minutes. Winholtz asked if the trucks would be idling simultaneously or one after another.

Winholtz stated questions to the Commission:

- Who will repair the roads that the trucks are going to destroy?
- Could there be a maximum trucks per day?
- If there are any damages to homes from the vibration of the trucks, how will this be handled?
- Could the water tank be preserved for any future projects on the site? And is there a working well attached.
- Why is there lighting proposed? Could the lighting be projected away from the homes?
- How often will City staff make trips to the site to see if the mitigated measures are being followed? Or will City staff depend on the neighbors to notify them.
- Would like clarification if there will be a third party who will develop the site or will the owner develop the site.
- Would like to know if the goats were allowed in the ESHA.

Winholtz stated items of concerns:

- The language for drainage should be referred to as a stream or creek.
- Neighbors along the truck route should be notified of the start and the estimated end date of the project.
- The project should not be started in the nesting season.
- Would like for the whole stream to be buffered and not just the southern end.
- If the San Jacinto intersection is used, the trucks should avoid traffic times for the middle school.

Terry Wahler, 465 Sicily St noticed the on-site staging area for equipment and employee parking was not yet well defined in the project description and was not comfortable postponing this information per recommended mitigation. He wanted to know why they are waiting until later to figure this out.

Wahler asked if the vegetation plan has been prepared or already completed. Wahler asked if any of the soil was anticipated to be contaminated and would it be taken off site or would it remain on site.

Wahler would also like to condition the project so there would be alternative use of Tahiti, Vashon, Sicily and Trinidad for vehicle traffic.

Robert Walker, 523 Whidbey St., stated he received the Notice of Hearing last week, but feels this is not enough time. Walker also noted it was difficult to find the project on the City's website.

Waller stated given the need for water conservation, he is concerned about water which will be used for dust control. Walker feels good about the amount of things being considered but as a resident, he feels he has been left out of the process. Walker wanted to know if things are not going right, who would be the person to contact.

McIlvaine notified the Commissioners that Mr. Walker's letter was submitted as Exhibit D in the staff report.

Judy Thompson, 496 Tahiti St., stated it was also very difficult for her to find the project on the City's website. Thompson is concerned because she lives across the street and has a one year old child. Thompson is concerned about the chemicals which are going to be used and has heard there was asbestos on site.

Thompson thanked the City for sending out the notice.

Steven Torada (sp?), 3339 Panorama, thanked the owners for being available. Torada noticed the goats were causing damage to the creek and said they were a nuisance to the neighborhood. Torada suggested the goat herd be removed.

Richard Barnes, 511 Whidbey St., stated he would like to see video timelines of the project and would like for it to be accessible on the City's website.

Carol Walker, 523 Whidbey St., stated she noticed the tanks were free of hazardous materials since 1994. Walker would like to know who determines these findings and if any research was done to determine there are none on site. Walker would also like to know who would be the contact if there are any hazardous material found.

Walker commented she and her neighbors were never approached by the representative regarding the petition or asked what their concerns were.

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/jSmhRVLeE38?t=1h28m56s>

Discussion between Commissioners and staff.

McIlvaine answered technical questions from the Public.

Commissioner Lucas requested Riese to answer questions regarding lead paint mitigation.
<https://youtu.be/jSmhRVLeE38?t=1h16m12s>

Riese covered the process of removal of lead base paint and how it would be contained. Riese also addressed the traffic and weight of the trucks. Riese commented the vibration of the trucks shouldn't be an issue because the trucks would be traveling at a speed of 15-20 mph.

Riese also responded there was no asbestos found on the site. Riese noted if any hazardous material was found on the site, work would cease and the material would be contained.

McIlvaine addressed the issue with the goats and noted project demolition is subject to monitoring.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/jSmhRVLeE38?t=1h28m49s>

Chairperson Tefft opened the Public Comment period to answer Commissioner Sadowski's question regarding disposal of site materials.

<https://youtu.be/jSmhRVLeE38?t=1h45m38s>

Riese, stated the metal will be recycled at Bedford's facility in Santa Maria, and hazardous materials would be transported by Pacific Petroleum to a large waste facility in Kettleman City or another facility.

Mathys suggested the Commission could add a condition stating any work be placed on hold until any type of lawsuit or claims be settled.

Dana Morgan, 490 Whidbey St., wanted to know about the metal shavings becoming airborne when the metal is cut. Morgan is also concerned about the gas line connection being broken and wanted to know if there would be an emergency fund for emergencies.

McIlvaine responded to the concerns regarding utilities. McIlvaine stated the Fire Department is aware of any potential utility issues. McIlvaine noted there is a condition stating all utility lines be stubbed off prior to demolition.

Anna Pavorsky, 515 Yerba Buena St., asked why an Environmental Impact Report was not done.

McIlvaine explained the California Environmental Quality Act requires an initial study which addresses a number of areas of potential concern; all of those were addressed in the Mitigated Negative Declaration and it was determined any potential concerns could be mitigated to a less than significant level. McIlvaine noted all mitigation measures are now part of this project description and was agreed to by the applicant.

Leslie Zidroy (sp?), 497 Trinidad St., asked if the applicant will be taking away the tanks to rebuild more homes. Zidroy noted the Central Coast already has no water and said the homes would impact the quiet neighborhood.

Richard Miller 591 Zanzibar St., feels because there are so many entities involved with the project, he's worried if there's an issue it would be passed around and not handled properly.

Thompson also stated her concern regarding the vibration from trucks damaging her home. She doesn't feel they should compare the trucks on the project to the garbage trucks because the garbage trucks come only once a week. Thompson understands there would be at least six trucks daily.

Thompson was also concerned if the project was halted, would this lengthen the project time and leave the neighbors to deal with what's left of the project.

Terry Waller, 465 Sicily St., suggested to have a civil engineer do an assessment of the streets.

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/jSmhRVLeE38?t=1h56m29s>

Discussion and comments between Commissioners and staff.

The Commissioners were in agreement to have the ESHA area fenced off.

McIlvaine noted the project could be conditioned to limit access for big trucks to the Yerba Buena intersection only.

McIlvaine suggested a possible change to Mitigation Measure BR-7, Replacement Trees; prior to final inspection, the applicant would plant five, fifteen gallon replacement trees on city properties in locations and in the manner specified by the City Engineer. Species shall be subject of approval of the City Engineer consistent with the City's Urban Management Plan.

McIlvaine noted if the Commission was taking action tonight, Mitigation Measure N1 regarding noise should be corrected to read 8 a.m. to 4 p.m.

Commission Sadowski suggested putting a package together of what was presented tonight. He feels it would be more comprehensive.

Chairperson Tefft opened the Public Comment period.
<https://youtu.be/jSmhRVLeE38?t=2h49m12s>

Riese spoke to the neighbors and stated he appreciated the concerns they had and stated he would be available for them.

Christen Headland, 498 Yerba Buena St., stated her concerns to the Commission.

- Would like an enclosure around the tanks; concerned airborne particles will harm her family or others in the area.
- Trucks should be covered to keep debris contained.
- Tree replacement should be on site and not on the south end of Morro Bay.

- Would like the neighborhood to be notified if there will be a housing development built in the area.
- The sewer should be viewed for any issues.
- Suggested a website be generated to post updates of the project.
- If there are any changes in the project plans, the neighborhood should be informed of the changes.
- Suggested the project proceed when it's not nesting season.

Graham notified Commission in order to gather information for all of the questions asked, he would like to continue on to the first meeting in October.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/jSmhRVLeE38?t=2h55m6s>

MOTION: Commissioner Lucas moved to continue CP0-500 to the first meeting in October. Commissioner Sadowski seconded and the motion passed unanimously (4-0).

<https://youtu.be/jSmhRVLeE38?t=2h56m22s>

B-3 Case No.: #UP0-394 and #CP0-512

Site Location: Corner of Main and Cabrillo Place, Morro Bay, CA

Project Description: Request for Coastal Development Permit and Conditional Use Permit approval for installation of an unmanned telecommunication wireless facility which consists of a cylindrical antenna on top of an existing 33.5 ft. utility pole and the installation of an equipment cabinet on the ground adjacent to the utility pole within the public right-of-way. The project is located outside of the Coastal Commission Appeal Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Conditionally Approve

Staff Contact: Joan Gargiulo, Assistant Planner, (805) 772-6270

<https://youtu.be/jSmhRVLeE38?t=2h58m20s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Gargiulo presented staff report.

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/jSmhRVLeE38?t=3h4m59s>

Tricia Knight, representative for the applicant, stated the project is due to the low coverage in the area and should help out with emergency response. Knight also stated she would be available for any questions.

Joe Antonello, 790 Cabrillo Place, stated he was concerned about the safety on the street if the equipment is placed on the corner of Cabrillo and Main. Antonello noted there would be no visibility to the oncoming traffic. He would like the location to be changed to a less hazardous area.

Knight stated how the plans for the fencing was made, but noted a change could be made in order for it to work. Knight read the Planning condition of approval regarding having a 72 hour backup power and explained in order to have enough power for the 72 hour backup, there would have to be a bigger generator.

Knight requested the Commission consider a receptacle for the backup generator. Knight explained there's not enough space for a generator in the area so if backup is needed, one could be brought in and plugged into the receptacle.

The Commissioner presented their questions to Knight.

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/jSmhRVLeE38?t=3h19m21s>

Discussion between the Commissioners, staff and Knight.

Chairperson Tefft opened the Public Comment period.
<https://youtu.be/jSmhRVLeE38?t=4h>

Antonello commented he lives two doors down from the project site and still has coverage in his home.

Knight stated a letter was received by the City's Fire Department which explains why coverage is needed in this area.

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/jSmhRVLeE38?t=4h1m58s>

MOTION: Chairperson Tefft moved to continue item UP0-394 and CP0-512 to the November 1st meeting. Commissioner Lucas seconded and the motion passed unanimously (4-0).

<https://youtu.be/jSmhRVLeE38?t=4h3m36s>

- C. NEW BUSINESS- NONE
- D. UNFINISHED BUSINESS - NONE
- E. PLANNING COMMISSIONER COMMENTS - NONE
- F. COMMUNITY DEVELOPMENT DIRECTORDIRECTOR COMMENTS
<https://youtu.be/jSmhRVLeE38?t=4h4m54s>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –SEPTEMBER 6, 2016

Graham announced SLO County Citizens Planning Academy will be hosting an eight week class for anyone interested in the various facets of urban planning. Classes will start September 29th, 6 p.m. – 9 p.m.

G. ADJOURNMENT

The meeting adjourned at 10:09 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on September 20, 2016, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary