

AGENDA ITEM:   A-2  

DATE:   APRIL 18, 2017  

ACTION:   APPROVED  

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MARCH 7, 2017  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:    Robert Tefft                           Chairperson  
              Richard Sadowski                   Commissioner  
              Joe Ingraffia                       Commissioner  
              Michael Lucas                      Commissioner  
              Gerald Luhr                        Vice-Chairperson

STAFF:      Scot Graham                           Community Development Director  
              Joan Gargiulo                       Assistant Planner  
              Whitney McIlvaine                   Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
<https://youtu.be/2j1qG8bCQN8?t=1m54s>

Commissioner Sadowski announce there will be “Easter at the Rock”. Services at sunrise and at 10 am.

Chairperson Tefft announced there will be a General Plan Meeting on March 8<sup>th</sup>, at the Vet’s Hall from 4 pm – 6pm.

PUBLIC COMMENT PERIOD - NONE

PRESENTATIONS

Graham announced Commissioner Sadowski’s presentation will be moved to the next Planning Commission meeting.

**A.**    **CONSENT CALENDAR**

<https://youtu.be/2j1qG8bCQN8?t=5m28s>

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

**A-2**    Approval of minutes from the Planning Commission meeting of January 3, 2017.  
**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Commissioner Sadowski motioned to move to approve the Consent Calendar, A-1 and A-2. Commissioner Ingraffia seconded and the motion passed unanimously (5-0).

<https://youtu.be/2j1qG8bCQN8?t=5m51s>

**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.:** UP0-468

**Site Location:** 340 Jamaica, Morro Bay, CA: Auto Body Builders

**Project Description:** *Continued from the 2/21/2017 PC meeting.* Conditional Use Permit approval for the continued operation of an existing auto-body repair and paint shop located within the R-1/S.1 residential zoning district since 1981. The project site is located outside of the Coastal Commission Appeal Jurisdiction.

**CEQA Determination:** Categorically exempt Section 15301, Class 1

**Staff Recommendation:** Conditionally Approve

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

<https://youtu.be/2j1qG8bCQN8?t=6m19s>

Gargiulo presented the staff report.

The Commissioners presented their questions to staff.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
Commissioner Sadowski spoke to some concerned neighbors in the neighborhood.

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/2j1qG8bCQN8?t=23m29s>

Jason Pall, applicant, stated he is a small business owner who cares about the neighborhood. Pall was aware of the complaints when he purchased the shop and is currently doing remediation. Pall stated he did research with the City before purchasing the business and the former owner thought all the paperwork was current. Pall stated he takes the compliance very serious.

Diane Playan, Realtor and lives directly next door to the body shop. Playan stated no one has ever spoke to her regarding issues with the body shop. Her window faces the area where the shop is and has no issues with any smells or noise. Playan read a listing from a real estate broker stating the business presently had a variance to operate as an auto body repair shop since 1974. The listing also stated per the City of Morro Bay, the new owner could continue to operate as a body shop only or build two residential single family homes. Playan doesn't understand why the new owner is having these problems when the City made the error. Playan is hoping the Commission would let the new owner continue to do business there.

Linda Richardson, lives next door to Playan, stated she has never heard of any complaints about the business from anyone, especially the neighbors. Richardson

noted she's lived at her resident for five years, and for the first year thought the business was a gym. Richardson stated she has not had any issues with smells or noise.

William Koski, 311 Sicily Street, stated he has used the body shop and appreciates in located in Morro Bay because it's convenient to where he could drop off his vehicle and walk home. Koski has never seen an issue with parking and his experiences have all been positive.

Paul Cueni, Morro Bay resident, stated he collects old cars and stated the body shop was convenient for him because he doesn't like driving to San Luis Obispo. Cueni would rather keep doing business in Morro Bay.

Bob Tapia, former owner of body shop, explained how he made it his responsibility to take care of the City's vehicles free of charge along with also taking care of the elderly in Morro Bay. Tapia noted the City inspector would come to the shop periodically to inspect for fumes, but couldn't detect anything. Tapia stated he had many offers for the business when it came to retiring, but picked Jason, because he knew Jason would take care of the business the same way he did.

Jenny Villanueva, Tapia's daughter, spoke of how she and her other siblings had worked at the body shop along with multiple employees. Villanueva explained the work load at the shop has not changed since the new ownership. The permit issue shouldn't be a factor to penalize Pall because the City also didn't know the permit had lapsed.

Rick Young, Morro Bay resident, stated he had taken a class at Cuesta College on auto painting. Young thinks the business should stay opened because they are complying.

Rick Cobbs, Morro Bay resident and retired law enforcement officer, Cobbs commented there are no business which support the car enthusiast. Cobbs spoke of Pall's characteristics and how he is a big part of the community. Cobb noted it would be a great loss if the business would close.

Jerry Lang, Morro Bay resident, stated he is a long-time customer and noted how affordable it was to get work done at the shop. Lang noted the convenience of the shop but his main concern was for the employees who work for Pall. Lang doesn't want them to lose their jobs and hopes the Commission would take this into consideration regarding the permit.

Evans Cowen, complainant, spoke of pollutants/ smells coming from the business and noted the amount that has increased since 2001. Cowen would like the Commission to provide an Environmental Impact Report (EIR).

Paul Cueni, stated the shop has been around many years, and over the years the EPA has changed the paint to low odor, low environmental impact Volatile Organic Compound (VOC).

Barbara Brebes, Morro Bay resident, read a statement from Corky Miles. Miles mentioned the great characteristics of Pall and how helpful and knowledgeable he was when he needed help with his damage vehicle. Miles commented the noise level at the shop was normal happened during business hours. Brebes asked the Commission to approve the permit for Pall.

Roy Cinawalt, owner of the 2-story apartment building next door, acknowledged Bob Tapia and Jason Pall as great people and commented they run a great business. But questioned why the business was in the location. He doesn't feel it's a great fit to the neighborhood. Cinawalt is also concerned about the fumes and stated the business brings down the property value in the neighborhood.

Young, wanted to make a comment regarding the new paints. Young stated, one of the things he learned in his paint class, was all modern paints are water borne. Since its water borne, it means water is evaporated from the paint.

Villanueva, also wanted to note that not only did her father have the business, they lived across the street for 24 years. Villanueva appreciates the concerns regarding children being around the fumes. Villanueva stated her father wouldn't have raised his family across the street if it was a concern.

Jarrold Scott, Co-owner of Three Stacks and a Rock Brewing, stated his business is located 20-30 yards from applicant's business. Scott stated he hasn't smelled anything or heard any noise to which he and his business partner thought the building was being used as a tax write off. Scott didn't see much business going on and doesn't know what the complaint is about.

Brain Chaves, 331 Jamaica Street (across from shop), stated he spends a lot of time in the front yard of his home and doesn't hear any noise coming from the shop. Chaves noted he is very pleased with the new owner because he believes he cares about the neighborhood and has been very courteous about the noise. Chaves stated he has never experienced any fumes and asked the Commission to extend the coastal use permit (CUP).

Drew Cederes, Morro Bay resident, confirmed today's auto paints are water based paints. Cederes stated Pall is more than willing to do whatever it takes to make his business compatible. Cederes noted the convenience of having the shop in Morro Bay and hopes the Commission gives Pall the permit.

Darryl Dobson, 333 Island Street, stated he and his family are the most impacted by this situation. Dobson commented he supports small businesses in the community but this business is in the wrong location. Dobson stated Code Enforcement Officer David Crockett has been to his home along with Brian Aunger from Air Pollution Control District (APCD). Dobson stated he needs to keep his windows and doors closed, and his daughter will not bring his grandchildren to his home on the weekdays.

Rylie Pall, daughter of the applicant, stated she has grown up around cars all her life and doesn't have anything wrong with her.

Pall wanted to clarify Dobson's statement of Brian Auger coming out. Pall noted Auger is the head of APCD who oversees the paint booths at his shop. Pall stated Gargiulo has spoken o Auger, and was told the shop has been operating within specifications and are under threshold.

George Wright, Morro Bay resident, stated he is a customer of the applicant, and says he smells more of the diesel gas and cars driving on Hwy 1, than the paint from the shop.

Scott Mace, Morro Bay resident, pointed out the location of the business and the apartment building which overshadow it. Mace also noted the busy freeway nearby. Mace commented, if there are going to be complaints, the complaints should be about the freeway. Mace stated he's worked on the building for Pall and noted Pall has kept up with updating the building. Mace commented Pall has been meeting all the requirements and doesn't understand what the problem is.

Playan, also wanted to provide information regarding property value in the area. Playan stated the house directly across the house behind the body shop sold for \$500k a couple of years ago. It recently sold for \$620k and stated there's nothing wrong with the property values in the neighborhood. Playan noted people who purchased their homes knew the body shop was in the neighborhood.

Daniel Knight, representative for Darryl Dobson's house, asked why would the applicant want to invest in the business if the City's zoning and ordinances are pushing to make this a residential area. Knight feels the zoning ordinance should be held and not make an exception just because the business has been there for a long time. Knight asked the Commission not to approve the permit.

Chaves, stated he purchased his home a year and a half ago and commented he probably couldn't afford the house if the shop hadn't been there. Chaves noted it was wrong for people to ask a business to leave to bring their property value up, he didn't think there was any justice in that.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=1h34m28s>

The Commissioners presented their questions to the applicant.

**MOTION:** Commissioner Ingraffia motioned to approve conditional use permit UP0-468 with the added conditions. Vice-Chairperson Luhr seconded and the motion passed (5-0).

<https://youtu.be/2j1qG8bCQN8?t=2h28m1s>

*Conditions added by the Planning Commission on March 7, 2017*

1. *All exterior lighting shall be shielded and directed downward to ensure that light fixtures will not direct glare into the street or into the adjacent residential uses as per Section 17.52.080 of the Morro Bay Municipal Code.*
2. *The Applicant shall investigate the feasibility of raising the exhaust stack to mitigate any potential nuisance odor and present findings to the Director for approval prior to Building permit issuance.*
3. *The Applicant shall insulate the compressor, including but not limited to the use of isolation pads, to mitigate any potential nuisance noise impacts to adjacent properties. Insulation details shall be provided to the Planning Division for review and approval prior to Building Permit issuance.*
4. *The Applicant shall install charcoal carbon filters to mitigate any potential nuisance odor impacts to adjacent properties. Filter specifications shall be provided to the Planning Division prior to Building Permit issuance.*
5. *The parking and or storage of customer vehicles is prohibited in the Public Right-Of-Way. Transient parking is permissible.*
6. *Approval of the use contemplated herein shall be limited to maintaining business hours only from 7:30 a.m. to 6:00 p.m. Monday through Friday.*

**MOTION:** Chairperson Tefft motioned to approve Planning Commission request for City Council to reduce the coastal use permit application fee to reflect the application fee from 1986. Vice-Chairperson Luhr seconded and the motion passed (5-0).

<https://youtu.be/2j1qG8bCQN8?t=2h28m47s>

**B-2 Case No.:** CP0-513 and UP0-452

**Site Location:** 1128 and 1138 Market Avenue, Morro Bay, CA

**Proposal:** Request for a Coastal Development Permit and Conditional Use Permit to construct two new two-story houses with attached garages on the easterly side of Market Avenue within the Beach Street Specific Plan area. The houses are each approximately 1,800 square feet in size. The property is zoned Duplex Residential with a Planned Development and Specific Plan overlay (R-2/PD/SP) This project is located outside of the Coastal Commission appeal jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15303(a) Class 3

**Staff Recommendation:** Conditionally Approve

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

<https://youtu.be/2j1qG8bCQN8?t=2h30m46s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –  
NONE

McIlvaine presented the staff report.

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=2h41m30s>

Kathleen Streeter, applicant, stated her intention for the property is to be a rental, not a vacation rental.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=2h42m38s>

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=3h16m20s>

Streeter explained there were trees that line the area by the mobile home park, which help to soften the hardscape of the long driveway.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=3h17m13s>

**MOTION:** Commissioner Ingraffia motioned to move to approve conditional use permit CP0-513, PC Resolution 5-17. Commissioner Lucas seconded and the motion passed (5-0).

**B-3 Case No.:** UP0-282 and CP0-323

**Site Location:** 530 Morro Avenue, Morro Bay, CA

**Project Description:** Request for Coastal Development and Conditional Use Permit approval for the construction of a new 2,444 sq. ft. single-family residence with a 548 sq. ft. secondary dwelling unit, 888 sq. ft. of garage space, 787 sq. ft. of storage, and 1,206 sq. ft. of decking located within the R-2/PD/S.4 zoning District and 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/2j1qG8bCQN8?t=3h20m57s>

Gargiulo presented the staff report.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –

Commissioner Sadowski received an email from a concerned resident regarding the project.

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=3h31m5s>

Melinda Elster, applicant, stated they relocated the home to the rear of the property for future development of a single-family resident in front.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=3h32m57s>

Discussion between Planning Commissioners.

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=3h45m19s>

Bruce Elster, applicant, answered the Commissioners questions regarding the basement in the house.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/2j1qG8bCQN8?t=3h50m16s>

**MOTION:** Commissioner Sadowski moved to continue the project on 530 Morro Avenue in adherence to the suggestions for architectural design review and resubmittal presented by the Planning Commission, to a date uncertain. Commissioner Ingraffia seconded and the motion passed (5-0).

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS – NONE

E. PLANNING COMMISSIONER COMMENTS  
<https://youtu.be/2j1qG8bCQN8?t=4h7m43s>

Commissioner Lucas spoke about the older trees which were lost in the recent storms. He suggested to staff a type of urban reforestation policy where larger trees could be planted instead of the smaller types.

Vice-Chairperson Luhr agreed with Commissioner Lucas and stated there has been a deforestation in Morro Bay over the last 30-40 years. Luhr noted in the 1950's they were giving out Monterey pines.

Chairperson Tefft commented it's not just the number of trees which were lost, but the types of trees. Tefft noted if we're to maintain the character of the urban forest, we need to find places for substantial specimens.

Commissioner Sadowski commented on the WRFCAC Citizens Advisory Committee and how everyone on the committee are volunteers. Sadowski went on to state the City Council hired a lobbyist for the Water Reclamation Facility (WRF). Sadowski feels if there's going to be an advisory committee those types of things should be brought up to the Advisory Committee before it goes to City Council. Sadowski also commented on the climate change, sea level rise and greenhouse gas issues. He noted how our consultants are not up to speed on the new law Assembly Bill 32 – California Global Warming Solutions Act (AB



ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MARCH 7, 2017

32). Sadowski is concerned on the direction of where the WRF is going. Sadowski will follow up with staff on a report regarding the meeting he attended.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS – NONE

G. ADJOURNMENT

The meeting adjourned at 10:16 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on March 21, 2017, at 6:00 p.m.

\_\_\_\_\_  
Robert Tefft, Chairperson

ATTEST:

\_\_\_\_\_  
Scot Graham, Secretary