

AGENDA ITEM: A-2

DATE: DECEMBER 15, 2020

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – SEPTEMBER 15, 2020
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Gerald Luhr Jesse Barron Joe Ingraffia Michael Lucas Susan Stewart	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Nancy Hubbard	Community Development Director Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENT PERIOD

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

<https://youtu.be/SRAjzTftw4g?t=105>

Public Participation:

In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at planningcommission@morrobayca.gov prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your*

desire to provide public comment. Each speaker will be allowed three minutes to provide input.

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNWRFUQT09>
Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to “Raise Hand” for Public Comment*

PRESENTATIONS - NONE

A. CONSENT CALENDAR

<https://youtu.be/SRAjzTftw4g?t=113>

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

MOTION: Commissioner Lucas moved to approve the Consent Calendar. Vice-Chairperson Barron seconded, and the motion passes 5-0, with Lucas, Barron, Stewart, Ingraffia, & Luhr voting yes.

B. PUBLIC HEARING

<https://youtu.be/SRAjzTftw4g?t=170>

- B-1 Case No.:** MAJ19-005 (Major Modification to CUP440 and CDP500)
Site Location: 3300 Panorama Drive, Morro Bay, CA
Request: Approval of Major Modification Permit (MAJ19-005) of Conditional Use Permit UPO-440 and Coastal Development Permit CPO 500 related to the non-permitted removal of 3 small sheds containing asbestos material. The request includes additional removal of the asbestos siding from the electrical transformer building to be replaced with non-asbestos siding and roofing. The requested major modification permit will cover the after-the-fact removal of the sheds as well as the new scope of work. The project site is in a (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, but no new work will occur in either area.
CEQA Determination: This project is subject to the adopted Mitigated Negative Declaration of Environmental Impact (MND) dated February 2018 and the related mitigation and monitoring plan requirements.
Staff Recommendation: Approve the Major Modification MAJ19-005 with conditions of approval.
Staff Contact: Nancy Hubbard, Contract planner (805) 772-6211, nhubbard@morrobayca.gov

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS - NONE
Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/SRAjzTftw4g?t=1207>

Michael Tiffany, Environmental Hygienist for the applicant, presented the scope of work for the project.

Edward Gallegos and Rob Solley, applicants, thanked staff for all their help, and noted they have worked hard to satisfy all agencies and departments.

Michael Alper, branch manager for Alliance Environmental Group, gave a brief background about his company and was available for any questions. Alper noted his company was not involved with the previous project.

Dan Sedley, Morro Bay, stated he lived in the neighborhood. Sedley does not understand how the City could approve work that was done wrong. Sedley feels the demo of the building was not done correctly and stated there is no documentation to show the correct process was implemented for the demo. Sedley is disappointed with the City's decision and is opposed to what the staff report is proposing.

Kristen Headland, Morro Bay, stated she lives across the street from 3300 Panorama. Headland noted she and all of her neighbors understood the tanks were going to be removed, but also understood it was going to be removed in a safe proper manner. She and other neighbors witnessed numerous illegal unpermitted works done, and illegal activity on the property.

Betty Winholtz, Morro Bay, stated there was no confirmation of a new letter in the staff report from the SLO County Health Department regarding the violation hearing and what the outcome was. Winholtz wanted to know if the documents would be available and know how much the fine was. Winholtz suggested the City fine the developer for all the illegal work that was done.

Staff addressed the questions brought up in the Public Comment period.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/SRAjzTftw4g?t=2531>

Discussion between the Commissioners and staff.

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/SRAjzTftw4g?t=3395>

Gallegos commented on the past issues of the previous work done and reassured every one of his willingness to comply with the permitting process.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/SRAjzTftw4g?t=3544>

MOTION: Commissioner Stewart moved to approve PC Resolution 14-20, a resolution of the Morro Bay Planning Commission approval of Major Modification of Conditional Use Permit and Coastal Development Permit MAJ19-005 of CUP-440 and CDP-500, site location 3300 Panorama Drive.

<https://youtu.be/SRAjzTftw4g?t=3899>

Discussion between the Commissioners

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/SRAjzTftw4g?t=4625>

Gallegos responded to the Commissioners comments

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/SRAjzTftw4g?t=4685>

Chairperson Luhr seconded the motion, and the motion passes 4-1, with Stewart, Luhr, Lucas, Ingraffia, voting yes, and Barron voting no.

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/SRAjzTftw4g?t=4778>

Chairperson Luhr noticed a few projects on the Current and Advanced Planning Processing List that there were people applying for permits after the work was already completed. Luhr stressed the City would need to start making changes to the municipal code regarding fines for not following proper permitting procedures.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE

<https://youtu.be/SRAjzTftw4g?t=4942>

Graham notified the Commissioners that the short-term vacation rental ordinance was moving forward to City Council next Tuesday. Graham also updated the Commissioners on the EV (electric vehicle) charging stations.

ADJOURNMENT

The meeting adjourned at 7:24 p.m. to the next scheduled Planning Commission meeting via teleconference, on October 6, 2020 at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary