

AGENDA ITEM:   A-2  

DATE:   FEBRUARY 2, 2021  

ACTION:   APPROVED  

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – NOVEMBER 17, 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 Cindy Jacinth Nancy Hubbard	Community Development Director Senior Planner Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER

PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENT PERIOD

<https://youtu.be/l1f1qY28k3c?t=64>

Carole Truesdale, Morro Bay, voiced her concerns regarding changing the zone for 3300 Panorama Drive.

Kristen Headland, Morro Bay, stated she submitted questions to staff regarding the incorrect density listed for the 3300 Panorama Drive. Headland noted the map is still incorrect.

Mark Davis, Morro Bay, also voiced his concerns regarding the zoning for 3300 Panorama Drive.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/l1f1qY28k3c?t=544>

Graham responded to the questions asked in the Public Comment period.

**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](mailto: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=aWZpTzcwTHlRTk9xaTlmWVNWRFWFUQT09>  
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/l1f1qY28k3c?t=675>

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

**MOTION:** Commissioner Stewart moved to approve the Planning Processing List. Vice-Chairperson Barron seconded, and the motion passes 5-0, with Stewart, Barron, Lucas, Ingraffia, and Luhr voting yes.

<https://youtu.be/l1f1qY28k3c?t=696>

### B. PUBLIC HEARING

#### **B-1** **Case No.:** Major Modification (MAJ20-003) to UPO-520, CPO -562 and ADO-132

**Site Location:** 2996 Alder Avenue, Morro Bay, CA

**Project Description:** Major Modification for approval of exterior modifications to the building and landscaping. The changes reflect change in roof line variation on east side, change to siding material on north and south sides at garage level, changes to landscape screening wall on west side and changes to second floor balcony dividing walls to full height. This project is in the R-4/SP zoning district and is not within the appeals jurisdiction of the California Coastal Commission.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1a

**Staff Recommendation:** Conditionally Approve the project subject to Finding and Conditions.

**Staff Contact:** Nancy Hubbard, Contract Planner (805) 772-6211

<https://youtu.be/l1f1qY28k3c?t=732>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – All of the Commissioners had spoken to the applicant.

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/l1f1qY28k3c?t=1555>

Paul Nagy, applicant, explained how some conditions were not met due to the fact that he was not involved with the project in the beginning. Nagy welcomes any suggestions made by the Planning Commission.

Ed Applegate, Morro Bay, commented how the footprint of the project didn't affect the safety of the neighborhood.

The Commissioners presented their comments to the applicant.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/l1f1qY28k3c?t=2099>

Discussion and comments from the Commissioners.

**MOTION:** Vice-Chairperson Barron moved to approve Major Modification, MAJ20-003 to UP0-520, Coastal Development permit CP0-562 and Parking Exception AD0-132, to amend the roof line for option one; metal awning. Planning condition 1C should have a continuous banding around the building, the lighting changed to warm white CR190, and also to include A and B lighting in the parking area. Commissioner Ingraffia seconded the motion, and the motion passes 5-0, with Lucas, Stewart, Barron, Ingraffia, and Luhr voting yes.

<https://youtu.be/l1f1qY28k3c?t=4610>

Commissioner Ingraffia presented his question to the Commission.

The Commissioners responded.

**B-2 Case No.:** UP0-044 / UP0-200

**Site Location:** 560 Embarcadero, Morro Bay, CA

**Project Description:** Review of Conditional Use Permits for Thai Bounty restaurant: UP0-044 was approved by Planning Commission on November 15, 2004 for a restaurant use. UP0-200 was administratively approved on January 13, 2009 for approval of an outdoor dining area and grill. UP0-044 was administratively amended on April 23, 2010 for outdoor dining changes. Project includes review of restaurant and outdoor dining uses as it relates to repeated noise complaints received. The project

zoning is WF/PD/S.4 and the site is located within the Coastal Commission appeals jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15301.

**Staff Recommendation:** Conditionally Approve

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

<https://youtu.be/l1f1qY28k3c?t=5360>

#### COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Graham presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/l1f1qY28k3c?t=5988>

Jorge Milanes, owner of Thai Bounty, explained how the issue has gotten out of control and would like to discuss how to address the issue.

Jane Heath, Milanes attorney, questioned what the actual issue was. She would like for the Commission to give Mr. Milanes a set standard for what is required.

Aaron Young, Chamber Board, agreed with Jane Heath and stated he was disappointed the issue has gotten to where it is now. Young does not know what the issue is.

Margarita Falcon, Cuban doctor, spoke of the Cuban culture and how it includes music and dancing. Falcon explained the noise was not intentional and would like for the Commissioners to have some compassion.

Helen Beard, resident affected by the music, stated this has been an ongoing issue for the past two years. Beard stated the other neighbors, business owners, and herself have no problem with listening to music. It becomes a problem when they close their windows and could still hear the music.

Noreen Fernandez had technical difficulties trying to connect to the meeting.

Phil Kispersky, owner of the building, stated when he started his business, they had live music on the patio with no complaints. The understanding he had was he could play music until 9 p.m. daily. Phil noted other festivals have played music in the area and it was much louder. He would like a standard to be set and the City to work with Mr. Milanes.

Noreen Fernandez again had technical difficulties trying to connect to the meeting.

Chairperson Luhr close the Public Comment period.

<https://youtu.be/l1f1qY28k3c?t=7806>

The Commissioners presented their questions to staff.

Comments from the Commissioners.

**MOTION:** Commissioner Stewart moved to approve PC Resolution 19-20, resolution of the Morro Bay Planning Commission approval of an amendment of Conditional Use permit, UP0-044 and Minor Use permit UP0-200, site location 560 Embarcadero specifically with the planning conditions noted in Item 1. Commissioner Lucas seconded the motion, and the motion passes 4-1, with Stewart, Lucas, Ingraffia, and Luhr voting yes and Barron voting no.

<https://youtu.be/l1f1qY28k3c?t=9696>

**B-3 Case No.:** *Plan Morro Bay: General Plan/Local Coastal Program Update*  
**Site Location:** Citywide  
**Applicant/Project Sponsor** City of Morro Bay  
**Proposed Project:** General Plan/ Local Coastal Program Update known as “Plan Morro Bay” hearing draft for review and adoption. The Public Draft was released for public review in 2018 and reviewed by the General Plan Advisory Committee (GPAC) and the Planning Commission (PC). The Plan Morro Bay Adoption Hearing Draft incorporates public comments, GPAC, PC, and Coastal Commission staff comments into a Hearing Draft now available for public review. Plan Morro Bay is an integrated General Plan and Local Coastal Program Land Use Plan which is proposed to update the City’s existing separate General Plan adopted in 1988 and Local Coastal Program certified by the Coastal Commission in 1984. **CEQA Determination:** Environmental Impact Report  
**Staff Recommendation:** Review hearing draft of Plan Morro Bay and provide recommendation to City Council for adoption.  
**Staff Contact:** Scot Graham, Community Development Director (805) 772-6291  
<https://youtu.be/l1f1qY28k3c?t=10336>

Graham updated the Commissioners on where they left off in their review and suggested the Commissioners take public comments first.

Chairperson Luhr opened the Public Comment period.  
<https://youtu.be/l1f1qY28k3c?t=10366>

Betty Winholtz, Morro Bay, wanted to acknowledge the correspondence she sent regarding the two different elements and hopes the Planning Commission will take them into consideration.

The Commissioners and staff review the Plan Morro Bay: General Plan/Local Coastal Program Update

**MOTION:** Commissioner Stewart moved to approve the public hearing on the General Plan to the next meeting on December 1, 2020. Vice-Chairperson Barron seconded the motion, and the motion passes 5-0, with Stewart, Barron, Lucas, Ingraffia, and Luhr voting yes.

<https://youtu.be/l1f1qY28k3c?t=14479>

C. NEW BUSINESS – NONE

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
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- D. UNFINISHED BUSINESS – NONE
- E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS – NONE
- F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS – NONE

ADJOURNMENT

The meeting adjourned at 10:03 p.m. to the next scheduled Planning Commission meeting via teleconference, on December 1, 2021 at 6:00 p.m.

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Gerald Luhr, Chairperson

ATTEST:

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Scot Graham, Secretary