

AGENDA ITEM: A- 1

DATE: December 4, 2013

ACTION: APPROVED

SYNOPSIS MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – NOVEMBER 20, 2013
VETERANS MEMORIAL HALL – 6:00 PM

Chairperson Grantham called the meeting to order at 6:00 p.m.

PRESENT:	Rick Grantham	Chairperson
	John Solu	Vice-Chairperson
	John Fennacy	Commissioner
	Michael Lucas	Commissioner
	Robert Tefft	Commissioner
STAFF:	Rob Livick	Public Services Department
	Kathleen Wold	Planning Manager
	Cindy Jacinth	Associate Planner
	Damaris Hanson	Engineering Technician
	Logan Budd	Former Engineering Intern

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS

PUBLIC COMMENT

Chairperson Grantham opened Public Comment period.

Cathy Novak, resident of Morro Bay, announced the Morro Bay Lighted Boat Parade will be held on December 7, 2013 at 6:30 pm in the Tidelands Park area. She encouraged the public to participate in the parade, and she stated the Morro Bay Rotary Club is the main point of contact for those that would like to participate.

Hank Roth, resident of Morro Bay, expressed appreciation for those who participated in the first annual Veterans event. He stated it was a great success.

John Merritt, resident of Morro Bay, made the following comments:

1. He expressed support for the new development project along the Embarcadero.
2. He commended the City on its efforts in providing ample parking along the Embarcadero.
3. He expressed concern about the potential noise issues associated with the new housing development adjacent to Highway 1.

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4. He suggested the City of Morro Bay develop a pedestrian mall similar to the one in Paso Robles.

Chairperson Grantham closed Public Comment period.

PRESENTATIONS

None.

Unless an item is pulled for separate action by the Planning Commission, the following actions are approved without discussion.

CONSENT CALENDAR

- A-1 Approval of minutes from Planning Commission meeting of October 16, 2013
Staff Recommendation: Approve minutes as submitted.
- A-2 Approval of minutes from Joint City Council / Planning Commission meeting of October 29, 2013
Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Solu moved to approve the Consent Calendar.

Commissioner Fennacy seconded and the motion passed unanimously. (5-0).

A. PUBLIC HEARINGS

- B-1 **Case No.:** UP0-368 and CP0-413
Site Location: 800 Quintana
Proposal: Modifications to an existing telecommunications facility. Remove (3) antennas, replace with (12) antennas, (1) TMA unit on commercial building rooftop.
CEQA Determination: Categorically exempt, Class 1
Staff Recommendation: Conditionally approve
Staff Contact: Cindy Jacinth, Associate Planner, (805) 772-6577

Jacinth presented the staff report.

Chairperson Grantham opened Public Comment period.

Tricia Knight, Applicant's representative, stated she was available to answer questions about the project if necessary.

John Merritt, resident of Morro Bay, expressed support for the project because it will provide Morro Bay with enhanced communication services. He stated it does not appear to have any negative visual impacts.

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Evans Cowen, resident of Morro Bay, asked staff to clarify whether the proposed project will enhance the T-Mobile 4G network in addition to the AT&T network.

Commissioner Tefft asked for clarification regarding why all 12 antennas were not included in the antenna inventory in the Site Safe Report (Exhibit D). He also stated the antenna numbers in the survey are inconsistent with the notations in the plans. Knight explained page 7 was inadvertently excluded which is why they seemed inconsistent. Page 7 summarizes the complete number of proposed antennas.

Commissioner Tefft asked how many channels are proposed on each antenna. Merritt explained AT&T no longer uses channelization, and instead the company uses carriers, or technology called GSM.

Commissioner Lucas asked for clarification regarding why there would be limited roof access on the building. Knight stated the Federal Communications Commission (FCC) requires the applicant to post certain signage in order to be compliant with FCC regulations.

Commissioner Lucas asked for clarification regarding whether people underneath the antennas on lower floors are exposed to unsafe radio frequency levels. Knight stated the report reflects the proposed antennas are within the General Public Maximum Permissible Exposure (MPE) levels. The Planning Division is proposing to condition the applicant to submit a post-construction site compliance report to confirm compliance with FCC regulations.

Lucas expressed concern that the nearby residences could be negatively affected by the proposed radio frequency levels. Knight explained the site compliance report took this into consideration and looked at all nearby buildings. She further explained the results of the site compliance report illustrate the worst-case scenario, but in actuality, the antennas will be operating at much lower levels. She stated, if after final inspection, the levels are not in compliance, the antennas would not be allowed to operate because of FCC requirements.

Knight addressed Cowen's comment and stated the proposed project will not affect T-Mobile's coverage, but T-Mobile will likely modify their facilities in the future.

Commissioner Solu asked Knight if she has processed other similar projects within San Luis Obispo County. Knight stated she processes the permits for the majority of carriers in the County. She stated other buildings in the City that have had cell sites installed on the roof include a church and the Twin Dolphin Hotel.

Chairperson Grantham confirmed with Knight the proposed project will provide better cellular coverage and better cellular capacity.

Commissioner Tefft expressed concern regarding the lack of discussion in the report about ground level exposure. He explained the manufacturer's information states this antenna has fairly wide vertical beam width, particularly in lower frequency ranges. As such, he stated he would like to move forward with the monitoring program at ground level as well as in second floor offices.

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Chairperson Grantham confirmed with Knight the roof access door will be locked and there will be lock arms on the back of the antennas as well.

MOTION: Commissioner Tefft moved to approve UP0-368 and CP0-413 and adopt Planning Commission Resolution 01-13 which includes the Findings and Conditions of Approval for the project depicted on site development plans dated October 14, 2013 with the provision that the City require Radio Frequency construction monitoring at ground level at varying distances and in second floor offices as proposed by staff.

Commissioner Lucas seconded the motion.

The Commission confirmed the monitoring program would only be necessary during the construction phase of the project.

The motion passed unanimously. (5-0).

B-2 **Case No.:** N/A

Site Location: City Wide

Proposal: Review and provide comments on the Urban Forest Management Plan (UFMP). The UFMP serves as a guide for perpetuating and enhancing Morro Bay's public trees. For the purposes of this plan, public trees are those located within the City Rights of Way (Street Trees). This plan establishes guiding principles and associated goals that result in specific strategies for addressing the needs of the public trees. These goals were developed from community input, City needs, environmental and urban conditions. They are flexible enough to account for future changes.

CEQA Determination: Exempt.

Staff Recommendation: Review and provide comments to be forwarded to City Council with a favorable recommendation.

Staff Contact: Damaris Hanson, Engineering Technician, (805) 772-6265

Hanson presented the staff report.

Chairperson Grantham asked the following questions:

1. He asked if the City considered power line involvement in the report. Hanson stated the inventory looked at sidewalk conflicts and examined whether trees were located under power lines.
2. Grantham asked if the City coordinates with PG&E in terms of tree maintenance. Hanson stated PG&E will go through the City and ensure that power lines remain 10 feet from public trees. Additionally, the City works with PG&E to plant the right tree in the right place.
3. Grantham confirmed with staff PG&E is still willing to reimburse the City for future tree projects.
4. Grantham asked staff how Morro Bay's designation as a Tree City affects the UFMP. Livick explained it does not really affect the plan but in order to maintain the designation, the City must meet certain qualifications including making an expenditure requirement

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for tree maintenance, establishing a tree board, and make an Arbor Day proclamation each year.

5. He also asked staff what the City intends to do about trees that have grown through certain portions of the sidewalk. Livick stated the City can remove some of the concrete around the tree and replace the concrete sidewalk with rubberized sidewalk, but the goal is to not remove healthy trees.

Commissioner Tefft asked staff to clarify the difference between street trees and open space trees. Livick stated street trees are smaller in size and scale than open space trees.

Commissioner Lucas asked if there is an individualized plan for each park in the City. Hanson stated she is not aware of any individualized plans. Livick stated the goal is to develop tree protection guidelines, or regulations for trees, in private spaces. Under the current ordinance, trees in parks are treated as private trees. He also explained how the City's Major vegetation Guidelines regulate public and private trees.

Chairperson Grantham opened Public Comment period.

Evans Cowen, resident of Morro Bay, expressed concern that the group of trees at the corner of San Jacinto and Highway 1 are out of place. He asked staff if the trees are preventing the sale or development of that area. Livick stated this issue was addressed in the Coastal Development and Use Permit for this subdivision. Those trees could be removed with issuance of a Coastal Development Permit. The property is currently in escrow, so it has not prevented the sale of the lot.

Chairperson Grantham closed Public Comment period.

Commissioner Tefft expressed concern about the potential liability issues associated with reducing the City's involvement in residential areas in order to allow the City to focus more on commercial areas.

Commissioner Fennacy confirmed with staff the plan is essentially complete. Staff is looking now toward bringing it forward to City Council for their adoption and direction on which components they would like to implement. Fennacy reviewed with staff the time frame for implementing each goal and objective.

Commissioner Lucas expressed concern that certain types of trees in public spaces, specifically parks, may be targeted for removal. He also expressed great appreciation for staff's work on the plan. He also expressed concern about the City's current tree replacement policy and suggested including language in this document or another one that more carefully addresses tree replacement policies and development. Livick stated the Commission could make a recommendation to incorporate all trees in public spaces in the UFMP.

Livick stated PWAB also expressed concern about the hazard and financial liability a homeowner might have under the proposed plan. He stated the City needs to work with legal counsel and to devise solutions to these issues before developing any ordinance language.

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Commissioner Tefft stated the City should retain the authority to maintain hazardous trees in residential areas when necessary. He also expounded on Livick's comment regarding including all trees in public spaces in the UFMP in order to enhance the City's urban forest.

The Commission and staff agreed consensus has been established that all trees in public spaces should be incorporated in the UFMP.

MOTION: Chairperson Grantham moved to approve Item B-2.

Commissioner Lucas seconded and the motion passed unanimously. (5-0).

B-3 **Case No.:** N/A

Site Location: 2783 Coral

Proposal: Determination that the sale of an undeveloped piece of City owned property located at 2783 Coral Avenue (APN 065-386-015) is consistent with the City's General Plan (California Government Code 65402) and Local Coastal Plan.

CEQA Determination: Mitigated Negative Declaration (SCH#2007061081)

Staff Recommendation: Continue to December 4, 2013 meeting.

Staff Contact: Kathleen Wold, Planning Manager, (805) 772-6211

Chairperson Grantham announced this item will be continued to the December 4, 2013 Planning Commission meeting.

Chairperson Grantham opened Public Comment period.

Evans Cowen, resident of Morro Bay, expressed concern that the existing trees on the subject property may prevent development on the property.

Chairperson Grantham closed Public Comment period.

MOTION: Commissioner Lucas moved to continue Item B-3 to the December 4, 2013 Planning Commission meeting.

Chairperson Fennacy seconded and the motion passed unanimously. (5-0).

UNFINISHED BUSINESS

C-1 Current and Advanced Planning Processing List

Staff Recommendation: Receive and file.

Upcoming Projects: To be determined.

Wold reviewed the Work Program with the Commission.

Wold stated the Climate Action Plan will be presented at the December 4, 2013 Planning Commission meeting, and the Morro Creek Bridge project will be presented at the following Planning Commission meeting.

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Livick announced the City was successful in obtaining \$250,000 in grant funding for the Local Coastal Program update specific to sea-level rise. The City will also be applying to the Strategic Growth Council grant in spring 2014.

NEW BUSINESS

None.

DECLARATION OF FUTURE AGENDA ITEMS

None.

ADJOURNMENT

The meeting adjourned at 7:17 p.m. to the next regularly scheduled Planning Commission meeting at the Veteran's Hall, 209 Surf Street, on Wednesday, December 4, 2013 at 6:00 pm.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary