

AGENDA ITEM: A-2

DATE: September 20, 2016

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – AUGUST 16, 2016  
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Gerald Luhr	Vice-Chairperson
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
	Joe Ingraffia	Commissioner
STAFF:	Scot Graham	Community Development Director
	Joan Gargiulo	Assistant Planner

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS – NONE

PUBLIC COMMENT PERIOD

<https://youtu.be/z7yAS8wziqo?t=2m8s>

Linda Steggy (sp), Morro Bay resident, commented on Measure D and how the staff report contains statements which doesn't make sense to her. She feels some elected officials are pressuring staff to legitimize these illegal actions and plans for future illegal actions. And noted Measure D has already been included in our zoning laws.

Gary Wilbur, Morro Bay resident, spoke about the concerns he had about the sober living facility which opened up next door to him. Wilbur is concerned about safety & feels the neighbors should've been notified this type of facility was going to be placed in the neighborhood. Wilbur noted he is not opposed to "real" rehabilitation facilities if they have the proper programs in place, but he doesn't like the idea of a boarding house masquerading as a recovery center.

Erica Mybarnes, Morro Bay resident, stated she also lives in the same neighborhood and noted there was no communication regarding the sober living facility.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=10m41s>

Tefft asked Graham if he wanted to respond about the issue since it's the first time the Commission was hearing about it.

Graham stated the person who purchased the house spoke to staff about it and staff explained if the facility was under six people a permit was not required. Staff also gave information on the code requirements.

Discussion between Commissioners and staff.

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=19m56s>

Jennifer Scales, Morro Bay resident, asked staff if the neighbors were going to be the ones who will be monitoring the facility.

Graham responded it would be the neighbors who would be monitoring the activity.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/z7yAS8wziqo?t=20m50s>

Chairperson Tefft opened the Public Comment period.  
<https://youtu.be/z7yAS8wziqo?t=22m>

Margaret Gear, Morro Bay resident, stated she doesn't have faith in the code enforcement because it took so long to have other issues she has complained about to be taken care of.

Graham responded to Margaret Gear's statement. Graham explained the process and how issues are handled.

Discussion between Commission and staff regarding placing sober living facility on a future agenda.

Chairperson Tefft feels this could fall under the General Plan affordable housing issue. Tefft would like the Commissioners to have access to the states requirements for the sober living facility and then decide if there would be a need to discuss at a later date.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/z7yAS8wziqo?t=28m53s>

## PRESENTATIONS – NONE

### A. CONSENT CALENDAR

<https://youtu.be/z7yAS8wziqo?t=28m53s>

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

**A-2** Approval of minutes from the Planning Commission meeting of July 19, 2016.  
**Staff Recommendation:** Approve minutes as submitted.

**MOTION:** Vice-Chairperson Luhr moved to approve the Consent Calendar. Commissioner Ingrassia seconded and the motion passed unanimously (5-0).  
<https://youtu.be/z7yAS8wziqo?t=29m4s>

### B. PUBLIC HEARINGS

**B-1** **Case No.:** UP0-439 / CP0-498  
**Site Location:** 2234 Emerald Circle  
**Proposal:** A request for Conditional Use and Coastal Development Permit approval for the construction of a new single-family residence at 2234 Emerald

Circle in the Cloisters Subdivision. Specifically, the Applicant proposes 2,917 sq. ft. of living space, a 452 sq. ft. attached garage, and an 86 sq. ft. covered front porch on a 10,869 sq. ft. parcel located in the MMR/CRR/GC (PD) Zoning District and within the Coastal Commission Appeals District.

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

**Staff Recommendation:** Conditionally Approve

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

<https://youtu.be/z7yAS8wziqo?t=29m24s>

Gargiulo presented staff report.

The Commissioners presented their questions to staff.

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

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=35m54s>

Gargiulo read a paragraph of the design guidelines to the Commissioners.

Robert Fisher, architect and agent for applicant, stated he has no issues with the staff report or conditions for approval.

Betty Winholtz, Morro Bay resident, spoke about the architectural style of the house. Winholtz feels it wouldn't fit in with the style that's referenced in the attachment.

Chairperson Tefft closed the Public Comment period and opened the Public Comment to applicant's agent.

<https://youtu.be/z7yAS8wziqo?t=38m50s>

Commissioners presented their questions and comments to Fisher.

Discussion between the Commissioners

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=45m4s>

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=59m1s>

Fisher made more comments regarding the design of the project.

The Commissioners presented questions and comments to Fisher.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=1h4m57s>

**MOTION:** Vice-Chairperson Luhr moved to continue item UP0-439 and CP0-498 to a date uncertain. Commissioner Lucas seconded and the motion passed unanimously (5-0).

<https://youtu.be/z7yAS8wziqo?t=1h4m57s>

C. NEW BUSINESS

**C-1** Measure “D” Discussion/Study Session in support of possible preparation/adoption of a future interpretation memorandum as it relates to the requirements of the Measure D area.

**Staff Recommendation:** Review, comment, and provide direction

**Staff contact:** Scot Graham, Community Development Director

<https://youtu.be/z7yAS8wziqo?t=1h6m3s>

Graham presented staff report.

Chairperson Tefft opened the Public Comment period.

<https://youtu.be/z7yAS8wziqo?t=1h19m54s>

Joseph Conchelos, Commercial Fisherman/ VP Commercial Fisherman’s Organization, stated the language in Measure D is simple. Conchelos stated Measure D was put in place to protect the commercial fishing community to help them grow. Conchelos noted Measure D is a good thing and should be left exactly the way it is.

Winholtz, stated the proponents who wrote Measure D were commercial fisherman. The intent was to do what the previous speaker spoke about. It was done as a protective measure and the people voted on it. Winholtz, feels if the Commission wants it to be interpreted differently, it would have to go back to the people to vote on.

Erica Cropper, Morro Bay Chamber of Commerce, stated she is interested in this discussion because commercial fishing represents more than 80-120 small businesses.

Nancy Vast, Morro Bay resident, stated to understand and judge this fairly, we would need to know the background and the circumstances and intent of the original initiative voted for in 1981. Vast went on to state how Morro Bay benefits from the commercial fisherman.

Bob Mary, Commercial Fisherman/ Board of Director of Local Association, stated his wife’s grandfather wrote Measure D. Mary stated it’s been working pretty good. Mary asked if the Commission was making a big deal out of something when it shouldn’t be. Mary also stated if they lose Measure D, it would be the end of the fisherman. Mary also noted Measure D has created more jobs.

Lori French, wife and mother of a Commercial Fisherman, stated her father in-law moved from Newport Beach in 1958 because it turned into anti-commercial fishing. Measure D is very important to their fishing family and would like to pass down the business to their kids. If the Commission need any questions answered they could contact her.

George League, Morro Bay businessman, stated Measure D was needed to protect the fisherman. League stated the City is at fault because they allowed people to do things that were against Measure D. League noted it’s obvious what Measure D is about, and if the City wants to get rid of it they would have to bring it up to the public.

Conchelos, stated majority of the active fleet is out of town at this moment. Conchelos would like the Commission to hold this discussion at another meeting when the majority of the fleet is at home.

Neil Maloney, Morro Bay Oyster Company, stated he was in support of Measure D. Maloney opened his building to grow oysters and sell them to the public and stated it keeps his business going. Maloney noted if it weren't for the building, they would be working on the barge in the rainy season and would have to shut down for 120 days. When his business is shut down, it means zero cash flow and layoffs.

Chairperson Tefft closed the Public Comment period.  
<https://youtu.be/z7yAS8wziq?t=1h38m8s>

Discussion between Commissioners and Harbor Director Eric Endersby.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/z7yAS8wziq?t=3h10m4s>

Vice-Chairperson Luhr asked staff about the mobile home park, Beach Street Specific Plan. Luhr wanted to see if staff had the opportunity to ask them to place screening on Beach Street.

Graham responded this was an infrastructure project which didn't have a descriptive permitting process for repair and maintenance and was done through the Department of Housing Community Development.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS

<https://youtu.be/z7yAS8wziq?t=3h11m33s>

Graham notified the Commissioners the Mitigated Negative Declaration was released and placed on the City's website for 3300 Panorama which is for the demolition of the fuel tank site. Graham wanted to inform the Commissioners because this will be coming to them in September.

Graham also notified the Commissioners a survey for code enforcement went out with the utility billing. It includes location RV parking and other items.

G. ADJOURNMENT

The meeting adjourned at 9:14 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on September 6, 2016, at 6:00 p.m.

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – AUGUST 16, 2016

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Robert Tefft, Chairperson

ATTEST:

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Scot Graham, Secretary