

AGENDA ITEM: A-2

DATE: FEBRUARY 21, 2017

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 6, 2016
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
Whitney McIlvaine Contract Planner

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

PUBLIC COMMENT PERIOD

<https://youtu.be/xENgTSszN1U?t=3m56s>

Betty Winholtz, Morro Bay resident, presented her questions regarding delineating the boundary of the ESHA and buffer of the Coastal Appeals jurisdiction zone with regard to the proposed demolition project at 3300 Panorama Drive. Winholtz stated the reason she brings this up is because she's a member of a local non-profit group called "Save the Park" who won a lawsuit against the Coastal Commission because they did not require the delineation while in planning with the developer. Winholtz hopes the Commission will require delineations by a surveyor. Winholtz stated a letter from the Air Pollution Control District (ACPD) recently was received and wanted to know if these requirements are the same or different as the initial requirements the Commissioners reviewed originally.

Chairperson Tefft closed the Public Comment Period.

<https://youtu.be/xENgTSszN1U?t=5m59s>

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/xENgTSszN1U?t=2m12s>

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

A-2 Approval of minutes from the Planning Commission meeting of October 4, 2016.
Staff Recommendation: Approve minutes as submitted.

A-3 Approval of minutes from the Planning Commission meeting of October 18, 2016.

Staff Recommendation: Approve minutes as submitted.

MOTION: Commissioner Lucas moved to approve the Consent Calendar. Commissioner Ingraffia seconded and the motion passed unanimously (5-0).

<https://youtu.be/xENgTSszN1U?t=3m15s>

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.: #CP0-500 and #UP0-440

Site Location: 3300 Panorama Drive, Morro Bay, CA

Project Description: Continued from September 6, 2016 and October 4, 2016:

Request for approval of a Coastal Development Permit and Conditional Use Permit for demolition and removal of tanks and associated pipelines and pumps, concrete foundations, and shotcrete on the containment berms in the R-1/PD/ESH zone on a site once used by the U.S. Navy for storage and distribution of jet fuel. The project is anticipated to require some level of disturbance over approximately 8 acres and is expected to require 2 to 3 months to complete. The site contains areas of environmentally sensitive habitat and is partially located in the Coastal Commission appeals jurisdiction.

CEQA Determination: The Community Development Director determined the project qualifies for a Mitigated Negative Declaration of environmental impact (MND), available, along with other project documents, on the City website at <http://www.morro-bay.ca.us/842/Current-Planning-Projects>. Mitigation is recommended to reduce potential environmental impacts to a less than significant level.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the demolition project subject to compliance with recommended conditions and mitigation measures.

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

<https://youtu.be/xENgTSszN1U?t=6m5s>

Chairperson Tefft notified everyone the item was not adequately noticed. Tefft stated this is not a public hearing but the Commission will hold a discussion on the item.

Discussion between Commissioners.

McIlvaine presented staff report.

Chairperson Tefft opened the Public Comment period for applicant/consultants.
<https://youtu.be/xENgTSszN1U?t=36m44s>

Michael Tiffany, certified Hygienist/professional geologist and certified asbestos consultant and lead inspector for the State of California, stated he was originally brought in to certify the tanks were cleaned and gas free before demolishing them. Tiffany is now working on other issues i.e. soil contamination, lead and asbestos issues, etc. Tiffany described how they will be handling the issues with the tank removal. Tiffany stated he will be available to answer questions.

Brian Dugas, Biologist for Terra Verde, stated the surveys were done by his staff. Dugas reviewed what would be done for the project and stated he would be available to answer any questions.

Chairperson Tefft closed the Public Comment period for applicant/consultants.
<https://youtu.be/xENgTSszN1U?t=43m58s>

Chairperson Tefft opened the Public Comment period.
<https://youtu.be/xENgTSszN1U?t=43m58s>

Donald Headland, 498 Yerba Buena, stated the stakeholders are in favor of removing the tanks. Headland stated he was never notified of what was going through the newspaper and postcards. Headland feels his neighborhood needs to be aware of what's going on and noted they have not been properly informed.

Anne Pivarski, 515 Yerba Buena, stakeholder, spoke of the lack of trust with the applicant, LP and LLC's. Pivarski noted the lack of knowledge the City has on the effects on the citizens, environment and infrastructure regarding an insurance guarantee required as a condition of approval. Pivarski stated, to this date there was no insurance certificate from the applicant. Pivarski asked the Commissioners to base their decision on the concerns of the citizens of Morro Bay along with thorough review and scrutiny of all applicable documentation.

Ed Griggs, 539 Whidbey St., stated to the Commissioners how dramatically the description of the project has changed since the September 6th meeting. Griggs spoke of the increase in volume of material which would be removed along with the increased number of truck loads per day. Griggs noted there was a huge trust issue among the Morro Bay stakeholders in the neighborhood. Griggs would like to see all trucks weighed before they leave the site and a more scientific way of measuring impact on the roads instead of videotaping it. Griggs requested a proper survey of the roads as they exist now and a survey when the project is done.

Carole Truesdale, 331 Kodiak St. and steering committee member for the Stakeholders of Morro Bay, stated she has attended all meetings regarding this project in order to voice her concerns. Truesdale noted she is confused with all of the changes made since the application submittal on July 25, 2016. Truesdale was pleased the

Community Development Department heard their pleas to require an insurance guarantee to protect the City from financial impact which might be associated with the project. Truesdale asked the Commissioners to not approve the project until January in order to find out why there has been numerous changes and for the neighborhood to prepare for the noise and disruption.

Robert Walker, 523 Whidbey St., lives directly across from the project. Walker stated the owls are back and getting ready for nesting. Walker has read the documents and would like to know what the definition of “protecting the nesting period” and “if practical” means”. Walker would like clarification on the set back of the ESHA and would like to know if this is an urban ESHA. Walker doesn’t understand why a performance bond is not required. Walker stated the Commissioners job is to make sure the City and its citizens are properly protected.

Chairperson Tefft closed the Public Comment period.
<https://youtu.be/xENgTSszN1U?t=1h4m14s>

Chairperson Tefft reminded the Commission this is not a public hearing. Tefft noted it would be inappropriate to discuss opinions.

Commissioners asked questions of staff.

Commissioners presented questions and concerns to the consultants.

Chairperson Tefft asked staff about the lack of legal noticing.

McIlvaine explained the noticing process and noted the notice to the Tribune was not sent.

Commissioner presented questions and concerns to the consultants.

Staff advised the Commission the public hearing for 3300 Panorama Drive will continue on January 3, 2017.

C. NEW BUSINESS
<https://youtu.be/xENgTSszN1U?t=2h58m51s>

C-1 Review of the Final Draft plans for the Centennial Parkway and Embarcadero Widening project.

Staff recommendation: Review the staff report and attached materials and make a recommendation to the City Council.

Staff contact: Scot Graham, Community Development Director, (805) 772-6291

Graham presented the staff report.

Questions and concerns presented to staff by the Commission.

Chairperson Tefft opened the Public Comment period.
<https://youtu.be/xENgTSszN1U?t=3h34m10s>

Roger Ewing, Morro Bay resident, urged the Commissioners to say no to this project. Ewing noted the project has no resemblance to Morro Bay.

Questions and concerns presented to staff by the Commission.

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

<https://youtu.be/xENgTSszN1U?t=3h47m40s>

Commissioner Sadowski thanked everyone who came out to vote this past election. Sadowski noted he wanted to voice his gratitude and appreciation.

Chairperson Tefft asked staff when they will be bringing the Code Enforcement survey back for discussion.

Graham stated since the next few agendas will be filled; they could take a look at it on the second meeting in January.

Chairperson Tefft asked staff about the sign ordinance.

Graham stated they would have to meet again due to additional changes and also will need to meet with Erica from the Chamber of Commerce for the outreach to the four commercial areas in town, in order to set up the presentations.

Chairperson Lucas asked staff about the antenna/flagpole issues. Lucas noted they voted to agendaize these at one time.

Graham stated the items would be discussed in the upcoming goals and objectives. Graham also noted McIlvaine will be working on a wireless ordinance when done with the Panorama project.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

<https://youtu.be/xENgTSszN1U?t=3h51m39s>

Graham notified the Commissioners of the presentation for Gary Clay's class at Cal Poly on Friday, 1:30 pm – 4:00 pm.

G. ADJOURNMENT

The meeting adjourned at 9:53 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on December 20, 2016, at 6:00 p.m.

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING –DECEMBER 6, 2016

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary