

AGENDA ITEM: A-2

DATE: February 2, 2016

ACTION: APPROVED

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – DECEMBER 15, 2015
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Robert Tefft	Chairperson
	Katherine Sorenson	Vice-Chairperson
	Michael Lucas	Commissioner
	Richard Sadowski	Commissioner
	Gerald Luhr	Commissioner
STAFF:	Scot Graham	Community Development Manager
	Cindy Jacinth	Associate Planner
	Joan Gargiulo	Contract Planner

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

PUBLIC COMMENTS – NONE

PRESENTATIONS – NONE

A. CONSENT CALENDAR

<https://youtu.be/ifncn6Hbp9E?t=3m9s>

- A-1 Current and Advanced Planning Processing List
Staff Recommendation: Receive and file.
- A-2 Resolution 44-15. Planning Commission interpretation affirming Greater than Normal Public Benefit also known as Significant Public Benefit as defined in the City of Morro Bay Zoning Ordinance Section 17.40.030 and the Waterfront Master Plan (WMP) Design Guidelines Chapter 5.
Staff Recommendation: Adopt Resolution 44-15 as revised from 11-3-15 meeting
- A-3 Approval of minutes from the Planning Commission meeting of October 20, 2015 and November 3, 2015.
Staff Recommendation: Approve minutes as submitted.

MOTION: Vice-Chairperson Sorenson moved to approve Consent Calendar. Commissioner Sadowski seconded and the motion passed unanimously (5-0).

B. NEW BUSINESS

<https://youtu.be/uxBvteYLogA?t=5m51s>

- B-1 Legal Guidance on Telecommunications Law presented by Christy Lopez, Assistant City Attorney

C. PUBLIC HEARINGS

C-1 **Case No.:** #CP0-483 and UP0-421

Site Location: 1401 Quintana, Morro Bay, CA

Project Description: Coastal Development Permit and Conditional Use Permit approval for installation of an unmanned telecommunication wireless facility which consists of a cylindrical antenna on top of an existing 28 ft. utility pole and the installation of an equipment cabinet adjacent to the utility pole within the public right-of-way. The project is located outside of the Coastal Commission Appeals Jurisdiction

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Conditionally Approve

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

<https://youtu.be/uxBvteYLogA?t=1h15m24s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/uxBvteYLogA?t=1h27m1s>

Tricia Knight, representative for Verizon, stated she appreciated the great job on the staff report. She explained where and why the sites are located in the proposed areas. She stated Chief Knuckles contacted Verizon last year regarding the need for cell towers due to the struggles the Fire Department have in emergency situations.

Knight also noted PG&E notifies them where they prefer the equipment to be located.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/uxBvteYLogA?t=1h34m46s>

MOTION: Commissioner Luhr moved to approve Resolution PC 47-15 with modified Planning Condition 1 to reflect the canister containing the antenna shall be painted to match the color of the utility pole and Planning Condition 9 added to reflect a post construction RF compliance report shall be submitted to the Community Development Manager prior to final inspection. The study shall measure actual RF emission levels for all antennas. Vice-Chairperson Sorenson seconded and the motion passed (3-2) with Commissioners Lucas and Sadowski voting no.
<https://youtu.be/uxBvteYLogA>

C-2 **Case No.:** #CP0-466 and #UP0-412

Site Location: 702 Morro Bay Blvd., Morro Bay, CA

Proposal: Coastal Development Permit and Conditional Use Permit approval for installation of an unmanned telecommunication wireless facility which consists of a screened cylindrical antenna on a short pole on the roof of an existing two-story commercial building with an associated equipment cabinet at ground level at the rear of

the building. The project is located outside of the Coastal Commission Appeals Jurisdiction.

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Conditionally Approve

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

<https://youtu.be/uxBvteYLogA?t=1h36m7s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Gargiulo presented staff report.

Chairperson Tefft opened Public Comment period.

<https://youtu.be/uxBvteYLogA?t=1h43m55s>

Tricia Knight, representative for Verizon Wireless, read a letter from Fire Chief Knuckles requesting Verizon to pursue strengthening the network due to lack of data service. Knight noted the equipment for the cell tower is located in the back alley and is not visible from the street.

Joel Grazia, Morro Bay resident, asked if the applicant provided technical information or support regarding the height minimal vs. optimal. Grazia also asked what the view from the street level was and asked if anyone thought about placing the cell tower in the center of the building.

Ann Travers, Morro Bay resident, stated the locations of the other cell towers in the neighborhood.

Duane Bonham, Verizon RF Engineer, stated the optimal height would be above the tree height.

Knight spoke about the analysis which was done to help with emergency services. Knight also noted six cell sites were chosen and all have met the criteria.

Bonham, answered questions brought up by the Planning Commission.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/uxBvteYLogA?t=2h6m48s>

Chairperson Tefft opened Public Comment period.

<https://youtu.be/uxBvteYLogA?t=2h23m29s>

Knight explained the application process which was taken for the project and noted there is a new ordinance which would address the questions being asked tonight. Knight stated she will work with staff on the next project to provide the overall network data the Planning Commission is requesting, but also noted this application was deemed complete.

Bonham, answered more questions from the Planning Commission and went over the different types of emergency backups Verizon has at other sites.

Chairperson Tefft closed the Public Comment period.

<https://youtu.be/uxBvteYLogA?t=2h39m5s>

MOTION: Commissioner Luhr moved to approve Resolution PC 49-15 for CP0-466 and UP0-412. Vice-Chairperson Sorenson seconded and the motion passed (3-2) with Commissioners Lucas and Sadowski voting no.

<https://youtu.be/uxBvteYLogA?t=2h46m57s>

C-3 **Case No.:** #UP0-359

Site Location: 725 Embarcadero, Morro Bay, CA

Proposal: Conditional use permit for construction of new gangway, dock, and seven (7) boat slips which will be 6 private month-to-month rentals and 1 public slip controlled by the Harbor Dept. The dock and slips would be supported by eleven (11) new guide piles consisting of 35 – 55-foot by 16-in diameter 0.375 wall steel. The upper 25 feet of the exterior surface that would be exposed will be coated with a marine grade epoxy/polyurethane coating. All on-site work would occur from a barge stocked and prepared at the APC dock in Morro Bay, and tugged into position for pile installation. The project also includes expansion of Water Lease Site 82-85W from approximately 50-feet to 93.71-feet. In addition, the project proposes a second story dining deck expansion along the west side of the building. This project is located in the original jurisdiction of the California Coastal Commission.

CEQA Determination: Mitigated Negative Declaration, State Clearinghouse #2015011002

Staff Recommendation: Adopt the Mitigated Negative Declaration and Forward Favorable Recommendation to City Council to Conditionally Approve Concept Plan

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

<https://youtu.be/uxBvteYLogA?t=2h47m58s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Jacinth announced that the applicant is requesting a continuance. Staff recommendation is to continue to the 1-5-16 Planning Commission meeting.

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

<https://youtu.be/uxBvteYLogA?t=2h53m48s>

MOTION: Commissioner Sadowski moved to continue item C-3 to the January 5, 2016 Planning Commission Meeting. Commissioner Lucas seconded the motion and the motion passed unanimously (5-0).

<https://youtu.be/uxBvteYLogA?t=2h54m7s>

D. UNFINISHED BUSINESS

D-1 **Case No.:** #CP0-460 and UP0-402

Site Location: 485 Piney Way, Morro Bay, CA

Project Description: Review Resolution 48-15 for Denial of Coastal Development Permit and Conditional Use Permit for installation of an unmanned telecommunication wireless facility which consists of 3 new directional panels antennas on the roof of an

existing church screened with a faux chimney. Project also includes installation of associated equipment of 2 new equipment cabinets adjacent to church.

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Move for reconsideration of resolution

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

<https://youtu.be/uxBvteYLogA?t=2h54m31s>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Jacinth presented staff report.

Commissioner Luhr abstained due to he was not present at the last meeting.

Chairperson Tefft opened Comment period.

<https://youtu.be/uxBvteYLogA?t=2h58m1s>

Knight stated she met with neighbor Mr. Hopper regarding impacts to his view shed and agreed to move the chimney to the east to lessen view impacts as requested by Mr. Hopper. Knight also noted this was an area where Fire Chief Knuckles was having capacity issues.

Travers, stated the City Council approved and adopted the amended land use ordinance for cell towers in 2005. She asked why the standard wasn't being used. She noted the ordinance states no antenna shall be placed within 100 feet near a residence. Travers stated in 2010 a draft wireless ordinance was brought to City Council and it addresses the issue of appropriate locations of antennas. She doesn't understand why these steps weren't implemented when the City Council had already adopted them. Travers went over other issues she was concerned about.

Barbara Nordin, Morro Bay resident, stated Verizon made a deal with PG&E to place cell towers on their equipment. She asked why the City wasn't included on this. She noted the City could be making money and suggested the antennas could be placed on the water tower, City Hall or Fire Department.

Lopez, wanted to clarify to the Planning Commission the item is under "Unfinished Business" and not a Public Hearing. Lopez also noted the only item before the Commission is to whether or not to make a motion for reconsideration of resolution.

Chairperson Tefft closed the Comment period.

<https://youtu.be/uxBvteYLogA?t=3h5m14s>

MOTION: Vice-Chairperson Sorenson moved to approve Resolution PC 48-15, CP0-460 and UP0-402 with the additional Coastal Development Permit Finding:

That the project is not in accordance with the certified Local Coastal Program and the General Plan for the City of Morro Bay based on incompatibility with nearby uses including proximity of nearby wireless facilities and has to do with the aggregate visual clutter caused by nearby wireless facilities and potentially 20-30 utility constructions within our residential neighborhoods which affects our view potentials.

Commissioner Lucas proposed the “Whereas” acknowledged the previous discussion of cell tower resolutions put forward from this panel, in consideration of the past record by the community in hearings.

Commissioner Lucas seconded the motion and the motion passed (3-1) with Chairperson Tefft voting no.

E. PLANNING COMMISSIONER COMMENTS
<https://youtu.be/uxBvteYLogA?t=3h39m44s>

Commissioner Luhr stated his concern regarding mobile homes installed in Morro Bay. Luhr’s concern is the foundation it would be built on. He feels mobile homes should meet the same standards as a new home construction build. Staff will agendize the item to a future meeting.

F. COMMUNITY DEVELOPMENT MANAGER COMMENTS
<https://youtu.be/uxBvteYLogA?t=3h39m12s>

Graham stated they will be conducting the consultant interviews for the General Plan and LCP Update tomorrow, 3 p.m. to 5 p.m. at the Community Center Multipurpose Room.

G. ADJOURNMENT

The meeting adjourned at 9:48 p.m. to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on January 5, 2016, at 6:00 p.m.

Robert Tefft, Chairperson

ATTEST:

Scot Graham, Secretary