

MORRO BAY MATTERS

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CITY COUNCIL MTG. IGNORES RIGHTS

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How should one confront misuse of power?

During **Public Comment**, a speaker was cut off before his time was up. The CA Brown Act and Public Code state public bodies may not prohibit criticism of “the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.” Gov’t Code § 54954.3(c).

No council members *nor* the city attorney objected to the infringement, so the speaker was denied his right.

Later, a **Public Hearing** focused on an appeal challenging a Planning Commission decision. The proposed house was on a substandard lot requiring 4 variances (exceptions to Code) and possibly a 5th regarding a retaining wall. The public asked 3 times to see a picture of what was being discussed, the request was ignored.

To *not* see a picture of a proposed project is unheard of.

Why? Was Council defensive or embarrassed about voting for a project that would be unacceptable to a reasonable person?

The project was approved 4-1 with the Public denied pertinent information upon which to comment.

PLANNING STAFF END RUNS PLANNING COMMISSION

The Planning Commission voted to deny a request to increase the density of 2 parcels until the developers submitted a plan for how they would use the land. This is standard practice.

Since the Commission said no, planning staff did an end run around them. Staff went to City Council asking Council to initiate the density without a plan. Council voted 3-2 to direct Staff to write an Amendment to change the zoning/density with no plan.

This has 3 consequences:

--**Residents will pay the developers fees** because it is City initiated.

--**The property is worth more** with higher density. The developers get a financial benefit for free.

--**The City gave away its negotiating tool**, higher density, to gain an increase in the percentage of workforce housing.

Council is not maximizing its ability to create more low income housing. City businesses will not get more of the type of housing they need for employees.

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WHAT'S THE DIFFERENCE? 3300 PANORAMA DRIVE and CHEVRON LOTS

3300 Panorama Dr is the former Estero Bay Defense Jet Fuel Storage Station, a 10.6-acre parcel on the east side of Panorama Dr between Sicily and Zanzibar Sts. The tanks are gone, and the parcel owners submitted a Planning Permit Application proposing a 61-unit residential development.

There are **5 Chevron Lots** totaling 212.9-acres east of Panorama Dr from Zanzibar St to Del Mar Park. They are the hillsides visible from Hwy 1. The City facilitated action for residential development by successfully getting the Lots into the City's Sphere of Influence (SOI).

In 1983 and 1995, major landslides on the hills crossed Panorama Dr causing tens of thousands of dollars of damage. Ask Panorama homeowners how difficult it is to get insurance.

Signs of earth movement along Panorama Dr are the leaning chain link fence and power poles, some requiring support poles to stop further movement.

This geology is so unstable, it is the poster-child for a Cal Poly class on where not to disturb or build on land. It's clear that no human structures should be added to the North Morro Bay Landslide Complex.

This same geology caused 2 or more landslides last year at the new sewer plant (WRF) on the south end of town.

PLANNING COMMISSION LISTENS TO PUBLIC

Several changes in the proposed Zoning Ordinance were temporarily put on hold due to public input at the August 16 hearing. The Planning Commission received both written and oral testimony predominantly referring to **downtown building heights, fence heights, and side and back yard setbacks.**

Discussion at the August hearing followed a "Top 10" list of changes created by City Staff. This is the staff report link: <https://www.morro-bay.ca.us/ArchiveCenter/ViewFile/Item/5972>

To watch the meeting on Youtube, go to this link:
<https://www.youtube.com/watch?v=OZN1mH8e4AY>

The Commission reviewed the first 7 items on the list. It is not an all inclusive list. An example of what is not on the list is the Short Term Vacation Rental (STR) chapter because staff is proposing no changes. However, many residents desire that the position of code enforcer be added to the Code, and funds collected from STR owners pay for the position. Otherwise, enforcement can be an unfunded mandate, as it has been.

All topics may still be commented on either in writing or at the meeting. **The next Planning Commission meeting, September 6, continues the hearing of the Zoning Ordinance.**