

CITY OF MORRO BAY

ZONING CODE UPDATE



MAY 2017

Zoning Code Diagnosis

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The logo for rrm design group, featuring the lowercase letters "rrm" in a bold, orange, sans-serif font, followed by the words "design" and "group" in a smaller, grey, sans-serif font stacked vertically.

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INTRODUCTION

The City of Morro Bay is currently in the process of a comprehensive General Plan and Local Coastal Plan update. The plan, titled Plan Morro Bay, will set forth a comprehensive strategy for development and conservation in the City through the year 2040.

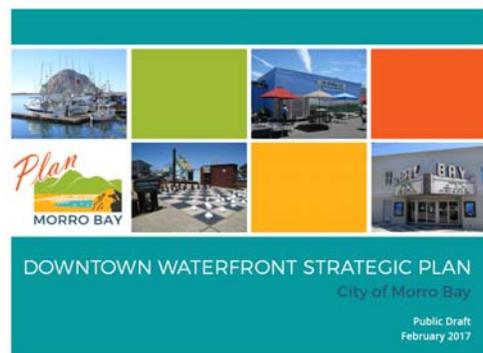
Zoning regulations are one of the primary tools a city has for implementation of its General Plan. In the Coastal Zone, they are also key components of a Coastal Implementation Plan, a required part of Local Coastal Programs which contain regulations and other implementing ordinances that conform with and carry out a Coastal Land Use Plan. A zoning code translates the policies of a general plan and coastal land use plans into parcel-specific regulations, including land use regulations and development standards. The type and intensity of land uses that are permitted and how they perform will be critical to achieving the General Plan/Local Coastal Plan's vision for neighborhood preservation and enhancement, economic development, coastal resource protection, environmental sustainability, and community health.

The Zoning Code Update project is intended to comprehensively revise the Morro Bay Zoning Code, Title 17 of the Morro Bay Municipal Code, in order to create a concise and user-friendly set of regulations that will implement the new General Plan/Local Coastal Plan and Downtown-Waterfront Strategic Plan currently in process and be consistent with State and federal law. The objective is to craft a new Zoning Code that:

- Is consistent with and implements the General Plan/Local Coastal Land Use Plan;
- Promotes high quality design;
- Responds to community concerns about neighborhood character and project design;
- Is modern and reflects the City's current uses, practices, and development patterns;
- Provides clear decision-making protocols and streamlined review processes, where appropriate;
- Complies with State and federal requirements and current case law; and
- Is clear, concise, understandable, and easy to use.

As one of the first steps in the revision process, City staff and the consultant team have been evaluating the current Zoning Code to identify issues that need to be addressed and changes that should be considered as part of the update.

This paper summarizes the principal findings and conclusions of the consultant team's work and recommends a number of ways that the current code could be improved to meet the overall



objectives of the update. It is intended to distill key choices and present “big ideas” for the update, which will be further developed and refined as draft regulations are created.

KEY ISSUES

Because the purpose of this paper was to identify ways to improve Morro Bay’s zoning regulations, only passing reference to all the positive attributes of the existing regulations.

Four key issue areas were identified:

- Code Usability;
- General Plan/Local Coastal Plan Implementation;
- Review Processes; and
- Compliance with State and Federal Law.

Each of these issue areas are addressed in subsequent sections of this paper.

NEXT STEPS

This paper will be the basis for a review meeting with the General Plan Advisory Committee (GPAC) and a study session with the Planning Commission. Comments from the review meeting, study session, and further work with City staff will guide preparation of a preliminary outline and initial drafts of regulations. The draft regulations will be presented in “modules” for subsequent review, and additional review meetings and study sessions will be scheduled with the GPAC and Planning Commission to review milestone products.

WHAT IS ZONING?

While the General Plan/Local Coastal Plan sets forth a wide-ranging and long-term vision for the City, the Zoning Code specifies how each individual property can be used to achieve those objectives. Zoning is the body of rules and regulations that control what is built on the ground, as well as what uses occupy buildings and sites. Zoning determines the form and character of development, such as the size and height of buildings, and also includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

A zoning code deals with two basic concerns:

- How to minimize the adverse effects that buildings or using one property can have on its neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

WHAT ZONING CAN DO

Zoning is used to implement the community goals expressed in a general plan and other land use plan documents. Zoning can do the following:

- **Use Regulations.** Zoning specifies what uses are permitted, what uses are required to meet specified standards or limitations, and what uses are prohibited. In this way, the zoning determines the appropriate mix of compatible uses, as well as how intense these uses can be.
- **Development and Design Standards.** Zoning reflects the desired physical character of the community in a set of development and design standards that control the height and bulk of buildings, streetfront and architectural character, location of parking and driveways, “buffering” of uses, and landscape needs.
- **Performance Standards.** Zoning often includes standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and stormwater runoff.
- **Predictability.** The use regulations and development standards established in zoning provide neighbors with assurance of what land uses are permitted and to what scale they may be developed. Investors benefit from knowing exactly what can be done. City staff benefits too, since the need for case-by-case discretionary review of development applications is reduced.

WHAT ZONING CANNOT DO

There are things that zoning cannot do, since zoning is limited in some respects by State law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

- **Dictate Architectural Design.** Although zoning can improve the overall physical character of the community, it can only do so with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a building, such as colors and finish materials, are addressed in design guidelines.
- **Regulate Free Market.** Zoning cannot create a market for new development. For example, it cannot determine the exact mix of tenants in a private development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.
- **Establish Land Use Policy.** Zoning is a tool for implementing land use policy, not setting it. As such, zoning is not the appropriate means for planning analysis or detailed study. Zoning takes direction from the General Plan/Local Coastal Plan and other established land use plans.

THE BASIC DILEMMA: FLEXIBILITY VS. CERTAINTY

As Morro Bay considers how best to improve its zoning regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan/Local Coastal Plan. The dichotomy between these concepts creates tension, not only for City officials and staff who use the Zoning Code on a day-to-day basis, but also for homeowners, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the City. Everyone wants to know what are the rules and standards by which new development will be judged – how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important – who has appeal rights, and when is a decision final so a project can proceed.

For others, flexibility is important: the site or existing building may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements and generic architectural details may be appropriate. Perspectives of code users help inform the discussion about this issue.

Users' Perspectives

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Applicants view zoning differently than design professionals, and City staff perspectives are not always the same as those of residents or City officials. At the risk of over-simplification, we offer the following set of expectations for different code users as a starting point for thinking about regulatory options for the Zoning Code Update.

Applicants

Individuals applying to the City for a zoning approval through a permit or land use review generally want to know:

- What are the rules that the City follows for development review? These include use regulations, design guidelines and standards, and development standards, review procedures, and criteria for decision-making.

- What is the timeframe for decision-making, and when is a decision final? Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps, refine an architectural design, solicit bids, and initiate construction? Users also need to know how much time they have to obtain a building permit or business license.
- What relief can they request if a regulation or standard constrains a design solution or otherwise limits what they would like to do with their property or their building? In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances are illegal and the only way to accommodate different uses would be through a zoning code or map amendment) from concerns about how to accommodate a design or improvement on a lot. Relief may be needed from physical development standards (e.g. setbacks or fence height limitations) or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot.
- How important are neighbor concerns in the decision-making process? If an applicant follows the rules, does the City have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable"? Does the City distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns?

Design Professionals

Architects and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the code allows for site planning and architectural design. If the City wants to mandate certain design solutions, as opposed to "encouraging" a type of design, the code should say so to avoid misunderstandings during the development review process.

An example of a mandated design solution is a requirement for windows or display spaces and a prohibition of blank walls on retail frontages. In this context, design professionals also want to know whether the mandate is a guideline or a development regulation. If it's a regulation and the proposed building design doesn't benefit from adding windows, it will be necessary to request a specific form of administrative relief, which could be a variance or a design modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a design guideline, it may be possible to propose an alternative design solution that meets the guideline's objective without applying for a variance or use permit to waive design standards if the code provides for alternative ways to comply with a guideline.

The flexibility that a design professional typically seeks includes:

- Relief from overly prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, location or parking, and architectural design standards (e.g. colors, finishes, porch dimensions, roof pitches, etc.);
- Relief from provisions that constrain energy efficiency and water conservation;
- Relief for buildings with historic or architectural character; and

- Relief for uses or activities with unique needs (e.g. theater scenery lofts, pharmacy drive-through windows, multiplex cinemas, grain silos, etc.).

City Staff and Officials

City staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan, Local Coastal Plan, and more specific plans, and to further public policies;
- To reconcile competing priorities, as is frequently the case with a General Plan/Local Coastal Plan; and
- To protect unique and special resources, which may range from coastal resources to historic buildings, affordable housing, and special retail uses.

Residents and Business Owners

While planners and City officials strive to respond to community concerns, residents and business owners don't always have the same perspective on zoning, particularly if they feel their self-interest is not served. Many critical issues are decided when a General Plan/Local Coastal Plan is prepared; however, as implementation details are worked out, community thinking about General Plan/Local Coastal Plan direction may evolve, and there may not be consensus on all of the regulatory solutions proposed to implement the plan.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the City has to condition approval and what they can do to affect the final result.

Business owners likewise want to know whether they can expand or adapt space to new uses or activities. Being able to respond quickly to changing markets is important, and lengthy review times are an anathema to that objective.

Tradeoffs

As the City considers the next steps for regulatory reform, discussion of choices could address these basic philosophical issues:

- **Flexibility vs. predictability:** Is the zoning code intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the code or by practice?
- **Flexibility vs. administrative cost:** What are the costs to the applicant, to opponents, and to the City's tolerance for hearings?
- **Development cost vs. quality:** Standards should be written with an understanding of their effect on developers' and consumers' costs and on the quality of the environment for both user and community at large.

- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming situations, which could also discourage investment.
- **Under regulation vs. over-regulation:** How does the community strike the right balance and find the least number of rules that will do the job?

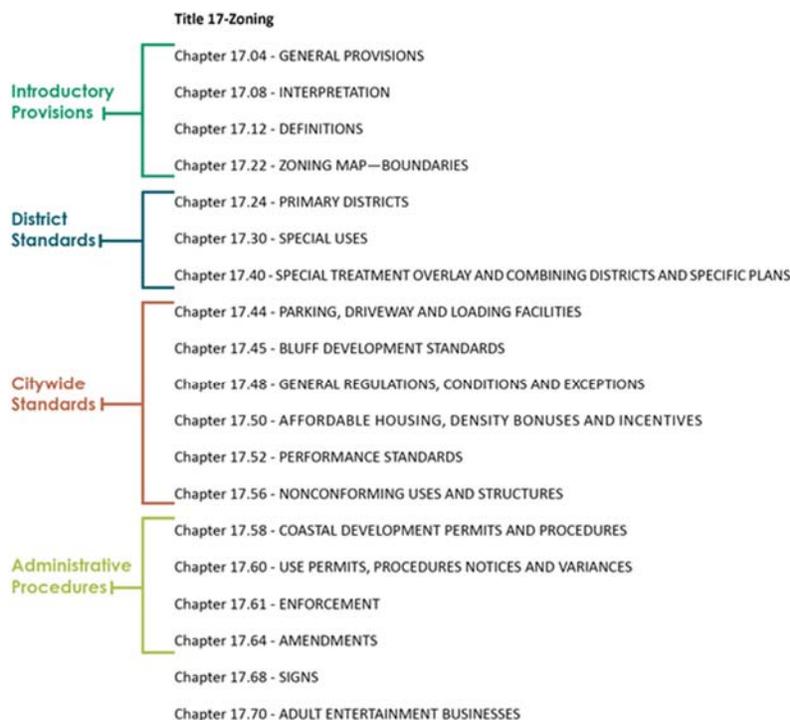
Striking the right balance will not be easy, and lessons from similar communities that have recently amended their zoning codes and Coastal Implementation Plans can enable the City to avoid mistakes others have made and achieve its goals for economic development and sustainable land use.

CODE USABILITY

The need to make Morro Bay’s Zoning Code more user-friendly and concise was one common observation noted during meetings with code users and was an issue expressed by City staff. Many code users commented that the text of the Code is too complex and hard to interpret; others said that the document is difficult to navigate and should rely more extensively on pointers and references to direct users to appropriate regulations. A well-organized code is easy to use, navigate, and understand. This section contains general observations about the existing organization, format, and usability, as well as strategies for improving these aspects of the existing Code.

ORGANIZATION AND STYLE

The City’s current Zoning Code, Title 17 of the Morro Bay Municipal Code, is organized in a manner that exhibits an underlying structure that generally follows a flow from introductory provisions, to district standards, citywide standards, and finally administrative procedures.



While the underlying structure can be recognized by those with ample code-using experience, this structure is not intuitive or obvious to the average code-user.

The Code lacks a user-friendly structure with clear hierarchy and chapter numbering is not consecutive. Some chapters appear to follow a pattern of every fourth number (ex. 17.04, 17.08, 17.12) while others don't (ex. 17.44, 17.45, 17.48). The chapters that follow a pattern of every fourth number appear to be original while chapters that don't follow this pattern appear to be later amendments. Over the years, as sections and chapters have been updated or added, there

hasn't been a comprehensive reformat of the Code, resulting in a disorganized code format as well as inconsistent organization of each individual section.

The organization of Morro Bay's Zoning Code can be improved in several ways, with the overall organization and formatting of the code reflecting a systematic, consistent, and sound arrangement to facilitate understanding. First, the City should combine, consolidate, and reorganize its numerous sections into divisions, chapters, sections, and subsections so that they flow more logically and have a consistent structure. Overall, the Code can progress from the most often referenced to the least—with basic provisions in the beginning, followed by regulations of specific zones, citywide standards, and then administrative chapters. As a general rule, the most frequently consulted provisions should come before provisions less frequently consulted. A final chapter can group all definitions and standards of measurement together, so that users have access to a comprehensive reference section in an easily located place. Next, the Code could be enhanced with a comprehensive index and table of contents so that users do not have to scour the text for a section when needed. Finally, the City should supplement these organizational revisions with improvements to the appearance of the text itself, including wider spacing, different fonts for chapters, sections, and the main text, and consistent indentation.

USER FRIENDLY FORMATTING

Zoning Code
District Regulations

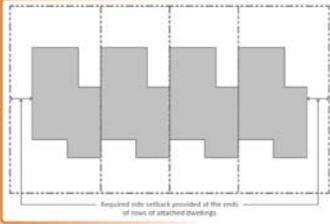
17.17.030 District Standards

Table 17.17.030, Development Standards-Residential Districts, prescribes the development standards for Residential Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Code while individual letters refer to subsections that directly follow the table.

Standard	RS	RL	RM	RH	Additional Regulations
Maximum Height (ft)	30	35	75	100	See Section TBD, Height and Height Exceptions
Minimum Setbacks (ft)					
Front	25	20	20 (A)	20 (A)	See Section TBD, Setback Encroachments
Side	10	100	5	5	
Rear	20	20	10	10	

A. Attached Single-Unit Dwellings. Required setbacks apply to the ends of rows of attached single-unit dwellings.

FIGURE 17.17.030(A): SETBACKS FOR ATTACHED SINGLE-UNIT DWELLINGS



17.17.040 Development Regulations

A. Open Space. Open space, unoccupied by main or accessory structures and open and unobstructed to the sky, shall be provided in accordance with the following standards.

1. **Single-Unit Development.** Required usable open space may consist of a single area or several adjacent or separate areas.
 - a. **Minimum Dimensions.** Minimum dimension of 15 feet.
 - b. **Location.** Required open space shall not be located in a required front or street side setback.

CODE COMPLEXITY

The organization of the current Code leaves standards of development spread out among various sections. Code users and staff have complained that when they look up the regulations governing a project, they have no confidence that they are seeing a comprehensive list. Because standards are dispersed, users are left with a nagging fear that a “hidden” regulation might affect the viability of a project. Uncertainty regarding development possibilities can be a significant barrier when attempting to attract investment.

The City of Morro Bay’s Zoning Code comprises 19 chapters of nearly equal importance. Overall, the chapter ordering of the code is not always intuitive, and sections that should be grouped together are often found far apart or separated by other chapters. For example, setback requirements in the Single Family Residential (R-1) District are established in Table 17.24.040. An exception to the front setback requirement is located five chapters later in Section 17.48.160. There is no reference to this front setback exception in Table 17.24.040.

Related content should be organized together. Where standards apply solely to a particular set of base districts, for instance, such as exceptions to front setbacks in residential districts, they should be grouped with the standards for that set of districts. Consolidating related regulations into one section will help to ensure that standards are logical and consistently interpreted and applied. In all cases, the City should include cross-references to supplemental provisions in the base district regulations.

Standards and other requirements that are applicable to specific uses or development citywide, such as parking or lighting standards, should be grouped together. Rules governing the construction of language, interpretation of Zoning Code provisions, and rules of measurement should likewise be grouped together to serve as a reference section that users can turn to in the event of uncertainty regarding Code provisions. Consolidating these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

The code also contains many instances of direct duplication and unnecessary redundancy. When the code repeats information in nearly or exactly the same language, it is not always clear whether nuances in wording or positioning are intended to accomplish different goals, or if they override each other entirely. Duplication such as this not only lengthens the text, but also introduces an element of doubt that differently worded regulations might affect a person’s ability to develop and use property. It can also complicate zoning administration.

Morro Bay should ensure that the Zoning Code functions efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, unnecessary sections of the code should be removed in order to avoid ambiguity and reduce the sheer bulk of the code.

LACK OF PURPOSE STATEMENTS

A common frustration expressed by code-users was inconsistent interpretation of regulations. Purpose statements reflecting the intended result of the stated regulations, can provide a common basis for interpretation. Many sets of standards, including those for each zoning district, affordable housing, parking, and landscaping, include purpose statements. Other sets of regulations, such as nonconforming provisions, lack statements of purpose or intent.

Including purpose statements for all sets of regulations could help explain the intent of regulations and how they relate to General Plan policies and other City goals. These statements provide the objectives of the regulations; they also provide a basis for the findings required for action on discretionary permits. Without this clarification, planning staff and decision-makers can only enforce the letter of the law while speculating about how the regulations implement the City's goals and policies. This lack of clarity can lead to inconsistent decisions and frustration for property owners and citizens alike.

UNCLEAR LISTS OF ALLOWED USES

Each base zoning district currently contains a list of permitted uses. "Special uses" permitted in any zoning district or in specified zones are located in a separate chapter altogether. Many of the listed uses are not defined. The Code at times, also employs archaic language and outmoded references, such as "locker plants" and "plumbing shops". Frequently, the same use appears in different chapters, or within the same chapter, under similar, but different guises. In the General Commercial (C-2) district, "Retail uses within a building except liquor stores" is listed. An applicant interested in opening a hardware store (a retail use within a building) may stop here, thinking they found the applicable regulations, not knowing that later in Table 17.24.100, hardware stores are listed with limitations different than those for retail uses.

Many jurisdictions have adopted a flexible system for use regulation to accommodate new development and minimize the need for Zoning Code amendments to accommodate new and changing uses. Typically, this strategy includes the formulation of "use groups" that classify all land uses and activities according to common characteristics. The current Zoning Code does this to some extent in its treatment of retail and personal service uses. This approach could be expanded and improved upon so that use types are consolidated into a clearly defined modern classification system, which places land uses and activities into groups based on common functional, product, or physical characteristics. There are many advantages to this type of use classification system. Listing use groups instead of specific uses help streamline the use regulation parts of the code. Categories are also broad enough to allow classification of new, unanticipated uses, so that the City does not need to amend these sections or make interpretations as frequently. This system can still allow for standards for problematic uses, such as tattoo parlors, outdoor retail sales, and auto repair.

LACK OF CLEAR DEFINITIONS AND RULES OF MEASUREMENT

Though the Zoning Code does currently include a section of definitions, some terms that should be defined, aren't, some definitions are overly specific, and others include development standards. Definitions should convey the meaning of a term; standards should be located in the body of the regulations. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Zoning Code and other City codes. The Zoning Code does not include a separate chapter on rules of measurement. In many cases, they are incorporated into definitions or development standards. Clear rules of measurement ensure that all code users are able to determine the way that standards should be applied in the same manner in order to arrive at the same conclusion. Locating a complete set of rules of measurement in one location, either at the beginning or the end of the Code, provide an easy-to-locate reference tool to ensure consistent interpretation and application of standards.

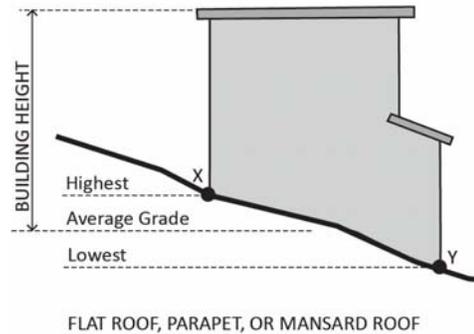
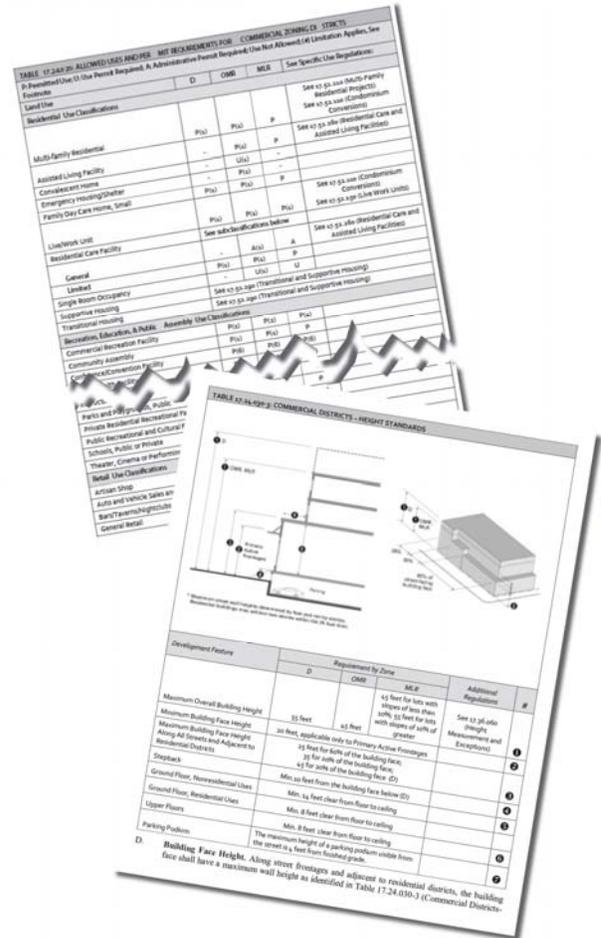


Illustration of rules of measurement.

UNDERUTILIZED TABLES

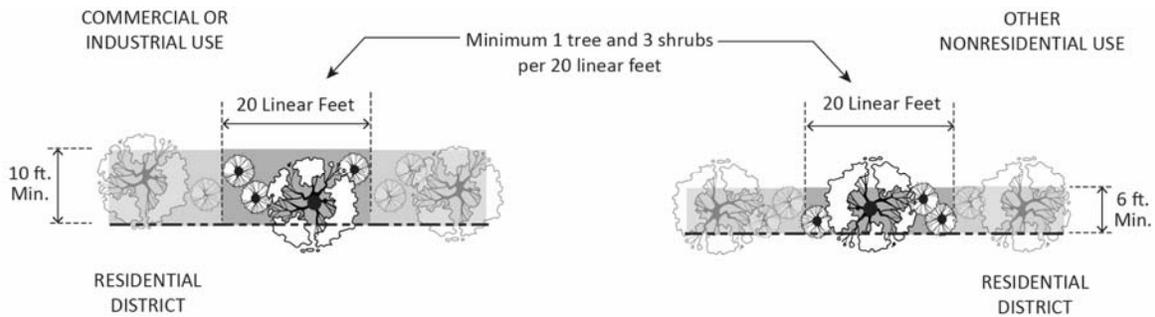
The existing Zoning Code uses tables primarily to present base zoning district development standards and use regulations. A single table contains use regulations and development standards for each district. The table includes a row for each allowable use in the district and a column for the permit requirement and each development standard such as height, site area, and setbacks. In each district, most, if not all, uses are subject to the same development standards, resulting in large areas of blank table cells. In some cases, a blank table cell runs the entire page. The usability of these tables and their effectiveness in clearly communicating regulations can be enhanced by grouping related districts and presenting land use regulations and development standards in separate tables. Use regulation tables can specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Code where additional regulations apply. Development standard tables can list dimensional requirements for lots, setbacks, heights, and other standards with cross-references to other applicable sections of the Code. Tables and cross-references greatly improve the readability of complex regulations and could be used more extensively to organize and more clearly present information throughout the Code. The Zoning Code should rely more extensively on tables and cross references to convey use regulations and development standards, provide quick access to all relevant regulations for a particular topic, and to avoid unnecessary repetition of provisions.



Tables with cross references enhance usability.

ABSENCE OF ILLUSTRATIONS

In addition, the current Zoning Code provides few graphic examples or illustrations. In some cases where illustrations are provided, the illustrations are located at the end of the chapter rather than near the related text. Without clarifying visual examples of measurement standards, development standards, and other complex provisions, these sections are highly vulnerable to misinterpretation, which further complicates understanding and enforcement. In many instances, graphics can communicate development regulations more clearly and in less space than written standards. Graphics can clearly depict standards for measuring building height or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. With visual clarification, fewer sections of the Zoning Code will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon that can obscure the code's intent.



Illustrations of standards aid in interpretation.

GENERAL PLAN/LOCAL COASTAL PLAN IMPLEMENTATION

The City is currently in the process of a comprehensive General Plan and Local Coastal Plan update. The Draft Community Vision Statement envisions Morro Bay as:

“a small oceanfront town and thriving year-round destination known for its natural beauty, creative people, outdoor recreation, working waterfront, and welcoming community spirit. It is a friendly, safe, resilient, and healthy place where people of all ages and economic levels live, work, play, and visit.”



The challenge for the Zoning Code update will be to translate the General Plan/Local Coastal Plan policies and land use concepts related to zoning and design into a user-friendly, legally adequate, and effective set of regulations that steer development to the most suitable places, responding to the community's desire to maintain and improve Morro Bay as a safe, resilient, vibrant, liveable, and prosperous community with a vibrant Downtown and Waterfront, robust local economy, and healthy neighborhoods. The zoning regulations should clearly communicate and effectively implement the Plan's policies and incorporate its carefully crafted direction for the development, maintenance, and improvement of land and properties. This section contains general observations and strategies for improving regulations to be more conducive and effective in achieving the vision articulated in the General Plan/Local Coastal Plan. As regulations are drafted, attention will be paid to policies and land use direction emerging in the General Plan/Local Coastal Plan.

REVISED ZONING DISTRICTS AND DISTRICT PROVISIONS NECESSARY TO IMPLEMENT GENERAL PLAN/LOCAL COASTAL PLAN POLICIES

Zoning districts create the framework for implementation of General Plan/Local Coastal Plan policies and land use designations. In areas where the General Plan/Local Coastal Plan anticipates change or refinement of direction, new districts may be needed. There may also be opportunity for streamlining existing zoning districts and eliminating those that are no longer necessary. In interest of creating a concise and user-friendly zoning code, the total number of zoning districts within the code should be minimized and districts that are no longer needed should be removed.

Generally, zoning codes include two types of zones or districts, base and overlay. "Base zones" or "base districts" set the basic regulations that apply within the geographic area that defines the district. A community may want to vary some of the regulations within the base district to respond to particular conditions within defined areas. "Overlay districts" are often used for this purpose.

cases in which an overlay district applies to only one or two base districts or uniformly imposes relatively straightforward regulations in a geographically defined area, an alternative would be to utilize base district regulations. In other cases, such as the Planned Development (PD) Overlay Zone, the intent and applicability of overlay districts should be clarified.

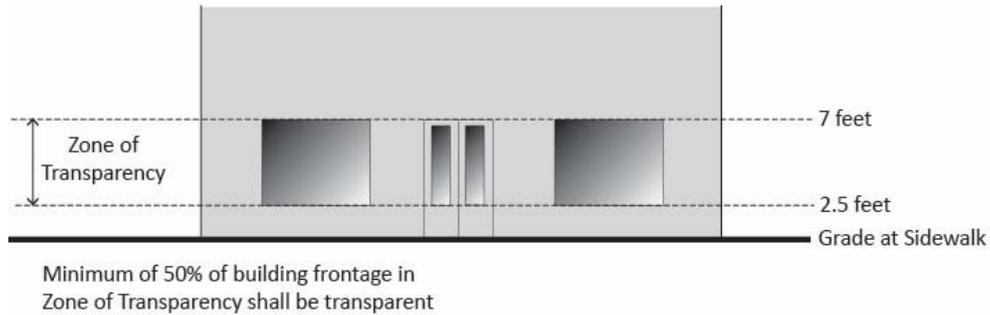
The General Plan/Local Coastal Plan will contain direction on the purpose of zoning districts, allowed uses, prohibited uses, and the intended form of development. Other City plans, programs, and initiatives, such as the Downtown/Waterfront Strategic Plan relate to zoning. Zoning district provisions should also implement these plans and programs.

INSUFFICIENT PHYSICAL FORM AND DESIGN RELATED STANDARDS

In order to implement the new General Plan/Local Coastal Plan policies, the City will need to adopt new development regulations to address the form and design of new development, particularly in nonresidential areas. Standards should differentiate among commercial and mixed-use areas, industrial areas, and residential areas; promote a desirable physical form, and ensure that more intense uses of land do not become public nuisances. For commercial and mixed-use infill sites, standards should focus on the creation of an attractive pedestrian environment. Neighborhood compatibility standards should be tailored to the range of neighborhood patterns throughout the City.

Morro Bay should consider adopting clear development standards to achieve quality design, such as standards for the following:

- Location of a building on a lot – where a building may or must be built to the street and where setbacks are required;
- Building bulk and massing;
- Façade design and articulation;
- Orientation of building entries;
- Transparency – pedestrian level windows offering views into buildings and displays;
- Limitations on blank walls;
- Maximum height and/or number of stories;
- Location and screening of parking;
- Landscaping; and
- Compatibility and ensuring that new buildings fit amongst existing buildings.



The code should detail how to address contextual issues of building placement, scale, massing, and height. The code should also include standards to ensure sensitive transition from more intense development to surrounding neighborhoods. For example, the design of higher intensity development along residential-nonresidential boundaries can respect the existing character of the lower scale area through additional landscaping to screen and buffer the adjacent use, increased setbacks, decreased height, and other “context sensitive design standards.”

Standards should be refined to foster the type of character desired within various areas of the City. In pedestrian-oriented areas, the objective should be to have buildings enclose a street and provide an interesting, engaging front, making walking and shopping pleasurable. In less intense and industrial areas, by contrast, development is more auto-oriented and there is more potential for incompatibility between uses, so landscaping and screening may be important. The City should provide each district with individually tailored requirements. It is important to note, however, that the organization of the code should be uniform, as discussed earlier, so that users can easily ascertain the requirements for a particular district.

SUPPORT GENERAL PLAN/LOCAL COASTAL PLAN IMPLEMENTATION THROUGH ADAPTIVE REUSE

While the City will change and grow overtime, there a desire, as expressed in the Draft Community Vision Statement, to remain a ‘small, oceanfront town’. One strategy to support this desire is to facilitate the adaptive reuse of buildings.



While the City will change overtime, there is a desire to remain a ‘small, oceanfront town’.

Development standards can provide a barrier to adaptive reuse when alterations or changes in use may trigger the need to bring a property up to current requirements. Code-users and staff expressed concern with the limiting nature of the existing provisions for nonconforming structures. Currently, nonconforming structures are allowed a one-time expansion of up to 25 percent of existing floor area without discretionary review by the Planning Commission. Any addition to a nonconforming structure that is more than 25 percent of the existing floor area or where a previous addition has occurred is subject to Planning Commission approval. In many cases, the City’s housing stock is located on small lots and was built before the

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current residential development standards were in place. As a result, many residences are nonconforming and it is difficult for them to meet current standards. The limiting nature of the current nonconforming provisions make it difficult to add on to or improve the existing residence, and in some cases, encourage tear-down and rebuilding. With the Zoning Code update, attention should be paid to existing and proposed development standards to minimize the creation of nonconformities and where nonconformities exist and incorporating provisions to allow flexibility for appropriate additions and renovation.

Parking requirements also have a large influence on the ability to utilize property. Because of the high costs of building and maintaining off-street parking, minimum parking requirements can raise barriers to reuse of underutilized parcels. This is particularly true in already built-out areas, where there may not be enough space to provide required parking. Where additional parking spaces cannot be provided due to site constraints, this may result in the negative effect of deterring businesses from expanding or investing within the City. In 2014, the City amended the parking regulations applicable to North Morro Bay to allow for the change in commercial uses, including more intense uses, that do not include new construction or additions without providing additional on-site parking. The City could evaluate applying this type of allowance in more areas to promote the adaptive reuse of existing buildings. At minimum, the City could codify an existing practice of allowing the use of historic parking credits. Application of historic parking credits is where a new business moves into a building where the existing use had a legal nonconforming parking deficiency and is credited the number of required automobile parking spaces unmet by the previous use, even if there is currently little or no on-site parking.



Parking requirements influence what can be built on a site.

Parking requirements also get complicated when different types of uses are proposed within a building. Employing “use” groups discussed under “Unclear Lists of Allowed Uses” in the previous section could also help simplify application of parking standards. Morro Bay could also provide flexibility by allowing for reductions in parking where special conditions exist—such as the nature of the proposed operation, proximity to transit service, or characteristics of persons residing, working, or visiting—or elements are provided that would reduce parking demand. Flexibility could also be offered in the way that parking is designed and located.

REVIEW PROCESSES

Zoning provisions governing development review and other administrative matters create the procedural environment through which the City can achieve the goals and policies laid out in its General Plan and other adopted policies. At their best, development review provisions can promote the type of development a community wants by providing a clear, predictable path to project approval; conversely, vague review processes with unclear requirements can cause developers a high level of anxiety, frustrate community residents, and severely dampen a City's ability to attract desirable growth.

Generally, prospective investors value three central qualities in any administrative code: certainty in the requirements and structure of the review process, built-in flexibility to adjust development standards to the needs of individual projects, and opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their community is also important to residents. The degree to which Morro Bay can incorporate these qualities into its Zoning Code will help improve its ability to compete for desirable development. This section contains general observations about the existing development review procedures and strategies to streamline development review and approval process.

RELIANCE ON DISCRETIONARY REVIEW

The flexibility of a Zoning Code is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the Code requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review of proposed uses and structures for compliance prior to the issuance of a building permit or business license to more formal and complex procedures requiring public notice and a hearing before the Planning Commission prior to issuance of a use permit or other discretionary zoning approval.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "by right" or allowed subject to certain conditions, or whether a Conditional Use Permit, with review by the Planning Commission, is required. This determination is a reflection of community issues and concerns that should be embodied in the General Plan. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e. place it lower in the hierarchy), by increasing the specificity of development standards and performance-based criteria.

The Zoning Code Update provides an opportunity to adjust review thresholds based on analysis of the types of issues and projects in the City that have typically generated the most interest and concern. Where certain approvals are routinely granted, such as those to allow tandem parking. Generally speaking, responsibilities should be assigned with a view toward minimizing the number of players involved in making any given decision, while increasing opportunities for meaningful public input.

The number of uses that require discretionary review can be reduced by including carefully crafted standards and restrictions that are specific to specific uses throughout the City or in particular zoning districts into the Zoning Code. As a result, the community and decision-makers

may be confident their vision is being implemented and may reduce its watch over individual projects, allowing more projects to be approved administratively.

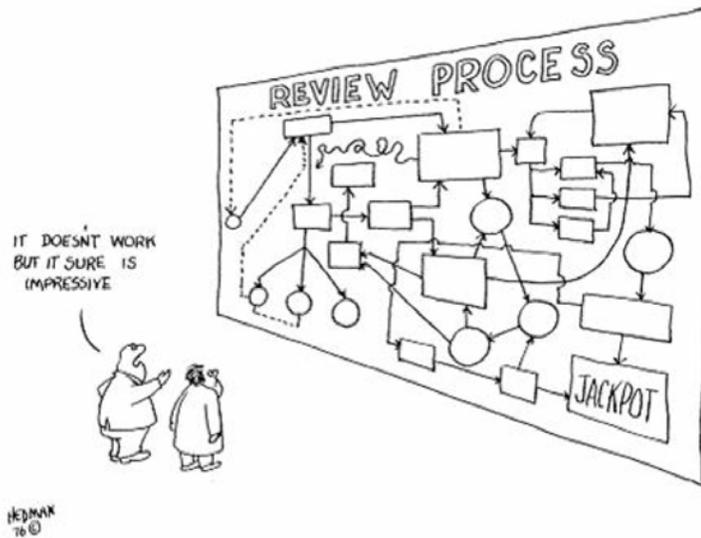
There are a variety of approaches the City could use to reduce the number of uses requiring review, including permitting more uses by right subject to:

- Compliance with development and design standards that could be added to the Code based on the General Plan’s goals for design quality;
- Compliance with new standards and requirements that reflect “standard conditions” that are typically imposed when such uses have been conditionally approved by the Director or Planning Commission; and
- Compliance with specific limitations on location, floor area, hours of operation, and similar features that are the source of potential adverse impact.

The incorporation of “limited uses” makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria.

UNCLEAR REVIEW AND APPROVAL PROCEDURES

Code-users expressed that it wasn’t always clear what the review process or who the review authority was for a given decision or that when a project went to the Planning Commission, they weren’t always clear about the extent of their purview. For example, a project may require Planning Commission review because it includes a request for a modification of parking standards, such as allowing tandem parking. The applicant may think the discussion will be limited to whether tandem parking is warranted or acceptable and be surprised if the discussion includes the color or materials of the structure.



The new code can provide clear administrative procedures for development review and approval.

Another source of confusion is when and how Coastal Commission review is factored into the process. In many cases, it is not clear a Coastal Development Permit is required. The Conceptual Plan/Precise Plan process, in which a Conceptual Plan is reviewed at the local level and then by the Coastal Commission, followed by review of a Precise Plan at the local level, has become onerous due to the desire to have detailed plans early in the process and the limitation on what can be revised after Coastal Commission approval. After Coastal Commission approval of a Conceptual Plan, any change made through Precise Plan review at the local level must go back to the Coastal Commission for review and approval. As a result, at the local level, the Conceptual Plan phase essentially becomes a Precise Plan and the Precise Plan phase is either

an acknowledgement of the Coastal Commission approval or a revised project which must go back to Coastal Commission for approval.

The new Code should set forth clear administrative procedures to be followed for all types of zoning decisions and identify the type of conditions of approval that may be applied. The level and extent of administrative process required for different types of decisions will vary. However, for even the simplest administrative procedures, the Code should, at a minimum, establish unambiguous authority for approval.

The approval process can be streamlined simply by consolidating and clarifying procedures and permit approval criteria. Decision-making protocols should be clearly defined so that it is clear how approvals are processed, and the intent of these regulations should be included to help determine if a proposal meets the purpose of the regulation. All pertinent public hearing information (e.g., what information should be included in the notices, how notices are to be given [e.g., mailing, posting, publishing, use of the Internet], to whom notices should be sent, how hearings are to be conducted) should be located in one succinct chapter so that Code users will only need to look in one place to locate the applicable information.

A set of common procedures would improve code usability by helping applicants to understand the general review process more easily. More detailed procedures could be consulted, depending on the specific permit application. Elements of a standard set of common administrative procedures include the following:

- A clear and consistent authority for determining whether an application is complete;
- Clear procedures for handling appeals;
- Requirements for public notification; and
- Permit effective dates and time extension procedures.

LACK OF RELIEF FROM STANDARDS FOR PARTICULAR SITUATIONS

The existing code provides for little flexibility in the application of development standards. There are three primary avenues available for modification of development standards: 1) variances, 2) minor variances, and 3) the PD Overlay Zone. Specific findings of related to unique characteristics of a property are required to approve Variances. The Zoning Administrator is limited in the scope of the Minor Variances it may approve. The Zoning Administrator may permit modification of parking design standards and modification of setback requirements of eaves and decks, other projection and extension standards, fence height and design, and building separation, not to exceed a 10 percent reduction. The Planning Commission, may modify certain standards in a PD Overlay Zone upon finding that greater than normal public benefits may be achieved by such deviations. Additionally, the Planning Commission or Director may grant exceptions to parking requirements based on certain findings.

The City should consider creating additional opportunities for gaining relief from codified locational, developmental, and operational standards in cases where modifications are consistent with General Plan objectives and warranted by special circumstances that may not meet the requirements for approval of a variance based on physical hardship. This could be done

in the form of additional provisions for approval of waivers and exceptions, including Staff level approval of a so-called *de minimus* waiver from dimensional standards.

Another form of relief is a process for approving modifications and waivers to accommodate uses that have been granted special protection under federal and State law, such as reasonable accommodation for persons with disabilities. The purpose of all these provisions, including appeals, is to provide a means of granting relief to reduce the potential for litigation and to increase fairness to both property owners and aggrieved members of the public.

COMPLIANCE WITH STATE AND FEDERAL LAW

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of California cities.

This section discusses some of State and Federal laws that should be addressed as part of the update of the Zoning Code.

ACCESSORY DWELLING UNITS (SECOND UNITS)

Recently amended, Cal. Gov't Code 65852.2 requires local agencies treat all accessory dwelling units that comply with specific standards as ministerial approvals. Standards that may be imposed on accessory dwelling units include, but are not limited to height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. Cal. Gov't Code 65852.2 is applicable to single-family and multi-family residential zoning districts. Local agencies cannot require parking if accessory dwelling units meet certain criteria such as being located within a half-mile from public transit or being located within one block of a car share area. Otherwise, parking requirements cannot exceed one space per unit or bedroom. Additionally, absent topographic or safety considerations, local agencies must allow parking in setback areas or tandem parking. Local agencies are also authorized to permit junior accessory dwelling units (units less than 500 square feet and contained completely within the space of an existing structure) through an ordinance. Adoption of a junior accessory dwelling unit ordinance is optional.

AFFORDABLE HOUSING

The State Density Bonus Law (Cal. Gov't. Code §65915) allows for density bonuses and additional incentives for affordable housing. Other laws include provisions that bar discretionary review of certain attached or multifamily housing projects (Gov. Code §65589.4), require local agencies to make specific written findings in order to deny an affordable housing development (Gov. Code §65589.5(d)), and limit the ability of local agencies to prohibit the repair or rebuilding of multifamily dwellings involuntarily destroyed or damaged (Gov. Code §65852.25). Additionally, Cal. Gov't Code §§65852.3-.5 requires local agencies to allow the installation of manufactured homes certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§5401 et seq.) on a foundation system, pursuant to Cal. Health & Safety Code §1855, on lot zoned for single-family dwellings and limits the additional requirements for manufactured homes that may be imposed for manufactured homes to roof overhang, roofing material, and siding material.

COASTAL ACT

In 1976, the California Coastal Act was passed to protect coastal resources and maximize public access to the shoreline in the coastal zone, which is designated by the State Legislature. As part of the Coastal Act, local governments can prepare and implement Local Coastal Programs (LCPs) that are consistent with and achieve the objectives of the Coastal Act.

The Coastal Act gives priority to:

- Coastal-dependent and coastal-related uses and activities, such as commercial fishing, recreational boating and water-oriented recreational activities;
- Coastal access and recreational needs, such as public coastal access and recreation, along with consideration of traffic, parking, circulation and infrastructure needs; and
- Environmentally sensitive areas, including the protection and restoration of water quality and sensitive habitat areas, along with consideration of shoreline erosion and sea level rise.



The Coastal Act was passed to protect coastal resources and maximize public access to the shoreline.

Once an LCP is approved by the Coastal Commission, local governments have the responsibility of issuing coastal permits for most new development, subject to the standards set in the certified LCP.

Each LCP consists of a land use plan, which the City is currently updating with the General Plan/Local Coastal Plan update effort, and measures to implement the plan (primarily the Zoning Code). Thus, the Zoning Code update must conform with and carry out the Local Coastal Plan.

COTTAGE FOOD OPERATIONS

Pursuant to Cal. Gov't Code §51035, a city or county may not prohibit cottage food operation (homemade and packaged food defined in Cal. Health & Safety Code §113758) in any residential dwelling, but shall do one of the following: Classify the use as a permitted use in any residential zone, grant a nondiscretionary permit for the use, or require a permit for the use.

EMERGENCY SHELTERS; TRANSITIONAL AND SUPPORTIVE USES

Cal. Gov't Code §§65582, 65583, and 65589.5 require each local government to: 1) amend its Code to identify zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit to include sufficient capacity to accommodate the need for emergency shelter identified in the housing element, and 2) treat transitional and supportive housing as a residential use of the property subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Cal. Gov't Code §65582 contains

definitions for "supportive housing," "target population," and "transitional housing" to be more specific to housing element law.

FAMILY DAY CARE HOMES

Pursuant to Cal. Health & Safety Code §§1597.30 et seq., small family day care homes in a single-family home is a residential use and is not subject to a fee or business license. Large family day care homes may not be prohibited in single-family zones, but a city or county shall do one of the following: Classify the use as a permitted residential use, grant a non-discretionary permit for the use, or require a permit for the use.

HOUSING FOR PERSONS WITH DISABILITIES

Various provisions in both federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of federal statute to prohibit any unlawful discrimination against persons with disabilities. The State Supreme Court has prohibited local agencies from limiting the number of persons unrelated by blood, marriage, or adoption who can reside in a single-family home.

Pursuant to Cal. Health & Safety Code §1566.3, a residential care facility that serves six or fewer people is considered a residential use and its occupants, regardless of legal relation, are considered a family for purposes of residential use laws and zoning codes. Further, such a use shall not be included within the definition of a boarding house, rooming house, institution or home for the care of minors, the aged, or persons with mental health disorders, foster care home, guest home, rest home, community residence, or other similar term that implies that the residential facility is a business run for profit or differs in any other way from a family dwelling.

MASSAGE ESTABLISHMENTS

Cities and Counties can adopt and enforce local zoning, business licensing, and reasonable health and safety requirements for massage establishments or businesses with California Massage Therapy Council-certified practitioners. (B&P 460(b) limited by Government Code 51034). Prior to the passage of AB 1147, cities were precluded from imposing local permitting requirements on state-certified practitioners and establishments unless the requirements uniformly apply "to other professional or personal service businesses" in the City.

PROCESSING AND REVIEW PROCEDURES

State law specifies a number of processing requirements and review procedures related to land use regulation. These include procedures and requirements for development agreements (Cal.

Gov't Code §§65864 et seq.), general plan consistency (Cal. Gov't Code §65860), permit review timelines (Cal. Gov't Code §§65920 et seq.), rezoning land upon annexation (Cal. Gov't Code §65859), notice of public hearings (Cal. Gov't Code §§65090 et seq.), variances (Cal. Gov't Code §§65900 et seq.), and zoning amendment procedures Cal. Gov't Code §§65853 et seq.).

RELIGIOUS USES

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise.

SOLAR ENERGY SYSTEMS

Cal. Gov't Code §65850.5 requires that solar energy systems be approved administratively with requirements limited to health and safety requirements per local, State, and federal law and those necessary to ensure systems will not have a specific, adverse impact on public health or safety. A use permit may be required if the building official makes a finding based on substantial evidence that a specific, adverse impact on public health or safety would result. Every city and county is required to have an ordinance expediting permitting for small residential rooftop solar energy systems.



Solar energy systems must be approved administratively.

Chapter 14.42, Residential Solar, of the Municipal Code establishes an expedited, streamlined solar permitting process consistent with the Government Code. Development standards in the Zoning Code can ensure that solar energy systems can be accommodated.

TELECOMMUNICATIONS

The Federal Telecommunications Act of 1996 Limits state or local governments' authority to regulate placement, construction, and modification of personal wireless service facilities. State or local governments must not unreasonably discriminate against providers of functionally equivalent services and not prohibit or effectually prohibit use of personal wireless devices. Further, state or local governments shall not regulate placement, construction, and modification of personal wireless service facilities based on the environmental effect of radio frequency emissions, to the extent that such facilities comply with FCC regulations. Cal. Gov't Code § 65850.6 requires a city or county to ministerially approve an application for a co-location facility on or immediately adjacent to an existing wireless telecommunications co-location facility. It also prohibits a city or county from imposing certain conditions of approval on permits for construction or reconstruction of wireless telecommunications facility. Most recently, Cal. Gov't Code §65964.1 provides that a wireless telecommunications facility will be deemed approved if the city or county fails to approve the application in a reasonable time (based on FCC decisions), the applicant provided all required public notices, and the applicant provided notice to the city or county that the reasonable time period lapsed.

WATER CONSERVATION AND LANDSCAPING



State law requires water efficient landscaping

Cal. Gov't Code §53087.7 prohibits cities or counties from enacting any regulation that substantially increases the cost of installing, effectively prohibits, or significantly impedes the installation drought tolerant landscaping, synthetic grass, or artificial turf on residential property. The Water Conservation in Landscaping Act of 2006 (Cal. Gov't Code §65597) requires local agencies to adopt the updated Department of Water Resources (DWR) Model Water Efficient Landscape Ordinance (WELO) or a local landscape ordinance that is at least as effective in conserving water.

APPENDIX A

ZONING CODE UPDATE: CODE USER INTERVIEW SUMMARY

ZONING CODE UPDATE

CODE USER INTERVIEW SUMMARY

INTRODUCTION

As part of the initial evaluation of the current Zoning Code, the consultant team conducted a series of interviews with a range of “code users”– people who have utilized the Zoning Code in Morro Bay and/or have a specific interest in regulations that will implement the updated General Plan/Local Coastal Plan–to understand the concerns and issues associated with updating the Zoning Code. The code users interviewed encompassed a variety of people, which included: landowners, developers, architects, real estate professionals, and designers.

The City’s consultants conducted five hour-long and one half-hour long interview sessions on March 16, 2017, in addition to one phone interview on March 15, 2017. A total of 24 code users in groups of one to six people were interviewed. The confidential interviews were conducted by staff from the Zoning Code Update consulting team–Martha Miller and Rachel Raynor of RRM Design Group. No staff members were present during the interviews to encourage candid responses. The consultants also participated in the General Plan Advisory Committee (GPAC) meeting on March 16, 2017 to introduce the project and gather input on concerns and issues the GPAC members have in regard to the update. Participants were asked a series of questions regarding overarching concerns as well as specific topics related to the City’s Zoning Code. People attending were also given the opportunity to discuss issues of significance to them that were not otherwise discussed or addressed from the facilitated questions.

THEMES

A strong consensus among code users emerged about what major issues are, as connected to the Zoning Code update. While code users may ultimately differ on precise changes to take, there was clear agreement that the Zoning Code requires modifications to be more understandable, to reflect existing conditions, and to achieve major City policy goals. Generally, code users thought the City’s regulations were outdated and in need of improvement in order to achieve the community’s vision for the future. Following is a list of major themes heard during the interviews. A comprehensive list of comments received, organized by topic, is attached.

- 1. Make the code easier to use, understand, and interpret.**
- 2. Clarify the review process and make it less onerous.**
- 3. Adjust review bodies and processes to more appropriately reflect the significance of a project. In particular, evaluate the role and purview of the Planning Commission.**

4. Ensure standards reflect Morro Bay's eclectic character; standards should not be so prescriptive as to result in cookie-cutter design.
5. Tailor standards and requirements to specific areas and neighborhoods.
6. Enhance the vitality of the Downtown and Waterfront.
7. Incorporate flexibility and empower staff to make decisions which can achieve better solutions that fit with the community and implement the new General Plan.
8. Update parking standards to encourage reuse of existing buildings, support active mixed-use areas, and reflect existing conditions, as well as provide flexibility in design and requirements.

CODE USER COMMENTS

GENERAL COMMENTS

- The City should have a clear idea of what they want and appropriate direction to those who want to do something within the City, with a clear path forward.
- The current Zoning Ordinance was approved in 1997. An update is long overdue. When it was adopted, the City knew there were flaws. Because it had taken so long, the City adopted it with the notion that they would start using it, the flaws would be apparent, and then the City would fix the flaws. Over the years, the City has found things that need to be fixed but those fixes haven't happened.
- General Plan and Zoning Ordinance do not seem to have been aligned or updated at the same time in the past. They have not been comprehensively looked at. A total rewrite might be a good thing.
- A General Plan that sets the tone and vision of development is necessary. There is confusion/lack of clarity about what is being proposed as mixed-use. A clearer definition is necessary.
- Zoning Code should enforce and make the General Plan work.
- What makes Morro Bay special is the eclectic look. Cookie cutter development doesn't reflect the real Morro Bay.
- Codes/ordinances are established to bring harmony to the residents. Allowing codes to marinate creates gray areas.
- Zoning Code should allow a greater level of flexibility, to decrease expensive building, surveying, and planning costs.
- The more solid and clear regulations are, the easier they can be interpreted.
- Difficult to understand the exact requirements of zoning. Briefing of the Code was and is an uphill battle with Staff, due to communication issues helping applicant understand the standards.
- Code should create problem-solving solutions versus creating problems.

- Is there anything that is user friendly here?
- There are no clear answers at the City.
- Clear standards would make it easier for everyone to understand.
- The simple fix is good, necessary, and usually the best solution.
- The biggest problem with the Zoning Ordinance is that it doesn't give enough information. Sometime standards and requirements are broad and don't give the detail you need to understand what to do or what is required.
- The usability and organization of the Code is terrible. Having a user guide is key and would be helpful. The Code is cumbersome and not clear as to what applies. Make the use tables more user and online friendly.
- The City previously completed a draft Zoning Ordinance update. There was a lot of work put into it and it had some pretty good stuff. It may be worth looking at.
- The Zoning Code seems to encourage tear downs rather than additions/remodels.
- People who want to get an economic benefit tend to get treated better than those residents that want to purely invest in the community.
- More graphics within the Code are necessary to illustrate things like setbacks, heights, etc.... provide whenever possible or practical.
- Massing doctrine and setback from coast precedent case in Santa Monica, Hermosa Beach to create development within Coastal Zone. Taking interpretation out of an anarchic regulation. New York has a vertical density standard. Removes the misunderstanding or misinterpretation of the code. You are creating an as build. This massing study (site analysis) offers a view analysis, which would create a view overlay. Want to stray away from building for the massing, rather than build for the use.
- Concern over Coastal Commission and their hands on the Zoning Code. How will it remain reflective of City desires?
- Lot merger requirements are out of conformance with the Subdivision Map Act. Discontinuous sidewalks are a problem. How can we address through zoning? Consider future amenities.
- The City needs an online/digital version of the Code.
- GIS of the City needs to be improved and made accessible.

DISTRICT AND AREA-SPECIFIC COMMENTS

- What are the difference between zones and districts? This should be clear
- Bluff setbacks an issue and topic of concern. Seems as if the requirement should be more of a hillside setback. Bluff retreat is not as much of a concern, when overlooking asphalt (parking lot), as compared to ocean. Blufftop needs to be redefined. The bluff is a visual asset. The 25-foot setback is too restrictive.
- Commercial residential zone off Main Street; this should allow more residential. TNT Boot store is successful but other commercial establishments come and go. It's not the right place for them. There is not enough traffic to support the businesses. Still allow for commercial, but also allow residential

- There are some issues in North Morro Bay. The City isn't clear about how it wants to treat the area. Keep it zoned commercial? Allow mixed-use? Continue to allow residential? The City should be clear about what they want to see and then have the zoning reflect that.
- Prefer the current pockets and mix of uses in Morro Bay. It is what makes Morro Bay Morro Bay.
- Zoning needs to reflect what is envisioned in the General Plan. Particularly, mixed use areas need to be fleshed out.
- Interpretation of ordinances is conflicting within R-1 Districts. City interprets one way and homeowner/applicant interprets another – the disconnect needs to be addressed. This includes interpretation of fencing, RVs, boats, flagpoles, antennas, and more. The disagreement or confliction of the Code pits people (especially neighbors) against one another, in addition to numerous people being in violation of the Code.
- Each neighborhood is so different from one another. How will this be addressed?
- Commercial core is constrained by residential on either side. Residential uses are pushing out other uses. Morro Bay is becoming a bedroom community. Large number of homes becoming and/or currently are vacation rentals. Motels/hotels/restaurants losing revenue; this is also due to the number of vacation rentals. Conflict of uses because commercial is within residential areas.

Downtown and Waterfront

- How can we enhance the downtown long-term, economic vitality, and maybe the Embarcadero through integration of uses?
- There are numerous vacant spaces downtown already. There is no need to increase height allowances when there is already space available to be occupied.
- Most of the Embarcadero has a harbor walk. There are very few places left to build a harbor walk so it doesn't need to be as big of an emphasis.
- Why is there a discrepancy or emphasis in the protection of the Waterfront area (view sheds/corridor) compared to the residential areas? The businesses are protected; maybe overprotected in their eyes. A consistency of regulations is necessary between all areas in the City. The City seems to put the residents' needs/views as second-class. Public/private protections might be a reason for this discrepancy. A view easement should be considered. There is no precedent to fall back on. Implementation efforts need to be rather specific to ensure/allow for clarity.
- City requirements on Waterfront properties can be onerous. The second floor can only be a certain percentage of the first floor. In addition, view corridors are required. This is very difficult. In one example, on a 75-foot-wide property, a 22-foot-wide view corridor was required. This was because the project was 19-feet high. If it was 17-feet high, only 8-feet would be required. Even if it was 25-feet high, 22-feet was still required. The City did not use flexibility to look at various factors to warrant a reduction in the view corridor width to allow for a patio and amenities. Standards should be reviewed to focus on what's important. Is a view corridor so important that it warrants restricting development entirely? Isn't providing things people can use on the Waterfront more important? To have more building space to provide usable area and economic return?
- The Waterfront has some design direction but even there the design direction is unclear. What is a 'fishing village' concept? If the City is going to have design requirements, be clearer on

what that is. Help people identify more of what you want people to use. What does it have to be? Give more definition to guide people to what they should be doing.

- Two-story height limit down by the Waterfront. Maximize square footage – allow potential rooms in the trusses.
- When there is a project on the Waterfront it automatically goes to the Coastal Commission. It's a partnership between the City and the applicant. The City is the landlord. The City should participate in the dealings with the Coastal Commission, not just the applicant.
- City could create plan for the Waterfront area that the Coastal Commission approves and then everything after that just goes to the City.
- Trying to preserve and protect working waterfront areas. Spot zoning is undesirable. Hard to get back fish unloading as well as other similar uses once the use goes away. Perhaps non-marine related uses will be given a fee?
- Existing waterfront and downtown height limits are valuable to maintaining the character of the town.
- Workable the standards that apply along West Street are workable. However, it's so limiting that all the designs look very similar.
- In the Waterfront area, the City should do a better job at working with Coastal Commission and fighting for/supporting the applicant.

Overlay Districts

- The PD Overlay is a problem. Get rid of the PD Overlay. Allow for some deviation or modification of standards through another process.
- The PD Overlay is a gray area that everyone gets dropped into. There are some areas within the PD Overlay that shouldn't be. It's one of the areas of the Zoning Ordinance that is too broad.
- Realistically, unless the City annexes more property, there isn't anything left for a true 'Planned Development'. Maybe require a PD for a large property, say 1 or 5 acres, but it's going to be subject to discretionary review anyway, so why require a PD?
- PD Overlay area is broad. Update for clarity and eliminate the need to go to the Planning Commission. Maybe providing a zone/requirement like small-scale homes (Cayucos example) which may require design guidelines.
- Do not see the need for the PD/PD-S overlay. What is the intent and relevancy? Eliminate all the review restrictions and provide incentives to builders, rather than have restrictions pop-up throughout the process.
- Planned Development codes need to be looked at more with respect to whether the use lies in the overlay zone or what it effectually calls for.
- Special overlays are confusing; need greater clarity. Duplication of overlays. Some overlays should be removed.
- Get rid of the overlays.

DEVELOPMENT AND DESIGN STANDARDS

- It is hard to have restrictions placed on the actions and/or conditions of adjacent neighbors. Standards to make it fair for everyone. Get back to what the planning process was. If you meet the height, setback, and coverage standards, you are good. Why is it needed to get so specific or detailed, such as color and/or front door type approved?
- Development standards were born out of good intentions, but collectively all restrictions create bad design scenarios.
- Development standards should not be too prescriptive.
- There should be a minimum density allowed on a site. Build the density at which you are zoned. It should be required to change the zone if you do not want to build at the density for which the property is zoned.
- Military barracks are a part of the history of Morro Bay. Look at the real 'historic' character and consider that when trying to make an architectural statement. It's eclectic and 'anything goes' not cookie-cutter design as a result of prescriptive standards.
- Provide the encouragement and flexibility to make an architectural statement. A balance is necessary; the neighborhoods and the surrounding environment must be considered.
- We are in a beach community – the pitched roofs are not as prevalent/necessary, or applicable for the community.
- Morro Bay has an eclectic character – allow to continue.
- Focus your attention (time and energy) on something that matters. Placement of front door, color and type of garage door should not be regulated or required – should be up to the decision of the homeowner/property owner/applicant.
- The new guidelines and standards are creating headaches. The regulations and standards that are new are creating the difficulties.
- Architectural style specified by the client and the renderings submitted to the Planning Commission were rejected. There is no style specified, besides that the designated style was not Morro Bay enough. What style is Morro Bay? There should be some guidelines stating what is Morro Bay, especially if the Planning Commission uses this as a determinant to reject a project. Maybe a pre-review to get guidance on major decisions, such as architectural style that would greatly affect costs, time, energy, and planning processes.
- Preserve small-town character.
- The rules should allow for it to still feel like a small town in 30 years.
- What is a community amenity? Offers some benefit or opportunity for neighborhoods and/or areas to shine.
- There should be consistency between the garage and temporary structure setbacks. Do not want conflicting law.
- Flagpoles and/or antenna ordinances account for and require neighbor consideration. These ordinances do not consider or factor UHF/VHF antennas – they are almost exempt since they are not addressed in the ordinance. Hopefully enforcement will occur after an update of the Code.

- There is no room for the stormwater management code due to physical site and existing conditions, despite it being state mandated. There should be concessions.
- Site coverage and zoning regulations conflict over physical space regarding parking, stormwater.
- Zoning should account for street sweeping and trash collecting, in addition to ensuring noise comfortable levels.
- City requires imperviable pavers when you exceed a certain square footage; is this necessary? Using practical field common sense.
- Privacy should be a factor when determining standards.
- Maybe expand the 50% lot coverage requirement, and the setback on the sides/second stories, which will allow for greater flexibility.
- Some of the standards should be looked at or considered to be slightly tweaked to allow for modern times, greater flexibility and understanding.
- Relaxing the accessory structure setbacks if you are not impacting your neighbors' ability to build.
- Consider lowering the minimum lot size in residential districts. Should it be 5,000-square feet? The current 6,000-square feet is rather large since that is on the larger end of the spectrum for lots in Morro Bay. There might be an appetite for even smaller lots than the 5,000. However, the discretionary review for the design of homes on split lots should be stipulated/required.
- There is a tension between parking, density, and traffic of affordable development. There are tradeoffs that are quite sensitive. Encourage infill development of vacant lots and/or provide incentives of allowing for/creating affordable/senior housing.
- Physical development standards cannot be applied Citywide.

Height and Setbacks

- Building height is too limiting and restrictive. 9-foot ceilings are desired and are difficult to design within current height standards. Drainage is an issue because there are no curb, gutters, and sidewalks.
- When the grade of property is lower than the street, then measure the height from the road. Average natural grade or whatever is necessary to drain the house properly should be specified.
- Number of stories and height limits are not necessary to both be specified. Beach track area requires 17-foot height limit and no more than one story. Only one standard is necessary.
- Downtown core height limit needs to be increased, to at least 35-feet, to allow for mixed-use and greater economic vitality downtown.
- There is a height on limit and stories. Basements are not allowed because it counts as a story. It should be the property owner's decision to have a basement. The definition of two stories in the Orca Street area is not properly defined – needs clarity.
- Up the height limit to at least 27-feet because demand for 9-foot ceilings is prevalent. Might have to include a stipulation about including a pitched/peaked roof.

- Vertical height adjustment should be applied throughout the City. Possibly provide exceptions or incentives, for instance if you provide affordable units, then you can increase in height.
- Height and drainage a concern and issue.
- Height limit of the downtown core should be increased dramatically (40-50-feet) from the current 25-feet. Not as concerned about view sheds, but rather expanding commercial opportunity. Professional offices, retail, technology. Looking for economic viability and vitality. Do not have parking in downtown.
- Lots in North Morro Bay are below street grade (Island Street and north Morro Bay). Slope is less than 10%. Flat road. Adjust the way height is measured here to account for this. Measure height from top of curb or centerline of the street.
- Building heights and setbacks are an issue. They are not consistent between the General Plan and Zoning Code.
- City streets are funky in the way the right of way is set up. Olive Street has an 80-foot right of way, which is very wide. When the right-of-way is that wide, a large setback is not necessary for development. Maybe adjust the setback requirements or vacate the right of way to reflect that.
- 3-sided lots are prevalent in the City. Fencing specifications need to be clarified – especially for where a side yard begins and a front yard ends. This should be decided at the Staff level. However, this creates a level of subjectivity from Staff. But a level of concreteness is necessary. A little more of a formal process of interpretation could happen, like a (collective) Staff review, rather than having to go to Planning Commission. This creates an intermediate opportunity.
- Second floor stepback requirements are reasonable to maintain in the zoning update, however there should be a consideration to the size of the lot. This doesn't work on small lots. Every house will end up looking the same.
- Allow sheds in the back yard at the property line. Sound, neighbors, and fire are reasons why the setback was required. In the update, specify that no windows allowed along property line and height limits are required under the new regulation.
- Allow buildings to match the existing building setbacks on adjacent property.
- Urban infill development – how do we make something livable in these areas due to excessive multi-family requirements. The layering of additional requirements is unnecessary and not easy to be satisfied.
- What is neighborhood compatibility?

Residential Design

- Single-family residential standards and requirements seem good. Setback requirements and height restrictions have been around so long, they don't really need to be changed.
- Allow some flexibility in popping out in a setback area to create design interest, especially to offer and provide 360-degree architecture. Not necessarily allowing for a larger house, but also not creating big, massive boxes.
- The Planning Commission adopted Residential Design Guidelines that are unfair to certain properties. There may be two-story development that predominates the area. However, if a single-story house is next to you, you are limited if you want to add a second story or rebuild.

However, the single-story house next to you (the one that is limiting your ability) could build two stories if there is a two-story structure next to them. Standards be based on fixed requirements, not on what happens to be built next to you.

- Design guidelines are not a requirement; however, they have become more of a standard. Staff needs to provide intent or a written account of interpretations. Does not necessarily always make for better design and creates extra costs. Too much latitude for interpretation creates an appearance of unfairness. Within the design guidelines, add refinements of what is necessary and not necessary. Determine which guidelines are necessary to address and which ones are more optional.
- The residential guidelines are too loose. Look at precedent case studies. Residents don't want Morro Bay to look like the mansionization in Pismo Beach. It is less about one style, rather than the size of the buildings. Morro Bay is kind of funky in its design. Keep the funkiness and eclectic feel.
- New residential design guidelines are redundant and cancel each other out at times. Staff turn-over in the City is really a constraint. Someone's own interests in mind are often the priority considered when those guidelines were written. It is not feasible building a project that adheres to all the guidelines. This is going to create homes that are undesirable to families and influence a prevalence for more vacation rentals in the community. Outside pressure is prevalent too on Staff.
- Residential design guidelines are unfair – necessary for new construction, but not enforceable for existing homes. Residents and homeowners should be able to paint their houses the color they want. Garage door or front door description should not be a planner's decision – this is too subjective. Color of garage door should be open to the opinion and desire of the homeowner.
- Residential design guidelines should be enforced on lots that are of a certain size; there are some lots that cannot conform to the guidelines. The residential design guidelines are confusing and unclear.
- Example of small-scale design guidelines in Cayucos.
- Incorporate residential design guidelines into the Code where possible - or provide cross reference
- Can't preserve neighborhood compatibility since there is not a norm within the neighborhoods.

Coastal Resource Protection

- View corridor limitations are onerous. Nothing over 30 inches is allowed in the view corridor. This doesn't even allow for tables or a railing that meets Building Code requirements. Also, the 30% lease site width requirement is onerous.
- How do we protect everyone's view without hindering development ideas? The City can only have so many priorities. Do residents really have a right to a view. Identify specific view corridors. This might also help address healthy communities – taking a walk to go see a view.
- Why are street trees required along the ROW when there is potential to obstruct views? Maintain view corridors. Rather than questioning or guessing where to put street trees, make this clearer in the Code.

- Edge of bank setback is confusing; needs clarification. At what point does it become unusable? Maybe the average within the surrounding community should be the considering factor rather than a designated number that applies across the board. How does a concrete channel apply as a designated ESHA-line area? Does it really match the definition?
- ESHA-line is restricting. Trying to build an addition but restricted to 50-feet from ESHA-line, although there is a house currently between the addition and the ESHA. There is no discretion to recognize this existing condition. The rules don't take reason into account.
- Allow for flexibility of lots regarding ESHA-lines. Need to allow for and create buildable lots. Nonconforming lots/uses should have some flexibility. The Code is a guideline, not gospel. What it should be used for is to make educated responses and decisions for development, but not constrain it entirely.

LAND USE REGULATIONS

- Morro Bay seems to be heading into and leaning towards mostly residential uses. Will/does the community support integration of new commercial uses? Are residents given the final say when they were not the first ones there all the time?
- Encourage wind generator or solar energy along Embarcadero.
- Sunshine Health Store is one of the most successful examples of small-scale/town business within the City. Fitting within the footprint of the existing store.
- Should look at providing/allowing more units on lots.
- Usually not too many problems with allowed uses. The allowed uses seem fine.
- The replacement of the same use should be more seamless. Furniture store example of replacing a furniture store, encouraging and supporting renovation and reuse.
- There might be a few opportunity sites for higher density than R-4. Greater affordability and cool designs.
- Realtors should make known allowable uses.
- Use regulations are only effective as much as the City Staff is willing to implement them. Regulations that are just on a piece of paper and do not carry any weight are not worth our time.
- Prohibit or discourage big-box stores downtown.
- How do we increase TOT? How do we generate more revenue with designated mix of uses? Could we look at some shared type of spaces or mix of uses to generate more revenue? Theater example - how to provide space for plays/theater at night? The clarity and readability of the code is necessary and key - for property/home owners, applicants. Clear the Administrative Provisions and start from new.
- Code does not provide the level of affordable housing that the City really does need.
- Morro Bay is aging in place. Emphasize services - how might the Code address there?
- The protection of residential land uses is inevitable in Morro Bay. This trend is and has been occurring.

- Mixed-use examples on Morro Bay Blvd., as well as newer examples on Main Street towards Surf Street. These are all vacation rentals now. The city should require more affordable units.

Secondary Dwelling Units

- Secondary dwelling units and requirements are a topic of interest and concern.
- Maintain ability to have and allow secondary units.
- Encourage secondary units in upfront/initial stages rather than a tacked-on afterthought. Getting ahead of the problem and encourage a policy to allow for secondary structures. This could be a selling point.

Vacation Rentals

- Vacation rentals should require permits, as well as a ratio or allowable number of units per area. Appropriate management should be a requirement for vacation rentals (i.e. trash management, number of cars, parking) and be deemed by personal response time required. How can you regulate human behavior? Include Airbnb and B&B in the vacation rental. Provide and require signage stating that the residence is a vacation rental.
- Vacation rentals decrease the opportunities for lower-income housing. The 250 limit increased the number of rentals. These rentals are negatively impacting the residential neighborhoods they are in with lack of parking, presence of garage and trash, and noise.
- Vacation rentals need to be addressed. They should not be allowed in R-1 zones.

NONCONFORMING PROVISIONS

- Look at the nonconforming provisions to make more sense, provide clarity, and/or support smoother process for remodels.
- The City allows for a "one-time" addition of up to 25% to an existing non-conforming use. Concern with the "one-time" notation; assume this is so someone doesn't come in multiple times requesting to add 25% to a non-conforming use and turning a 1000-sq. ft. house into a 4,000-sq. ft. non-conforming house. But if someone only adds 50 square feet to a non-conforming 1000 sq. ft. house, they lose the opportunity to add the other 200 sq. ft.
- The addition of 25% should be available at any time. For instance, a current project where an addition to a home required going through Planning Commission is unnecessary. This was because the "one-time" allowance by adding about 24-sq. ft. to a back bathroom. If that house's original size was 1,000 sq. ft., then the intent of the Code was to allow the homeowner to add up to 250 sq. ft. to an existing non-conforming home. Options were presented to the City to construct another addition, while including the existing addition area calculations. The City said there was not an avenue for that. One option was if 250-sq. ft. of the original size were allowed, could the first 24-sq. ft. addition be deducted from the 25- total and if so, allow the new addition to not exceed 226-sq. ft. The other option presented proposed removing the original 24-sq. ft. addition so the full 250 sq. ft. could be applied to another location on the home. The removal of the "one-time" nomenclature might be the best approach.
- Setback issue on house (existing nonconforming residence), which required by City to tear down first 8-feet of house. A surveyor was hired and concluded that the house was in some points 3-feet further from the street than some of their neighbors. This is where a need for

variance is necessary to allow for nonconforming lots in the City, which the City has a lot of. Existing setbacks are not reflective of current conditions and an update should consider those residences that encompass these conditions. It is suggested to average the front yards as a resolution. This is also inconsistency between planning and Building Code.

- Agree that development should conform like the rest of the surrounding uses if the structure is torn down.
- Existing nonconformities – front of lot is subjective. Right now, small, or minor projects to Planning Commission – this process is becoming discretionary when it should be sufficient for staff to do.

PARKING

- Form follows parking. Parking should not drive development
- The City needs to consider what is reality when it comes to the 'parking problem'. There isn't a parking problem in Morro Bay. There is always parking available if you want to find it. You may just have to walk a block, which is fine.
- Requiring people to take so much of the property to provide parking is ridiculous.
- Garages are becoming storage rooms. Parking is becoming a problem because the garage is no longer useable or free for parking. People then park in the street. How can the City control this?
- Some homes do not provide long enough driveways to park on.
- Parallel parking along the ROW is accounted for, however, people are parking perpendicular (90 degree) to sidewalk, which makes for the cars to butt out.
- No room for off-street parking within the City. On-street is not always provided. Currently, parking requirements drive design and they should not. Cars should not be in the driver's seat directing the design of buildings.
- 'Covered' spaces should not be required for residential development. Allow the double deep, tandem parking spots.
- This is a beach-town, there will never be enough parking. There is no way to make for more parking. Short-term rental properties should limit the number of cars. Provision of additional spots might not be possible, but the management of the number of spots should be regulated.
- Parking should be a larger responsibility than just the individual property owner. There should be parking requirements that vary based on where are in the City. Different areas have different needs and characteristics.
- Address bicycle parking in the Code. Bike parking encourages walkability and zoning can help do that.
- Parking drives development. Since many people are aging in place - there is less of a need to provide as many spaces. Reduce parking requirements for higher density units we can provide more uses.
- How many houses have two cars in the two covered parking spaces within the garage? This requirement does dictate the cookie-cutter design of numerous houses.
- There are some uses that parking is necessary to provide i.e. hotels/motels.

Parking Reductions

- Reduce parking requirements would be an economic boon to businesses.
- Right now, the City seems to be getting creative in allowing businesses to renovate or expand without burden of providing additional parking (ex. historical parking credits). The City should make it more straightforward and just lower the amount of required parking.
- The City should loosen up a little more on parking. The parking requirements are very high. Especially restaurant parking requirements which are set at 1 parking space per 60 square feet.
- Planning Commission has allowed numerous parking exceptions within the City. It would be nice to have this in the Code so as not to add further planning processes to a project (adds about 4 months to a project).
- Options for parking are necessary to break up the mass and scale.
- Planning Commission has consistently allowed for tandem parking. However, currently requires a variance and associated planning costs.
- Historical parking units apply only to commercial. Must honor the history. The City chooses to not remember the history of a site/area/context.
- Allow greater flexibility in parking requirements (tandem, out of view, behind a gate, protecting views from street) to allow greater flexibility in design. Two-car garages are still necessary. They serve as purposeful, storage areas and they go beyond serving just the car. The requirement for two covered spots is something not to lose.
- Allow flexibility in non-residential parking requirements. Maybe provide non-peak and shared parking reductions. Goes back to the healthy communities – residents and tourists can walk to uses and/or views. Recognizing historical parking credits. Looking at the future and considering the potential for a structure.
- Shared parking should be considered more so.
- The parking regulations are inconsistent. Let downtown have a parking problem.

Downtown and Waterfront

- It's difficult to provide required parking on the Embarcadero. The City has used historical parking credits to allow people to expand or invest without having to pay a lot of money to provide parking. This is a good practice and should be codified so that this continues instead of being an approach used at the discretion of whoever happens to be making the decision.
- Parking should be treated differently in different districts or areas. For example, the Waterfront could be treated differently than other commercial areas.
- The current requirement for off-site parking is that it must be within 300-feet of project. This can be a killer and sometimes precluded by other efforts. If the City is looking at closing off part of the Embarcadero to cars and making it pedestrian only, parking is forced away from uses. There should be some recognition that parking can't always be within 300-feet of a project, particularly in Downtown and the Waterfront.
- The plan for parking, as it moves forward, should consider, and look at simple solutions. Apply a formula to the downtown for parking based on square footage of the building. Exempt the first 1500-square feet. However, no fair system really seems to exist. For instance, the store,

Beads by the Bay, which is a smaller store but is a heavily trafficked store would require more spots than perhaps other stores that are larger, but not as heavily trafficked.

- Parking infrastructure along the Embarcadero is sufficient. Issue parking permits for businesses. Employees should not be parking in customer spaces. "2-hour" enforceable parking should be enforced, which it is currently not being. As businesses are approved, parking passes should be permitted.
- The most critical step forward is creating or revisiting the idea of a long-term commercial parking plan. This would help relieve on-street parking. Take parking off the Embarcadero and create an undulating sidewalk, with drop-off, ADA spots. Within a short period of time, the benefit could be great to the residents and create better opportunities for tourism. This creates a more immediate result; however, the political pressure could be great. Adjustment to change, taking baby steps, and the transition of changed space is key. The process was progressive that was tested along the way.
- Current requirements for on-site parking along the Embarcadero and the Downtown are inappropriate to the use of the area. Grandfathering of spaces is happening currently, however, it is not provided or stated in the Code.

In-lieu Parking Fee Program

- The City has accumulated 10 years' worth of money to spend, collected as part of an in-lieu parking fee program. These monies have gone to things such as enhancing public transportation systems.
- In-lieu parking fees – where does this money go? Fees should be restricted.
- There is currently a parking district but a section of commercial area where Quintana Road and Main Street meet that is completely left out of it. Because this area is not part of the parking district, the properties cannot participate in the in-lieu parking fee program, which makes it hard for these businesses to expand or for investment to come in.
- Originally, parking in-lieu fees were around \$4,000. The Coastal Commission stepped in and said that \$4,000 is not enough to provide a parking space. A 'hard dirt' parking space costs more like \$30,000 and the fee should reflect this. The City then raised it to \$15,000. \$15,000/parking spot is cost prohibitive for small businesses. If they are required to have two parking spaces, it costs \$30,000. They can't afford \$30,000. The City did lower the fee to \$2,000 for the downtown area as they recognized that \$15,000/space is a deterrent for small businesses.
- Do away with the parking in-lieu fee.

ADMINISTRATION AND REVIEW PROCESSES

- Why is it necessary to have both an archaeologist and Native American specialist to survey a site? There should be experts that cover both areas. This requirement is redundant and costly.
- Look for ways of having more administrative approvals. If standards are incorporated into the Zoning Ordinance and if a project meets the standards, it should be good to go. Don't make a project meet detailed standards and then also go through Planning Commission review. That is too onerous.
- There should be more administrative approvals.

- Various/numerous interpretations of the Code are held by City Staff. This makes development difficult when opinions are contradictory and there are cycles of the Code being interpreted differently. There should be a statement of intent at the beginning of each section of regulations.
- Access to ocean and/or trails accessibility issue. There were conflicting interpretations of when access was required. Having some way to track the intent of a requirement is necessary for to resolve interpretation issues.
- Subjectivity is prevalent.
- Provide more specificity of what the City does want to see. Include interpretive sections within the Code.
- Flowcharts along with all the other illustrations would be helpful.
- The answer should not change based on who is at the counter.
- Use illustrations/table/images wherever possible/feasible to make the Code more usable.
- Difficult to ensure consistency of zoning when the turn-over of staff is inevitable. Statement of intent and/or written record of decisions should occur.
- There are few, if any, instances where review by the Planning Commission for a single family house is warranted.
- A faster and clearer process to go through the planning process is necessary. Planning Commission should not always be required. Waste of time for property owner/applicant/commissioners, as well as is an additional expense.
- Staff should be able to make more decisions. City should take a step back and realize the amount of money they are forcing people to spend by frequently enforcing/requiring Planning Commission level of review.
- Increased training of the Planning Commissioners is necessary. There is an education that needs to happen about their role, what is under their purview, and what they can or cannot do. There is a particular job they are tasked to do, it shouldn't be just people with agendas helping their friends.
- Definitions need to be clarified.
- Go through the definitions of the Zoning Code. Some definitions are missing. There is no definition for medical facility or vacation rental.
- Design review attention is paid to things people cannot even see. Not worth the time of Staff, Planning Commission, or the applicant.
- Staff should be able to make determination of compliance of Single-family Residential development with the Residential Design Guidelines. Single-family Residential development should not have to go to the Planning Commission. (This is the case in the PD Overlay)
- The City should set up an Architectural Review Commission and include members who are in the appropriate field. This would be the review body, aiming to create less tension and accomplish better design. It is asking a lot of a Commission to take on design review. The City needs to up their game on the design of structures. Frustration over the Planning Commission trying to be architects.

- ARC and Staff review should be required, rather than at the Planning Commission level. There are too many bodies that have too many hands on a project. Architectural designs are too subjective and should not be at the determination of the Planning Commission. There tend to be too many opinions about the design.
- The City does not want the Planning Commission to be an Architectural Review Committee. That has been a long-standing position.
- A map defining ESH-lines might be helpful. Planners need the latitude to say whether it is in ESH or not.
- There are numerous differences and discrepancies of requirements of development projects. Archaeological reports are required for residents and homeowners, while those looking to get a buck are not required to submit a report and spend thousands of dollars.
- It's not what you know, but who you know. It's not as small of a town as it used to be. Walking into a closed door to begin with. City Staff and officials seem to say no from the beginning, because they may not know the answer. They do not realize they are civic servants. The answer is different based on who you talk to.
- Single-family residences that are not near the water and/or on a hilltop affecting views should not have to go to the Planning Commission. Have the clarity between what is discretionary and what is not. Reduce the amount of planning process time when feasible and/or applicable.
- Variance is a difficult process especially when dealing with findings. Use character of neighborhood and other tools as a basis to allow flexibility as opposed to variance. Get some direction (conceptual review from the Commission).
- Lot-line adjustment processes - should they be discretionary or administrative permit level?
- Combine concept and precise plan reviews.
- The planning process is deal killer. There is no way around it though. On the land use side, given a stronger level of analysis by the Staff. Designate a position that provides a one person stop shop where that person is the go between an applicant and all departments of the City. Given budget, re-designate a senior planner to this position.
- Encourage people to avoid disagreement by making neighbors aware of intentions.
- The biggest deterring factor is time of development. This should be improved through administrative processes.
- One example of how difficult it is to get anything done is the sign ordinance update. It's been going on for a long time. People keep changing their minds and as a result, nothing gets done.
- There was a 5-year period in the 80's where second stories were allowed. City official incentive/motives. What is allowed or supported changes with a change in leadership. There is no long term consistency.

Coastal Commission Review

- Coastal Commission's expectations or concerns seem to change over time; how is this supposed to create any sort of precedents? It is necessary to have a target that you can aim for. City and Coastal Commission must be more aligned and in communication more. City direction should be established. Priorities of development seem to be shifting within the City.

- LCP needs a parallel update; which is a daunting and difficult task. LCP to develop alongside the General Plan.
- The Waterfront Master Plan requires the harbor walk to be a minimum of 8-feet. Coastal Commission deemed 8-feet wasn't sufficient and 10-feet should be required. You can't rely on the rules as being what is required.
- Sometimes what is required doesn't make sense. Coastal Commission also doesn't recognize that if there is an active commercial fishing use on the water, public access through the site is not appropriate. It's dangerous and messes with the operations.
- The City should consider a way to retain Coastal Development Permit authority in Coastal Original Jurisdiction. Other cities have done this and can simplify the process.
- Concept Plan/Precise Plan approval process is onerous and does not provide any benefit. This process should be eliminated and instead there should be one plan/permit which goes through City review and then Coastal Commission review.
- Expressed concern over Coastal Commission and their involvement and/or denial of projects or ability to change projects over time. The Commission seems to be able to change things "at their whim" and/or seem to make rules up on the fly.

LIST OF INTERVIEWEES

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Bruce Elster
Cathy Novak
Chris Parker
Chuck Stevenson
Craig Smith
Cristi Fry
Daniel Sotelo
Don Doubledee
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