



CITY OF MORRO BAY PLANNING COMMISSION MEETING AGENDA

Veteran's Memorial Building
Regular Meeting 6:00 p.m.

209 Surf Street, Morro Bay
Wednesday, September 21, 2011

Chairperson Rick Grantham
Vice-Chairperson John Solu
Commissioner Paul Nagy
Commissioner Jamie Irons
Commissioner Jessica Napier
Rob Livick, Secretary

- I. ESTABLISH QUORUM AND CALL TO ORDER
- II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
- III. PLANNING COMMISSIONER ANNOUNCEMENTS
- IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

A. Oral Report

- V. PUBLIC COMMENT:

Members of the audience wishing to address the Commission on matters other than scheduled hearing items may do so when recognized by the Chairman, by standing and stating their name and address. Comments should be limited to three minutes.

- VI. CONSENT CALENDAR

A. Approval of minutes from Planning Commission meeting held on September 7, 2011

- VII. PRESENTATIONS

Informational presentations are made to the Commission by individuals, groups or organizations, which are of a civic nature and relate to public planning issues that warrant a longer time than Public Comment will provide. Based on the presentation received, any Planning Commissioner may declare the matter as a future agenda item in accordance with the General Rules and Procedures. Presentations should normally be limited to 15-20 minutes.

A. None

- VIII. PUBLIC HEARINGS

A. **Case No.:** UP0-293

Site Location: 550 Morro Bay Boulevard

Applicant/Project Sponsor: Dan Reddell / Cathy Novak

Request: An application was filed requesting a Conditional Use Permit for three separate outdoor activities at 500 and 550 Morro Bay Blvd. The 1st activity will be to allow vending activity as a farmers market within the paved parking area during the weekend (vending from Saturday 1 p.m. to 7 p.m. and Sunday from 10 a.m. to 3 p.m.). Vendors can include hot and cold food, fruits, vegetables and arts & crafts (including paintings, photos, woodworking, pottery and sculptures) The 2nd activity will be to allow a produce stand as a permanent building adjacent to the street

selling produce, cut flowers and plants; and a separate vendor will sell Barbequed food. These vending activities will take place daily from 8 a.m. to 7 p.m. The 3rd activity will be to allow events in the outdoor patio area at the Caccia House at 550 Morro Bay Blvd. This may include BBQ set up in the parking lot, catered food services, alcohol sales and live music.

CEQA Determination: Categorically Exempt, Section 15303, Class 3

Staff Recommendation: Conditionally Approve Conditional Use Permit #UP0-293

Staff Contact: Sierra Davis, Assistant Planner (805) 772-6270

B. Case No.: UP0-326

Site Location: 1169 Market Street

Applicant/Project Sponsor: Sharon Moores / Cathy Novak

Request: Applicant proposes a 1,540 square foot workshop in an existing retail unit for a workshop with machinery and storage of potentially hazardous materials in limited quantities, rental rod, and reel space and additional storage for boat supplies. Work to be done onsite includes metal work, wood work and mechanic work. Welding equipment will be stored onsite, however no welding or hot work will be done onsite.

CEQA Determination: Categorically Exempt Section 15303, Class 3

Staff Recommendation: Conditionally Approve Conditional Use Permit UP0-326

Staff Contact: Sierra Davis, Assistant Planner (805) 772-6270

IX. UNFINISHED BUSINESS

A. Current and Advanced Planning Processing List

X. NEW BUSINESS

A. Advisory Boards Handbook and By-Laws approved by City Council Resolution 62-11

XI. DECLARATION OF FUTURE AGENDA ITEMS

XII. ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on Wednesday, October 5, 2011 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Public Services Office at 955 Shasta Avenue, during normal business hours, Mill’s ASAP, 495 Morro Bay Boulevard, or Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Planning Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Department staff will present the staff report and recommendation on the proposal being heard and respond to questions from commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.

This Agenda is available for copying at ASAP Reprographics and at the Public Library

4. Finally, the Chair may invite the applicant/agent back to the podium to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the commission and staff prior to the commission taking action on a decision.

RULES FOR PRESENTING TESTIMONY

Planning Commission hearings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony must observe the following rules:

1. When you come to the podium, first identify yourself and give your place or residence both orally and on the sign in sheet at the podium. Commission meetings are audio and video tape-recorded and this information is required for the record.
2. Address your testimony to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
3. Keep your testimony brief and to the point. Speak about the proposal and not about individuals. On occasion, the Chair may place time limits on testimony: Focus testimony on the important parts of the proposal: do not repeat points made by others. Please, no applauding or making comments from the audience during the testimony of others.
4. Written testimony is encouraged so they can be distributed in the packets to the Planning Commission. However, letters are most effective when presented at least a week in advance of the hearing. Written testimony provided after the staff reports are distributed and up to the meeting will also be distributed to the Planning Commission but there may not be enough time to fully consider the information. Mail should be directed to the Public Services Department, attention: Planning Commission Secretary.

APPEALS

If you are dissatisfied with any aspect of an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. The appeal form is available at the Public Services Department and on the City’s web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located with the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$250 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant’s favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 and the City Zoning Ordinance. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed.

The Coastal Commission’s Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Public Services’ Administrative Technician at (805) 772-6261. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

HEARING IMPAIRED: There are devices for the hearing impaired available upon request at the staff’s table.

This Agenda is available for copying at ASAP Reprographics and at the Public Library

COPIES OF VIDEO, CD: Copies of the video recording of the meeting may be obtained through AGP Video at (805) 772-2715, for a fee.

ON THE INTERNET: This agenda may be found on the Internet at: www.morro-bay.ca.us/planningcommission or you can subscribe to Notify Me for email notification when the agenda is posted on the City's website. To subscribe, go to www.morro-bay.ca.us/notifyme and follow the instructions.

AGENDA ITEM: VI-A

DATE: September 21, 2011

ACTION: _____

CITY OF MORRO BAY
PLANNING COMMISSION
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay
September 7, 2011

Chairperson Rick Grantham

Vice-Chairperson John Solu
Commissioner Paul Nagy

Commissioner Jamie Irons
Commissioner Jessica Napier

Rob Livick, Secretary

I. ESTABLISH QUORUM AND CALL TO ORDER

Chairperson Grantham called the meeting to order at 6:00 p.m. and noted all Commissioners are present with the exception of Commissioner Solu.

Staff Present: Rob Livick, Kathleen Wold and Sierra Davis

II. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

Craig Schmidt, CEO of the Morro Bay Chamber of Commerce led the pledge.

III. PLANNING COMMISSIONER ANNOUNCEMENTS

Irons announced State Parks will be resurfacing the roads and the project is expected to last about 4 weeks. Grantham announced the first meeting of the Community Thanksgiving was held today and thanked participating companies. Grantham said everyone is invited to come on Thanksgiving Day. Napier announced 4-H has started for the year and the first meeting will be first week of October.

IV. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken by the City Council at the August 16th meeting and also regarding agenda items for the upcoming September 13th Council meeting as well as announcing the next Council meeting is also a joint City Council/Planning Commission meeting which will be held on September 13, 2011 at 5pm at the Vet's Hall.

V. PUBLIC COMMENT - None.

VI. CONSENT CALENDAR

- A. Approval of minutes from the Planning Commission meeting held on August 3, 2011
- B. Approve Street Name for Tentative Subdivision Tract Map

MOTION: Irons moved to approve the Consent Calendar. Napier seconded the motion. Motion passed 4-0.

VII. PRESENTATIONS - None

VIII. PUBLIC HEARINGS

A. **Case No.:** UP0-298

Site Location: Within the public streets on Main between Morro Bay Blvd and Harbor and on Harbor between Main and Morro Avenue

Applicant/Project sponsor: Morro Bay Chamber of Commerce

Request: To conduct a Farmer's Market within the public streets on Main Street from Morro Bay Boulevard to Harbor and then on to Harbor Street to Morro Avenue on Saturdays from 2:00 p.m. with the street closure until 7:00 p.m. when the street reopens. The MBCC Farmer's Market has a Certified Farmer's Market area and a Community Market for businesses who are not certified producers

CEQA Determination: Categorically Exempt, Section 15311, Class 11

Staff Recommendation: Conditionally Approve Conditional Use Permit #UP0-298

Staff Contact: Sierra Davis, (805) 772-6270

Davis presented the staff report.

Grantham opened Public Comment period:

- Craig Schmidt, CEO of the Chamber Commerce explained the configuration changes to improve the Farmer's Market.
- John Weiss, President of the Chamber of Commerce stressed the importance of the Farmer's Market to the community.

Grantham closed Public Comment period.

Commissioners discussed:

- Signage and the review process between the Police Chief and the City Engineer/Public Works.
- Trash receptacles and whether recycling-only containers could be included. Schmidt agreed.
- Traffic concerns for pedestrian safety among the vendors as they off load their vehicles at setup and cleanup of Farmer's Market. Grantham asked Schmidt if measures can be taken to increase safety such as wearing of safety vests by traffic controllers and seeking traffic control training from the Police Dept. Schmidt agreed.
- The availability of Rabobank's parking lot to vendors.

Irons discussed with Livick restating condition #3 in Exhibit B to include a public safety review by the Police Chief in addition to the Public Services Director. Livick confirmed and also recommended the last sentence of the Police Conditions on page 8 to state all signage shall be in

accordance with the most current edition of the California Manual of Uniform Traffic Control Devices to the approval of the Public Services Director and Chief of Police. Irons agreed.

MOTION: Irons moved we conditionally approve UP0-298 for the Chamber of Commerce Farmer's Market and adopt the findings included as Exhibit A, including findings required by the California Environmental Quality Act (CEQA); and approve Conditional Use Permit #UP0-298, subject to the Conditions included as Exhibit "B" and the site development plans dated August 26, 2011 with the stated conditions under #3 on Exhibit B and under the Police conditions which would be that Police and the City Engineer review for signage.

Napier seconded the motion. Motion passed 4-0.

B. **Case No.:** CP0-354 and UP0-337

Site Location: 482 Kern Avenue

Applicant/Project sponsor: Richard and Karen Carlstrom / Stan Canby

Request: Demolition and rebuild of a single family residence on a property with two existing single family residences. The 897 square foot residence proposed for demolition is located on the west side of the property and will be replaced with a new 2,250 square foot residence with an attached two-car garage. The single family residence on the east side of the property will remain, but does not meet setbacks making the property non-conforming. The new residence will be the main residence and the existing residence to remain will become the secondary unit.

CEQA Determination: Categorically Exempt, Section 15332, Class 32

Staff Recommendation: Conditionally Approve Coastal Development Permit #CP0-354 and Conditional Use Permit #UP0-337

Staff Contact: Sierra Davis, (805) 772-6270

Commissioner Irons recused himself due to being within 500 feet of the site location.

Davis presented the staff report.

Napier asked staff to clarify how the project meets the intent of the ordinance (Section 17.48.32). Wold clarified for Commissioners that the demolition and reconstruction of a unit to be larger than the second creates a secondary dwelling status.

Grantham opened the Public Comment period:

- Richard Carlstrom, Applicant said he is not remodeling the 2nd unit.
- Kev Bixler, neighbor of Applicant, spoke against the project and stated the project does not meet the code requirements because of the non-conforming setbacks.
- Craig Carlstrom, brother of Applicant and local resident, spoke in favor of the design of project and the Architect, Stan Canby. He encouraged the Commission to approve the project as submitted.

Grantham closed the Public Comment period.

Commissioners discussed the following:

- The requirements of secondary dwelling units.
- The non-conforming setbacks of the existing second unit.
- The new primary dwelling unit meets code requirements and lot coverage requirements.
- How the use limitation is enforced through the code enforcement process.

MOTION: Nagy moved we adopt the findings included as Exhibit “A”, and approve the Coastal Development Permit #354 and Conditional Use Permit #UP0-337, subject to the Conditions included as Exhibit “B” and the site development plans dated August 5, 2011.

Napier seconded the motion. Motion passed 3-0.

Commissioner Irons rejoined the meeting.

IX. UNFINISHED BUSINESS

A. Current Planning Processing List/Advanced Work Program

Wold reviewed the Work Program with Commissioners. Livick reviewed the date of the sign workshop to be held on Thursday, September 29th and again on Tuesday, October 4th, 2011 at the Veteran’s Hall. The time is to be announced.

X. NEW BUSINESS – None.

XI. DECLARATION OF FUTURE AGENDA ITEMS – None.

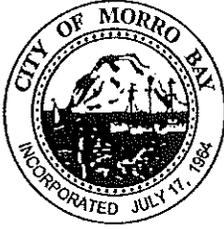
XII. ADJOURNMENT

Chairperson Grantham adjourned the meeting at 7:05p.m. to both the Joint City Council/Planning Commission meeting to be held on Tuesday, September 13, 2011 at 6:00p.m. and then the next regularly scheduled Planning Commission meeting at the Veteran’s Hall, 209 Surf Street, on Wednesday, September 21, 2011 at 6:00 p.m.

Rick Grantham, Chairperson

ATTEST:

Rob Livick, Secretary



AGENDA NO: VIII-A

MEETING DATE: September 21, 2011

Staff Report

TO: Planning Commissioners **DATE:** September 21, 2011

FROM: Sierra Davis, Assistant Planner

SUBJECT: Conditional Use Permit #UP0-293 for Three Separate Outdoor Activities at 500 and 550 Morro Bay Blvd.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve Conditional Use Permit #UP0-293, subject to the Conditions included as Exhibit "B" and the site development plans dated July 11, 2011.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt pursuant to Section 15303, Class 3 for new construction or conversion of small structures. The exemption includes construction and location of limited number of new, small facilities or structures. The applicant has proposed a farmer's market in which small temporary structures will be placed on the property. The project qualifies for the exemption and the activities are not located on a known sensitive environmental resource area, consequently, this exemption is appropriate for this project.

PROJECT DESCRIPTION:

An application was filed requesting a Conditional Use Permit for three separate outdoor activities at 500 and 550 Morro Bay Blvd.

The 1st activity will be to allow vending activity as a farmers market within the paved parking area during the weekend (vending from Saturday 1 p.m. to 7 p.m. and Sunday from 10 a.m. to 3 p.m.). Vendors will include hot and cold food, fruits, vegetables and arts & crafts (including paintings, photos, woodworking, pottery and sculptures)

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

The 2nd activity will be to allow a produce stand as a permanent building adjacent to the street selling produce, cut flowers and plants; and a separate vendor will sell Barbequed food. These vending activities will take place daily from 8 a.m. to 7 p.m.

The 3rd activity will be to allow events in the outdoor patio area and a portion of the house at the Caccia House at 550 Morro Bay Blvd. This may include BBQ set up in the parking lot, catered food services, alcohol sales and live music.

APPLICANT: Dan Reddell / Cathy Novak

ATTACHMENTS:

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C
4. Dan Reddell Letter, Exhibit D

BACKGROUND: In 2008 the applicant submitted a letter to the City when he was approached by various shop owners on Morro Bay Boulevard after donating the use of his site to the Friends of Morro Bay Fire and Police departments for the citywide garage sale. The business owners asked if the applicant could “hold some sort of weekly event on the property which would draw visitors into the downtown area.” The concept for the farmer’s market was an idea from the surrounding businesses.

The idea was for an “open air market” in which vendors would sell various items that would not compete with existing shops but would attract people looking for a bargain. The proposed layout with a large number of vendors was a result of a merchant proposing a site plan with 40 vendors each having 11x11 booth spaces.

The following is a list of permits that have been granted to the applicant for use of the property.

April 28, 2009 – UP0-210 - Temporary use of the parking lot located at 500 Morro Bay Blvd. and Caccia House at 550 Morro Bay Blvd for weekend use for event, Saturday and Sunday only.

April 26, 2010 – UP0-287 - Temporary use of the parking lot located at 500 Morro Bay Blvd for informational and sales booths at Crusin’ Morro Bay Car show.

June 24, 2010 – UP0-292 – Temporary use permit for fruit and vegetable stand valid for a period of 5 consecutive weekend days, Saturday and Sunday, starting Saturday, July 3, 2010

to Sunday August 1, 2010.

July 11, 2011 – UP0-324 - Temporary Use Permit for three separate outdoor activities at 500 and 550 Morro Bay Blvd. The permit is valid until September 30, 2011.

Current – Project before the Planning Commission.

SITE CHARACTERISTICS:

Adjacent Zoning/Land Use			
North:	Central Business (C-1/S.4) – Retail	South:	Central Business (C-1/S.4) – Cleaners
East:	Central Business (C-1/S.4) – Realty Office	West:	Central Business (C-1/S.4) – Realty Office

Site Characteristics	
Site Area	17,292 square feet (two lots)
Existing Use	Parking Lot and Gallery
Terrain	Flat, developed
Vegetation/Wildlife	Landscaped Vegetation
Archaeological Resources	No know cultural resources
Access	Morro Bay Blvd. and Napa Street

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Commercial District
Base Zone District	Central Commercial
Zoning Overlay District	n/a
Special Treatment Area	S.4 Design Overlay
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Not located in the Coastal Commission Original or Appeal's Jurisdiction

DISCUSSION:

The applicant is requesting a Conditional Use Permit for outdoor sales in Caccia House and Bayshore Rental parking lot and events in the patio area and house of the Caccia House. The applicant has proposed three distinct uses on site; daily farmer's market, weekend farmer's market, and events in the Caccia House's outdoor patio.

Daily Vending

The proposed project would have an on-going area located between the Bayshore Rental building and the sidewalk along Morro Bay Blvd. for vendors and outdoor sale of fruits, vegetables and other farmer's market style booths. The vending activity is proposed as a daily event with operations from 8 a.m. to 7 p.m. The BBQ can be taken down each day however at least one of the produce stands does not have the ability to be taken down so therefore, it will be closed but not removed from its location.

To advertise the produce and BBQ, the applicant is proposing a two foot by four foot sign with a white background and blue lettering that will be placed on the Morro Bay Blvd. side of the vendor booths. The exact text for the sign is not available at this time. The applicant is asking the City for flexibility with respect to the sign text because he may end up with a couple different versions depending upon the vendors and whether the BBQ is in operation at the same time.

Daily vendors include the following:

- BBQ vendor
- Fruits, vegetables, flowers, plants
- Arts and crafts – paintings, photos, woodworking, pottery, sculptures (i.e. metal and stone)
- Only handmade crafts will be allowed.
- There will be NO electronics, tools, garage sale items, rummage, secondhand merchandise and other pre-manufactures goods.

Each vendor shall secure a City of Morro Bay business license.

Weekend Vending

The weekend vending activities will be over the parking spaces on the east side of the parking lot and include 23 booth spaces. The 23 booth spaces include the daily vending booths and BBQ area, however there may not always be a BBQ or other hot food vendor at this location. In the case that the BBQ vendor is not on site other vendors may occupy the space with a tent.

The weekend vendors include the following

- Hot and cold food vendors including a BBQ
- Fruits, vegetables, flowers, plants
- Arts and crafts – paintings, photos, woodworking, pottery, sculptures (i.e. metal and stone)
- Only handmade crafts will be allowed.
- There will be NO electronics, tools, garage sale items, rummage, secondhand merchandise and other pre-manufactures goods.

Each vendor will secure a City of Morro Bay business license.

Caccia House and Patio

The Caccia House proposes to have special event/receptions, i.e. reunions, weddings, celebrations of life, Rotary Club and other service club gatherings and a bridal faire. The Caccia house is approximately 1,292 square feet and has an area of approximately 611 square feet available for use in the front part of the house. The 611 square foot area is made available for rental in association with the back patio. The back part of the house is for storage, restrooms, office space and non commercial kitchen.

The Caccia House patio is proposed to be utilized for events. The 611 square foot portion of the Caccia House can be accessed from the patio and will be utilized for the serving of food only. The kitchen in the house is not a commercial kitchen and therefore it cannot be used for cooking however catering businesses may be permitted to set up in the gallery to serve prepared food that is warmed or chilled on site. It will be the applicant's responsibility to obtain any necessary public health permits.

The building staff has reviewed the Caccia House as it exists today and due to the construction of the building has determined that the structure cannot accommodate an assembly use of more than 49 people. As such the building must be limited to an occupancy load of 49 persons or less with the posting of this limitation in a highly visible place. The applicant would have the option of retrofitting the building but the applicant indicates that he does not have property owner permission to perform modifications therefore he has agreed to this condition.

The applicant's agent has indicated that the patio is anticipated to be used primarily for seating with tables and chairs. In accordance with Section 1004 table of the Code, the occupant load of the patio area shall be 114 persons. The use therefore will be limited to 114 people at any one event with no more than 49 people in the Caccia House.

Events in the patio area are proposed to be available for rent from Thursday to Monday

weekly.

Parking

The parking lot is divided into two sections with one entry off Napa and two entries on Morro Bay Blvd. The entire parking area is available to Bayshore Rentals, La Vie Gallery and the proposed vendors.

The Bayshore Rental office requires that a minimum of 2 parking spaces to remain open during office hours and access to the parking spaces will remain open during business hours. Driveway access off Napa will remain open to access the parking on the western side of the Bayshore Rental Building during an event at the Caccia House; parking spaces to serve the event will remain open.

The parking for the Caccia House patio area will be calculated based on the use of the patio and Caccia House for private events facility or a club. Pursuant to section 17.44.020.A.2, for parking requirements for uses not listed, the Public Services Director shall determine the parking requirement required for the most similar use of equivalent intensity. The Director has determined that the ordinance provides for a parking an outdoor use at ½ the ratio of a similar indoor use. The assembly use in the outdoor area is most closely related to a club and a club is parked at a ratio of 1 parking space to 40 square feet of floor area. The patio area will be parked at ½ the ratio of a club house which is one parking space for each 80 square feet of patio area (due to the patio being an outdoor use). The patio is calculated at 1,286 square feet, however that includes area that cannot be occupied (i.e. plants and trees) therefore the total assembly area is 1,050 square feet. The patio area use will require 13 parking spaces.

In addition, staff has agreed to allow the required parking to be used for vending when citywide events such as Crusin' Morro Bay occur as there will not be access to the parking when city streets are blocked off.

Non-Conforming Parking Lot

The existing parking lot is non-conforming because the parking lot configuration was not reviewed pursuant to the Morro Bay Municipal Code. The Caccia House was historically used for a private residence and over the years has become a commercial in use. When the applicant and current lease holder for 500 and 550 Morro Bay Blvd. assumed control of the property he removed a fence and stripped the parking lot. Staff has reviewed the file for the property and cannot find evidence that the parking lot was reviewed and a permit issued pursuant to the Morro Bay Municipal Code.

Although the applicant has stated that a paved area always existed, stripping parking spaces

on a paved surface would require review for health and safety purposes.

FINDINGS: The Planning Commission shall review the project and make the findings that:

- A. Pursuant to Chapter 17.60, Use Permits, Procedures Notices and Variances, the Planning Commission shall determine: "Whether or not the establishment, maintenance, or operation of the use applied for will under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City."

The three uses that are proposed on site; the daily vendors, weekend vendors, and events at the Caccia House are all allowable uses in this zoning district pursuant to securing a Conditional Use Permit as granted by the Planning Commission. The Planning Commission shall review the project for consistency of uses in the surrounding area and the effects it will have on the business district. The use will not be harmful or detrimental to people residing in the neighborhood; therefore the findings can be made to support the project.

- B. The parking lot cannot be made conforming.

The existing parking lot does not meet the requirements of the Municipal Code Chapter 17.44, Parking, Driveway, and Loading Facilities. Pursuant to section 17.44.020.D.5 Landscaping and Screening the following are the areas where the parking lot is deficient.

- a. 5% of the parking lot surface shall be devoted to landscaping, exclusive of setbacks and street screening.
- b. Landscaping shall consist of trees, shrubs, and ground covers.
- c. Parking lot planter shall be provided after each five parking spaces in any row and at the ends of each row if parking spaces. A tree shall be planted for every five-single row parking.
- d. Parking lot planting area shall have a minimum dimension of four feet by four feet.
- e. Areas between the parking area and the street and side and rear property lines, and unused spaces resulting from the design or layout of parking spaces or accessory structures, shall be landscaped.
- f. Parking lots with Parking spaces adjoining a street. Any parking lot adjoining a street shall have the street frontage and their outside perimeter screened by a three-foot-high decorative masonry wall, mature hedge, or landscaping berms.

The Planning Commission shall determine if the parking lot as it currently exists meets the intent of the Municipal Code. If the Planning Commission determines that the parking lot does not meet the intent of the code, the Municipal Code sections shall be enforced in order to comply.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on September 9, 2011, and all property owners of record within 300 feet of the subject site were notified of this evening's public hearing and invited to voice any concerns on this application.

CONCLUSION:

The project site is located at 550 Morro Bay Blvd. is within the Central Business zoning district. The Conditional Use Permit can be granted pursuant to the code contained in the Municipal Code and the findings for a Conditional Use Permit can be made because the use will not be detrimental to surrounding uses.

EXHIBIT A

FINDINGS
CONDITIONAL USE PERMITS #UP0-293
550 MORRO BAY BLVD.

Conditional Use Permit #UP0-293 for Three Separate Outdoor Activities at 500 and 550 Morro Bay Blvd.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-293 is Categorically Exempt, CEQA Guidelines Section 15303, Class 3 for new construction or conversion of small structures.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the use is a permitted use within the zoning district applicable to the project site and said unit will be constructed in accordance with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the uses are designed to be consistent with the City regulations applicable to this development.
- C. The project will not be injurious or detrimental to the general welfare of the City because the use is a permitted use within the zone district and plan designation applicable to the site and said uses are designed to be accordance with all applicable project conditions and City regulations.

Nonconforming Property Findings

- A. The existing parking lot is not proposed to change and does not conforms to all provisions of Title 17;
- B. Title 14, Building and Construction, is applicable to the project and all requirements shall be met for a conforming use and addition;
- C. The Planning Commission finds that it is not feasible to make the parking lot conform to required landscaping and screening requirements without major reconstruction of the existing site.

EXHIBIT B

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMITS #UP0-293
550 MORRO BAY BLVD.**

Conditional Use Permit #UP0-293 for Three Separate Outdoor Activities at 500 and 550 Morro Bay Blvd.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated September 21, 2011, for the project depicted on the attached plans dated July 11, 2011, labeled "Exhibit C", on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed here on shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.
8. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

PLANNING CONDITIONS

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
2. Weekend Vending: Vending activity as a farmers market within the paved parking area during the weekend shall occur from Saturday 1 p.m. to 7 p.m. and Sunday

from 10 a.m. to 3 p.m. Vendors can include:

- Hot and cold food vendors including a BBQ
- Fruits, vegetables, flowers, plants
- Arts and crafts – paintings, photos, woodworking, pottery, sculptures (i.e. metal and stone)
- Only handmade crafts will be allowed.
- There will be NO electronics, tools, garage sale items, rummage, secondhand merchandise and other pre-manufactures goods.

3. Daily Vending: The daily vending activity will be to allow to have a produce stand as a permanent building adjacent to the street selling produce, cut flowers and plants; and a separate vendor will sell Barbequed food. These vending activities will take place daily from 8 a.m. to 7 p.m. Daily vendors include the following:

- BBQ vendor
- Fruits, vegetables, flowers, plants
- Arts and crafts – paintings, photos, woodworking, pottery, sculptures (i.e. metal and stone)
- Only handmade crafts will be allowed.
- There will be NO electronics, tools, garage sale items, rummage, secondhand merchandise and other pre-manufactures goods.

4. Caccia House Events: Events in the outdoor patio area at the Caccia House may occur in the outdoor patio area and catering service may occur in the 611 square foot portion of the Caccia House adjacent to the patio. This may include BBQ set up in the parking lot, catered food services, alcohol sales and live music. Rental of the Caccia House patio shall be limited to Thursday through Monday weekly.

5. Vendor Business License: Each vendor will secure a City of Morro Bay business license.

6. 5% of the parking lot surface shall be devoted to landscaping, exclusive of setbacks and street screening.

7. Landscaping shall consist of trees, shrubs, and ground covers.

8. Parking lot planter shall be provided after each five parking spaces in any row and at the ends of each row if parking spaces. A tree shall be planted for every five-single row parking.

9. Parking lot planting area shall have a minimum dimension of four feet by four feet.

10. Areas between the parking area and the street and side and rear property lines, and unused spaces resulting from the design or layout of parking spaces or accessory structures, shall be landscaped.
11. Parking lots with Parking spaces adjoining a street. Any parking lot adjoining a street shall have the street frontage and their outside perimeter screened by a three-foot-high decorative masonry wall, mature hedge, or landscaping berms.

BUILDING CONDITIONS

1. Prior to business license issuance, the applicant shall make arrangements for inspection by the Fire Marshal, to confirm the form and placement of an occupant load sign reading "Maximum Building Occupant Load- 49 persons", in a conspicuous place, inside and near the main exit of the main room of the Caccia House Building.
2. Prior to business license issuance, the applicant shall make arrangements for inspection by the Fire Marshal, to confirm the form and placement of an occupant load sign reading "Maximum Patio Occupant Load- 114 persons", in a conspicuous place, near the main entrance to the patio.
3. As required by the California Building Code, the applicant shall maintain two clear means of egress from the patio area to the public way at all times of occupancy. Per the CBC, a minimum clear width of 44" shall be maintained along the exit discharge. Prior to business license issuance, the applicant shall make arrangements for inspection by the Building Official and the Fire Marshal to confirm that the means of egress comply with the applicable provisions of the Code.
4. Prior to the placement or erection of any tent or membrane structure, the applicant shall first obtain the required Fire and Building Department Permits.
5. The applicant shall be responsible to provide additional sanitary facilities during events, as necessary to comply with the applicable codes and regulations.

ENGINEERING CONDITIONS

The plans shall be resubmitted with the following corrections:

1. In order to accommodate the proposed three parking spaces located near the intersection of Morro Bay Blvd and Napa Ave, the driveway approach on Morro Bay Blvd shall be removed or remodeled and the driveway on Napa shall be reconstructed to be a 12 ft driveway to the approval of the City Engineer.

Resubmit plans showing these changes.

Add the following Notes to the Plans:

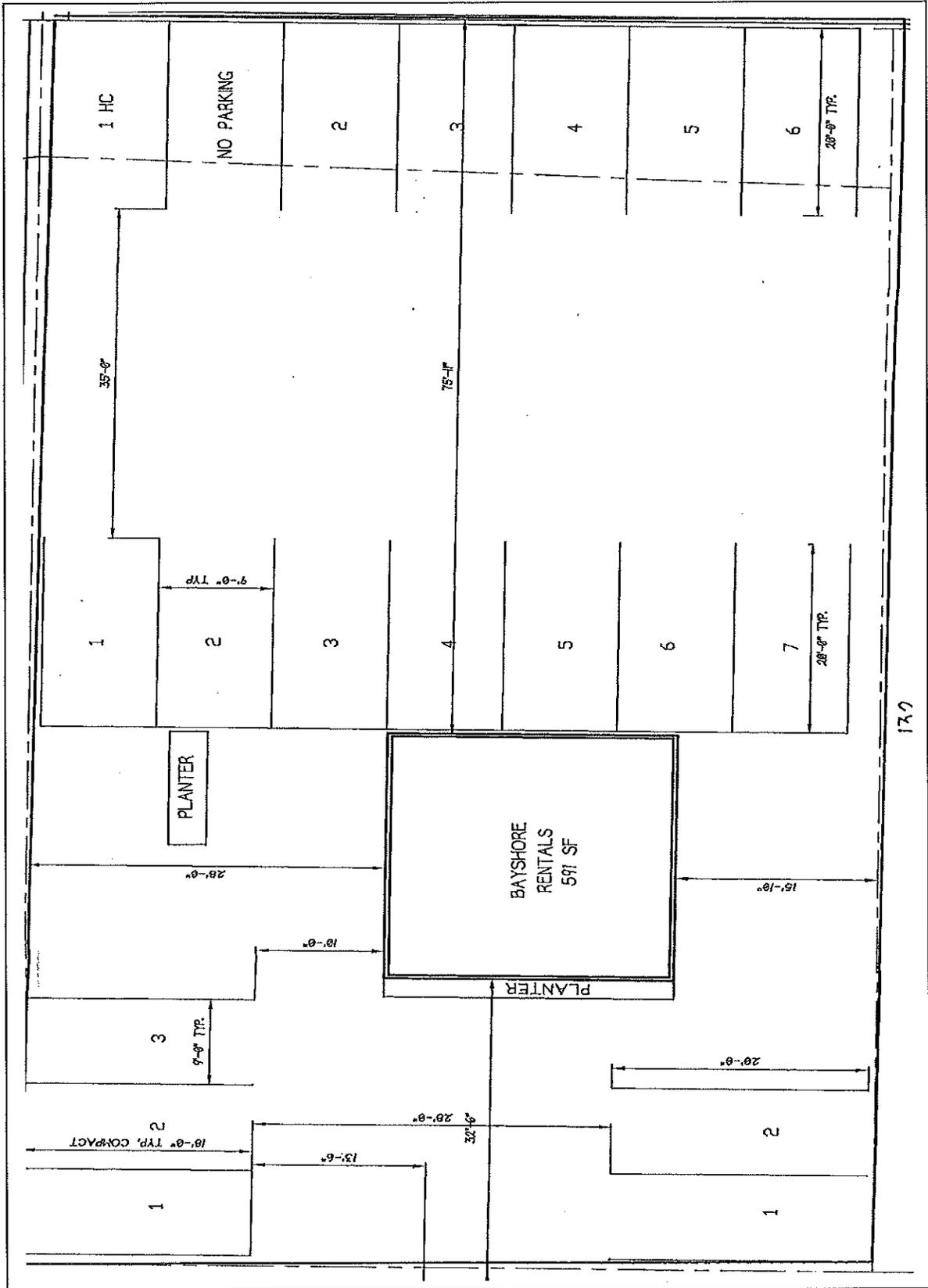
1. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Services Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
2. Any damage to City facilities, i.e. curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.

FIRE CONDITIONS

1. Site Plan. Please provide a clear and scaled site plan, we are unable to determine site dimensions and required clearances from permanent structures, property lines, and envisioned cooking facilities, to proposed tents and canopies.
2. Parking and Transportation. No information given on plan, we are unable to comment.
3. Booths and Shows (with outdoor sales). The majority of proposed uses identified in this topic appear to be Assembly occupancies, and would be classified and regulated, pursuant to CBC 303 and CFC Chapter 2. Specific detail and information on any envisioned occupancy is required before comment is possible.
4. Barbeques and Foods. All commercial indoor and outdoor cooking shall be in accordance with 2007 California Fire Code, Sections 904.11(Commercial cooking systems), 2404.15.5 & .6 (Cooking tents and Outdoor cooking), Chapter 38 (Liquefied Petroleum Gases), Appendix Chapter 1 (Section 105) (Permits), CBC Chapter 10 (Means of Egress), and Morro Bay Municipal Code, (Section 14.60.170) (Outdoor burning). A Fire Department inspection is required for commercial indoor and outdoor cooking operations.
5. Events. The majority of uses listed under this topic (15), appear to be Assembly occupancies (CBC Section 303) and would be conditioned and inspected accordingly, on a case-by-case basis. Conditions for Tents, Canopies and Other Membrane Structures (Temporary Large Tent), are contained in CBC Chapter 24 and permits shall be required as set forth in Appendix Chapter 1, Sections 105.6 and 105.7.

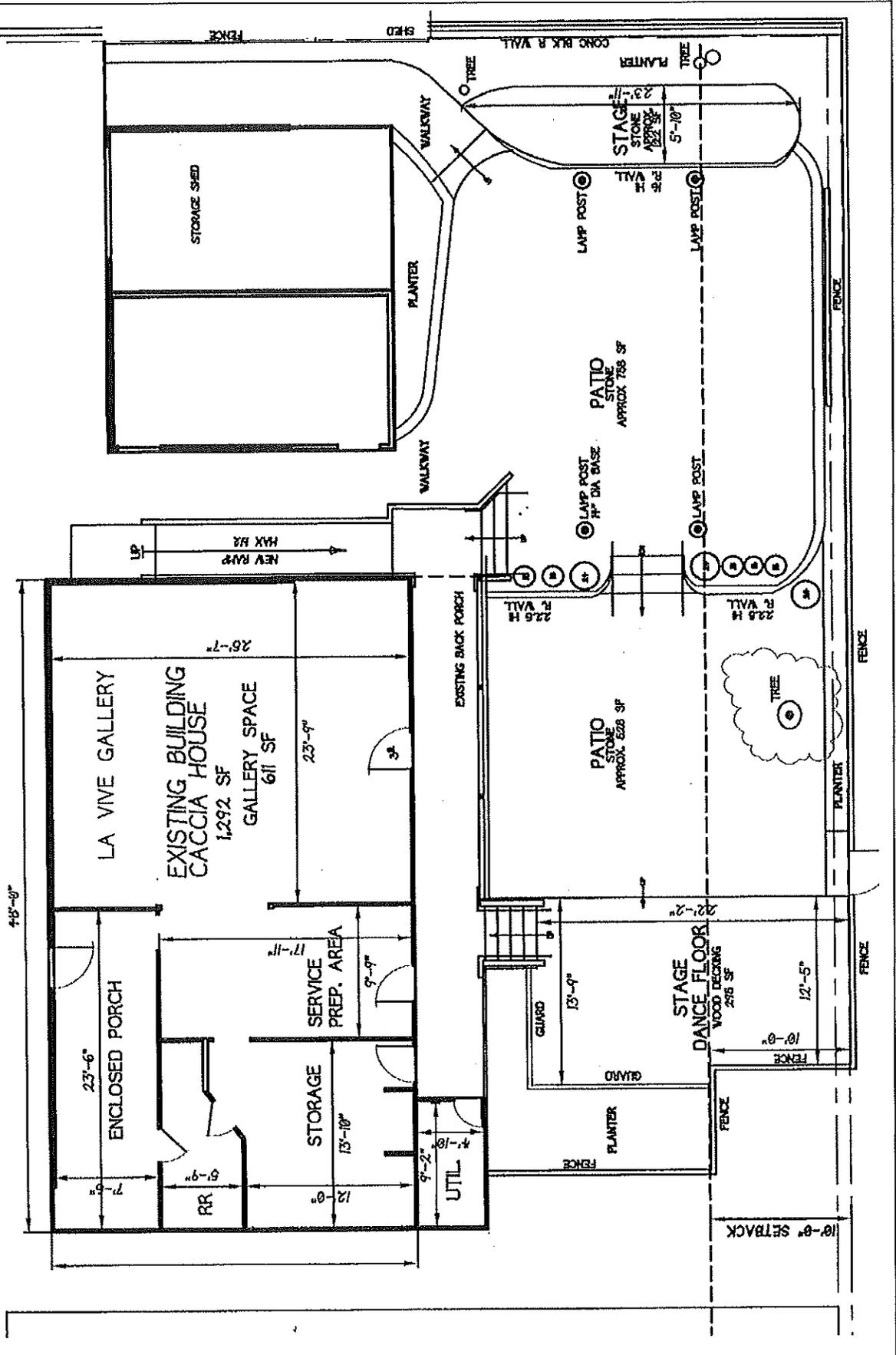
6. Outdoor Sales. This appears to be an Assembly (CBC 303) or Mercantile (CBC 309) occupancy. We would condition and inspect accordingly, on a case-by-case basis.
7. Rental Area. This appears to be a Business (CBC 304) occupancy. We would condition and inspect accordingly, on a case-by-case basis.

EXHIBIT C

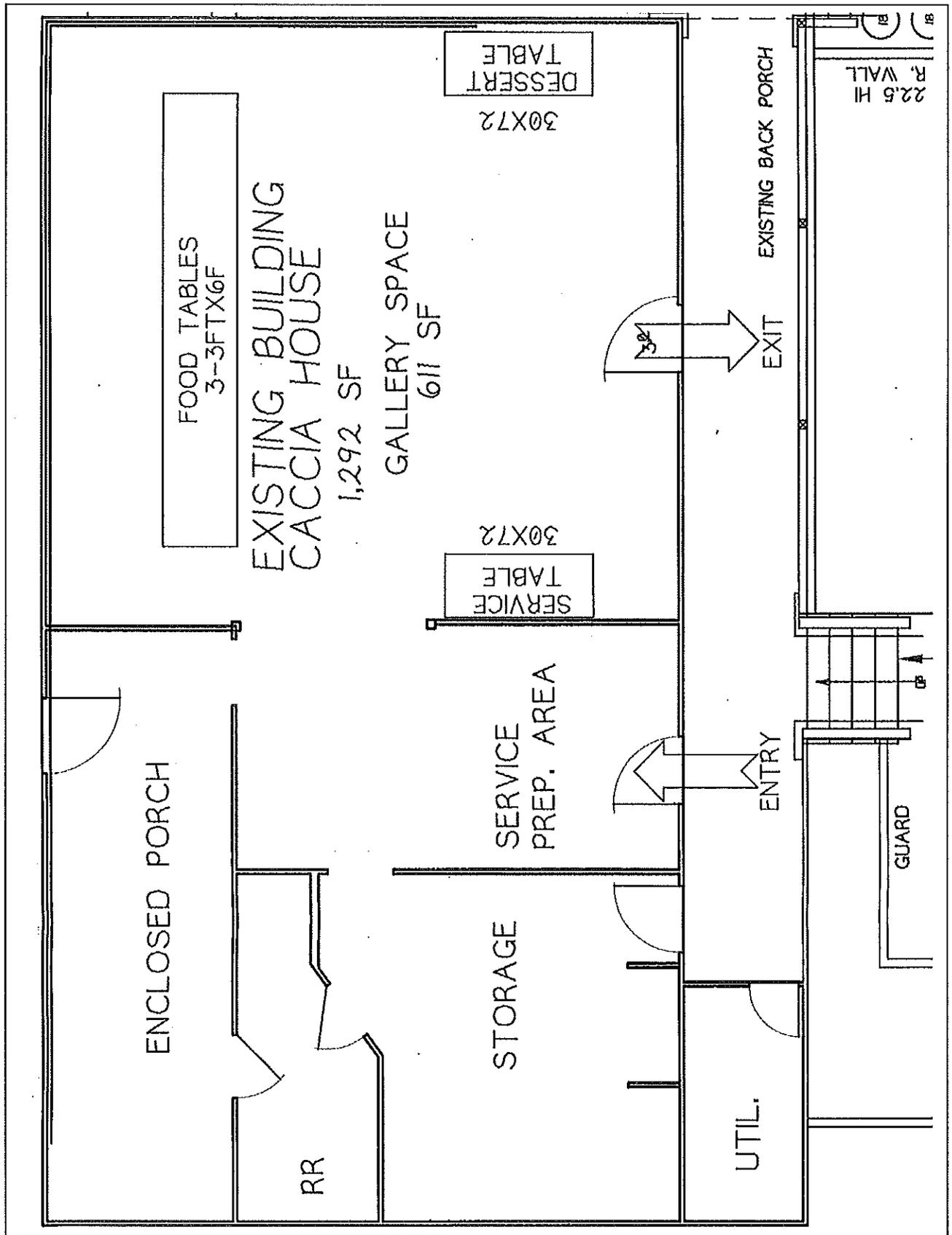


Bayshore Rental Property and Parking Configuration
Farmer's Market's will be located in parking lot.

132



Caccia House and Patio



Interior of Caccia House

EXHIBIT D



Bayshore Realty

& PROPERTY MANAGEMENT

560 Morro Bay Blvd. Morro Bay, CA 93442

April 23, 2008

Dan Reddell
Bayshore Realty
560 Morro Bay Blvd.
Morro Bay, CA 93442

City of Morro Bay
Public Services
955 Shasta St.
Morro Bay CA 93442
Mike Prater, Planning Manager

Dear Mike,

I hold the master lease for 500 Morro Bay Blvd. I donated the use of the property around the old Flower Basket to the Friends of the Morro Bay Fire and Police departments for the citywide garage sale held recently as a location for their garage sale. After the sale, I was approached by various shop owners up and down Morro Bay Blvd. who told me they had their best weekend since "times were good." They asked me if it would be possible to hold some sort of weekly event on the property which would draw visitors into the downtown area.

It was suggested to me hold some sort of "open aire market" in which vendors would sell various items that would not compete with existing shops but would attract folks looking for a bargain or fresh vegetables or whatever.

One merchant brought me a possible layout. I took it to an architect and had it drawn up. It shows 40 booth spaces 11'x11' each. I am refurbishing the old house behind the lot and it could be part of the market since it has been used commercially for decades as part of the old flower basket.

I am including the petition brought to me by the merchants and the detail for the possible layout. Parking would have to be similar to how parking is handled by Art in the Park. Vendors would have to park up and down Pacific and Harbor. Perhaps an agreement could be made with Washington Mutual and Bank of America to allow weekend use of

805-772-0300 / Toll Free: 888-401-0800 / Fax: 805-772-0500



Bayshore Realty

& PROPERTY MANAGEMENT

560 Morro Bay Blvd. Morro Bay, CA 93442

their lots. Hopefully, visitors would park up and down Morro Bay Blvd. and visit shops they pass by to reach 500 Morro Bay Blvd.

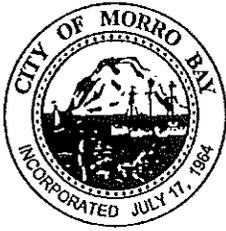
Please let me know what the procedure would be to bring this idea to fruition.

Thanks,

A handwritten signature in cursive script, appearing to read "Dan".

Dan Reddell

805-772-0300 / Toll Free: 888-401-0800 / Fax: 805-772-0500



AGENDA NO: VIII-B

MEETING DATE: September 21, 2011

Staff Report

TO: Planning Commissioners

DATE: September 21, 2011

FROM: Sierra Davis, Assistant Planner

SUBJECT: Conditional Use Permit #UP0-326 for a Workshop in an Established Retail Unit for Wood and Mechanic Work for Repair and Maintenance Activities Associated with the Business at 1169 Market Street.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve Conditional Use Permit #UP0-326, subject to the Conditions included as Exhibit "B" and the site development plans dated June 28, 2011.

ENVIRONMENTAL DETERMINATION:

The project is categorically exempt pursuant to Section 15303, Class 3 for new construction or conversion of small structures. The exemption includes installation of small new equipment and facilities in small structures. The business is located in an existing commercial building; however the workshop is a new use at this location. The project qualifies for the exemption and the activities are not located on a known sensitive environmental resource area, consequently, this exemption is appropriate for this project.

PROJECT DESCRIPTION:

The applicant proposes a 1,540 square foot workshop in an existing retail unit for a workshop with machinery and storage of potentially hazardous materials in limited quantities, rental rod, and reel space and additional storage for boat supplies. Work to be done onsite includes metal work, wood work and mechanic work. Welding equipment will be stored onsite; however no welding or hot work will be done onsite.

Prepared By: _____	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

APPLICANT: Sharon Moores / Cathy Novak

ATTACHMENTS:

1. Findings, Exhibit A
2. Conditions, Exhibit B
3. Graphics/Plan Reductions, Exhibit C

BACKGROUND:

Virg's Landing is an established business in Morro Bay that was started in 1954 and was located on the Embarcadero. The business recently moved the operations to 1169 Market Street which is in close proximity to the waterfront. The business utilizes docks on the Embarcadero, however all ticket sales, retail, and repair and maintenance activities occur at 1169 Market Street.

The project site is an approximately 6,903 square foot site with a 5,580 square foot building. The property is located on the west side of Market Street; and is adjacent to the building that formerly housed the Sun Bulletin and on the other side a local marine supply store.

The building is a two story (split level) and is surrounded by a mix of commercial and uses as describes in the tables below.

SITE CHARACTERISTICS:

<u>Adjacent Zoning/Land Use</u>			
North:	General Commercial (PD/SP) / Retail Use	South:	Visitor Serving Commercial (PD/SP) / Vacant Building
East:	Duplex Residential (PD/SP) / Residences	West:	General Commercial (PD/SP) / Retail Use

<u>Site Characteristics</u>	
Site Area	6,903 square feet
Existing Use	Retail Use
Terrain	Flat, developed
Vegetation/Wildlife	No vegetation
Archaeological Resources	No know cultural resources
Access	Market Street

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Commercial District
Base Zone District	General Commercial
Zoning Overlay District	Planned Development
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	Beach Street Specific Plan
Coastal Zone	Not located in the Coastal Commission Original or Appeal's Jurisdiction

DISCUSSION:

The workshop proposed at Virg's Landing is for the repair and maintenance activities associated with the business. The applicant has stated that a majority of the work will be done on the boats; however certain parts that need additional work will be done by staff at the workshop. If there is extensive work that needs to be done on the boats, they will be taken to a boat yard for repairs.

Approximately 70 % of the repair and maintenance work will be done on boats and 30% will be done in the building with the doors shut for noise control. It is estimated that the work inside the shop will be approximately three days per month. In times of emergency repairs the work may be done more often. A torch and welding equipment will be stored onsite, however any "hot work" will be done offsite.

Small repair and maintenance activities such as minor metal work by hammering, grinding, drilling, and other methods will be done on-site and will be infrequent. Work beyond that considered "small repair and maintenance" will be done offsite.

The wood work will include sanding, drilling, gluing, painting, and other methods, this activity will be infrequent similar to the metal work. There will be only minor wood work done and would be far less intense than work performed at a wood working or cabinetry shop. Any major work will be done either on the boat or otherwise offsite

There will be only minor mechanic work done (i.e. replacing an impeller in a pump) and will be far less intense than work performed at an auto repair shop. This work will be done with the use of a roll away chest with sockets, ratchets, wrenches, and other hand and air tools. Major mechanic work will be done either on the boat or otherwise offsite.

The workshop will have the following equipment:

- Arc Welder
- Acetylene torch (1 cart with the two bottles)

- Bench mounted and hand grinders
- Air compressor with air tools
- Roll away tool chest with misc tools such as sockets, ratchets and wrenches
- Drill press
- Chop saw
- Bench with large vise

When the boats are taken to a boat yard for repairs, there is the potential for both a third party and Virg's employees to perform work on the boats in a yard. The applicant has not indicated what boat yards the boats will be taken to because there are several boat yards in the State of California. There are several variables that need to be taken into consideration when choosing a boat yard such as; time of year, availability of spaces, type of repair or maintenance work. Because of all these factors the applicant cannot provide the name and location of the boat yard that the boats will be taken to. The applicant has indicated that much of the work will be contracted to a third party for work off-site.

Hazardous Materials

The County of San Luis Obispo Public Health Department Division of Environmental Health, is the responsible agency that regulates hazardous materials in the county. Businesses are required to submit a Hazardous Materials Business Plan if they exceed the thresholds as follows:

- 55 gallons of liquid
- 200 cubic feet of gas
- 500 pounds of solids
- Radioactive materials
- Extremely Hazardous Substances

The applicant has indicated that they are under the minimum thresholds and will not have to submit a Hazardous Materials Business Plan to the county. The hazardous material storage onsite is proposed to be as follows:

Liquids:

- Engine Oil – maximum 50 gallons
- 1 gallon of acetone
- 1 quart muriatic acid
- 1-12 oz. spray can lubricant
- 3 – 12 oz. spray cans of electronic cleaner
- 2 gallons paint thinner

Gasses:

- 1 bottle of oxygen
- 1 bottle of acetylene
- The two bottles shall not to exceed 200 cu. ft. total

At any time the business exceeds that threshold as set by the County, the applicant shall be responsible for submitting a Hazardous Materials Business Plan to the County.

The applicant will keep 50 gallons on the site of oil on site and will be required to be placed in a 110 gallon metal container as a secondary containment system. The used oil from the boats after oil changes will be discarded at approved drop centers at either the Harbor Patrol or Auto Zone.

FINDINGS: Pursuant to Chapter 17.60, Use Permits, Procedures Notices and Variances, the Planning Commission shall find:

“Whether or not the establishment, maintenance, or operation of the use applied for will under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the City.”

The proposed workshop is located in an existing building that is located in a General Commercial zoning district. The General Commercial zoning district allow retail uses with a building, automotive uses, cabinet shops, wholesale, fabrication and like uses. The workshop use is compatible with the zoning designation and will not be detrimental to the health, safety, morals, comfort and general welfare of persons in the neighborhood.

PUBLIC NOTICE:

Notice of this item was published in the San Luis Obispo Tribune newspaper on September 9, 2011, and all property owners of record within 300 feet of the subject site were notified of this evening’s public hearing and invited to voice any concerns on this application.

CONCLUSION:

The project site is located at 1169 Market Street within the General Commercial zoning district. The Conditional Use Permit can be granted pursuant to the code contained in the Municipal Code and the findings for a Conditional Use Permit can be made because the use will not be detrimental to surrounding uses.

EXHIBIT A

FINDINGS

CONDITIONAL USE PERMIT #UP0-326

SITE: 1169 MARKET STREET

Conditional Use Permit #UP0-326 located at 1169 Market Street: 1,540 square foot workshop in an existing retail unit for a workshop with machinery and storage of potentially hazardous materials in limited quantities, rental rod, and reel space and additional storage for boat supplies. Work to be done onsite includes metal work, wood work and mechanic work. Welding equipment will be stored onsite; however no hot work will be done onsite.

California Environmental Quality Act (CEQA)

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-326 is Categorically Exempt, CEQA Guidelines Section 15303, Class 3, for new construction or conversion of small structures as indicated in the attached staff report.

Conditional Use Permit Findings

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because the workshop is a permitted use within the zoning district applicable to the project site and said workshop is in an existing retail business that was constructed in accordance with all applicable project conditions and City regulations.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the workshop is consistent with the City regulations applicable to this use.
- C. The project will not be injurious or detrimental to the general welfare of the City because the workshop is a permitted use within the zone district and plan designation applicable to the site is in accordance with all applicable project conditions and City regulations.

EXHIBIT B

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #UP0-326
SITE: 1169 MARKET STREET

Conditional Use Permit #UP0-326 located at 1169 Market Street: 1,540 square foot workshop in an existing retail unit for a workshop with machinery and storage of potentially hazardous materials in limited quantities, rental rod, and reel space and additional storage for boat supplies. Work to be done onsite includes metal work, wood work and mechanic work. Welding equipment will be stored onsite; however no hot work will be done onsite.

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report referenced above, dated September 21, 2011, for the project depicted on the attached plans dated June 28, 2011, labeled "Exhibit C", on file with the Public Services Department, as modified by these conditions of approval, and more specifically described as follows:

Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.

2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan

for the City of Morro Bay.

5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

PLANNING CONDITIONS

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
2. Waiting Area: The waiting area as indicted on plans shall be limited to 410 square feet and at no time increase in size without securing approvals from the Public Services Director. The limited size is to guarentee the main use on site is retail uses and the workshop.

3. Hazardous Materials: Should at anytime the hazardous material quantity exceed the thresholds as set forth by the County the applicant shall contact the County about preparing a Hazardous Materials Business Plan and a copy shall be given to the Public Services Department.
4. Secondary Containment System: The 50 gallon oil drum shall be placed in a secondary containment system.
5. Used Oil: At no time shall used oil be kept on the premises.

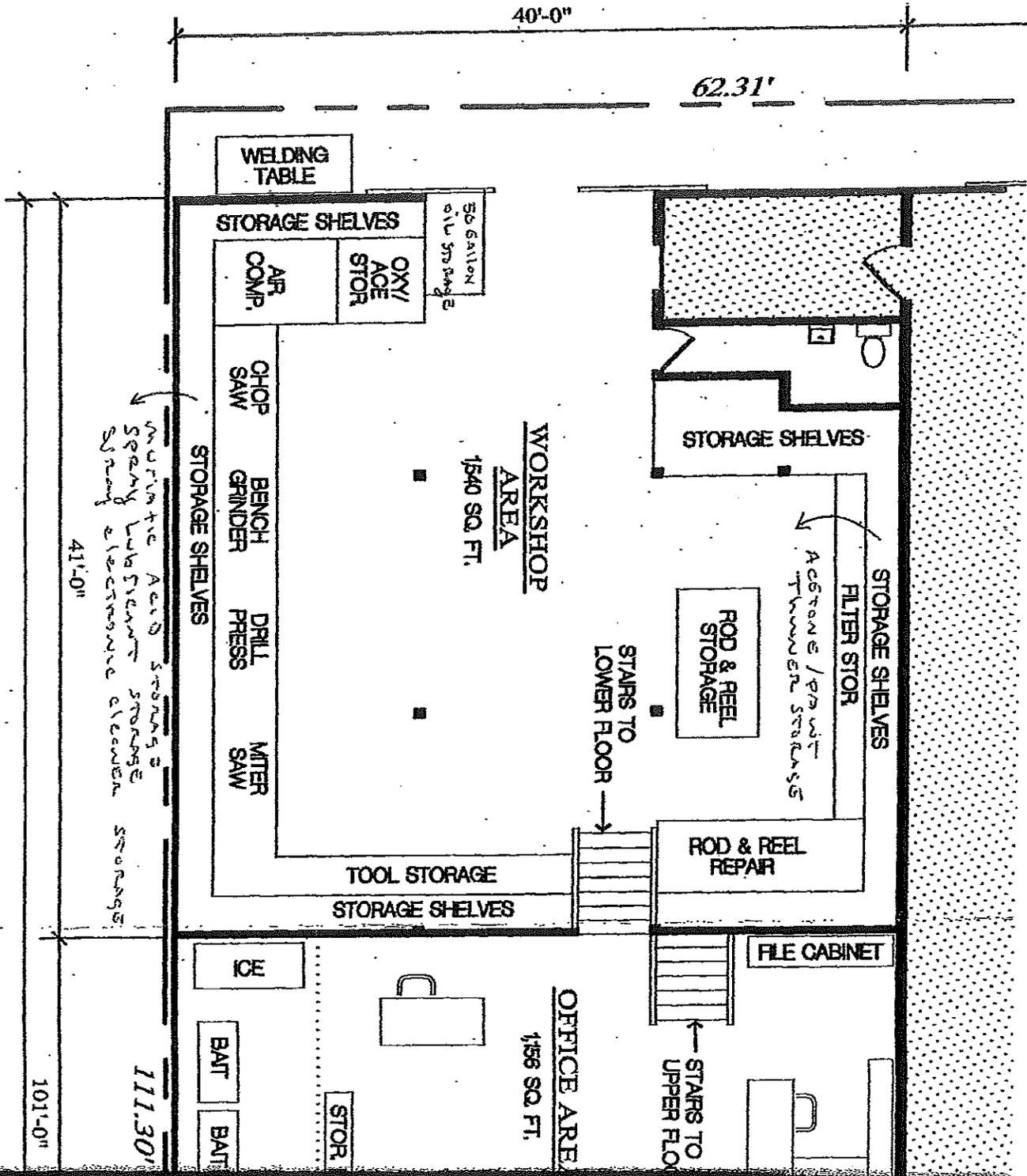
BUILDING CONDITIONS

1. Welding and Hotwork: At no time shall welding or hotwork activities be conducted onsite, without the required Fire Department permit, pursuant to Section 105 of the California Fire Code.

Addendum to Site Plan
July 22, 2011

SCOTT STREET

SITE / LOWER FLOOR PLAN





City of Morro Bay Public Services Current Project Tracking Sheet

Agenda Item: <u>IX-A</u>
Date: <u>9/21/11</u>
Action: _____

New items or items which have been recently updated are italicized. Approved projects are deleted on next version of log.

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Hearing or Action Ready							
1	Dan Reddell	550 Morro Bay Blvd	6/14/10	UP0-293	Farmer's Market. Conditional Use Permit for vendors and events. Resubmittal 6/17/10. Scheduled for 9/20/10 PC Mtg. Met with agent 8/24/10 and discussed feasibility of project, needs to be revised. Resubmitted 12/29/10. Project scheduled for 2/7/2011 but applicant changed project description on 1/21/2011, item then pulled to evaluate new project. City staff waiting on applicant's agent to resubmit. Resubmittal 3/4/11. Incomplete Letter 4/28/11. Applicant's agent submitted response letter 5/20/11. A TUP is under review to allow activity on a temporary basis for the summer. Incomplete letter 8/23/11. Deemed complete scheduled for 9/21/11 PC Meeting.	SD	PC
2	Moores	1169 Market	6/23/11	UP0-326	Boat Repair, Workshop & Storage. Incomplete letter 7/19/11. Additional information (resubmittal) 7/22/11. Incomplete letter 8/23/11. No new plans, new narrative resubmitted 8/26/11. Deemed complete scheduled for 9/21/11 PC Meeting.	SD	PC
3	City of Morro Bay	3060 Ironwood	5/18/11	CP0-295	Tennis Court Improvements at Dal Mar Park. Environmental document being processed. Sent to Stateclearing House. Environmental Review complete 9/12/11.	SD	PC
4	Ridenour	3460 Toro	8/5/11	UP0-335	Solar Panels Exceed Height Limit. Incomplete letter 8/12/11. Resubmittal 8/23/11. Deemed complete, MUP noticed on 9/8/11.	SD	AD
30 -Day Review, Incomplete or Additional Submittal Review							
5	Sturgill	1885 Ironwood	3/23/11	CP0-349 /UP0-316 /S00-107	Multifamily 16 Townhouses. Incomplete letter 4/21/11. Resubmittal and redesign 7/5/11.	SD	PC
6	Hoover/Hough	301 Main	7/6/11	S00-108	Lot Line Adjustment.	SD	AD
7	Chevron Pipeline	4600 Hwy1	7/11/11	S00-110	Certificate of Compliance.	SD	AD
8	Smith/Held	901-915 Embarcadero	7/21/11	PreApp	Pre-application for improvements to existing building.	SD	PC
9	Methodist Church	3000 Hemlock	8/17/11	UP0-338 &CP0-360	2 Modular School Buildings.	SD	PC
10	Mission Linen	399 Errol	8/23/11	A00-012 &CP0-361	Mission Linen Awning.	SD	AD
11	SignCraft	1700 Main Street	8/25/11	SP0-138	Taco Bell Sign Program. Incomplete letter 9/12/11. Resubmittal 9/13/11.	SD	AD
12	Perry	3202 Beachcomber	9/8/11	AD0-067	Demo/Reconstruct. New home with basement in S2.A overlay.	SD	AD

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
Projects in Process							
13	Dan Reddell	1 Jordan Terrace	7/25/08	UP0-223 & CP0-285	New SFR. Submitted 7/25/08, Inc. Later 8/19/08; resubmitted 2/24/09, project under review. Letter sent to agent regarding issues. Applicant and staff met 1/20/10 on site to further discuss issues. Resubmittal 2/16/10. Administrative Draft Initial Study complete. Comment review period ends 6/22/10. Comments received on MND. Project tentatively scheduled for September 2011	JH/KW	PC
14	City of Morro Bay	Citywide	5/1/10	AD0-047	Text Amendment Modifying Section 17.68 "Signs". Planning Commission placed the ordinance on hold pending additional work on definitions and temporary signs. 5/17/2010. A report on the status of this project brought to PC on 2/7/2011. Planning Commission made recommendations and forwarded to Council. Anticipate a City Council public hearing on the draft ordinance on May 2011. Scheduled for 5/10/11 CC meeting, item was continued. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. The item shall be brought back to City Council first meeting in November.	KW	PC/CC
Environmental Review							
15	Larry Newland	Embarcadero	11/21/05	UP0-092 & CP0-139	Embarcadero-Maritime Museum (Larry Newland). Submitted 11/21/05, Incomplete 12/15/05 Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Incomplete 3/7/07. Resubmitted 5/25/07 Incomplete Letter sent 6/27/07 Met to discuss status 10/4/07 Incomplete 2/4/08. Met with applicants on 3/3/09 regarding inc. later. Applicant resubmitted additional material on 9/30/2009. Met with applicants on 2/19/2010. Environmental documents being prepared. Applicant working with City Staff regarding an lease for the subject site. Applicants enter into an agreement with City Council on project. Meeting held with city staff and applicants on 2/3/2011. Meeting held with applicant on 2/23/2011. Applicant to provide revised site plan. Staff is processing a "Summary Vacation (abandonment)" for a portion of Surf Street.	KW	PC
16	Chevron	3072 Main	12/31/08	CP0-301	Remove Underground Pipes. Submitted 12/31/08, environmental reports submitted for review 5/8/09. Project under review. Project routed to other agencies for comment. Environmental being processed. Requested additional documentation 4/29/10. Requested Information submitted 2/9/11. Submitted requested documents 2/9/11. Contacted consulting firm to process environmental document. Consulting firm responded in the process of putting together proposal 6/20/11. Accepted proposal 6/29/11. Staff mail request letter for fees 7/19/11.	SD	PC
Coordinating with Other Jurisdictions							
17	City of Morro Bay & Cayucos	160 Atascadero	7/1/08	EIR	WWTP Upgrade. Submitted 7/1/08, Preparing Notice of Preparation, Staff reviewing Ad Min Draft EIR. Modifications to project description underway and subsequent renoticing. Staff reviewing screencheck document. Public draft out for review and comments. Comment period open until 11/4/2010. Project scheduled for 12-6-2010 P.C. Project rescheduled for 12/20/2010. City Council Meeting on January 11, 2011. Project heard before CCC on March 11, 2011, and additional studies and materials are required. City working with consultant to provide information. Workshops held on 6/27/2011 and 6/28/2011 to receive comments on the proposed Wastewater Treatment Plant (WWTP) Upgrade Project alternatives analysis process, candidate evaluation criteria, and preliminary site identification.	RL	PC/CC/RW QCB

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
18	City of Morro Bay	887 Atascadero	3/9/09	N/A	Nutmeg Water Tank Upgrade (City of Morro Bay CIP project). Oversight of County of San Luis Obispo application process. Preapplication meeting 3/9/09. Consultant coordination meeting 3/12/09.	KW	SLO County
19	John King	60 Lower State Park	7/2/08		Lower parking lot resurface and construction of 2 new stairways. Submitted 7/02/08, PC Tent 10/6, PC Date TBD Applicant coordinating w/ CCC 10/20/08.	KW	PC
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive							
20	SLO County	60 Lower State Park	09/28/04	CP0-063	Master Plan for Golf Course. Submitted 9/28/04, On hold per applicant, project to be amended. Resubmitted 2/9/07 Tentative PC 3/19/07 Continued, date uncertain; Planting trees.	KW	PC/CC
21	Cameron Financial	399 Quintana	04/11/07	CP0-233	New Commercial Building. Submitted 4/11/07, Inc. Letter 5/09/07. Sent letter 1/25/2010 to applicant requesting direction, letter returned not deliverable	KW	AD
22	West Millennium Homes	895 Monterey	7/10/07	CUP-151 S00-067 & CP0-215	Mixed-use building. 16 residential units and 3 commercial units, Submitted 7/10/07, Inc Later 7/25 Resubmitted 1/14/08 SRB 3/10/08.	KW	PC
23	Kenneth & Lisa Blackwell	2740 Dogwood	07/20/07	UP0-178	Addition to nonconforming residence. Submitted 7/20/07, Complete, tentative PC 9/17/07 Continued, date uncertain Resubmitted 10/31/07, PC 12/17/07 Continued, date uncertain.	KW	PC
24	Jeff Gregory	1295 Morro	09/25/07	CP0-254	Coastal Development Permit to allow a second single family residence on lot with an existing home. Incomplete letter sent 10/9/2007. Intent to Deem Application Withdrawn Letter sent 12/29/09. Response from applicant 1/8/10 keep file open indefinitely.	KW	AD
25	Nicki Fazio	360 Cerrito	08/15/07	CP0-246	Appeal of Demo/Rebuild SFR and 2 trees removal. Continued to a date uncertain.	KW	PC
26	Burt Caldwell, (Embarcadero 801 LLC)	801 Embarcadero	5/15/08	UP0-212	Conference Center. Submitted 5/15/08, Inc Ltr 5/23 Resubmitted MND Circulating 7/15/08 PC 9/2 Approved, CC 9/22/08 Approved, CDP granted by CCC. Waiting for Precise Plan submittal. Applicant has submitted a request for a time extension on November 4, 2010. Extension granted, now expires 12/11/11. No active submittal	KW	PC/CC/CCC
27	Ron McIntosh	190 Olive	8/26/08	UP0-232 & CP0-288	New SFR. Submitted 8/26/08, Inc. Letter 9/24/08; Resubmitted 12/10/08, 1/9/09 request for more information. Applicant resubmitted on 2/06/09. Environmental under review. Applicant and City agree to continuance. Applicant put project on hold.	SD	PC
28	Pina Noran	2176 Main	10/3/08	CUP-35-99 & CDP-66-99R	Convert commercial space to residential use. Submitted 10/03/08, Inc. Later 10/22/08, resubmitted 2/5/09. Project still missing vital information for processing 11/30/09. Called applicant 3/22/10 and requested information. Applicant is considering a redesign of the project.	KW	PC

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
29	James Maul	530, 532, Morro Ave 534	3/12/10	SP0-323 & UP0-282	Parcel Map. CDP & CUP for 3 townhomes. Incomplete letter sent 4/20/10. Met with applicant 5/25/10. Resubmittal 11/8/10. Resubmittal did not address all issues identified in correction letter.	SD	PC
30	Hamrick Associates	1129 Market	6/10/10	UP0-291	Remodel and Addition. Incomplete letter 6/23/10. Submitted additional information 6/30/10. Submitted additional information 7/7/10. Building Comments. 7/9/10. Met with agent 7/15/10. Applicant will resubmit addressing fire/building comments.	SD	PC
31	Tank Farm	1290 Embarcadero	2/27/10	N/A	Tank Demo. Demo of seven tanks at the Morro Bay Power Plant. Materials submitted and under review. All materials submitted to date have been reviewed and sent back to the applicant. Applicant indicated to staff that the project is on hold until better weather in 2011. Dynegy has assigned new project manager, anticipate demo to commence 5/2011.	SD	AD
32	Frantz	499 Nevis	9/27/10	CP0-337	New SFR. Incomplete Letter 10/7/10. Meeting with applicant's representative on 11/16/2010. Applicant has indicated that he is redesigning project-project placed on hold. Applicant resubmitted building permit plans but has not resubmitted for the Coastal Development Permit.	SD	PC
33	Romero	291 Shasta Ave	1/19/11	CDP-341	Coastal Development Permit for single family residence. Incomplete Letter 2/18/11.	SD	AD
34	City of Morro Bay	595 Harbor	5/13/11	CP0-355	Generator to be located at City Hall. Project has been put on hold indefinitely CC 7/12/11.	SD	AD
Projects in Building Plan Check							
35	Lou McGonagill	690 Olive	6/7/10	Building	SFR Addition. 1,000 sf. addition with garage. Incomplete letter 6/28/10. Resubmittal 9/29/10. Incomplete Memo 11/16/10. Front yard averaging approved. Resubmittal 9/12/11.	SD	N/A
36	Viole/Held	575 - 591 Embarcadero	11/1/10	Building	New Commercial Building. Incomplete Memo 12/2/10. No response from applicant (2/3/11). Applicant had issues to resolve with the CCC and those have now been resolved. Based on the CCC's action a redesign is being pursued.	SD	N/A
37	Lapp	1548 Main Street	3/1/11	Building	Express Check. Wind and solar System. Incomplete Submittal 3/15/11. Resubmittal 3/3/11. Incomplete letter 3/24/11. Resubmittal 3/28/11. Incomplete letter 4/14/11.	SD	N/A
38	Abbot	843 Quintana	3/1/11	Building	Express Check. Incomplete letter 3/24/11. Resubmittal 3/28/11. Incomplete letter 4/14/11.	SD	N/A
39	Lankford	2780 Juniper	3/3/11	Building	Single Family Remodel/Addition. Incomplete memo 4/12/11. Resubmittal 5/16/11. Incomplete memo 6/8/11.	SD	N/A
40	Rowland	2630 Maple	4/14/11	Building	Elevator. Denied project because elevator was located in 20'x20' garage, where 2 covered and enclosed parking spaces are required, letter sent 4/18/11. Resubmittal 5/25/11. Incomplete memo 6/9/11.	SD	N/A
41	Kimbrell	323 Shasta	4/15/11	Building	Stairs and Railing Replacement. Incomplete Letter 4/18/11.	SD	N/A
42	Olson	2740 Dogwood	5/4/11	Building	SFR Remodel and Addition. Incomplete Memo 5/17/11.	SD	N/A
43	Miller/Andresen	2998 Greenwood	5/18/11	Building	Demo/Reconstruct (House). Issues with filing Deed Restriction, will approved once the Deed Restriction is accepted by the County.	SD	N/A
44	Fageol	270 Shasta	6/22/11	Building	SF Demolition and Addition. Plans incomplete pursuant to conditions of approval for CP0 and UP0. Resubmittal 8/4/11. Incomplete, Conditions of Approval shall be attached to plans 8/12/11.	SD	N/A

#	Applicant/Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Project Planner	Approval Body
45	Ridenour	3020 Ironwood	7/21/11	Building	New Single Family. Incomplete memo 8/12/11, Conditions of Approval shall be included in building plan set.	SD	N/A
46	Viola/Held	575 - 591 Embarcadero	8/9/11	Building	New Dock and Gangway. Incomplete/Clarification Memo 8/19/11. Resubmittal 9/13/11.	SD	N/A
47	Markowity	589 Morro Avenue	8/17/11	Building	Roof Deck. Plans returned to Brian, because the plans were incomplete.	SD	N/A
48	Calandra	2749 Coral	8/31/11	Building	New SFR in Cloisters.	SD	N/A
49	Hoover	301 Main	9/13/11	Building	SF Addition.	SD	N/A
50	Hauck	206 Bradley	9/12/11	Building	SF Addition.	SD	N/A
Aging Building Permits - No response from applicant in more than 90 days.							
51	Don Doubledee	360 Morro Bay Blvd	5/15/09	Building	Mixed Use Project - Ciano. Comments sent 2/25/10.	SD	N/A
52	Valori	2800 Birch Ave	2/10/10	Building	Remodel/Repair. Sunroom, garage, and study. Comments sent 2/24/10	SD	N/A
53	Colhover	2800 Dogwood	3/8/10	Building	New SFR. Comments sent 3/25/10.	SD	N/A
54	Ronald Stuard	490 Avalon	4/22/10	Building	SFR Addition. 79 sf. bedroom addition. Comments sent 4/27/10.	SD	N/A
55	Joe Silva	570 Avalon	5/12/10	Building	SFR Addition. 84 sf. addition. Comments sent 5/17/10.	SD	N/A
56	Frantz	499 Nevis	9/27/10	Building	New SFR. Incomplete Memo 10/7/10.	SD	N/A
57	Hall	2234 Emerald Circle	12/2/10	Building	New SFR. Incomplete Memo 12/21/10.	SD	N/A
58	Romero	291 Shasta Ave	1/19/11	Building	New single family residence. Incomplete Letter 2/18/11.	SD	N/A
Final Map Under Review							
59	Zinngarde	1305 Teresa	5/9/11	Map	Final Map. Public Works review of the final map, CCR's and conditions of approval. Plans 8/5/11.	KW	CC
Projects & Permits with Final Action							
60	Lebbad	2720 Cedar	5/12/11	Building	Bedroom Addition. Incomplete Memo 6/1/11. Resubmittal 7/6/11. Applied for a Parking Exception 7/13/11. Parking exception denied 8/2/11. Applicant will revise plans 8/23/11. Resubmittal 8/26/11. Approved 8/31/11.	SD	N/A
61	Leage	1185 Embarcadero	4/28/11	UP0-319	Temporary Use Permit, Sport Fishing at GAFCO. Noticed 5/13/11. Elevated to Planning Commission. Scheduled for 6/15/11 PC Meeting. Application was approved. Project has been appealed and is scheduled for 8/23/11 CC Mtg.	KW	PC
62	DeGarimore	1001 Front	8/3/11	Building	Gangway Installation. Deemed complete 9/8/11.	SD	N/A
63	Morro Bay Chamber	Main between Pacific and Harbor	8/9/10	UP0-298	Use Permit to establish the Farmer's Market on Main Street between Harbor and Pacific Streets. The market will be conducted every Saturday between 2 p.m. and 7 p.m. With a maximum of 50 vendors. Continued to 1/3/10 PC Meeting. Applicant has continued project to date uncertain so they can meet with stakeholders. Project continued to 9/7/11 PC meeting to allow for addition public safety review. Approved by PC.	SD	PC
64	Carlstrom	482 Kern	5/5/11	CP0-354	Demo and Rebuild. Incomplete Letter 6/1/11. Applicant resubmitted on 6/20/2011. Correspondence with agent 7/21/11. Scheduled for 9/7/11 PC Meeting. Approved by PC.	SD	PC
65	Knight	601 Morro Bay Blvd	6/17/11	UP0-328	Verizon Antennas on Existing Building. Incomplete letter 8/11/11. Applicant withdrew project 9/8/11.	SD	PC



City of Morro Bay
Public Services
Advanced Planning Work Program

Work Item	Planning Commission	City Council	Coastal Commission	Comments	Estimated Staff Hours
Neighborhood Compatibility Standards	TBD	TBD			120 to 160
Strategic plan for managing the greening process					200 to 300
	Annual Updates	Annual Updates			
Draft Urban Forest Management Plan	TBD	TBD			200 to 300
CEQA Implementation Guidelines	TBD	TBD	NA		120 to 160
Update CEQA checklist pursuant to SWMP (2/2011)	TBD	TBD			120 to 160
Downtown Visioning	TBD	TBD			120 to 160
PD Overlay	TBD	TBD			80
Annexation Proceeding for Public Facilities		TBD			TBD
Sign Ordinance Update	2/16/11	11/1/11			50 to 100
<i>Planning Commission Generated Items</i>					
Work Item	Requesting Body				Estimated Staff Hours
Pedestrian Plan	Planning Commission			To be incorporated into Bicycle Transportation, currently under preparation.	TBD
<i>Items Requiring Further Analysis When Received Back From The Coastal Commission</i>					
Work Item	Plng. Comm.	City Council	Coastal Comm.		Estimated Staff Hours
Updated Zoning Ordinance	TBD	TBD			1,800
Updated General Plan/LCP	TBD	TBD			1,800

RESOLUTION NO. 62-11

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
AMENDING THE CITY OF MORRO BAY ADVISORY BOARDS
HANDBOOK AND BY-LAWS**

**THE CITY COUNCIL
CITY OF MORRO BAY, CALIFORNIA**

WHEREAS, to ensure that all Advisory Board Members are familiar with and understand the City of Morro Bay's philosophies and policies regarding serving on an Advisory Board, the City of Morro Bay adopted the Advisory Boards Handbook and By-Laws on August 12, 2002; and

WHEREAS, the Advisory Boards Handbook and By-Laws for the City of Morro Bay is a composite of the City Council actions, policies, references, and information regarding the City Advisory Boards;

WHEREAS, the current By-Laws for each Advisory Body need to be updated and By-Laws need to be established for the Planning Commission; and

WHEREAS, The City Council desires to amend the Advisory Boards Handbook and By-Laws for the City of Morro Bay as set forth in Exhibit A.

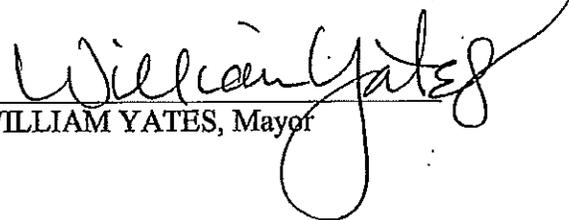
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby amend the By-Laws of all Advisory Bodies to reflect those that are set forth in Exhibit A and dated August 16, 2011 Advisory Boards Handbook.

PASSED AND ADOPTED by the City Council, City of Morro Bay at a regular meeting thereof held on the 23rd day of August 2011 by the following vote:

AYES: Borchard, Johnson, Leage, Smukler, Yates

NOES: None

ABSENT: None


WILLIAM YATES, Mayor

ATTEST:


BRIDGETT KESSLING, City Clerk

CITY OF MORRO BAY
ADVISORY BOARDS
HANDBOOK
AND
BY-LAWS

Date: August 16, 2011

Approved by Resolution 62-11

Mission Statement

The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.

INTRODUCTION

Welcome and thank you for your interest in serving on one of the City's Advisory Boards. By serving on one of Morro Bay's Advisory Boards, you can help plan and guide the City's future. It is important that members of the Advisory Boards understand the functions and responsibilities of a board member. We hope that you find serving on the City's advisory board personally satisfying, and in the process gain invaluable knowledge and experience.

The City of Morro Bay Municipal Code empowers the City Council to form boards and commissions to assist the City Council in legislating and managing the affairs of the City. From time to time citizen advisory committees are appointed to meet a specific topic and need. Their varied roles provide significant opportunities for formulating City policy and for creating public forums for meaningful community participation.

Consistent with the City's Mission Statement, advisory boards can help the City achieve its mission and purpose, which is to preserve and enhance the citizens of Morro Bay's quality of life. This Handbook shall serve as a guide to assist you in the sometimes-complex, but often rewarding, process of serving on one of the City's Advisory Boards. These advisory bodies assist the City Council in making better-informed decisions by formulating new ideas, information gathering, receiving public testimony and comments, analyzing complex issues, and making recommendations on specific projects and broad policy.

Advisory Boards advise the City Council and the City Manager on matters within their area of responsibility and interest; help focus attention on specific issues and problems within their scope of responsibilities, and recommend action and alternatives for Council consideration; act as channels of communication among City government, the general public, and interest groups; and balance community wants with municipal responsibility and resources.

At times, your role may be challenging and complex. Public opinion can be sharply divided, questions may overlap, and sometimes the province of one body may also be the territory of another. Therefore, we have created this handbook to assist you with some of the fundamental aspects of your new responsibility.

Much of the information in this handbook comes from City policy, such as the City's Municipal Code and the City Council Policies and Procedures Manual. In addition, State Law governs certain responsibilities of advisory body members. The material presented is intended to: (1) Give interested persons an understanding of why the City's advisory bodies have been established and how they function within the overall governmental framework and, (2) Summarize the roles, relationships and responsibilities of each advisory body member.

Each Advisory Board within the City has its own By-Laws. The By-Laws are included herein for your ease of reference. The sections of the Handbook are divided as follows:

1. General Information on Advisory Boards
2. FAQs
3. Background Information of City Government
4. The Brown Act
5. Political Reform Act of 1974 (Conflict of Interest)
6. Advisory Body Summary
7. Advisory Board By-Laws

We hope this handbook will answer many of your questions, get you off to a good start, and contribute to your satisfaction in serving the citizens of the City of Morro Bay.

1. General Information on Advisory Bodies

Advisory bodies are authorized by both the Morro Bay Municipal Code and the City Council.

Advisory boards provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. Advisory bodies can improve the quality of City government by providing the Council with resources to make better-informed decisions. Because of the nature of various advisory bodies, they can serve as the “eyes and ears” of the Council for issues and matters that otherwise might not receive attention. Other benefits of advisory boards include improvement in the lines of communication between the public and the Council, greater opportunities for discussion of public issues, and more citizen involvement in City government. There is considerable variety in the purpose or responsibility of these bodies. Advisory Boards have been created by the City Council to serve the City of Morro Bay’s unique needs.

The authority of an advisory body will depend upon its specific purpose. Each has a specific focus and will make recommendations to the Council on issues related to that specific field. Decisions made by an advisory body may be appealed to the Council. The Council may not always accept the recommendation of an advisory body because of additional information available or a need to balance the recommendation with policy or community priorities.

Generally, advisory bodies are empowered only to make recommendations to the Council or to the City staff, unless specifically authorized by law or Council to do otherwise. There should be two-way communication so that commissions are aware of the long-term goals Council has adopted, and the advisory body is able to present new ideas to the Council. Advisory Board members are encouraged to attend and/or watch Council meetings.

Members of the advisory boards are volunteers who are appointed by the City Council and serve at the pleasure of the City Council. There is no compensation or benefits for board members, except for Planning Commission, whose responsibilities are greater and meetings more frequent. All members are expected to attend scheduled advisory board meetings and all meetings shall be conducted in accordance with Robert’s Rules of Order, City Council Policies and Procedures Manual and State Law.

Currently, the City of Morro Bay has seven Advisory Boards:

- Harbor Advisory Board
- Public Works Advisory Board
- Recreation and Parks Commission
- Community Promotions Committee
- Planning Commission
- Tourism Business Improvement District
- Citizens Oversight Committee

2. Frequently Asked Questions

A. HOW ARE BOARD OR COMMISSION MEMBERS CHOSEN?

◆ APPLICATION AND SELECTION PROCESS

- All recruitment for Board and Commission members is open and published in a local newspaper. The City accepts applications from interested persons throughout the year.
- Applicants will be sought from all segments of the community, representing various interests and groups.
- Appointment is made by the City Council. Each application is carefully reviewed by the City Council.
- Members serve at the pleasure of the City Council.
- Incumbents are considered for reappointment at the conclusion of their terms.
- Terms are four years, commencing on February 1st, and the terms are staggered.

◆ HOW DO I GET AN APPLICATION?

- Applications may be obtained from the City Clerk's office at City Hall. Information on vacancies and/or specific recruitment periods may be requested by phoning the City Clerk. An official application form must be completed for each position.

◆ ARE THERE ANY TIPS TO IMPROVE MY CHANCES OF BEING APPOINTED?

- Fill out a separate form for each board or commission in which you are interested. It is to your advantage to tailor each application to the specific board or commission for which you are applying. Emphasize different aspects of your background to match those needed for a particular board or commission.
- Emphasize your talents. Clearly indicate how your particular talents, skills, training, or experience will benefit the board or commission for which you wish to be considered.
- Become familiar with the appropriate board or commission. Attend meetings, talk with board or commission members, or read documents they have developed to acquaint yourself with their work. Talk with the department head responsible for staffing the specific board or commission in which you are interested.

B. QUALIFICATIONS FOR SERVICE

Board and Commission members may be required to wear "different hats" at different times. The ability to suitably perform the varied roles requires specialized skills and knowledge. Qualification for service can be divided into four general areas:

◆ LONG-RANGE INTEREST IN THE COMMUNITY

The ability to conceive and be concerned with the impact of current decisions on future citizens is paramount. Board and commission members are required to analyze issues, to listen to public comment through formal hearings or informal discussion, to interpret and apply mandates of the General Plan, and to analyze all the pertinent data before arriving at objective decisions which will be in the best interest of the community as a whole.

◆ FAIRNESS, COMMON SENSE, HONESTY AND GOOD CHARACTER

Keeping the public interest in mind, a board member will be called upon to use everyday good sense in balancing the need of public and private groups. Controversial issues do arise, and the ability to make decisions based on merit rather than personalities is a must. Other traits include imagination, flexibility and the ability to act in a judicial vs. legislative capacity.

◆ KNOWLEDGE OF THE COMMUNITY MARKETPLACE, PROCESS, OBJECTIVES, AND LAWS

A first-hand knowledge of economic systems, the general operation of government, and a basic understanding of the legal process is important. This knowledge will be of tremendous value when board members are required to conduct public hearings, analyze and receive testimony and make meaningful decisions.

◆ TIME TO SERVE IN APPOINTED CAPACITY

The amount of time that a board or commission member devotes to his/her duties varies with each board or commission. Before making a personal commitment, a prospective applicant should honestly evaluate whether he/she has adequate free time to attend the meetings, to review and be familiar with meeting materials, and to communicate with the public as well as with department staff.

C. STATEMENTS OF ECONOMIC INTERESTS / CONFLICT OF INTEREST

Members of any board or commission are required to file Statements of Economic Interest. Additionally, Board and Commission members are required to refrain from participation in matters where they have the potential for conflict of interest. (See Section 5 for the City's policy on Conflict of Interest)

3. Background Information on City Government

The City of Morro Bay is a general law city and became incorporated in 1964 and operates under the laws of the State of California.

The City Council, City Manager, City Clerk and City Attorney are integral to the day-to-day operations of the City. As such, we have included a summary of the City government's main function for your information and reference.

a. City Council:

The City Council is elected by a majority vote by the citizens of Morro Bay. The City Council is the governing body of the City and is made up of the Mayor and four council members. The City Council is accountable to the citizens of Morro Bay. The decisions of the City Council are reached by a majority vote.

The City Council formulates policy, approves programs, appropriates funds and establishes local taxes and assessments. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are compiled in the City's Municipal Code.

b. City Manager:

The City Manager is the administrative head of the government of the City. The City Manager is appointed by the City Council, and serves at its pleasure. The City Manager's duties include implementation of policies and procedures initiated by the City Council. The City Manager also is responsible for all City personnel, except as to the City Attorney, and serves as a liaison to each board, unless otherwise noted in the Board By-Laws.

c. City Clerk:

The City Clerk's duties include, but are not limited to: recording, writing and maintaining Council proceedings, conducting municipal elections, publishing ordinances and resolutions and other official City documents, storing and indexing official documents and City records for retrieval, administering Conflict of Interest disclosures, and serving as the custodian of the seal of the City.

d. City Attorney:

The City Attorney is appointed by the City Council. The City Attorney advises the City Council and City Officers (in their official capacity) in legal matters, attends all Council meetings and some board meetings, represents the City in legal actions and proceedings, and retains, supervises and monitors outside legal counsel. The City Attorney also approves all bonds and contracts made by the City, prepares ordinances and resolutions as required by the Council and prosecutes violations of the City's Municipal Codes and Ordinances.

4. The Brown Act

This is a mere glimpse of the Brown Act. A more detailed Brown Act and Political Reform Act Booklet is available to the advisory board through the City Attorney's office.

a. The Brown Act.

The general purpose of the Brown Act is to aid in the conduct of the people's business. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not for the people to know. Therefore, it is the intent of this Act that the actions and deliberations of all local agencies be taken openly, including deliberations and collective discussion involving the examination, weighing and reflection on the reasons for or against a choice. It also includes the exchange of facts preliminary to the ultimate decision.

Generally all meetings of City boards, commissions, committees and groups are to be open and public and all persons are to be permitted to attend any meeting. Under certain *strict* circumstances, closed session meetings are permitted.

Brown Act Compliance is absolutely required. We encourage you to carefully review the Brown Act Booklet which is available through the City Attorney's Office which describes in detail the Brown Act.

5. Political Reform Act (Conflicts of Interest)

A. Background

The Political Reform Act (Government Code sections 81000, et seq.) was approved by the voters of the State of California and is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests which could foreseeably cause conflicts. In addition, a public official may be required to disqualify himself/herself from making, participating in, or attempting to influence any government decision which will affect any of his/her financial interests, not just those that are required to be disclosed. The City's Brown Act and Political Reform Act Booklet explains in more detail what a conflict of interest is, and when the law requires disqualification. In addition, the Fair Political Practices Commission is available for advice.

Under the Political Reform Act, no public official may make, participate in making, or in anyway attempt to use his or her official position to influence a governmental decision if he or she knows or has reason to know that he or she has a financial interest. (Government Code Section 87100). A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on one or more of his or her economic interests. (Government Code Section 87103; 2 Cal. Code of Regs. Section 18700 (a)).

The term "financial interest" denotes a conclusion that a public official has a financial interest in a decision if it is concluded that it is reasonably foreseeable that the decision will have a material financial effect on his or her economic stake greater than that of other citizens. The term "economic interest" is a label applied to the particular types of stakes recognized by the Act as potential sources of a conflict of interest. There are specific types of economic interest recognized by the Act, as such, we direct you to carefully review the Brown Act and Political Reform Act Booklet which is available from the City Attorney's Office and/or visit the Fair Political Practices Commission Web page for more detailed information.

B. City Policy Regarding Conflicts of Interests

Because the City of Morro Bay is a small, closely knit community it is imperative that the citizens have trust and confidence in City government. Therefore, the City has adopted this public policy to prevent any possibility of conflict that may arise.

Generally stated, any elected or appointed official has a conflict of interest if he or she has a financial interest in a project before the City and/or when compensation is received from anyone seeking approvals from the City. There are some exceptions but, generally, elected or appointed officials are prohibited from voting on projects where a conflict exists. A conflict of interest also occurs when officials live within a certain distance from a project (usually 500 feet). Even if a legal conflict does not exist, it may be inappropriate to participate in a decision for personal reasons to avoid even the appearance of a conflict of interest. As an example, there

could be a conflict if your good friend has a matter before your board, and you do not feel that it would be appropriate for you to voice an opinion in your "City" capacity. While the latter case is not defined by the Fair Political Practices Commission as a conflict, it could be perceived as a conflict, and then stepping down is appropriate.

It is the policy of the City that, in addition to strictly adhering to the FPPC rules, all elected and appointed officials conduct themselves in a manner that does not raise a reasonable perception or belief that there is a conflict of interest or an abuse of your position. All board and commission members should avoid the appearance of conflict at all costs.

If you step down from the dais and refrain from voting on an issue, you are not precluded from speaking as an individual. Your presentation, however, must be made from the floor, at the microphone with the rest of the public. You should state for the record that you are speaking as an *individual*. Many times in the past, Councilmembers and Board and Commissioners have stepped down from their official position at the dais when projects are presented in which there may be the potential for conflict of interest. This provides the opportunity to present your views as an *individual* on any matter before any City body.

6. ADVISORY BOARD BY-LAWS

The City Council has approved the rules and regulations (referred to herein as By-Laws) to set forth their purpose, procedures, and specific issues such as their functions, meeting dates, officers, vacancies and budgets.

All advisory board meetings will be conducted in strict compliance with Robert's Rules of Order, the City Council Policy and Procedures and State Law. For more detailed information, we suggest you review the City Council's Policies and Procedures Manual.

Attached hereto are the applicable By-Laws for all of the City of Morro Bay's Advisory Boards.

The Citizens Oversight Committee does not have by-laws, but is guided by Chapter 3.22 of the Morro Bay Municipal Code and we have attached that Chapter for your ease of reference.

**CITY OF MORRO BAY
HARBOR ADVISORY BOARD
BY-LAWS**

PURPOSE AND AUTHORITY

The Harbor Advisory Board is established to review, advise and recommend to the City Council on items pertaining to the City Harbor. These include, but are not limited to:

- A. Use, control, promotion and operation of vessels and watercraft within the harbor, docks, piers, slips, utilities and publicly-owned facilities as a part of the City's Harbor, and water commerce, navigation, or fishery in the Harbor.
- B. Review and recommend rules and regulations pertaining to any of the matters listed in subsection A of this section.
- C. Review and recommend rates, tolls, fees, rents, charges or other payments to be made for use or operation of the Harbor.
- D. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on matters relating to activities within the harbor. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

APPOINTMENT

The Harbor Advisory Board shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Commercial Fishermen's Association
- Waterfront Leaseholders
- Marine Oriented Business
- Recreational Boating
- Representative of South Bay/Los Osos
- Two Members at Large

TERMS OF OFFICE

Members shall serve, without compensation, for a period of four (4) years commencing February 1st. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

QUALIFICATIONS

Four of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

CITY STAFF

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY
PUBLIC WORKS ADVISORY BOARD
BY-LAWS**

PURPOSE AND AUTHORITY

The Public Works Advisory Board is established to review, advise and recommend to the City Council on items pertaining to Water, Waste-water, Streets, Recycling, and Solid Waste, Cable Television, Telecommunications, Trees, Transportation and other issues related to Public Services Department responsibilities.

The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

APPOINTMENT

The Public Works Advisory Board shall be comprised of five (5) voting members, all of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council.

TERMS OF OFFICE

Members shall serve, without compensation, for a period of four (4) years commencing February 1st. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

QUALIFICATIONS

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

ABSENCE FROM MEETINGS

Absence of a Board Member from two (2) consecutive meetings or three (3) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held every other month on even numbered months on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

CITY STAFF

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY
RECREATION AND PARKS COMMISSION
BY-LAWS**

PURPOSE AND AUTHORITY

The Recreation and Parks Commission is established to provide the following:

- A. Act in an advisory capacity to the City Council in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and civic groups in the advancement of sound recreation and parks planning and programming. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.
- B. Formulate policies on recreation services, parks and open space for approval by the City Council.
- C. Recommend to the City Council the development of recreational areas, parks, facilities, open spaces, programs, and improved recreation services.
- D. Recommend to the City Council the adoption of rules, regulations and standards concerning recreation and parks in respect to organization, personnel, areas and facilities, program and financial support.
- E. Advise the Recreation and Parks Director in the preparation of the annual parks maintenance, park improvement and recreation budgets and long-range recreation and parks facilities improvements.
- F. Hold public hearings and meetings to conduct investigations and surveys for the purpose of securing facts and data concerning parks and public recreation.

APPOINTMENT

The Recreation and Parks Commission shall be comprised of seven (7) voting members, five of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council.

TERMS OF OFFICE

Members shall serve, without compensation, for a period of four (4) years commencing February 1st. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

QUALIFICATIONS

Five of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

ABSENCE FROM MEETINGS

Absence of a Board Member from two (2) consecutive meetings or three (3) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held every other month on odd numbered months on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

CITY STAFF

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.

CITY OF MORRO BAY COMMUNITY PROMOTIONS COMMITTEE BY-LAWS

PURPOSE AND AUTHORITY

The Community Promotions Committee (CPC) was created in the belief that tourism is essential to the economic health and quality of life of this community. The purpose of the CPC shall be to act on behalf of the Morro Bay City Council on policies and expenditure programs to advertise and promote the City of Morro Bay and its special events as a tourist destination point in areas both inside and outside the boundaries of San Luis Obispo County. In addition, the CPC shall carry on a continuing and sustainable program designed to make known the advantages of tourism, recreation, business and community events to the people of Morro Bay, which helps to maintain the highest quality of life for the residents.

In addition, the CPC will be responsible for developing cooperative marketing opportunities with existing and new local businesses. This shall be accomplished through targeted promotions of special events and consistent branding of the City of Morro Bay. The CPC shall work with the MBTBID in a way that is mutually supportive of each/both committees' goals for marketing, advertising and budgeting to bring more visitors and tourism to the City, which in turn, provides valuable TOT and sales tax revenues to the City of Morro Bay.

The CPC shall develop a specific set of goals and budgetary requests prior to the beginning of each fiscal year and present those goals and requests to the City Council prior to the adoption of the annual budget. The CPC shall also make any additional reports and recommendations to the various city boards, commissions or the City Council as requested by the City Council.

APPOINTMENT

The Community Promotions Committee shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Chamber of Commerce
- Morro Bay Merchants Association
- Morro Bay Motel or Restaurant Representative
- Embarcadero Business Representative
- Special Events Representative
- Two Members at Large

TERMS OF OFFICE

Members shall serve, without compensation, for a period of four (4) years commencing February 1st in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

QUALIFICATIONS

Four of the 7 members of the Community Promotions Committee must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

Annually, each committee member will be required to familiarize himself or herself with the operation of the Visitor Center by volunteering and/or participating in business forums, chamber meetings, or merchants' association meetings.

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports,

meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

CITY STAFF

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY
TOURISM BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD BY-LAWS**

PURPOSE AND AUTHORITY

The Morro Bay Tourism Business Improvement District (MBTBID) Advisory Board ("Board") advises the City Council on the administration and use of the MBTBID assessment funds. The Board recommends projects to the City of Morro Bay to promote tourism to directly benefit the City's lodging industry.

The primary purpose of the MBTBID is to increase occupancy and room nights across all lodging types (motel, hotels, bed and breakfast) that pay the business improvement assessment (BID) along with transient occupancy tax (TOT) within the City while placing particular emphasis on marketing that positively impacts the lodging.

APPOINTMENT

The MBTBID Board shall be comprised of seven (7) voting members. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. Because of the diversity among assessment district members represented by the Board including local, regional and national lodging industry interests, it is neither practical nor advisable to limit Board membership to City residents. Accordingly, membership on the MBTBID Board shall be exempt from residency requirements otherwise applicable to City Advisory bodies. In addition, a member of the TBID may not sit on any other city advisory board or commission.

TERMS OF OFFICE

Members of the MBTBID Board shall serve, without compensation, for a period of four (4) years. Appointments shall be made in such a manner such that no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only. If a vacancy is within the last 6 months of a term, it will be held over to the normal interview process.

QUALIFICATIONS

The MBTBID Board shall consist of five (5) members from the Morro Bay lodging industry and two (2) members from the community at large.

The five members from the lodging industry shall consist of one member representing lodging rooms of less than 22 rooms, one member representing 50 or less rooms (single hotel or cumulative representation), and three members representing hotels "at large" (no specific number of rooms).

The community "at large" members shall be residents and registered voters of the City during the term of appointment.

Each member must be at least 18 years of age at the time of appointment and may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

FUNCTIONS AND DUTIES

The functions and duties of the MBTBID Board shall include, but not be limited to, the following:

1. Plan a comprehensive program to promote tourism to the City of Morro Bay and prepare an annual marketing program consistent with industry goals and objectives.
2. Develop advertising and promotional programs and projects to benefit the lodging industry in Morro Bay
3. Present an annual assessment report to the City Council regarding the implemented promotional programs and projects.
4. Perform any other lawful tasks as directed by the Council.

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, the Vice-Chairperson shall perform duties of the office. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

CITY STAFF

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY
PLANNING COMMISSION
BY-LAWS**

PURPOSE AND AUTHORITY

The Planning Commission is established in accordance with the provisions of Government Code Section 65100, et sec. The functions of the Planning Commission shall be as follows:

- A. To develop a general plan and recommend its adoption by the city council;
- B. To maintain the general plan after its adoption by the city council;
- C. To develop specific plans as may be necessary to implement the general plan;
- D. To periodically review the capital improvement program of the city for recommendations to the city council;
- E. To perform such other functions as the city council may direct.

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the planning commission shall act in an advisory capacity to the city council on all matters pertaining to the planning function;
- B. Cooperate with other city boards and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the city;
- C. Formulate policies on planning services for recommendation to the city council;
- D. Upon the request of the City Council, hold a joint meeting with the city council twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation. The city clerk shall in January of each year bring forth an agenda item to the city council to schedule the two joint meetings;
- E. Recommend to the city council the adoption of standards with respect to organization, personnel, facilities, programs and financial support of the planning commission;
- F. Disseminate to the public information concerning the policies and functions of the planning commission.

APPOINTMENT

The Planning Commission shall consist of five members and they shall be qualified electors and residents of the City. Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.

TERMS OF OFFICE

Members of the Planning Commission shall be appointed by and serve at the pleasure of the City Council. Terms shall be for a period of four years; vacancies shall be filled for the unexpired term only. Two-year short terms may be established to stagger terms. Expiration dates of specific terms shall be established by resolution of the City Council.

QUALIFICATIONS

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

ORGANIZATION

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

PROCEDURE

Regular meetings shall be held twice a monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson" and the term "Councilmember" shall mean "Board Member" or "Commissioner". In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

QUORUM

A majority of voting members shall constitute a quorum.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY
CITIZENS OVERSIGHT COMMITTEE**

Morro Bay Municipal Code 3.22.120

3.22.120 Citizens Oversight Committee.

A. Citizens Oversight Committee Established. There shall be a permanent citizens' advisory committee called the "Citizens Oversight Committee" (hereinafter "Committee"), which shall semi-annually review revenues and expenditures from the collection of the tax.

B. Committee Membership. The Committee shall have 5 citizen-members appointed by the City Council for six year terms with initially 3 members serving 3 years, and 3 members serving 6 years. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official.

C. Committee Organization Procedures. The committee shall select one of its members as Chairperson. The Committee shall follow the rules of procedure of the City unless and until, upon the report and recommendation from the Committee, the City Council adopts a specific set of procedural rules for the Committee.

D. Regular Meeting; Provision of Support Services and Information. The Committee shall be subject to the provisions of the Brown Act (California Government Code sections 54950 et seq.) and shall meet at least once each calendar year. A regular meeting schedule shall be determined in accordance with the Brown Act and thereafter meetings shall be noticed by the City Clerk. The City Manager or his/her designee shall serve as executive staff to the Committee. In addition to receiving materials directly related to the functioning of the Committee, the Committee members shall also receive all agenda material and other primary staff reports (other than those which are confidential) as are provided to the City Council.

E. Citizens Oversight Committee Functions. The Committee shall have the following function:

Semi- annual Report: The Committee shall review a semi-annual expense report of the City relative to activities funded with the additional general purpose local sales tax monies. Not later than the last day of the sixth month following the end of the each City fiscal year, the Committee will present its findings and conclusions to the City Council for its review.

**PLANNING COMMISSION'S DRAFT
CITY OF MORRO BAY
PLANNING COMMISSION
BY-LAWS**

PURPOSE AND AUTHORITY

The functions of the Planning Commission shall be as follows:

- A. To develop, periodically review, and revise, as necessary the general plan and recommend its adoption by the city council;
- B. To implement the general plan through actions including, but not limited to, the administration of specific plans, zoning and subdivision ordinances after its adoption by the city council;
- C. To periodically review the capital improvement program of the city for their consistency with the general plan and forward recommendations to the city council;
- D. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- E. Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it;
- F. The Planning Commission may adopt rules and regulations consistent with state laws and local ordinances to govern procedures;
- G. To perform such other functions as the city council may direct.

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the planning commission shall act in the public interest and serve in an advisory capacity to the city council on all matters pertaining to the planning function;
- B. Cooperate with other city boards and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the city;
- C. Formulate policies on planning services for recommendation to the city council;
- D. Meet with the city council twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, meeting schedules to be set for the calendar year or any other planning matter requiring joint deliberation. The city clerk shall in January of each year bring forth an agenda item to the city council to schedule the two joint meetings;
- E. Recommend to the city council the adoption of standards with respect to organization, personnel, facilities, programs and financial support of the planning commission;
- F. Disseminate to the public information concerning the policies and functions of the planning commission.

APPOINTMENT

The Planning Commission shall consist of five members and they shall be qualified electors and residents of the City.

TERMS OF OFFICE

Members of the Planning Commission shall be appointed by and serve at the pleasure of the City Council. Terms shall be for a period of four years; vacancies shall be filled for the unexpired term only. Two-year short terms may be established to stagger terms. Expiration dates of specific terms shall be established by resolution of the city council.

QUALIFICATIONS

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

ELECTION OF OFFICERS

- A. The Commission shall select a Chairperson and Vice-Chairperson from among its members to serve for a one year term beginning January 1st of each year.
- B. Commissioners shall serve as Chairperson or Vice-Chairperson at the discretion of the Commission.
- C. The Chairperson shall preside at all meetings of the Commission. The Vice-Chairperson is Chairperson in the absence of the Chairperson or in case of inability of the Chairperson to act.
- D. No person shall serve as Chairperson or Vice-Chairperson for more than two consecutive terms .

ABSENCE FROM MEETINGS

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

PROCEDURE FOR REVIEWING PUBLIC HEARING ITEMS

- A. After roll call the Chairperson shall announce to the public the procedures to be followed to consider the public hearing items and then proceed as follows:
- B. The Chairperson shall introduce the items and ask for oral staff reports.
- C. The staff report precisely submitted to the Planning Commission shall be placed into the record with all communications received regarding the proposal. Staff reports shall be submitted for all public hearing items in a form acceptable to the commission.
- D. The applicant shall be invited to make a presentation on behalf of the request.
- E. Members of the public wishing to speak in favor or in opposition of the application shall be invited to make a presentation.
- F. The applicant shall have the opportunity at the end of the public hearing to address comments made by the public and address any further commission questions.
- G. The public hearing shall be closed to the public and discussion confined to members of the commission; provided that the commission may reopen the public hearing at any time prior to a decision on an item on an affirmative vote of the majority of those members present .
- H. The commission, upon formal motion, shall take action to dispose of the proposal. The Chairperson shall announce the vote and thereafter, inform the applicant and public of the right of appeal and procedures for filing such appeal.
- I. The commission will follow "Robert's Rule of Order" through it's meeting procedures.

QUORUM

A majority of voting members shall constitute a quorum.

VOTING

- A. Except as otherwise provided in the Morro Bay Municipal Code and state law, no motion or any other action shall be passed or become effective without receiving the affirmative vote of at least a majority of members present.
- B. Failure to receive such an affirmative vote shall result in failure or denial, as appropriate, of the motion, or other action.
- C. Except as allowed under the Political Reform Action of 1974, any member abstaining due to a declared conflict of interest shall not participate in the discussion of the items or otherwise influence or attempt to influence in any manner the decision on the item.
- D. All members, when present, must vote except when abstaining due to a declared conflict of interest.
- E. Failure or refusal to vote when present, except for a declared conflict of interest shall be counted as an affirmative vote.

SECRETARY

The Planning Commission shall appoint a secretary who need not be a member of the commission, and who shall serve at the pleasure of the Planning Commission. The secretary shall maintain an accurate public record of the activities and official actions of the Planning Commission. The secretary shall, by the Wednesday preceding each regular meeting of the Planning Commission cause one copy of the agenda and reports for such meeting to be delivered to each planning commissioner.

BY-LAW AMENDMENTS

All amendments to the By-Laws shall be approved by the City Council.