



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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*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.*

**Regular Meeting - Tuesday, January 17, 2017  
Veteran's Memorial Building – 6:00 P.M.  
209 Surf Street, Morro Bay, CA**

Chairperson Robert Tefft

Commissioner Gerald Luhr  
Commissioner Michael Lucas

Commissioner Richard Sadowski  
Commissioner Joseph Ingrassia

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE  
PLANNING COMMISSIONER ANNOUNCEMENTS

## PUBLIC COMMENT PERIOD

Members of the audience wishing to address the Commission on matters not on the agenda may do so at this time. In a continual attempt to make the public process open to members of the public, the City also invites public comment before each agenda item. 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 comments must observe the following rules to increase the effectiveness of the Public Comment Period:

- When recognized by the Chair, please come forward to the podium and state your name and address for the record. Commission meetings are audio and video recorded and this information is voluntary and desired for the preparation of minutes.
- Comments are to be limited to three minutes so keep your comments brief and to the point.
- All remarks shall be addressed to the Commission, as a whole, and not to any individual member thereof. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- The Commission respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the Commission to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in Commission meetings is welcome and your courtesy will be appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. There are devices for the hearing impaired available upon request at the staff's table.

## 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. CONSENT CALENDAR

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

B. PUBLIC HEARINGS

Public testimony given for Public Hearing items will adhere to the rules noted above under the Public Comment Period. In addition, speak about the proposal and not about individuals, focusing testimony on the important parts of the proposal; not repeating points made by others.

**B-1** *(continued from the December 20, 2016 Planning Commission meeting)*

**Case No.:** UP0-448

**Site Location:** Gray’s Inn, 561 Embarcadero, Morro Bay, CA

**Project Description:** Request for Conditional Use Permit for both land and waterside improvements including installation of new 10 foot harborwalk to match existing elevation, installation of 1 new pile, sleeving of 4 existing piles, provide 4 foot wide vertical access on south side of building to allow public access to harborwalk, along with building façade improvements, sidewalk improvements, repair of existing decking,

**CEQA Determination:** Categorically exempt Section 15303, Class 3c.

**Staff Recommendation:** Forward a favorable recommendation to the City Council.

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

**B-2** **Case No.:** UP0-466

**Site Location:** 545 Shasta Avenue, Morro Bay, CA

**Project Description:** The Applicant proposes to co-locate a live theater playhouse at the existing St. Peter’s Episcopal Church. Specifically, the Applicant proposes to use the existing Social Hall Building located at the northwest corner of the parcel to host a maximum of 99 customers. The stage area will include removable 4ft. x 8 ft. x 8 in. high wooden platforms. The platforms, sets, props, lighting, and other equipment will be removed from the hall and stored in an existing storage structure on site when not utilized for playhouse purposes. The project site is located within the R-2 Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15301, Class 1

**Staff Recommendation:** Conditionally Approve

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

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the regular Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on February 7, 2017 at 6:00 p.m.

### **PLANNING COMMISSION MEETING PROCEDURES**

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the department at 772-6264 for further information.

Written testimony is encouraged so it can be distributed in the Agenda packet to the Commission. Material submitted by the public for Commission review prior to a scheduled hearing should be received by the Planning Division at the Community Development Department, 955 Shasta Avenue, no later than 5:00 P.M. the Tuesday (eight days) prior to the scheduled public hearing. Written testimony provided after the Agenda packet is published will be distributed to the Commission but there may not be enough time to fully consider the information. Mail should be directed to the Community Development Department, Planning Division.

Materials related to an item on this Agenda are available for public inspection during normal business hours in the Community Development Department, at Mill's/ASAP, 495 Morro Bay Boulevard, or the Morro Bay Library, 695 Harbor, Morro Bay, CA 93442. Materials related to an item on this Agenda submitted to the Planning Commission after publication of the Agenda packet are available for inspection at the Community Development Department during normal business hours or at the scheduled meeting.

This Agenda may be found on the Internet at: [www.morro-bay.ca.us/planningcommission](http://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](http://www.morro-bay.ca.us/notifyme) and follow the instructions.

The Brown Act forbids the Commission from taking action or discussing any item not appearing on the agenda, including those items raised at Public Comment. In response to Public Comment, the Commission is limited to:

1. Responding to statements made or questions posed by members of the public; or
2. Requesting staff to report back on a matter at a subsequent meeting; or
3. Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a))

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 Division 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.
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.

### **APPEALS**

If you are dissatisfied with 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. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development 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 within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is \$263 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 for those projects that are in their appeals jurisdiction. 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.



City of Morro Bay  
 Community Development Department  
 Current & Advanced Project Tracking Sheet

This tracking sheet shows the status of the work being processed by the Planning & Building Divisions

New Planning items or items recently updated are highlighted in yellow.

Approved projects are deleted on next version of log.

Agenda No: A-1

Meeting Date January 17, 2017

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready Projects:</b>										
1	Baston	561 Embarcadero	7/11/16	UP0-448	<b>Conditional use permit for Gray's Inn access improvements and piling repair</b>	Incomplete letter sent 8-4-16. Received resubmittal 9/16/16. Correction letter sent 10/14 and resubmittal 10/19. Met w/ Agent to review resubmittal 10/19. Project reviewed at 12/20 PC meeting and continued to 1/17 PC meeting.		PN- Conditionally approved per memo dated 8/3/16		cj
2	Symington/ Pewter Plough Playhouse	545 Shasta Ave	12/15/16	UP0-466/ CP0-527	<b>Special Use Permit for Pewter Playhouse performing theater at existing church</b>	Under Intial Review. Goes before Planning Commisssion 1/17/2017				ig
3	Rhine LP & Morro 94, LLC	3300 Panorama	2/24/16	CP0-500 & UP0-440	<b>Coastal Development Permit &amp; Conditional Use Permit for Demolition of 3 existing tanks, related pumps and concrete</b>	Under review. Correction letter sent 5-10-16. Environmental review complete and to be routed 7-28-16 for required 30 day period. PC 9/6/16 hearing. Reviewed and PC continued hearing to 10/4/16. Project continued to 12/6 PC meeting. Project reviewed at 1/3/17 PC hearing and continued to a date uncertain.		PN- Conditionally approved per memo dated 7/26/16		wm
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
2	Pall	340 Jamaica	1/5/17	UP0-468	<b>Conditional Use Permit for an existing auto-body shop in a residential district</b>	Under Initial Review				ig
3	Smith	2926 Fir Ave	1/4/17	UP0-467	<b>Conditional Use Permit</b>	Under Initial Reveiw				ig
4	Moloney	840 Pacific	12/29/16	CP0-526	<b>Coastal Development permit, as-built for existing secondary dwelling unit and an addition of habitable square footage</b>	Under Initial Review				rr

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5	Vankrieken	462 Arbutus	12/9/16	UP0-465	<b>Conditional Use Permit for new 515 sq. ft. garage and remodel of existing nonconforming SFR</b>	Under Initial Review. Correction Letter sent 1/6		PN- Conditionally approved per memo dated 12/22/16		jg
6	Elliott	2654 Greenwood	12/9/16	UP0-464	<b>Conditional Use Permit for 192 sq. ft. addition to a nonconforming SFR</b>	Under Initial Review. Correction Letter sent 1/6		PN- Conditionally approved per memo dated 12/22/16		jg
7	Bay Pines/Shorebreak Energy	1501 Quintana	11/29/16	UP0-463/CP0-525	<b>Coastal development permit &amp; Conditional Use Permit for Bay Pines Solar Project.</b>	Under Initial Review. Waiting for preliminary title report		PN-Approved 12/9/16		jg
8	Watson	411 Trinidad	11/21/16	CP0-524	<b>Coastal Development Permit for construction of a new SFR on a vacant lot</b>	Under Initial Review. Planning review complete. Awaiting comments. Correction Letter Sent		PN-Conditionally Approved per memo dated 12/15/16		jg
9	Crews	1286 Hillcrest	11/21/16	CP0-522	<b>Coastal Development Permit for a secondary dwelling unit</b>	Under Initial Review. Correction Letter sent 12/13				jg
10	Barker	2214 Coral Ave	11/18/16	CP0-523/UP0-462	<b>New 1,950 sq. ft. SFR in the Cloister's Subdivision</b>	Under Initial Review. Correction letter sent 12/14		PN-Conditionally Approved per memo dated 12/14/16		jg
11	Branch	845 Embarcadero	11/14/16	A00-045	<b>Modification to existing CUP 30-99. Finger docks to be lengthened, seawall repair.</b>	Under initial review. Project deemed incomplete and letter sent 12-13-16.				cj
12	Najarian	321 Luzon	11/7/16	CP0-521	<b>Coastal Development Permit for a new 1,694 sq. ft. SFR</b>	Under Initial Review. Correction Letter sent 12/5		PN-Conditionally approved per memo dated 12/2/16		jg
13	Najarian	320 Mindoro	11/7/16	CP0-520	<b>Coastal Development Permit for a new 1,694 sq. ft. SFR</b>	Under Initial Review. Correction Letter Sent 12/5		PN-Conditionally approved per memo dated 12/2/16		jg
14	Barfield	260 Shasta	11/4/16	UP0-461	<b>Conditional Use Permit for 498 sq. ft. addition to an existing 999 sq. ft. nonconforming SFR</b>	Under Initial Review. Correction Letter Sent		PN-Conditionally approved per memo dated 11/29/16		jg
15	Carpenter	938 Pacific	11/3/16	CP0-519	<b>Conversion of existitng guest house to a secondary dwelling unit</b>	Under Initial Review. Correction Letter Sent 12/5/16		PN-Conditionally approved per memo dated 12/1/16		jg

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16	Mac Millan	590 Morro Bay Blvd.	11/1/16	UP0-460/CP0-518	<b>Change of use from retail to restaurant</b>	Under Initial Review. Correction Letter Sent		PN-Conditionally approved per memo dated 11/29/16		jg
17	Fennacy	939 Main Street	10/18/16	UP0-459	<b>Use permit approval for change of occupancy for the creation of outdoor dining area at the Brickhouse BBQ</b>	Project under review. Correction letter sent 11/17.		Conditionally approved per memo dated 11/9/16		rr
18	Leage	1205 Embarcadero	9/28/16	A00-044 (UP0-058)	<b>Minor amendment to UP0-058 to relocated approved floating dock location and construct new finger sections and lease line amendment</b>	Project under review. Correction letter sent 11-21-16		PN Disapproved per memo dated 10/25/16		cj
19	Stanley	570 Harbor St	9/12/16	CP0-517	<b>Demo existing SFR/Chiropractic office. New construction of 2 new SFRs - 1507sf living with 480sf garage, and 891 sf living with 441 sf garage</b>	Under initial review	Conditionally approved per memo dated 9/12/16.	PN-Conditionally approved per memo dated 11/17/16		wm
20	Redican	725 Embarcadero	9/9/16	A00-041 (UP0-359)	<b>Major amendment to Conditional Use Permit UP0-359. Replace existing upper floor restaurant to a 9 room second floor hotel.</b>	Project under review. Met with applicant 10/10/16 to discuss. Correction letter sent to Applicant 10/21/16. Resubmittal received 12-2-16. Response requesting plan corrections emailed 1/3/17.				cj
3	Eisemann	396 Hill St.	8/29/16	CP0-515 and UP0-455	<b>CDP/CUP for new duplex. Unit A: 1745sf living, 540sf garage. Unit B: 1517sf living, 552sf garage</b>	Under initial review. Requires preliminary title report. Correction letter sent 10/18. Resubmittal rcv'd				jg
4	Streeter	1128 & 1138 Market	8/24/16	CP0-513 / UP0-452	<b>Two new SFRs. Front SFR includes 1,345 sq. ft. of living area, a 434 sq. ft. garage, and 80 sq. ft. of decking. Rear SFR includes 1,373 sq. ft. of living area, a 473 sq. ft. garage, and 131 sq. ft. of decking.</b>	Under Initial Review. Correction letter sent 9/22/16. Additional staff comments regarding City design guidelines emailed to applicant on 11/8/16		PN- Conditionally Approved per memo dated 9/15/16		wm
5	Robson	110 Orcas	5/6/16	A00-034	<b>Planning Permit modification of CP0-471 for installation of 4 ft culvert in drainage area, increase in deck from 84sf to 320sf, and realignment of garage door.</b>	Project modification reviewed against prior Planning approvals and reviewed with Engineering staff. Site noticed for admin modification. Confirming lot lines and easement details. Director action delay on noticing due to research regarding rights of access to the easement. Amendment to remove proposed culvert - noticed 8/5/2016. Public Works has requested additional drainage flow information prior to issuance/approval of any permit modifications. Applicant resubmitted additional plan detail 9-2-16. Applicant working with Public Works Dept to provide required project details re FEMA and base flood elevation analysis. Resubmittal received 12-13-16. Public Works and Applicant working on plan design corrections.		PN- Not approved per memo dated 9/14/16		cj

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6	Van Buerden	945 Embarcadero	5/24/16	UP0-446	<b>Conditional Use Permit for House of JuJu restaurant remodel, and City Park improvements</b>	Incomplete letter sent 6-23-16 to Applicant and Applicant Representative. Cj.				cj
7	Elster	530 Morro	4/20/16	UP0-282 & CP0-323	<b>New 2,978 sq. ft. SFR with 1,516 sq. ft. garage, 1,191 sq. ft. of decking, and a 560 s. ft. secondary dwelling unit.</b>	Applicant has decided against the parcel map and development of three townhomes and now proposes to build one SFR and a secondary dwelling unit. Under initial review. Waiting on PW comments. Correction letter sent 5/18/16. Spoke with Applicant 8/4/2016 - resubmittal pending. REsubmittal received. Correction Letter Sent 11/7/2016				jg
8	Eisemann	535 Atascadero	10/12/15	CP0-490 & S00-125	<b>Parcel map application &amp; CDP to split 1 R-4 zoned lot in to two lots.</b>	Incomplete letter sent 11-5-15. Received revised plans and communicated via email to applicant regarding plan corrections. Resubmittal under review. Correction letter sent 2/18/16 with Public Works comments. Received revised info from Applicant 3-3-16. Correction sent and resubmitted 4-8-16. Met w/ Architect to discuss intent to include development of 4-plex apartments. Resubmittal rcv'd 5/10. Correction letter sent 6/14/16. Spoke with architect 8/9/2016. Resubmittal rcv'd 8/17/2016. Correction letter sent 10/13/2016		PN- Diapproved per Memo dated 6/14/16		jg
9	Elliott/ Bernal	2620 Laurel Ave	9/30/15	CP0-489	<b>Admin CDP for new 1,558 sf Single family home w/ 728 sf garage and 336sf of decking</b>	Redesign resubmitted 11/1/2016. Review. Correction Letter Sent. Resubmittal 12/9/2016. Review...		PN- Conditionally approved per memo dated 10/23/15		jg
10	DeGarimore	1001 Front St.	7/14/15	A00-026 and UP0-442	<b>Amendment to CUP to modify project description to remove proposed new awning.</b>	Letter sent to applicant 9-9-15 regarding public access requirements. In process. Applicant wishes to include a kiosk for Virg's Landing with the awning amendment. Reviewed prelim site plan of kiosk and provided email comment corrections on 2/24/16. Met with Virg's Landing owner to discuss kiosk plan 2-29-16. TUP application submitted for kiosk proposal adjacent to parking lot on 4-19-16. Correction letter sent 5-12-16.				cj
11	Gambril	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	<b>New construction of 10,000sf commercial retail on vacant lot</b>	WM. Under review. Will need Arch and Traffic reports. Incomplete letter sent 9/4/15.		PN-Plans Disapproved. Req. Stormwater determination form & plan update.		wm
12	Leage	833 Embarcadero	9/15/14	UP0-389	<b>Demolish existing building. Reconstruct new 1 story 19 foot building (retail/restaurant use) &amp; outdoor improvements</b>	Under review. Deemed incompleated. Letter sent 10-13-14. CJ Resubmittal received 2/17/15. Incomplete letter sent . Resubmittal received. Not compliant with view corridors requirements. Resubmitta received 1-20-16. Email corrections provided to Applicant on 2/10. Reviewed revised plans received from architect via email on 3/7/16.	BC- incomplete	RPS - Disapproved for plan corrections noted in memo of 10/14/14		cj

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<b>Planning Commission Continued projects:</b>										
14	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		ig
15	Sonic	1840 Main St.	8/14/13	UP0-364 & CP0-404	<b>Conditional Use Permit and Coastal Development Permit to develop Sonic restaurant.</b>	Under initial review. Comment letter sent 9/10/13. CJ. Spoke w/ applicant 10/3 re: traffic study. CJ. Public Works & Fire comments received & forwarded 10/8/13 to applicant. Comments from Cal Trans received 10/31 and forwarded to Applicant. Applicant requested meeting w/ City staff & Cal Trans to review project requirements. Had project meeting-discussed traffic study requirements on 11-21-13. Requested fee estimate from environmental consultant for CEQA purposes. CJ. Resubmitted 5/27. Environmental Review in process. Correction letter based on environmental review sent 8-6-14. Resubmittal received 1-23-15 and correction sent 2-23-15. Resubmittal received 5/8/15. Reviewing initial study for pending route to State Clearinghouse. Stormwater Control Plan also being reviewed. Reviewing outstanding cultural resources concerns. Reviewed project with archaeologist 1-27-16. Archaeological consultation in progress. MND routed to State Clearinghouse. Comment letter received from APCD re MND. cj. Noticing error necessitates continuance from 5/3/16 to 5/17/16 PC hearing. Continued to date uncertain to allow submittal revisions. Still waiting for resubmittal as of 9-14-16. Applicant submitted preliminarily revised plans 10/2016. Emailed informal comments 10/26.	Bldg -- Review complete	PN- Sonic has submitted Preliminary Stormwater Requirements. RPS: Initial conditions provide by memos of 9/10/13 and 10/14. Met with Caltrans on 10/17.		cg
16	Seashell Estates, LLC	361 Sea Shell Cove	1/26/15	CP0-459/ UP0-401	<b>Coastal Development Permit/Conditional Use Permit for new SFR. Lot 4 of 1305 Teresa Subdivision</b>	Reviewing CC&R Design Guidelines. Deemed complete 3-2-15. Anticipate 4/21 PC hearing. Project continued to a date uncertain. CJ.	2/23/15 FD Cond App TP	BCR has for review 2/3/15		cg

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17	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	<b>Environmental documents for Nutmeg Tanks.</b> Permit number for tracking purposes only County issuing permit. Demo existing and replace with two larger reservoirs. City handling environmental review	KW--Environmental contracted out to SWCA estimated to be complete on 4/27/2012. SWCA submitted draft I.S. to City on May 1, 2012. MR-Reviewed MND and met with SWCA to make corrections. In contact with County Environmental Division for their review. MND received by SWCA on 10/7/12. MND out for public notice and 30 day review as of 11/19/12. 30 day review ends on 12/25/12. No comments received. Scheduled for 1/16/13 Planning Commission meeting and then to be referred back to SLO County. Planning Commission continued this item to address concerns regarding traffic generated from the removal of soil. In applicant's court, they are addressing issues brought up by neighbors during initial P.C. meeting. Project has been redesigned and will be going forward with concrete tanks. Modifications to the MND are in process. Neighborhood meeting conducted with Engineering on 9/27/2013. Revising project description and MND.	No review performed.	BCR- New design concept completed. Needs new MND for concrete tank, less truck trips.Neighborhood mtg held 9/27. Neighbors generally support new design that reduces truck trips by 80%. Concrete batch plant set up on site will further reduce impact. 5/5/14 - Cannon contract signed to finish permit phase. Construction will be delayed to FY15/16		wm
18	AT&T	590 Morro Street	4/10/15	UP0-411 & CP0-465	<b>Conditional Use Permit &amp; Coastal Development permit to modify 2006 Planning permit approval for unmanned cell site</b>	WM.Was tentatively scheduled for 3-1-16 PC hearing. Awaiting additional info from applicant. Tentatively scheduled for 5-17-16 hearing. Applicant requested continuance. PC continued review with direction on June 21, 2016.				wm
<b>Projects Appealed or Forwarded to City Council:</b>										

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19	City of Morro Bay	Citywide	6/19/13	A00-015	<b>Sign Ordinance Update.</b> Text Amendment Modifying Section 17.68 "Signs"	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. PC made recommendations and forwarded to Council. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. A report brought to PC on 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11 .-Workshop results going to City Council 12/13/11. Continued to 1/10/12 CC meeting. Staff Report to PC. Project went to 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13. Continued to 7/3/13 PC meeting for further review. PC has reviewed Downtown, Embarcadero, and Quintana Districts as well as the Tourist-Oriented Directional Sign Plan. 8/21/13 Final Draft of Sign Ordinance approved at 9/4/13 PC meeting with recommendation to forward to City Council. Council directed staff to do further research with local businesses. First workshop held 11/14 with approx. 12 Quintana area businesses. Downtown workshop held March 2014, North Main business workshop held 4/28/14 and Embarcadero business workshop held 5/19/14. Result of sign workshops discussed at 11-3-15 PC mtg	No review performed.	N/R		sg
<b>Environmental Review</b>										
20	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
<b>Final Map Under Review Projects:</b>										
21	Tract 2818	2400 Main St / Morro Mist	6/13/16	Map	<b>Final Map - Tract 2818 / 23 lot subdivision and 1 common lot</b>	Initial submittal for final map processing received 6-13-16. Correction letter sent 7-6-16. Draft CC&Rs received. Resubmittal received 1/5/17				cj

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22	Tract 2670	1899 -1911 Sunset	11/17/15	Map	<b>Final Map. - Tract 2670 6 lot subdivision and 1 common lot</b>	Under review. Correction letter sent on 12-17-15. Met with Applicant on 3-8-16 to review outstanding items. Received revised CC&R's 3-8-16 for review. CC&R documents reviewed and determined deficient - corrections sent 4-21-16. Met with Applicant to review final corrections 7-13-16. Revised grading/retaining wall plans to be resubmitted. Draft CC&Rs under review by City Attorney. Attorney's review forwarded to Applicant on 7/28/16. CC&Rs under review for consistency with Council conditions of approval. Waiting for revised final map, revised grading plans as of 10/27/16. Grading permit issued. Awaiting revised CC&Rs.				
23	Medina	3390 Main	10/7/11	Map	<b>Final Map. Issues with ESH restoration. Applicant placed processing of final map on hold by proposing an amendment to the approved tentative map and coastal development permit. Applicant proposed administrative amendment. Elevated to PC, approved 1/4/12. Appealed, scheduled for 2/14/12 CC Meeting. Appeal upheld by City Council, and project with denied 2/14/12. map check returning for corrections on 3/9/12</b>	SD--Meeting with applicant regarding ESH Area and Biological Study. MR- Received letters from biologist regarding revegetation on 9/2/12. Letter sent to biologist. Recent Submittal reviewed and memo sent to PW regarding deficiencies. Initial review shows resubmitted map does not meet the 50 foot ESH buffer setback requirement. Creek restoration required per Planning condition #4 prior to recordation of the final map. Unresolved Planning conditions. Sent correction letter to Engineering 4-14-16. Received request for extension of permit as allowed by code. One year extension of permits granted extending map to 7/19/2017. Received map resubmittal 11-28-16. Response letter sent 12-27-16.	No review performed.	DH - resubmitted map and Biological study on Dec 19th 2012. PW has completed their review. Received a letter from Medina's lawyer and preparing response. PW comments sent to RS to be included with his response letter. RS said to process map for CC. Letter being prepared to send to		cg  sg/cj
<b>Projects requiring coordination with another jurisdiction:</b>										
24	City of Morro Bay	Outfall			<b>Original jurisdiction CDP for the outfall and for the associated wells</b>	Coastal staff is working with staff. Coastal letter received 4/29/2013. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	City provided response to CCC on 7/12/13. Per Qtrly Conference Call CCC will take 30days to respond		
25	City of Morro Bay Desal Plant	170 Atascadero			<b>Project requires a Coastal Development Permit for upgrades at the Plant. Final action taken Sent to CCC but pursuant to their request the City has rescinded the action.</b>	Waiting for outcome from the CDP application for the outfall. Discussed project with Coastal staff in meeting 11-18-14.	No review performed.	BCR- Phase 1 Maint and Repair project is underway. Desal plant start-up scheduled for 10/15/13. Phase 1 complete and		

#	Applicant/ Property Owner	Project Address	Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / State Department of Housing:</b>										
26	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. 6-11-13 City Council direction to staff to bring back to Planning Commission for review of ordinance. At 10-16-13 PC meeting, Commission recommended changes to maximum unit size and tandem parking design where units over 900 sf and/or tandem parking design of second unit triggers a CUP process. Council accepted PC recommendation at 2-11-14 meeting and directed staff to bring back revised ordinance for a first reading and introduction. Item continued to 4/22/14 Council meeting to allow time for Coastal staff comment regarding proposed changes. Council approved Into and First Reading on 4/22/14. Final Adoption of Ord. 585 at 5/13/14 Council meeting. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016.</b>	No review performed.			wm
27	City of Morro Bay	Citywide	2/1/13	Ordinance 556	<b>Wireless Amendment - LCP Amendment</b> CHAPTER 17.27 Amendment for "Antennas and Wireless Telecommunications Facilities" AND MODIFYING CHAPTER 17.12 TO INCORPORATE NEW DEFINITIONS, 17.24 to MODIFY primary district matrices to incorporate the text changes , 17.30 to eliminate section 17.30.030.F "antennas", 17.48 modify to eliminate section 17.48.340 "Satellite dish antennas".	Application for Wireless Amendment submitted to Coastal Commission 9-11-13. Received comments back from CCC 11-27-13, working on addressing issues. <b>Amendments withdrawn from Coastal Commission as they are no longer consistent with state law. Item has been included in the FY 16/17 goals and objectives.</b>	No review preformed.	N/A		sg
<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
28	Brebes	1126 Scott	8/18/16	A00-039 (CUP27-02 & CDP48-02)	<b>Minor modification to an existing CUP &amp; CDP permit to change an existing commercial storage space to commercial general office use.</b>	Under Initial Review. To be Noticed 8/29/16. Based on existing conditions of approval, the illegal shower in the existing commercial space must be removed or receive Planning Commission approval prior to modification approval. Waiting on Applicant to take action				kg

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29	T-Mobiile	1478 Quintana	1/30/15	UP0-403	<b>Minor Use Permit to Modify existing wireless telecommunication site at church</b>	JG - Under initial review. Correction letter sent 3/5/2015. JG. Partial resubmittal rcv'd via email 9/18		JW approved		jg
30	Borges / RPM Consulting	1998 Main Street	3/1/16	CP0-503	<b>Coastal Dev. Permit for addition of 2nd story office/laundry room remodel to commercial building in Mobile Home Park</b>	Waiting on full project submittal. (Applicant rcv'd HCD building permit and started construction before getting CDP). Rcv'd 3/17. Correction letter sent. Resubmittal rcv'd 6/6/16. Correction letter sent 6/27. Applicant and HCD argue that no CDP is required. Coastal Commission legal staff weighed in on 9/26/16 confirming that a CDP is req's and MB has jurisdiction due to LCP		PN- Conditionally approved per memo dated 4/18/16		jg
31	Maritime Museum Association (Larry Newland)		11/21/05	UP0-092 & CP0-139	<b>Embarcadero-Maritime Museum (Larry Newland).</b> Submitted 11/21/05. Resubmitted 10/5/06, tentative CC for landowner consent 1/22/07 Landowner consent granted. Resubmitted 5/25/07. Resubmitted additional material on 9/30/09. Applicant working with City Staff regarding lease for subject site. Applicants enter into agreement with City Council on project. Applicant to provide revised site plan. Staff processing a "Summary Vacation (abandonment)" for a portion of Surf Street. Staff waiting on applicant's resubmittal. Meeting held with applicant 2/23/2011. Staff met with applicant 1/27/11 and reviewed new drawings, left meeting with applicant indicating they would be resubmitting new plans based on our discussions.	KW--Incomplete 12/15/05. Incomplete 3/7/07. 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. Met with applicants on 2/19/2010. Environmental documents being prepared. Meeting held with city staff and applicants on 2/3/2011. Sent Intent to Deem Withdrawn letter 9-2-14. JG. Revised preliminary plans emailed to City 11-4-16 for initial comment review. Staff feedback emailed to Architect 11-15-16.	Please route project to Building upon resubmittal.	An abandonment of Front street necessary. To be scheduled for CC mtg.		
<b>Grants</b>										
32	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$400,000 Grant Opportunity for funding for LCP update to address sea-level rise and climate change impacts.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract.	No review performed.	N/A		sg
33	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16.	No review performed.	N/R		cj
34	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj

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<b>Projects in Building Plan Check:</b>										
1	Frank	2900 Alder	4/4/16	B-30941	New Duplex	Approved by jg. 5/31/16	Approved by cdl on 6-3-16.	PN- Approved 6/27/16		
2	Salamacha	190 Anchor	11/6/16	B-31271	New 283sf Addition, 33sf covered porch, 305sf flatwork & 624sf garage			PN- Disapproved per memo dated 12/5/16		
3	LaPlante	3093 Beachcomber	10/27/11	B-29586	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	SD--Incomplete Letter 12/12/11. Phase 1 Arch Report required and Environmental Document. Incomplete letter sent 2/2012. Building Permit on hold until Planning process complete. CJ.	BC- Application on hold during planning process	DH- Provide SW mgmt, drainage rpt, EC per memo of 1/18/12.		
4	Vo	648 Bernardo	8/2/16	B-31129	348sf Addition to existing SFR			PN- Approved 12/2/16		
5	Williams	297 Bradley	10/19/16	B-31236	Remove & Replace existing 2nd floor 177sf deck.			PN- Approved 10/24/16		
6	Curtsinger	513 Dawson	11/10/16	B-31272	Interior remodel, replace plumbing, repair and/or replace existing entry stairs and landing.			PN- Disapproved per memo dated 12/8/16		
7	Gonzales	2720 Dogwood	9/6/16	B-31177	Addition of 2nd story, garage and covered patio to existing SFR			PN- Approved 12/16/15		
8	Held	905 Embarcadero	9/29/15	B-30826	Phase 2- Update tenant space and bathrooms			PN- Approved 9/1/16		
9	Appleby	381 Fresno	7/31/14	B-30227	Carport& Storage Shed. Remians in plan check status.	Correction sent 8-7-14. WM. Will require a CUP prior to building. JG. Corrections sent 2/23 JG	Building approved 08-04-15 cdl	RPS - No PW comments if street access is not required for storage		
10	Whitaker	1170 Front	3/10/16	B-30885	New 6 unit hotel		Denied by cdl on 6-17-16.	PN- Disapproved 6/30/16		
11	Stanley	570 Harbor	11/15/16	B-31280	New SFR on lot with existing commercial structure. SFR includes 1507sf living, 480sf garage and 194sf decking			PN- Disapproved per memo dated 12/8/16		
12	Hurless	2265 Hemlock	5/11/15	B-30477	SFR Garage converted to 492sf apartment with new bedroom and bathroom. Remains in plan check status.	Disapproved 8-28-15. JG	Denied by cdl on 5/15/15	PN- Disapproved needs sewer lateral video.		
13	Gonzalez	481 Java	10/10/13	B-30029	SFR Addition/ Remodel: add 578 sf living and 112 sf decking. Remains in plan check Status.	WM. Expecting Admin Use Permit application for minor revision to approved design.	Plans approved 9-18-15 cdl	PN-Disapproved, needs swr video & plan corrections. 9/24/15		
14	Perry	429 Kings	11/4/16	B-31262	Convert approved basement shop into living space			PN- Approved 12/16/16		
15	Channing	471 LaJolla	10/11/16	B-31221	Construct 20' x 11' exterior deck					

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16	Wright	520 LaJolla	7/25/16	B-31114	Convert walk-in closet to bathroom, add shower, two windows, convert windows to french doors.	Correction memo sent 10/20/16. jg.		PN- Disapproved per memo dated 12/21/16		
17	Douglas	2587 Laurel	1/8/15	B-30352	Addendum to B-30074. Add 24 sq. ft., converting 1,020 sq. ft. to habitable space, add 120 sq. ft. porch, and 191 sq.ft. deck. Remains	Under Review. JG. Denial	Plans Denied 10/16/15 cdl	PN 9/30/15 Approved as submitted. No		
18	PG&E	1245 Little Morro Creek	3/25/16	B-30925	Add 25K Generator to cell site/tower to satisfy Planning Commission conditions.	Approved. CJ. 4-5-16. Complies w/ PC approval.	Approved by cdl 3/30/16	PN- Approved 5/17/16		
19	Dyson	117 Main	8/15/14	B-30248	Covered Patio Remains in plan check Status.	Corrections. 9-5-14. WM.	BC-Returned for corrections 9/8/14.	NRR		
20	Morro Mist LLC	2402-2446 Main	7/5/16	B-31067 through B-31089	Building permit applications for 23 new townhomes in 6 detached building clusters to include 15 one-bedroom units and 8 three-bedroom units. 23 separate permit applications	Disapproved. Corrections sent 8-3-16. cj.				
21	Streeter	1128 Market	10/26/16	B-31247	New SFR with 1345sf Living, 434sf garage & 80sf Deck			PN- Disapproved 11/17/16		
22	Streeter	1138 Market	10/26/16	B-31252	New SFR with 1345sf Living, 437sf garage & 131sf Deck			PN- Disapproved 11/17/16		
23	Assembly of God	615 Monterey	10/14/16	B-31226	Interior remodel (to rear house) - Demo interior, replace sub floor, drywall, electrical & plumbing,			PN- Disapproved 11/16/16		
24	Howard	1255 Morro Ave.	11/10/16	B-31270	Addition Entry way and interior remodel of Kitchen and master bathroom.			PN- Disapproved 12/6/16		
25	Meisterlin	315 Morro Bay Blvd.	9/12/14	B30275	Commercial Alteration-Handicap restroom. Remains in plan check Status.	Approved 9/25/14. CJ.	Plansw approved 9-30-2014 bc	RPS returned for corrections per		
26	J.P. Morgan	595 Morro Bay Blvd.	11/10/16	B-31273	ADA parking and path update, interior remodel, relocate power and minor barrier removal			PN- Approved per memo dated		
27	Moore	379 Orton	3/30/16	B30936	New Manufactured home with 1,496sf living & 469sf garage	Approved. WM. 4-26-16	Denied by cdl on 4/15/16 Approved by cdl on 5/16/16	PN- Disapproved per memo dated 5/19/16		
28	Moloney	840 Pacific	9/22/16	B31194	350sf addition to existing SFR			RB-Disapproved per memo dated 10/19/16		
29	Bunker	491 Panay	12/8/15	B30777	203sf interior remodel to existing 1144sf two story SFR. Remains in plan check Status.	Approved. JG. 12-10-15.	Approved by cdl on 12/17/15	PN- Approved 12/16/15		
30	Volk	800 Quintana	4/25/16	B-30811	Unmanned cell site including locating an antenna on and radios on roof, equipment at	Disapproved. CJ. 5-16-16. Does not meet conditions of approval. Requested resubmittal.	Approved by cdl on 5/11/16	PN- Approved 5/13/16		
31	Kimble	3007 Sandalwood	10/18/16	B-31233	226sf addition to existing SFR.			PN-Approved 12/20/16		
32	Schmidt & Ky	300 Shasta	11/10/16	B-31190	Addendum due to demolition to existing home.			PN- Disapproved per memo dated 11/18/16		
33	Frye	244 Shasta	5/2/13	B-29910	Garage to Second Unit conversion. Remains in plan check Status.	KM - Needs to comply with or amend existing CDP. 2006 Planning permit modified to allow non-conforming structure. No activity since 2014 on this building permit.	BC- on hold pending planning process.	BCR-approved 5/13/13		
34		780 Sierra Court		B-31277				PN- Approved 12/21/16		
35	Scoto	330 Sicily	10/18/16	B-31232	New SFR w/1743sf living area, 457sf garage & 150sf deck.			PN- Approved 12/8/16		

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36	Dolezal	1885 Sunset	11/30/15	B-30758	Lot 6: New SFR with 1140sf and 480 garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
37	Dolezal	1889 Sunset	11/30/15	B-30757	Lot 5: New SFR with 1140sf with 480 garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
38	Dolezal	1893 Sunset	11/30/15	B-30756	Lot 4: New SFR with 1140sf living and 480sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
39	Dolezal	1897 Sunset	11/30/15	B-30753	Lot 1: New SFR with 1140sf living and 480sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
40	Dolezal	1901 Sunset	11/30/15	B-30754	Lot 2: New SFR with 1541sf living and 483sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
41	Dolezal	1905 Sunset	11/30/15	B-30755	Lot 3: New SFR with 1457sf living and 480sf garage. Remains in plan check Status.	Disapproved 7-6-16. Plans not consistent with pending final map. Corrections needed. CJ.	Approved by cdl on 5/6/16	PN- Approved 7/14/16		
42		340 Tulare		B-31046	2nd floor 650sf Addition & 75sf garage addition			PN- Disapproved per memo dated		
<b>Planning Projects &amp; Permits with Final Action:</b>										
1	Regan	3030 Beachcomber	12/22/16	A00-046	<b>Minor Modification to proposed guest unit at rear of existing single-family residence</b>	Under review. Approved				jg
2	Vo	648 Bernardo	9/8/16	UP0-457	<b>Conditional Use Permit for non-conforming single family residence</b>	Under initial review, Historical evaluation received, waiting on Fire comments. Correction letter sent 10/4/16. Approved at 1/3/17 PC meeting		PN- Conditionally approved per memo dated 10/3/16		rr



AGENDA NO: B-1

MEETING DATE: January 17, 2017

## Staff Report

**TO:** Planning Commissioners

**DATE:** January 11, 2017

**FROM:** Cindy Jacinth, Associate Planner

**SUBJECT:** Request for Conditional Use Permit (#UP0-448) for both land and waterside improvements including installation of new 10 foot harborwalk lateral access, installation of 1 new pile, sleeving of 4 existing piles, new vertical access, along with building façade improvements and sidewalk improvements

### **RECOMMENDATION:**

*FORWARD A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO CONDITIONALLY APPROVE THE PROJECT* as combined Concept/Precise Plan approval by adopting a motion including the following action(s):

Adopt Planning Commission Resolution 26-16 which includes the Findings and Conditions of Approval and Adopt the Categorical Exemption, Section 15303, Class 3c for the project depicted on revised site development plans dated January 3, 2017 (Exhibit F).

**APPLICANT/AGENT:** Todd and Tamara Baston, Applicant. Cathy Novak Consulting, Agent.

**LEGAL DESCRIPTION/APN:** City lease sites 63-64 & 63-64W / 066-137-001

**PROJECT DESCRIPTION:** As described in the staff report for the December 20, 2016 Planning Commission meeting, the Applicant is seeking conditional use permit approval for construction of both land and waterside improvements; including installation of new 10 foot harborwalk to match existing elevation, installation of 1 new pile, sleeving of 4 existing piles, provide 4 foot wide vertical access on south side of building to allow public access to harborwalk, along with building façade improvements, sidewalk improvements, and repair of existing decking.

Prepared By: \_\_\_CJ\_\_\_

Department Review: \_\_\_\_\_

**PROJECT SUMMARY:** At the December 20, 2016 meeting, the Planning Commission reviewed this project and continued the hearing to the January 17, 2017 meeting. Upon review of the project, the Planning Commission expressed the following concerns regarding the project which are summarized below and were provided to the Applicant for follow up:

1. *Provide the required Precise Plan submittal items such as color and materials board, trash and recycle can details, lighting plan, etc.*
2. *The PC was supportive of the gangway design encroaching into the lateral access path by 2 feet along a four foot section of the lateral access way, as discussed in the staff report.*
3. *The PC was supportive of the requested modifications to Planning conditions 6 and 8, but not 9. The feedback was to modify condition 9 to state, “hydro acoustical noise mitigation plan” instead of hydro acoustical monitoring plan.*
4. *Provide information on what the building approvals looked like with the 1993 CUP, specifically in regards to view corridor. The concern was that there is an existing storage shed in the way, and a parking space intrudes on the view corridor. The PC would like to see the view corridor restored.*
5. *Provide additional detail on the existing pole sign that encroaches into the northernmost parking spot, and specifically whether when the vertical access is opened up and the parking lot is re-striped, if that will still yield a usable compliant parking spot. The concern here is that if the parking spaces are too narrow, then parked cars will or may park over the line and incrementally encroach onto vertical access. The comment was discussed whether a wall or raised sidewalk should be installed in order to prevent cars from parking onto the stained concrete vertical access. Also, if the parking spaces are too narrow and the pole encroaches into the parking spot, it could create a nexus to require removal of the pole sign.*
6. *Corridor Maintenance – The PC discussed the possibility of removing the side private motel deck and remove the private fence gate, in order to yield a wider pedestrian view corridor. Also discussed was height of hedges and fence height in the view corridor area.*
7. *Is there a connectivity potential from the proposed harborwalk lateral access to connect to Kayak Horizons when that future project comes forward for lease renewal?*

Since the previous PC meeting, the Applicant has revised plans and provided additional detail for Planning Commission review and consideration. The Applicant also met on site with staff to review items 5, 6, and 7 above.

**Applicant Response and Staff Analysis to the 7 Items noted above:**

Provided in Exhibit B is a letter dated January 4, 2017 from the Applicant that details responses to items above. The excerpted responses to each of the seven items noted above are provided below along with staff analysis of the Applicant’s responses:

1. **Precise Plan items:**

*Applicant Response:*

~~you with this application~~: Attached please find a supplemental material/color board with the additional items for the Commission's consideration. Note, the chain link fence will be removed and replaced with a "like" kind fence that is currently around the outdoor decks. Second, the vertical accessway design is the example that we discussed with staff that could potentially be used with other projects in the future.

*Staff Response:*

Applicant's color and materials board and supplemental board are attached as Exhibit D & E respectively. This includes specifications for decking, siding, glazing, boardwalk material, lighting, and proposed stamped concrete for vertical access. The proposed stamped concrete was also printed from the manufacturer's website in order to illustrate a better representation of the faux wood color (Exhibit F).

2. **Gangway Design – 2 foot encroachment:**

*Applicant Response:*

Nothing more needed for this item.

*Staff Response:*

Staff concurs. The plans showing the gangway design are attached at Exhibit H.

3. **Proposed Planning Condition modification**

*Applicant Response:*

Nothing more needed for this item.

*Staff Response:*

Staff concurs. The attached resolution (Exhibit A) for Planning Commission consideration reflects the requested changes to Planning conditions 6, 8, and 9 discussed at the 12/20/2016 meeting.

4. **1993 Approvals/View Corridor:**

*Applicant Response:*

Attached is a copy of the 1993 approvals. The view corridor will remain as proposed at 4 feet (vertical access) which was part of the 1993 entitlements. As a side note, the 1993 plan approved the shed, landscape planters, outdoor decks, fencing and gate. At the time of these approvals, the Waterfront Master Plan did not exist so there were not any

*Applicant Response continued:*

requirements for view corridors or any specific size. The new proposal to enhance the view corridor and work towards consistency with the Waterfront Master Plan in this area will include the following:

- a. The shed and landscape planter adjacent to it will be removed.
- b. The chain link fence will be replaced with a wood fence that is like the existing fence around the outdoor decks.
- c. The fence along the vertical access will be 42" high only for the portions that are adjacent to the vertical access ramp that require the height for building code reasons (to protect the drop off from the grade elevation to the sloping ramp). The balance of the fence will not exceed 30" in height and will be installed in the same location as the existing chain link fence. This fence will provide for some separation and protection of the hotel room that was a window facing the vertical access pathway. This will also be helpful to guide the public in the right direction to access the Harborwalk and not on to the outdoor decks and hotel rooms.
- d. The existing landscape planter will remain which we believe provides ambience to the area as well as working towards the City's goal to provide landscaping on sites. The current plant material is drought tolerant and fairly low so we don't believe demolishing and replanting would be in the best interest of the project.
- e. A cross section detail that shows the ADA ramp/vertical access from the parking lot area to the proposed Harborwalk is included on the revised plan set. This detail shows the elevation changes along the ramp so you can clearly see the area that will need the 42" fence to meet the building code (starts at approximately the end of the building).

*Staff Response:*

Applicant is proposing a 4 foot wide vertical access corridor. For a lease site of this width, and as a two story building the Waterfront Master Plan requires a minimum view corridor of 30% of the lease width which would be 17.4 feet (30% of 58 feet). The second story addition was permitted with the approval of CUP #07-92 (Exhibit F). However, the 1993 approvals predate the Waterfront Master Plan and therefore, the 30% view corridor requirement was not applied to this project. The shed, landscaping and fence within the view corridor were part of the original approvals. The Applicant's proposal does include improving the view corridor by removing the tool shed and adjacent landscape planter. In addition, the existing chain link fence will be removed and replaced with fencing with matches the existing deck fencing (see fence image in Exhibit E). The new fence will be lowered to 30" in height with a portion of the fence to be at 42 inches in height where the Building Code requires a guardrail for safety reasons (see section detail on plans, Exhibit G). The replaced fencing is also proposed to remain in

order to provide visitor safety for hotel guests from the two south-facing guestroom windows. The jade landscaping hedge that runs the length of the walkway is proposed to remain. Staff is recommending a condition of approval be added to require the Applicant to trim and maintain the hedge to a height no higher than 30 inches. (Planning condition 14). In addition, to maximize the view corridor width, staff is recommending a condition of approval be added which would remove all other temporary obstructions such as the small plastic shed against the wall of the building to insure consistency with the Waterfront Master Plan, and which would effectively widen the view corridor from the four foot wide vertical access walkway to an eight foot wide view corridor. (Planning condition 15). This would be the widest view corridor option available without reconstructing the building.

The removal of the view obstructions along with a proposed stamped concrete area to delineate the vertical access would enhance the public coastal access providing a connection point to the new harborwalk/bayside lateral access proposed to be extended and raised to connect to the Salt Building.

#### **5. Pole sign/ Parking:**

##### *Applicant Response:*

~~removal of the pole sign.~~ We marked the 4' access path, two 9' and one 8' parking spaces along the front with blue paint marks and dimensions so that you or the PC members can see the spaces. Since parking is so important on the Embarcadero, we feel that keep the 3 spaces are critical to this project and can be done within the allowed space and without any further modifications to the existing area.

##### *Staff Response:*

Staff met onsite with the Applicant, Representative, and Architect to review with the Architect parking width measurements. The project Architect was able to clearly demonstrate that three on-site parking spaces (2 standard size, 1 compact) can be accommodated without the pole sign encroaching into a parking stall. (Exhibit G).

The prior approvals also show the pole sign previously permitted as well as three parking spaces. The proposed project does not trigger an increase in parking requirements. Under City Council resolution 54-26 which suspends the City's Parking In-Lieu fee program (#37-05), the Applicant could elect to remove one of the parking spaces under this temporary program. However, staff is supportive of maintaining the existing three parking spaces on site and recognizing this approval as two standard spaces and one compact parking space with a condition recommended that the Applicant shall ensure no parking in the vertical access area adjacent to the closest parking stall. See Planning condition 13.

**6. Corridor Maintenance:**

*Applicant Response:*

~~hedges and fence height in the view corridor area.~~ Please see response under #4 above.

---

*Staff Response:*

As stated above paragraph #4, staff is recommending a condition of approval be added to ensure the view corridor is free of obstructions that exceed the maximum height of 30 inches, other than the portion of fence guardrail where required by the California Building Code. (Planning conditions 13 and 14).

**7. Lateral Access Connectivity:**

*Applicant Response:*

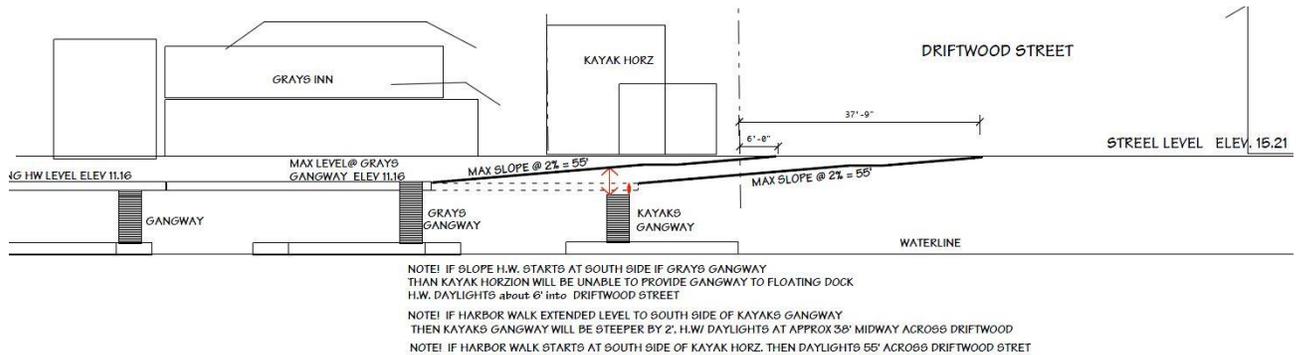
~~forward for lease renewal?~~ We have looked at this and determined that there is an approximate 4' to 5' elevation difference between the Grays' Inn Harborwalk and the street end elevation. It will be a little bit of a challenge to design the Harborwalk to make the ultimate connection to the street end. The Harborwalk elevation at Gray's Inn is set in order to make the connection to the north and not to exceed the ADA slope standards. The Kayak Horizons site has an existing short gangway leading to their docks and will experience the same problem as Gray's Inn (can't shorten the gangway without it being too steep). A photo of the area is attached for review. When that lease site is redeveloped or remodeled, the design options for the Harborwalk will need to be considered. The City does have enough space at the street end area to build a terraced ramp from the proposed Harborwalk elevation to the street elevation. This work will need to be contemplated by the City in the future to solve the accessibility for the area.

---

*Staff Response:*

Attached as Exhibit C is a photo of the west side of Kayak Horizons which shows the elevation difference between the two lease sites. Although the Applicant's proposal will provide for bayside lateral access connection point to the neighboring lease site (Salt Building) to the north by raising and extending the Gray's Inn harborwalk, it is not proposed to connect to the lease site to the south (Kayak Horizons). The Salt Building previously underwent a commercial remodel in 2010-2013 which provided lateral access on its lease site. The Kayak Horizon lease site however expires in late 2018 and City Council has directed the lease site be put out for RFP to solicit potential new leasees. Staff had additional conversation with the Applicant's Architect regarding whether an accessible path of travel could be worked out from the street end to Gray's Inn. The grade differential from the south end of the Gray's Inn lease site to the street end is 4 feet 2 inches, which exceeds the maximum 2% slope for ADA requirements. The Architect was able demonstrate that an accessible path of travel from Gray's Inn to the Driftwood

Street end could be provided, although it would currently impact the gangway at the Kayak Horizon site as shown in the Architect's figure below. When this lease site comes forward for redevelopment, lateral access will need to be addressed.



### **CONCLUSION:**

As revised, the project provides the elements necessary for Planning Commission to review the project both as concept and precise plan. The remodel of the Gray's Inn will provide for an increase in coastal access by extending the partial harborwalk/lateral access and also raising it to connect with the recently constructed lateral access point to the Salt Building lease site to the north. In addition, the vertical access which was approved prior to the adoption of the Waterfront Master Plan now provides for a widened vertical access pathway, removes the shed and landscaping bush, replaces and lowers the existing fence which is consistent with the Waterfront Master Plan.

The project is consistent with the LCP which requires bayside lateral access of a minimum width of eight feet. The proposed enhancements serve to improve enjoyment of the lateral access along the Bay and is therefore consistent with public access and recreation policies. In addition, the proposed single piling and sleeving of existing pilings are necessary to support the new harborwalk lateral access which is intended as public access and is therefore consistent with the Recreation and Access Policies of the LCP.

As conditioned, the proposed project would be consistent with applicable development standards of the zoning ordinance and all applicable provisions of the General Plan and Local Coastal Plan with the incorporation of recommended conditions.

Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for Concept/Precise Plan approval of Conditional Use Permit #UP0-448.

**EXHIBITS:**

- Exhibit A – Planning Commission Resolution 02-17
- Exhibit B – Applicant’s Response Letter dated January 4, 2017
- Exhibit C – Site Photo of Kayak Horizon elevation difference
- Exhibit D – Color and Materials Board
- Exhibit E – Supplemental Color/Material Board
- Exhibit F – Stamped Concrete Wood Planking spec sheet
- Exhibit G – 1993 permit and approved plans for CUP #07-92
- Exhibit H – Plans/ Reductions dated January 3, 2017

\*Complete staff report & attachments for the 12/20/16 Planning Commission meeting available at the following link: <http://www.morro-bay.ca.us/DocumentCenter/View/10381>.

# Exhibit A

## RESOLUTION NO. PC 02-17

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR CONCEPT AND PRECISE PLAN APPROVAL OF CONDITIONAL USE PERMIT (UP0-448) FOR CONSTRUCTION OF NEW HARBORWALK LATERAL ACCESS, INSTALLATION OF 1 NEW PILES, SLEEVE 4 EXISTING PILES, IMPROVEMENTS TO VERTICAL ACCESS, SIDEWALK IMPROVEMENTS AND BUILDING FAÇADE IMPROVEMENTS AT 561 EMBARCADERO, GRAY'S INN

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, on December 20, 2016 and January 17, 2017, for the purpose of considering approval of Conditional Use Permit #UP0-448; and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

### **California Environmental Quality Act (CEQA)**

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-448 is exempt under Class 3c, Section 15303 for New Construction or Conversion of Small Structures which allows for a motel or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 10,000 square feet in floor area and where the surrounding area is not environmentally sensitive based on the eelgrass planning survey prepared by Tenera Environmental dated May 2, 2016.

### **Conditional Use Permit Findings**

- A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the construction of new new harborwalk lateral and vertical access along with sidewalk improvements and building façade improvements and repairs at 561 Embarcadero are permitted uses within the zoning district

and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.

- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed lateral and vertical access will provide greater public coastal access to a visitor-serving commercial use and is consistent with the character of the existing development.

## **Waterfront Master Plan Findings**

- A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:

- a. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, in that the bayside lateral access is improved to allow for easier pedestrian access, enjoyment and better bay views by opening up vertical access to improve view corridor from the street..
- b. The proposed project makes a positive contribution to the working fishing village character and quality of the Embarcadero area in that the new project will add to the availability of boat slips in the bay for recreational or commercial boat rental and also with the creation of an observation deck and deck expansion will maintain and enhance views of the bay.
- c. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and enhanced pedestrian experience in that the project will provide improved lateral public access to the water and docks while assisting in the Harborwalk plan to continue public access along the waterfront as well as create improved view corridor through the vertical access leading to the bayside lateral access. The sidewalk improvements will improve pedestrian accessibility along the Embarcadero and is consistent with the character of the existing development.
- d. The project gives its occupants and the public some variety in materials and/or application in that the harborwalk lateral access will be of wood or aluminum material and the vertical access will be a stained concrete in order to promote public awareness of coastal bayside access.
- e. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new harborwalk public lateral access will be accessible to the public and that is consistent with the character of the existing development.
- f. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition connection point to its immediate

neighbor to the north and will be enhanced by opening up the vertical access along the southerly entrance of the building.

**Architectural Consideration**

A. As required by Ordinance Section 17.48.200 the Planning Commission finds that the architectural treatment and general appearance of all proposed structures and open areas are in keeping with the character of the surrounding areas, are compatible with any design themes adopted by the city, and are not detrimental to the orderly and harmonious development;of the city or to the desirability of investment of occupation in the area.

**Precise Plan Finding**

A. As required by Ordinance Section 17.40.030.G, the Planning Commission finds that the project is developed sufficiently to approve the project as a combined concept/precise plan approval of the conditional use permit.

**Section 2. Action.** The Planning Commission does hereby forward a favorable recommendation to the City Council to approve Conditional Use Permit #UP0-448 as a combined Concept/Precise Plan approval subject to the following conditions:

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated December 14, 2016 and second staff report dated January 11, 2017, for the project at 561 Embarcadero depicted on plans dated January 3, 2017, on file with the Community Development 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 Planning Commission approved plans submitted for UP0-448, 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 Resolution 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. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General

## Exhibit A

Plan and certified 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 Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor 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, the City, 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 MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
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. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use 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 Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

### **Building Conditions:**

1. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

## **Fire Conditions:**

1. Fire Safety During Construction and Demolition. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations (CFC Chapter 33). Compliance with NFPA 241 is required for items not specifically addressed herein. Applicant shall comply with CFC Chapter 33.
2. New construction of Harborwalk extension. An approved automatic fire sprinkler system shall be installed throughout all new buildings and structures on the west side of Embarcadero Road. (Morro Bay Municipal Code (Section 14.08.090(L)(2)). Applicant shall provide automatic fire sprinkler protection beneath the 619 sf. Public Harborwalk structure.
3. Existing floating docks, Standpipes. Marinas and boatyards shall be equipped throughout with standpipe systems in accordance with NFPA 303. Systems shall be provided with hose connections located such that no point on the marina pier or float system exceeds 150 feet from a standpipe hose connection. (CFC 3604.2). The distance from the most distal location on the floating dock is 167 feet to Embarcadero fire department access. Applicant shall provide a Class 1 Standpipe system on the floating dock system.

## **Public Works Conditions:**

1. Applicant shall provide a standard erosion and sediment control plan at building permit submittal. The plan shall show control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
2. The following Public Works notes shall be added to the plans at building permit submittal:
  - a) Any damage, as a result of construction operations for this project, 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.
  - b) 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 Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.
  - c) Due to mandatory water conservation requirements and stormwater requirements no pressure washing is allowed unless it is directly due to professional preparation of exterior painting of property. No discharge of non-stormwater is allowed into the municipal storm drain system and contractor must provide measures to prevent any discharge for entering the stormwater system.

## **Harbor Department:**

1. Applicant shall provide evidence of consent of neighboring lease site owner at 571 Embarcadero for purposes of construction of the two foot gap portion of harborwalk lateral access prior to issuance of a building permit.

## **Planning Conditions:**

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.
2. Prior to issuance of a building permit, the Applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.
3. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval for both the Conditional Use Permit and the Coastal Development Permit 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.
4. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.
5. Floating dock. The floating dock shall be publicly available for general public pedestrian access and either short-term or long-term use by recreational or commercial boats. Signs discouraging the public from walking on the docks during daylight hours are prohibited. The docks shall be open to the general public during at least daylight hours (i.e. one hour before sunrise to one hour after sunset).
6. A Marine Wildlife Contingency Plan shall be developed and approved by the City of Morro Bay prior to the initiation of pile driving activities. This plan shall describe specific methods that will be used to reduce pile-driving noise. Power to the pile driver shall be ramped up to allow marine wildlife to detect a lower sound level and depart the area before full-power noise levels are produced. The plan shall identify a USFWS-approved biologist to monitor all construction within the water-lease area who shall be retained by the applicant. The plan shall describe on-site marine wildlife monitoring and reporting requirements as well as identify specific conditions when the biological monitor shall be allowed to stop work, such as observance of a marine mammal within 100 feet of the project area. The biologist shall be responsible to monitor for compliance with all environmental mitigation measures, and regulatory permit conditions (as applicable). The approved biological monitor shall be present onsite during construction and shall have the

authority to stop construction if any individuals of southern sea otter are seen within 100 feet of the project area. Construction will be allowed to resume after sighted otters have left the 100-foot radius of the project area. The species shall not be disturbed or forced from the project site by equipment, noise, or other disruptive activity. The monitor will have discretionary authority to temporarily halt the project if it is determined that the otter, or other marine mammal, could be affected by the project, even if the animal is beyond the 100-foot boundary. All construction crew employees shall be informed on the requirements of this condition.

7. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs) and shall be included on building plans submitted for approval:
  - a. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
  - b. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
  - c. Barrel Absorbent Pads
  - d. Container Absorbent Granules
  - e. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
  - f. The work area shall be contained within a boom to prevent debris from falling into the water.
  - g. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
  - h. An Absorption Tarp shall be placed underneath any portable equipment while in use.
  - i. No equipment shall be permitted to enter the water with any petroleum products.
  - j. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
  - k. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
  - l. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.
8. Pre- and Post-construction surveys. A survey identifying areas of eelgrass within the lease areas shall be completed within 60 days before start of construction and prior to issuance of a building permit. The survey shall be submitted to the Community Development Director for review as part of the final plans. If additional eelgrass is identified that would be directly shaded by the proposed project, then the report shall identify remedial measures to offset such reduction within the eelgrass beds at a ratio of 1.2:1 in line with the specifications for mitigation of eelgrass habitat as provided for in

## Exhibit A

the California Eelgrass Mitigation Policy. A post construction survey identifying areas of eelgrass shall be completed within 30 days and the report due within 90 days of completion of construction. Any change in eelgrass extent shall be documented and reported to the Community Development Director. If the report identifies a reduction in eelgrass coverage then a plan shall be prepared to identify the appropriate mitigations necessary and in line with the specifications for mitigation of eelgrass habitat as provided for in the California Eelgrass Mitigation Policy, dated October 2014.

9. Prior to issuance of a building permit, a pile driving plan and hydroacoustical noise mitigation plan shall be submitted to the Community Development Director to ensure that underwater noise generated by pile driving activities is minimized to the maximum extent feasible and does not exceed: (1) an accumulated 187 dB SEL as measured 5 meters from the source; and (2) peak dB above 208 dB as measured 10 meters from the source as determined by the Fisheries Hydroacoustic Working Group. In the instance anything other than a vibratory hammer is to be used for pile driving activities, the plan shall provide for a hydro-acoustical monitor to ensure that underwater noise generated by pile driving activities does not exceed such limits. The plan shall identify the type of method used to install pilings. Vibratory hammers shall be used where feasible; if another method is used, a bubble curtain shall be employed to contain both noise and sediment. The plan shall also provide for additional acoustical BMPs to be applied if monitoring shows underwater noise above such limits (including, but not limited to, alternative pile driving methods (press-in pile placement, drilling, dewatered isolation casings, etc.) and additional noise dampening measures (sound shielding and other noise attenuation devices).
10. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.
11. To reduce potential turbidity-associated impacts, silt screens should be used when and where they will be effective. The relatively high tidal currents within Morro Bay could reduce the effectiveness of silt screens and should be considered prior to placing of these screens.
12. Applicant shall include sign specifications for all signs on site that demonstrate compliance with the sign ordinance requirements found in Title 17.68 of the Morro Bay Municipal Code.
13. Applicant shall maintain vertical access free of any obstructions, including but not limited to parked vehicles.
14. Applicant shall trim and maintain the jade landscaping hedge located along the length of the coastal access walkway on the south side of the building to a height no higher than 30 inches at all times.
15. Applicant shall maintain the view corridor on the south side of the Grays Inn building

Exhibit A

with no view corridor obstructions other than the fencing per approved plans for #UP0-448.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 17th day of January, 2017 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

Robert Tefft, Chairperson

ATTEST

---

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 17<sup>th</sup> day of January, 2017.



CATHY • NOVAK

consulting

RECEIVED

JAN 04 2017

City of Morro Bay  
Community Development Dept.

January 4, 2017

Ms. Cindy Jacinth  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: 561 Embarcadero Road project

Dear Cindy,

I wanted to take this opportunity to respond to the questions and requests from the December 20, 2016 Planning Commission meeting. You provided a list of items which I have below with our responses.

1. *Provide the required Precise Plan submittal items such as color and materials board, trash and recycle can details, lighting plan, etc. (Note, I did find this morning the color and material board originally submitted by you with this application). Attached please find a supplemental material/color board with the additional items for the Commission's consideration. Note, the chain link fence will be removed and replaced with a "like" kind fence that is currently around the outdoor decks. Second, the vertical accessway design is the example that we discussed with staff that could potentially be used with other projects in the future.*
2. *The PC was supportive of the design encroaching into the lateral access by 2 feet in the area of the gangway as discussed in the staff report. Nothing more needed for this item.*
3. *The PC was supportive of the requested modifications to Planning conditions 6 and 8, but not 9. The feedback was to modify condition 9 to state, "hydroacoustical noise mitigation plan" instead of hydroacoustical monitoring plan. Nothing more needed for this item.*
4. *Provide information on what the building approvals looked like with the 1993 CUP, specifically in regards to view corridor. The concern was that there is an existing storage shed in the way, and a parking space intrudes on the view corridor. The PC would like to see the view corridor restored. Attached is a copy of the 1993 approvals. The view corridor will remain as proposed at 4 feet (vertical access) which was part of the 1993 entitlements. As a side note, the 1993 plan approved the shed, landscape planters, outdoor decks, fencing and gate. At the time of these approvals, the Waterfront Master Plan did not exist so there were not any*

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NOVAKCONSULTING@CHARTER.NET

## Exhibit B

requirements for view corridors or any specific size. The new proposal to enhance the view corridor and work towards consistency with the Waterfront Master Plan in this area will include the following:

- a. The shed and landscape planter adjacent to it will be removed.
  - b. The chain link fence will be replaced with a wood fence that is like the existing fence around the outdoor decks.
  - c. The fence along the vertical access will be 42" high only for the portions that are adjacent to the vertical access ramp that require the height for building code reasons (to protect the drop off from the grade elevation to the sloping ramp). The balance of the fence will not exceed 30" in height and will be installed in the same location as the existing chain link fence. This fence will provide for some separation and protection of the hotel room that was a window facing the vertical access pathway. This will also be helpful to guide the public in the right direction to access the Harborwalk and not on to the outdoor decks and hotel rooms.
  - d. The existing landscape planter will remain which we believe provides ambience to the area as well as working towards the City's goal to provide landscaping on sites. The current plant material is drought tolerant and fairly low so we don't believe demolishing and replanting would be in the best interest of the project.
  - e. A cross section detail that shows the ADA ramp/vertical access from the parking lot area to the proposed Harborwalk is included on the revised plan set. This detail shows the elevation changes along the ramp so you can clearly see the area that will need the 42" fence to meet the building code (starts at approximately the end of the building).
5. *Provide additional detail on the existing pole sign that encroaches into the northernmost parking spot, and specifically whether when the vertical access is opened up and the parking lot is re-striped, if that will still yield a usable compliant parking spot. The concern here is that if the parking spaces are too narrow, then parked cars will or may park over the line and incrementally encroach onto vertical access. The comment was discussed whether a wall or raised sidewalk should be installed in order to prevent cars from parking onto the stained concrete vertical access. Also, if the parking spaces are too narrow and the pole encroaches into the parking spot, it could create a nexus to require removal of the pole sign. We marked the 4' access path, two 9' and one 8' parking spaces along the front with blue paint marks and dimensions so that you or the PC members can see the spaces. Since parking is so important on the Embarcadero, we feel that keep the 3 spaces are critical to this project and can be done within the allowed space and without any further modifications to the existing area.*

## Exhibit B

6. *Corridor Maintenance – The PC discussed the possibility of removing the side private motel deck and remove the private fence gate, in order to yield a wider pedestrian view corridor. Also discussed was height of hedges and fence height in the view corridor area. Please see response under #4 above.*
7. *Is there a connectivity potential from the proposed harborwalk lateral access to connect to Kayak Horizons when that future project comes forward for lease renewal? We have looked at this and determined that there is an approximate 4' to 5' elevation difference between the Grays' Inn Harborwalk and the street end elevation. It will be a little bit of a challenge to design the Harborwalk to make the ultimate connection to the street end. The Harborwalk elevation at Gray's Inn is set in order to make the connection to the north and not to exceed the ADA slope standards. The Kayak Horizons site has an existing short gangway leading to their docks and will experience the same problem as Gray's Inn (can't shorten the gangway without it being too steep). A photo of the area is attached for review. When that lease site is redeveloped or remodeled, the design options for the Harborwalk will need to be considered. The City does have enough space at the street end area to build a terraced ramp from the proposed Harborwalk elevation to the street elevation. This work will need to be contemplated by the City in the future to solve the accessibility for the area.*

Sincerely,



Cathy Novak  
Project representative

cc: Mr. Todd & Tamara Baston

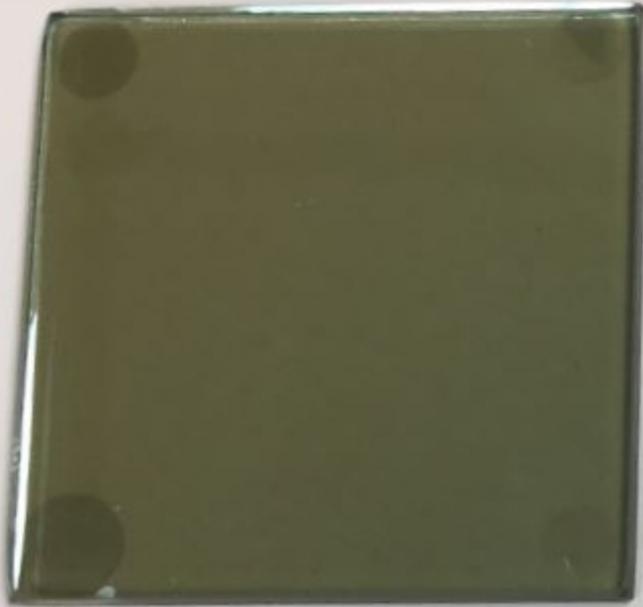
Attachments:

Revised plans  
1993 site plan  
Kayak Horizon photo

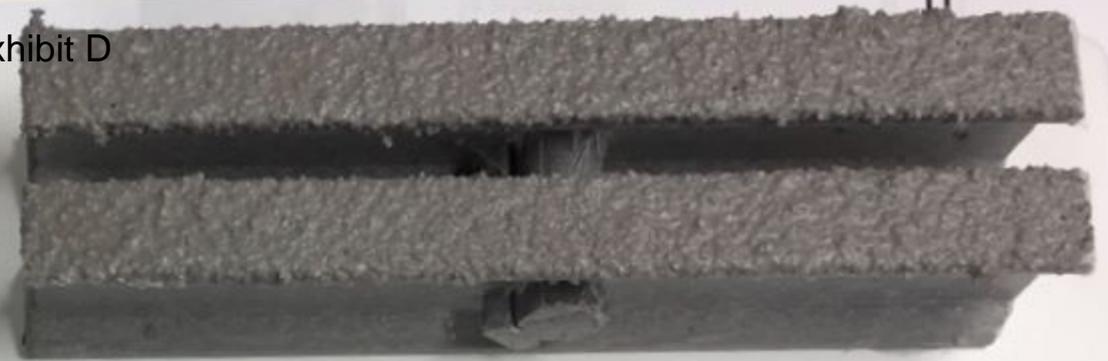


Exhibit C





**PRIVACY GLAZING**  
50% REFLECTIVE GRAY/GREEN



**F.R.P. 50% GRATING**  
GRAY

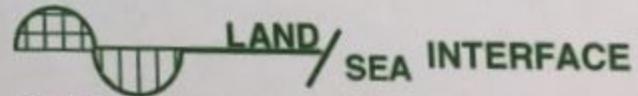


**HARBORWALK DECKING**  
GRAY



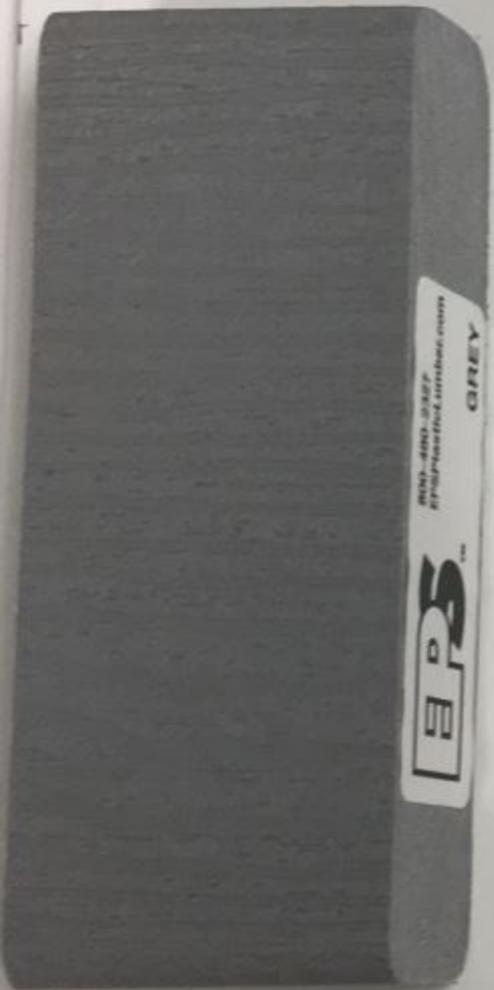
**HARDI-PLANK SIDING**  
GRAY

**GRAY'S INN**  
COLOR / MATERIAL BOARD



0018794-357941  
Marine workshop  
201 Main St.  
Morro Bay, Calif. 93442  
1-805-772-8438  
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Morrobay@gmail.com

- ARCHITECT
- CONSULTANT
- CONSTRUCTION  
MARINE  
COMMERCIAL  
RESIDENTIAL



PHASE 3 NEW GRAY HARDI-PLANK SIDING

PHASE 3 NEW GRAY TREX DECKING



Exhibit E



STAMPED CONCRETE  
VERTICAL PUBLIC ACCESS  
PENDING APPROVAL OF  
PLANING DEPT.

# GRAYS INN SUPPLEMENTAL COLOR/MATERIAL BOARD

Raw Copper Louver Recessed Step Light PRLC-HS-DV  
Raw Copper Louver Recessed Step Light PRLC-HS-DV



LOW LEVEL WALKWAY LIGHTING



EXISTING POST/RAILING @ DCK



NEED ASSISTANCE? CALL US 1-800-800-9900



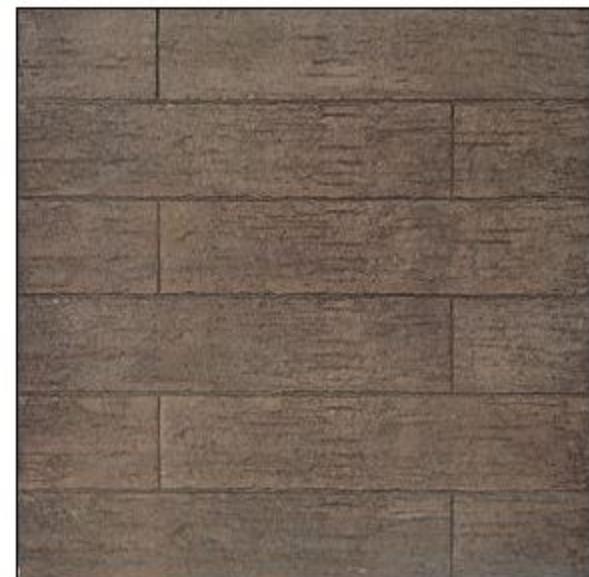
BUILDING TRUST



L. M. Scofield Company - A SIKI COMPANY

# LITHOTEX® Pavecrafters® WOOD

RANDOM INTERLOCKING PATTERNS



**Pattern:**

Weathered Wood - Interlocking Plank

**Texture Description:**

Surface texture is that of worn oak boards. Edges are beveled along the length of each board. Ends are saw-cut. Corners are square.

**Tool size (inches):**

8 x 96

**Order number:** 510A, 510B (P,S,F)

**Also available:**

Weathered Wood Filler Tool - order number 5130

LITHOCHROME® Color Hardener A-55 Pecan Tan  
LITHOCHROME® Antiquing Release 1290 Cordovan Brown  
SCOFIELD® Cureseal-W™ Semi Gloss has been used on all samples.

[View the complete listing of LITHOTEX® Pavecrafters® Concrete Stamping & Texturing Tools](#)

[Return to LITHOTEX® Pavecrafters® Patterns](#)

[Product News](#)



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CUSTOMER SERVICE 1-800-800-9900

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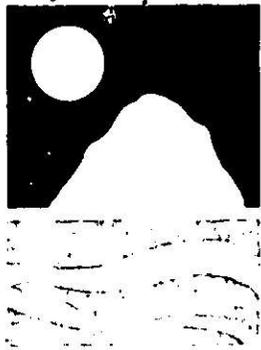


Exhibit G  
**City of Morro Bay**

595 Harbor St. • Morro Bay, CA 93443-1900 • 805-772-6200

February 18, 1993

Robert Gray  
2961 Juniper  
Morro Bay CA 93442

RE: Case No. CUP 07-92; 561 Embarcadero

Dear Mr. Gray:

At its regular meeting on February 16, 1993 the Planning Commission reviewed and approved the Precise Plan for your Conditional Use Permit to allow the expansion of your existing commercial use located at 561 Embarcadero, with conditions.

This action does not constitute a building permit. Any further processing of this project must be initiated by the applicant, subject to the applicable rules and regulations of the Morro Bay Municipal Code. Please be advised that you must return the Acceptance of Conditions form, signed, to this department within thirty (30) days of this approval or the action is null and void (see condition number 7, attached).

Sincerely,

  
Donald J. Funk, Director  
Community Development Department

Enclosures: Permit and conditions

cc: Gene Doughty, 261 Main Street, Morro Bay CA 93442

CITY HALL  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC WORKS  
695 Harbor Street

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Blvd.

RECREATION AND PARKS  
1001 Kennedy Way

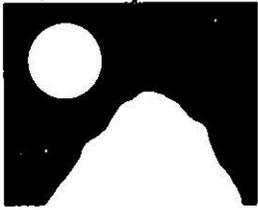


Exhibit G  
**City of Morro Bay**

595 Harbor St. • Morro Bay, CA 93443-1900 • 805-772-6200

**P E R M I T**

**CONDITIONAL USE PERMIT PRECISE PLAN**

CASE NO: CUP 07-92

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 561 EMBARCADERO

APPLICANT: R. GRAY

APN/LEGAL 66-352-17&43; LEASE SITES 63, 63W/ 64, 64W

DATE APPROVED: 2/16/93

APPROVED BY: PLANNING COMMISSION

APPROVED BASED UPON FINDINGS CONTAINED IN THE STAFF REPORT  
DATED: 2/16/93

CEQA DETERMINATION: CLASS 1 CATEGROICAL EXEMPTION

DESCRIPTION OF APPROVAL:

EXPAND EXISTING COMMERCIAL BUILDING; 456 SQUARE FOOT SECOND FLOOR MOTEL  
UNITM 327 SQ.FT. ADDITION TO SECOND FLOOR OFFICE AND 400 SQ.FT. ADDITION  
TO SECOND FLOOR FOR GALLERY AND FRAMING AREA.

THIS APPROVAL IS CONDITIONAL - VALID ONLY IF CONDITONS (ATTACHED) ARE MET

DATE PERMIT IS EFFECTIVE (FOLLOWING APPEAL PERIOD): NONE

ATTEST: *[Signature]*  
TITLE: Secretary of the Planning Commission

DATE: 2/18/93

THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT

CITY HALL  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC WORKS  
695 Harbor Street

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Blvd.

RECREATION AND PARKS  
1001 Kennedy Way

CONDITIONS OF APPROVAL  
CASE NO. CUP 07-92R Precise Plan

A. General Standard Conditions:

1. Exhibits: This request is granted for a Precise Plan on the land described in the application and any attachments thereto, and as shown on Exhibit A, and on file with the Community Development Department. The locations of all buildings and other features shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Unless recorded not later than one year 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, an extension for not more than one additional year may be granted by the Community development Director, upon findings that the project complies with all applicable provisions of the Morro bay Municipal Code in effect at the time of the extension request.
3. Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment to be considered by the Subdivision Review Board.
4. 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.
5. The applicant, as a condition of approval, hereby agrees to defend, indemnify or 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 and execution of all conditions listed hereon shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the community Development Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement 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.

CUP 07-92 Precise Plan  
Conditions of Approval

7. Prior to obtaining a building permit and within thirty (30) days hereof, the applicant shall file with the Director of Planning and Community development written acceptance of the conditions stated herein.

B. BUILDING & SITE CONDITIONS

1. Colors and Materials: Prior to issuance of a zone clearance, the Director of Community Development shall ensure compliance of all exterior colors and materials, including fencing materials as approved on Exhibit(s) on file. All other colors and materials not so specifically approved may be approved by the Director according to the following objectives: achieve compatibility with colors and materials used in the on-site improvements; achieve compatibility with the architectural design of the improvements; achieve compatibility with surrounding land uses and properties; preserve the character and integrity of the zone.
2. Water Saving Devices: Water saving devices shall be installed in the project in accordance with the policies of the Morro Bay Coastal Land Use Plan and as approved by the Building Official.
3. Undergrounding of Utilities: All on-site utilities including electrical, telephone and cable television shall be installed underground.
4. Screening of Equipment: All roof-mounted air conditioning, or heating equipment, vents or ducts shall be screened from view in a manner approved by the Director of Community Development.
5. Screening of Trash Storage: All trash enclosures shall be functionally located aesthetic extensions of the main structure with a minimum wall height of five (5) feet. Reasonable effort shall be made to locate enclosures in a manner which will not interfere with the reasonable use of adjoining properties or endanger the health or safety of persons in the subject property.
6. Exterior Lighting: Prior to issuance of building permit an exterior lighting program shall be approved by the Community Development Director. The system shall be low level with a height of fixture not to exceed a maximum of 20 feet and shall achieve the following objectives; avoid interference with reasonable use of adjoining properties; minimize on-site and off-site glare; provide adequate on-site lighting; limit electroliers' height to avoid excessive illumination; provide structures which are compatible with the total design of the proposed facility.
7. Signage: The total signing program shall conform to Chapter 17.68. A sign permit is required prior to the issuance of a building permit for occupancy.

CUP 07-92 Precise Plan  
Conditions of Approval

8. Public Access: As part of the Precise Plan submitted and prior to issuance of building permit a public access program including signage shall be submitted to the Community Development Director for review and approval based on the recommendation of the Planning Commission as shown on Exhibit 1.
9. Water Equivalencies:
  - a. Prior to issuance of a Building Permit, the Community Development Director shall verify that the necessary water equivalencies have been met for the size of the project and the nature of proposed occupancy.
  - b. If a water equivalency has been allocated to the project by the City of Morro Bay, the applicant shall abide by MBMC Section 13.20 pertaining to Water Equivalencies. Following the issuance of a building permit and just prior to Final Occupancy, applicant shall submit a Title Report to the Building Official, for verification of ownership.
10. Design Review: Prior to issuance of a building permit, the Director shall review the architectural elevations of the building based upon the plans approved by the Planning Commission and incorporating the following elements: the redesign of the roof and articulation of the second floor to preserve and enhance the view corridor.
11. Dust Control: That prior to issuance of a grading permit or zone clearance, a method of control to prevent dust and wind blow earth problems shall be submitted to and approved by the Building Official.
12. In Lieu Parking Fees: Prior to the issuance of a building permit, the applicant shall provide an off-site parking agreement for approval by the City or shall pay a fee for the purpose of public parking improvements. Said fee, if feasible and approved by the City, may be incorporated into the Lease Site payments and paid over time. Such monies shall be placed in a special fund to be used for this purpose. Said fees shall be equal to \$4000 for each in lieu parking spaces.
13. Geotechnical Report: Prior to issuance of a building permit, a geotechnical report shall be submitted to the Community Development Department. The report will address the structural integrity of the revetment and the soils on site.
14. Parking Spaces: Shall provide a minimum of three spaces of 10 feet by 20 feet each on site.
15. Building Height: Shall not exceed 20'9" above natural grade.

CUP 07-92 Precise Plan  
Conditions of Approval

16. Deed Restrictions: Prior to issuance of building permit, a deed restriction in form and content acceptable to the City Attorney shall be recorded in perpetuity to prohibit the use of the motel units as residential units.

C. LANDSCAPING CONDITIONS

1. Landscape and Irrigation Plan: Prior to the issuance of a Building Permit, a landscaping plan shall be submitted to include details of the number, size, location and type of species for all plant materials. In addition, the landscaping plan shall include the proposed method and location of irrigation. The plan shall also include fencing details and screening of the trash enclosure. A variety of native and drought resistant plant and tree species shall be used wherever possible. The landscaping plan shall be approved by the Director.
2. Landscaping Protection: All landscaping and planting within paved areas shall be contained within raised planters surrounded by six (6) inch concrete curbs.
3. Protection of Existing Trees: The developer shall protect and preserve existing trees on project site to the extent practicable. The developer shall consult with the Community Development Director to achieve the following goals: eliminate crowding; eliminate dead, dying or diseased trees; protect root structures from grading; top trees for the safety of persons and property and the continued health of the remaining trees; provide sufficient irrigation, pruning, fertilization, weed control, pest and animal control and disease control to insure continued health. The loss or removal of the healthy existing trees is described as constituting an irreversible loss of a valuable resource or other environmental value shall be replaced by the developer as a mitigation measure with new tree(s) to be approved by the Community Development Director.
4. Timing of Landscaping: All required plantings shall be in place prior to establishment of a use or issuance of a Certificate of Occupancy.

CUP 07-92 Precise Plan  
Conditions of Approval

5. Maintenance of Landscaping: All required plant materials shall be maintained in a clean and neat condition. All landscaping shall be cared for, maintained, watered, fertilized, fumigated, pruned and kept in a healthy growing condition. Where a required planting has not survived, it shall be promptly replaced with new plant materials having similar functional characteristics and a size either equivalent to or exceeding the original size.

D. PUBLIC WORKS CONDITIONS

1. Off-Site Public Improvements: The applicant shall submit engineering drawings and cost estimates for a;; proposed off-site improvements for review by the City Engineer and cost estimates. Upon approval of the design drawings, the applicant shall deposit a financial security with the City in the amount of 150% of the estimated construction cost prior to the issuance of a building permit.
2. Grading & Drainage Plan: The applicant shall submit a grading and drainage plan with calculations to demonstrate the proposed on-site drainage facilities will handle the peak runoff from a 25-year storm. Surface disposal of drainage over sidewalks or driveways is prohibited. The applicant shall construct on-site inlets and through-curb drainage facilities in accordance with City standards.
3. Encroachment Permit: An Encroachment Permit issued by Department of Public Works is required for all work within the public right-of-way prior to issuance of a building permit or recordation of a final map.
4. Non-Protest Agreement: The applicant shall enter into a binding agreement with the city to not protest the inclusion in any future improvement assessment district which includes the property that may be formed for the purpose of constructing public improvements benefitting the property.

E. FIRE DEPARTMENT

1. Fire Suppression: All provisions for fire suppression shall be in accordance with the Uniform Fire Code of the City of Morro Bay.
2. Address Numbers: Address numbers shall be of contrasting color to the background and shall be readily visible at night. The numbers shall be subject to approval of the Director of Community Development and the Fire Chief.
3. Fire Extinguishers: All fire extinguishers shall be installed in accordance with National Fire Protection Association Standard #10.





CASE NO. 0  
EXHIBIT 0

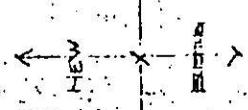
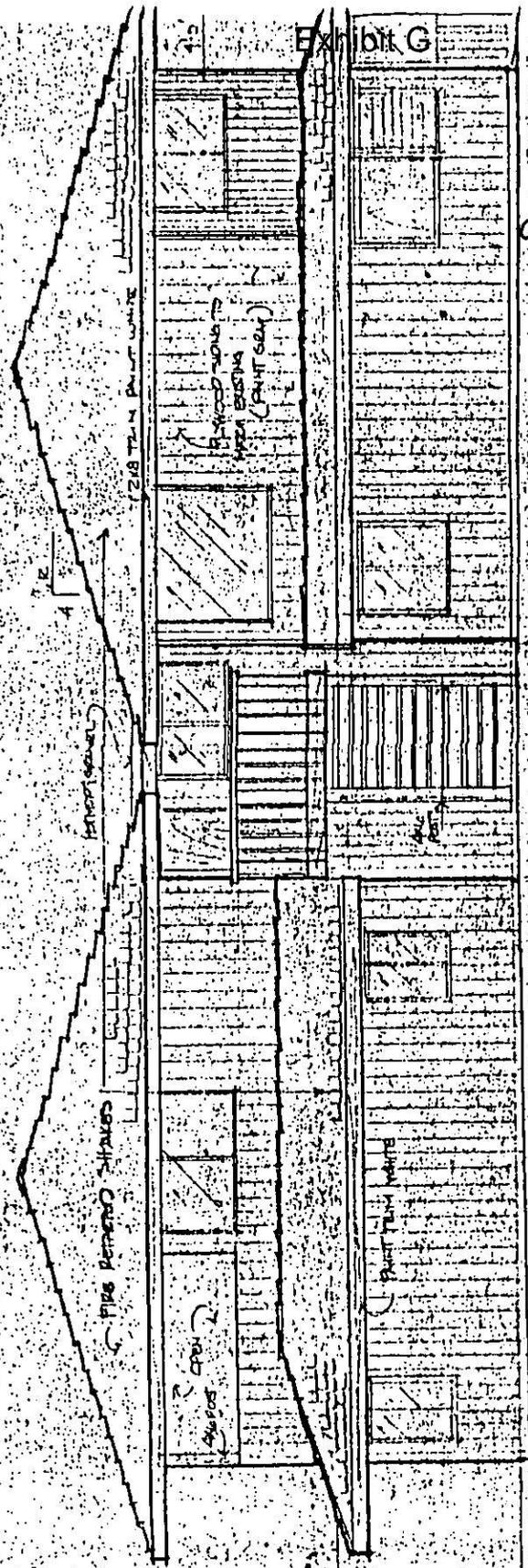
Wp 07-92 P

JAN 20 1993  
E. D. ...

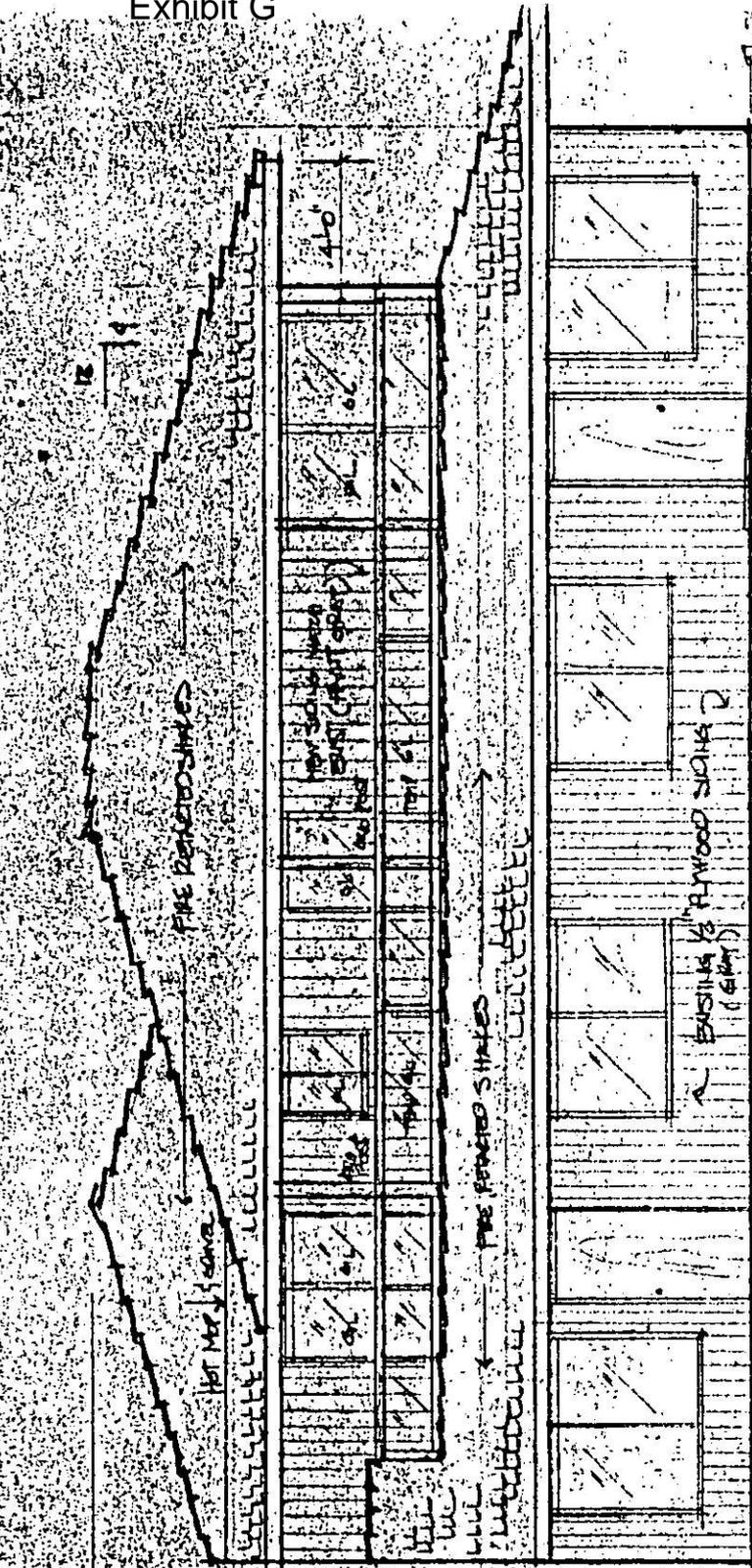
SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT G



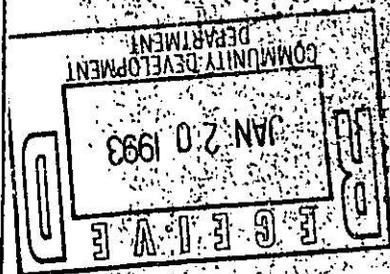
CWP-07-92  
EXHIBIT  
BRAND



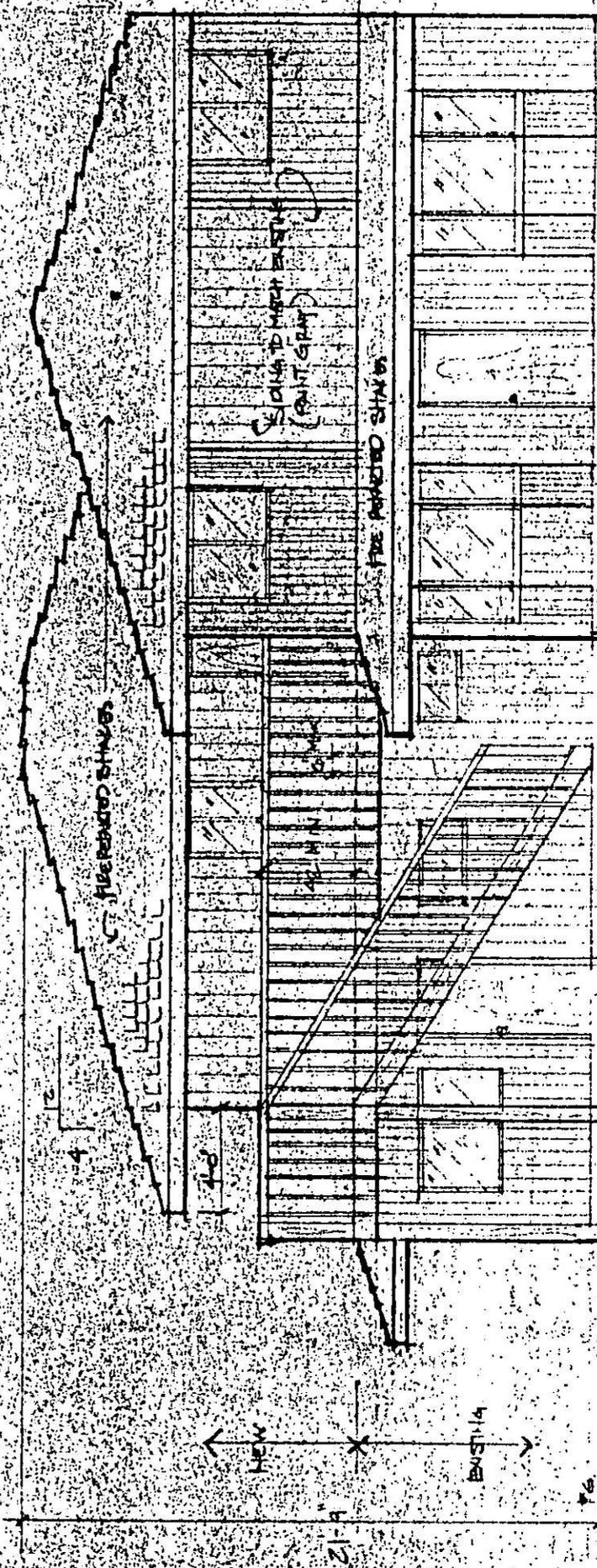
WEST ELEVATION

SCALE: 1/4" = 1'-0"

COMMUNITY DEPARTMENT



CASE NO. *CP07-92*  
EXHIBIT *F*



EAST ELEVATION

5-21-88



EXISTING FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

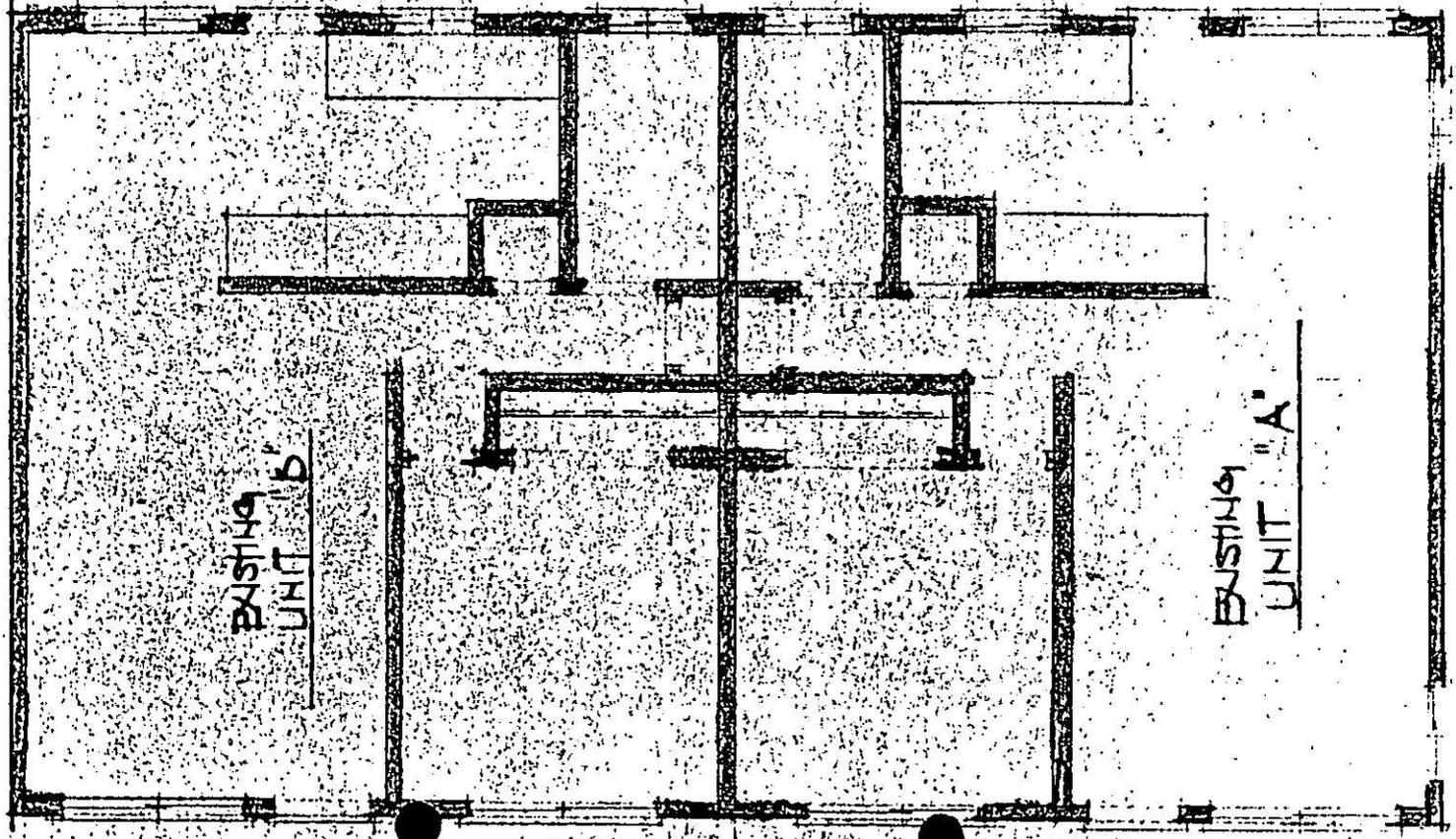
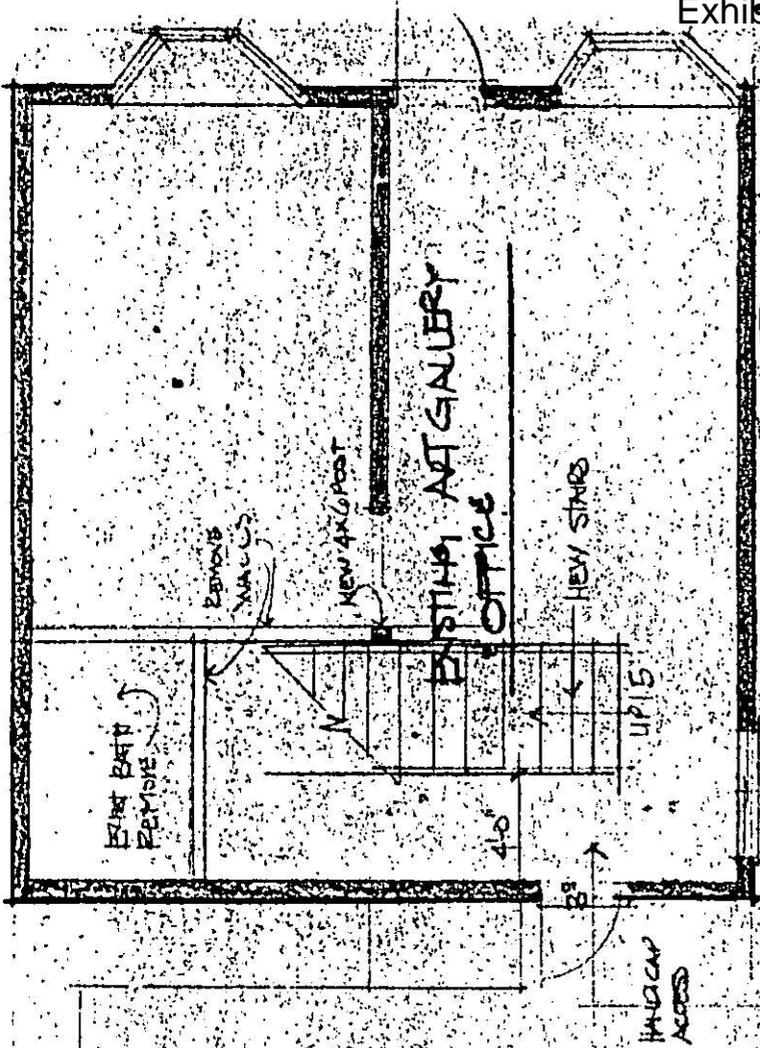




Exhibit G

38"

SCULPTURED  
WOOD  
NATURAL COLOR

4"x4"

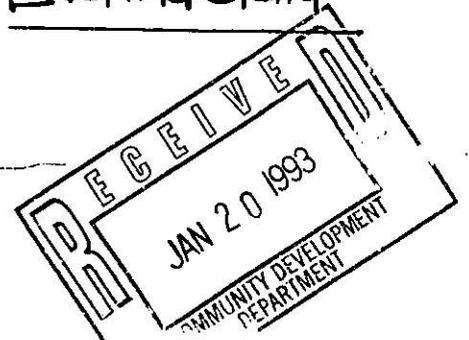
BLUE

WHITE

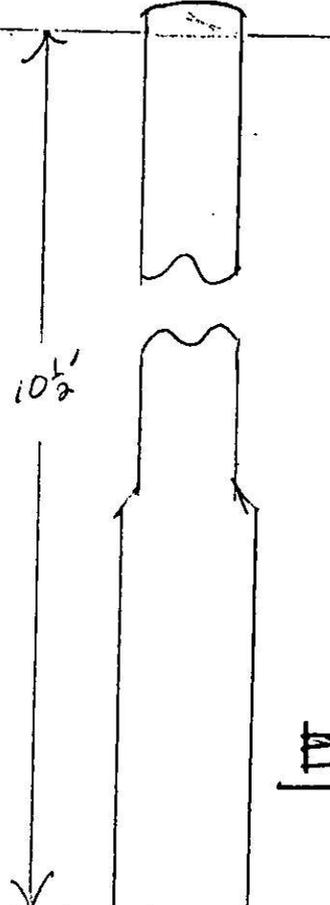
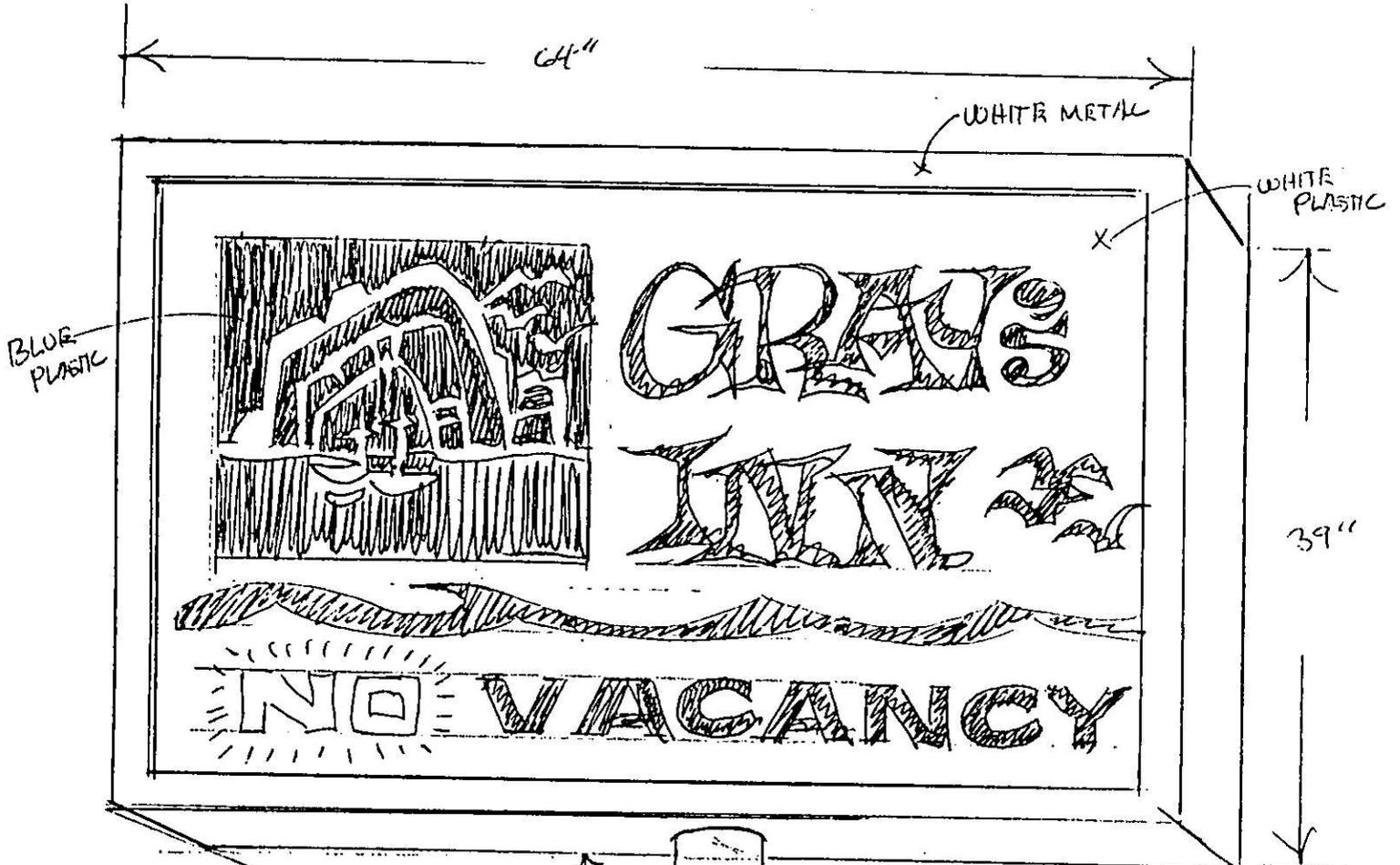
20"

51"

EXISTING SIGN



Cup 01-92  
 CASE NO. \_\_\_\_\_  
 EXHIBIT H



EXISTING SIGN

CASE NO. Cup 07-92  
 EXHIBIT I

# GENERAL NOTES

THE CONSTRUCTION COORDINATOR'S INFORMATION SHALL BE POSTED ON SITE. CONSTRUCTION COORDINATOR SHALL BE GENE DOUGHTY, LAND/SEA INTERFACE 805-772-8436

CONTRACTOR SHALL HAVE ON SITE 2015 COPY OF C.B.C., ALL WORK SHALL COMPLY W/ 2011 C.B.C., 2015 UMC, 2015 NEC, 2015 UPC 2015 CALIF TITLE 24, CITY OF MORRO BAY, CODES AND REQUIREMENTS, CONDITIONS OF APPROVAL CALIFORNIA COASTAL COMMISSIONS STANDARD AND SPECIAL CONDITIONS CALIFORNIA BOATING AND WATERWAYS GUIDELINES.

CONTRACTOR SHALL NOTIFY ARCHITECT AND OWNER PRIOR TO CHANGES OF CONSTRUCTION FOR APPROVAL. CARPENTRY ALL STRUCTURAL LUMBER SHALL BE GRADED IN ACCORDANCE W/ W.C.L.A.

NOTE! ARCHITECT SHALL SUBMIT REPORT TO CITY OF THE PLACEMENT OF PILING FOLLOWING PLACEMENT OF THE PILING

NOTE!

CONSTRUCTION PRACTICES SHALL BE AS REQUIRED BY CITY OF MORRO BAY CODES AND REQUIREMENTS, CALIFORNIA COASTAL COMMISSION CONDITIONS OF APPROVAL.

SILT SCREENS SHALL BE PLACED WITHIN THE AREA OF ALL IN-WATER CONSTRUCTION OR DISTURBANCE TO REDUCE POTENTIAL TURBIDITY ASSOCIATED IMPACTS. ALL CONSTRUCTION SHALL OCCUR WITHIN THE PROJECT FOOTPRINT.



PROJECT SITE

VICINITY MAP

NO SCALE



VICINITY PHOTO

# LEGAL DESCRIPTION

OWNERS----- TODD & TAMARA BASTON  
409 PIONEER DR.  
GLENDALE, CALIF. 91203

SITE ADDRESS----- 561 Embarcadero  
MORRO BAY, CALIF  
LEASE SITES----- 63,63W-64, 64W  
Morro Bay, California  
COUNTY OF SAN LUIS OBISPO, CALIFORNIA

APN. ----- PARCEL 9 OF PARCEL MAP MORRO BAY 68-30  
ZONE----- H. WF. (PD/S.4)

# SITE INFORMATION

## LEASE INFORMATION

LAND LEASE	4801 S.F.
WATER LEASE	2900 S.F.
TOTAL LEASE AREA	7701 S.F.
BUILDING COVERAGE	1750 S.F.
(E)PAVEMENT/DECKING	2615 S.F.
PROPOSED ADDITIONAL DECKING	110 S.F.
LANDSCAPE COVERAGE	218 S.F.
BUILDING USE	MIX USE GROUP B-2/R1
TYPE	V

## FLOATING DOCK INFORMATION

FLOATING SLIP AREA --- 458 S.F.  
TOTAL SLIP LENGTH----- 103 LF.

SLEEVE 4 EXISTING TREATED PILING TO REMAIN SAME LOCATION 4  
ADDITIONAL NEW STEEL/EPOXY PILING INSTALLED----- 1

# INDEX TO DRAWINGS

- A-1 COVER SHEET, GENERAL NOTES  
SITE PLAN
- A-2 ARCHITECTURAL FLOOR PLAN  
ELEVATIONS, SIGNAGE  
PHOTOS



1 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering  
A sign that states "Caution: due to fluctuation of water elevation, this dock/pier is only accessible between tidal elevations of +7' to 0. Use with caution, to be located @ top of gangway access."



3 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering  
WORKING WATERFRONT HISTORICAL INFORMATION as supported by City of Morro Bay & C.C.C.



2 SECURITY SIGN @ TOP OF GANGWAY  
SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES ON CHAIN GUARD w/ white background & blue lettering



4 SIGNAGE SHALL BE 24" WIDE X 18" HIGH METAL SIGN W/ IMAGES MOUNTED FLAT ON 4X4 POST w/ white background & blue lettering  
PUBLIC BOARDWALK TO REMAIN OPEN 24 HOURS A DAY to be located upcoast & downcoast & entrance to courtyard

# EELGRASS PLANNING, SURVEY BY TENERA ENVIROMENTAL 5-2-16

SUBJECT TO CALIFORNIA EELGRASS MITIGATION POLICY.

LEDGEND

EELGRASS	
UNVEGETATED	
EXEMPT	

## REFERENCE NOTES

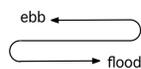
REFERENCE # 1 SOUTH AREA

EELGRASS AREAS	0.25 M
SOUTH EELGRASS	49.02 SQ. M
UNVEGETATED AREAS	0.00 M
AMOUNT OF INTRUSION	29.3 SQ.M
SOUTH AREA	
EXEMPT AREA	

REFERENCE #2 NORTH AREA

NORTH EELGRASS	0.01 M
UNVEGETATED AREAS	43.63 SQ.M
AMOUNT OF INTRUSION	0.40 M
NORTH AREA	
EXEMPT AREA	29.9 SQ.M

# MORRO BAY

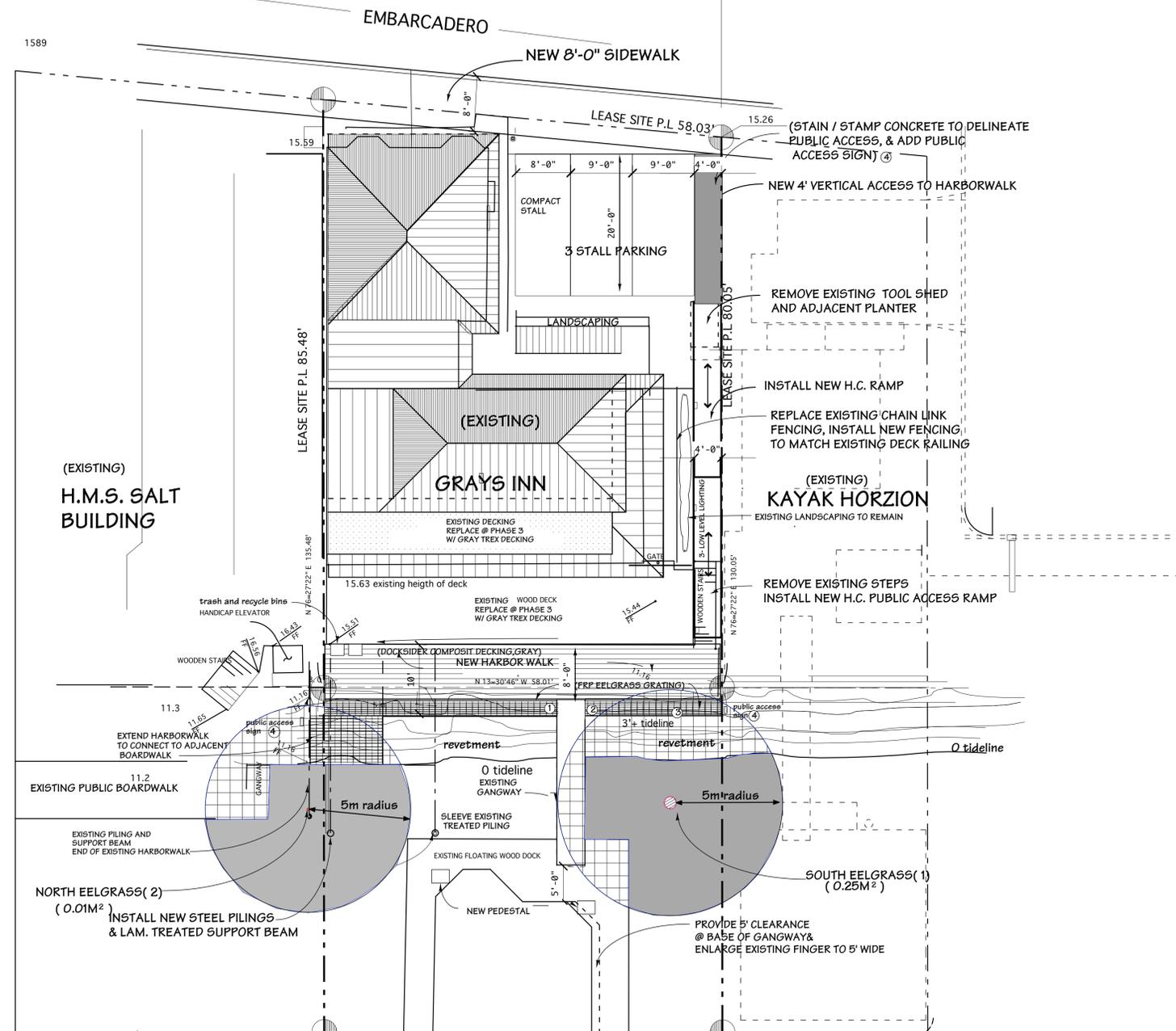


# EXISTING & PROPOSED LEASE SITE IMPROVEMENTS

SCALE 1"= 10'-0"



PROJECT NORTH



LAND/SEA INTERFACE  
1-805-772-8436  
GENE DOUGHTY-ARCHITECT  
C 18794

Gray's Inn improvements  
561 EMBARCADERO, MORRO BAY, CALIF

GENERAL NOTES  
LEGAL DESCRIPTION  
SITE INFORMATION  
LEASE SITE IMPROVEMENTS  
EELGRASS INFO

SCALE: AS NOTED  
DRAWN: GD

8-12-16  
8-26-16  
10-25-16  
11-15-16  
11-15-16  
12-22-14  
1-10-16

1-17-13  
5-2-16  
6-4-16  
6-15-16  
8-22-14  
8-25-16  
9-22-14  
12-22-14  
7-11-16

SHEET  
A-1  
OF 2 SHEET





AGENDA NO: B-2

MEETING DATE: January 17, 2017

## Staff Report

**TO:** Planning Commissioners

**DATE:** January 17, 2017

**FROM:** Joan Gargiulo, Assistant Planner

**SUBJECT:** **Special Use Permit (UP0-466) Request** to allow for the Pewter Plough Players, Inc. to stage live theater performances in the parish hall of the existing St. Peter's Episcopal Church at 545 Shasta Avenue located within the R-2 Residential Zoning District.

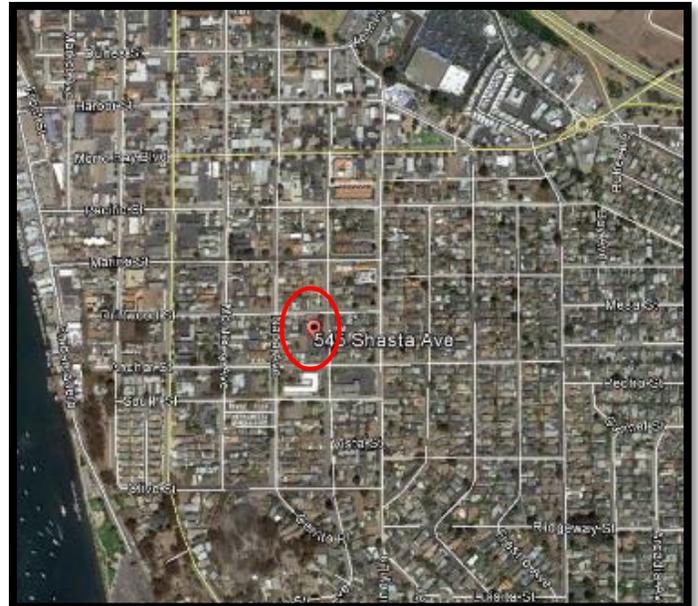
### **RECOMMENDATION:**

*Approve Special Use Permit No. UP0-466 by adopting Planning Commission Resolution 03-17 including the following action (s):*

1. Approve the Class 1, Section 15301 Categorical Exemption in accordance with applicable provisions of the California Environmental Quality Act
2. Adopt the findings and conditions of approval included in Planning Commission Resolution 03-17 (Exhibit A) and the site development plans.

**APPLICANTS:** Reverend Sidney Symington and The Pewter Plough Players, Inc. Doing Business as 'By the Sea Productions'

**LEGAL DESCRIPTION/APN:** 066-144-011



Vicinity Map

Prepared By: \_\_JG\_\_

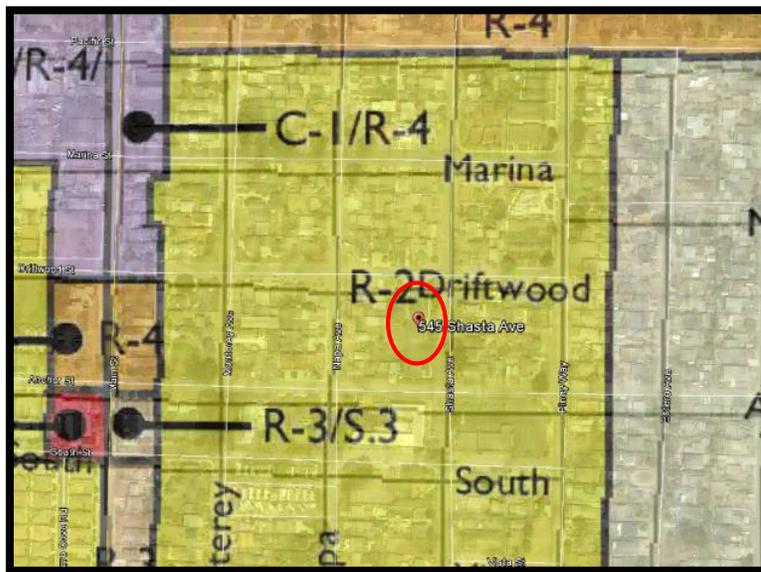
Department Review: \_\_\_\_\_

**SUMMARY:**

The Applicants proposes to co-locate a live theater playhouse at the existing St. Peter’s Episcopal Church. Specifically, the Applicants propose to use the existing Parish Hall Building located at the northwest corner of the parcel to host a maximum of 99 audience members. The stage area will include 4 adjustable and removable 4ft. x 8 ft. x 8 in. high wooden platforms. The platforms, sets, props, lighting, and other equipment will be removed from the hall when not utilized for playhouse purposes.

**ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff has determined that it meets the requirements for a Categorical Exemption under CEQA Guidelines Class 1 Section 15301. The existing church use is an assembly use per the California Building Code and the proposed playhouse use is also an assembly use; therefore, the above mentioned CEQA exemption applies. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.



Zoning Map

**PROJECT SETTING:**

The project site is located in Central Morro Bay at the corner of Shasta Avenue and Driftwood Street, west of Highway 1, south of Morro Bay Blvd., and north of Anchor Street. The project site is located within the R-2 Duplex Residential Zoning District and designated by the General Plan and Local Coastal Plan as Medium-Density Residential. The site lies outside of the Coastal Commission Appeal Jurisdiction.

Adjacent Zoning/Land Use			
North:	R-2/ Duplex Residential	South:	R-2/ Duplex Residential
East:	R-2/ Duplex Residential	West:	R-2/ Duplex Residential

Site Characteristics	
Site Area	Approximately 27,600 square feet (0.64 acres)
Existing Use	Public/Institutional Use: Religious Assembly
Terrain	Virtually flat, graded, and developed
Vegetation/Wildlife	Previously disturbed site
Archaeological Resources	N/A
Access	Shasta Avenue and Driftwood Street

General Plan, Zoning Ordinance & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	R-2
Zoning Overlay District	N/A
Special Treatment Area	N/A
Combining District	N/A
Specific Plan Area	N/A
Coastal Zone	Located in the Coastal Zone, however not in the Appeals Jurisdiction nor Original Jurisdiction

**PROJECT DISCUSSION:**

The Applicants and By the Sea Productions, propose to co-locate live theater productions in the existing Parish Hall of St. Peter’s Episcopal Church (Building B identified in Exhibit B). Current activities on site include but are not limited to religious services, study groups, and community support groups. Because the production company is a non-profit organization, performances are limited to a maximum of 99 audience members.

The production company proposes to give 37 performances throughout 2017 (Exhibit C). Friday and Saturday performances are scheduled to begin at 7:30 pm and conclude at 10:00pm. However, the production company has offered to begin at 7:00 if it is more palatable for the community. Sunday matinee performances are scheduled to begin at 3:00 pm and conclude at 5:30 pm. Proposed rehearsals are to occur in the weeks preceding performances; weeknight

rehearsals will occur between 5:00 pm and 9:30 pm and weekend rehearsals shall occur during the daytime.

The Applicants do not propose any structural changes on site and the equipment utilized for the proposed use will be nonpermanent. One light bar will be affixed to the ceiling in the hall; all other lighting will be placed on stands and removed after performances. The audience seating will remain in the Parish Hall when not used for the theater use and any extra seating will be stored on site. The platforms used as the stage area will be set up for the duration of a performance and then removed to an offsite location until the next scheduled performance. Based on the schedule of performances shown in Exhibit C, this shall occur 3 times per year.

#### Parking

Pursuant to Morro Bay Municipal Code Section 17.44.020, the parking requirement for theater uses is one space for every four permanently located seats or one space for each 40 square feet of non-fixed seating space. Standard seating dimensions are 3 ft. square per seat. As per the floor plan shown on Exhibit B, the Applicant proposes to set up two sections of seating with 7 rows of 7 seats. At 882 square feet of audience seating area, the total parking requirement for this use is 22 spaces. There are currently 26 parking spaces on site, two of which are ADA accessible.

The site does have ample parking to accommodate the playhouse use, assuming no other services or events are taking place on site. If the Sanctuary building were being used for services or some other type of event at the same time the Parish Hall was being used for a performance, onsite parking would be insufficient. To this end the Special Use Permit has been conditioned to prohibit any other onsite service or event during the time the Parish Hall is being utilized for performances (See condition 17). The condition reads as follows:

***The applicant shall be prohibited from utilizing the Sanctuary building or church grounds for services, group study sessions or other events during the time when playhouse performances are being conducted.***

#### Dinner Theatre

The applicant may, in the future, include dinner theatre performances at the venue. The onsite kitchen does not include an appropriate commercial hood system, including appropriate fire suppression facilities and cannot therefore be utilized for cooking purposes in relation to dinner theatre use. The project has been conditioned to require approval of the Community Development Director prior to conducting any dinner theatre events on site (See condition 18). The applicant could potentially cater such event or they could submit an application to the Building Division to correct the noted commercial hood deficiencies.

**PUBLIC NOTICE:**

Notice of this item was posted at the site and published in the San Luis Obispo Tribune newspaper on January 7, 2017 and all property owners and occupants within 500 feet of the subject site were notified of this evening's public hearing and were invited to voice any concerns regarding this application.

**CONCLUSION**

The proposed is consistent with applicable standards of the Zoning Ordinance, General Plan, and Local Coastal Plan. Staff recommends that the Planning Commission adopt the Class 1 Categorical Exemption and approve Special Use Permit #UP0-466 subject to the findings and conditions of approval as specified by Planning Commission Resolution No. 03-17 attached below as Exhibit A.

**EXHIBITS:**

- Exhibit A – Planning Commission Resolution No. 03-17
- Exhibit B – Site Development Plans
- Exhibit C – Written communication received from applicant
- Exhibit D – Written Correspondence from the Public

# EXHIBIT A

## RESOLUTION NO. PC 03-17

### A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION APPROVING A SPECIAL USE PERMIT (UP0-466) FOR A THEATER USE AT THE EXISTING CHURCH LOCATED AT 545 SHASTA AVENUE

**WHEREAS**, the Planning Commission of the City of Morro Bay conducted a public hearing at the Morro Bay Veteran's Hall, 209 Surf Street, Morro Bay, California, and January 17, 2017, for the purpose of considering approval of Conditional Use Permit #UP0-466; and

**WHEREAS**, notices of said public hearing were made at the time and in the manner required by law; and

**WHEREAS**, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Morro Bay as follows:

Section 1: Findings. Based upon all the evidence, the Commission makes the following findings:

#### **California Environmental Quality Act (CEQA)**

A. That for purposes of the California Environmental Quality Act, Case No. UP0-466 is exempt under Class 1, Section 15301 for the operation and permitting of existing private structures or facilities and will have no potentially significant environmental impacts. Furthermore, none of the exemptions to this Categorical Exemption set forth in CEQA Guidelines Section 15300.2 apply to this project.

#### **Conditional Use Permit Findings**

A. The project will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood in that the permitted uses comply with all applicable project conditions and City regulations and is consistent with the City's General Plan and Local Coastal Plan.

B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed assembly use is consistent with the existing assembly use on site.

C. The project will not be unreasonably incompatible with the uses permitted in surrounding areas and will not cause damage or nuisance from noise, smoke, odor, dust, or vibration; hazard or

nuisance from explosion, contamination, or fire; hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or the height of the structure.

**Section 2.** Action. The Planning Commission does hereby approve Conditional Use Permit No. UP0-466 for property located at 545 Shasta Avenue subject to the following conditions:

## STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated January 17, 2017 and, for the project at 561 Embarcadero depicted on plans date stamped December 15, 2016, on file with the Community Development 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 Planning Commission approved plans submitted for UP0-466, 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 Resolution 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. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified 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 Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor 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, the City, 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 MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.
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 Applicant's failure to comply with conditions of approval. Applicant understands and acknowledges the City is under no obligation to defend any legal actions challenging the City's actions with respect to the project. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: The applicant's establishment of the use 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 Director or as authorized by the Planning Commission. Failure to comply with any of 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 MBMC and is a misdemeanor.
7. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan of the City.

### **Building Conditions:**

8. Prior to construction, the applicant shall submit a complete building permit application and obtain the required building permit.

### **Fire Conditions:**

9. Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place near the main exit or exit access doorway from the room or space. (CFC 1004.3)

Applicant shall post occupant capacity as determined by the Building Official.

10. Exits or exit access doorways from spaces. Two exits or exit access doorways from any space shall be provided where the occupant load of the space exceeds the values in Table 1015.1. (CFC 1015.1)

Pursuant to Table 1015.1, two exits are required.

11. Exit signs. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel (CFC 1011.1). Exit signs shall be internally or externally illuminated. (CFC 1011.3)

Applicant shall provide two exits that are equipped with approved illuminated exit signs.

12. Emergency power for illumination. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate aisles, corridors, interior exit discharge components and exterior landings. (CFC 1006.3)

Applicant shall provide emergency backup illumination.

13. Locks and latches. Egress doors shall be readily openable from the inside without the use of key or special knowledge in 'A' occupancies with an occupant load of 300 or less, the main exterior door or doors are permitted to be equipped with key-operated locking devices from the egress side provided a sign is posted on the egress side stating "This door to remain unlocked when building is occupied". (CFC 1008.1.9)

Applicant shall provide signage above the main exit.

14. Decorative vegetation in new and existing buildings, restricted occupancies. Natural cut trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1 and R-2 occupancies. (CFC 806.1.1)

During the inspection, we observed a natural cut Christmas Tree, located in the northwest corner of the assembly space and partially obscuring a means of egress. Applicant shall remove the Christmas Tree from the structure.

15. Seating with dual access. Rows of seating served by aisles or doorways at both ends, there shall not be more than 100 seats per row. The minimum clear width of 12-inches between rows shall be increased by 0,3-inches for every additional seat beyond 14 seats, but the minimum width is not required to exceed 22-inches. (CFC 1028.10.2.1)

Applicant shall provide a minimum width of 12-inches between rows of chairs.

16. Minimum aisle width. The minimum clear width for aisles shall be forty-two inches for level or ramped aisles having seating on both sides.

Exhibit D of plan that contains seating and aisle arrangement is illegible and we are not able to determine compliance with CFC Sections 1028.9.1 and 1028.10.2.1. Applicant shall revise Exhibit D and show a detail of seating and aisle arrangement, we will confirm compliance during field inspection.

## **Planning Conditions:**

17. The Applicant shall be prohibited from utilizing the Sanctuary building or church grounds for services, group study sessions, or other events during the time when playhouse performances are being conducted.

# EXHIBIT A

Planning Commission Resolution #03-17

UP0-466

Page 5

18. The Applicant shall obtain the approval of the Community Development Director prior to any changes in performance operation, including but not limited to conducting any dinner theater or theater in the round events on site.
19. The Applicant shall not use the kitchen facilities unless and until the necessary upgrades to the commercial kitchen are completed pursuant to California Fire Code Section 904.11 and authorization is received from the Fire and Community Development Departments.
20. Alcohol consumption and/or sales are prohibited unless and until the Applicant furnishes proof of a valid license from the Department of Alcoholic Beverage Control to the Community Development Director.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 17th day of January, 2017 on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Robert Tefft, Chairperson

ATTEST

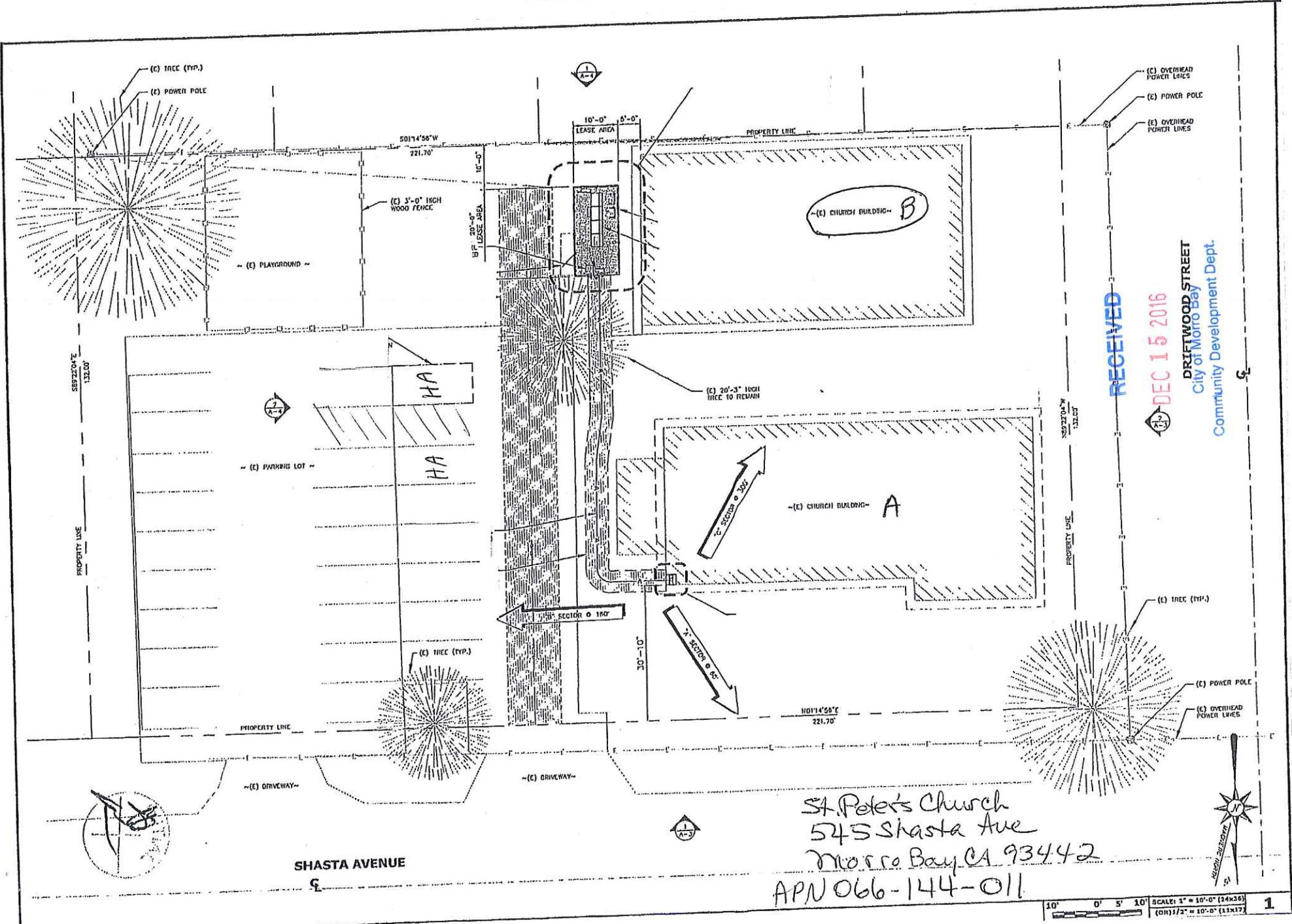
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Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 17<sup>th</sup> day of January, 2017.

Site Plan

EXHIBIT B



RECEIVED

DEC 15 2016

DRIFTWOOD STREET  
City of Morro Bay  
Community Development Dept.

St. Peter's Church  
545 Shasta Ave  
Morro Bay, CA 93442  
APN 066-144-011

SHASTA AVENUE

SCALE: 1" = 10'-0" (24x36)  
(OR) 1/2" = 10'-0" (11x17)

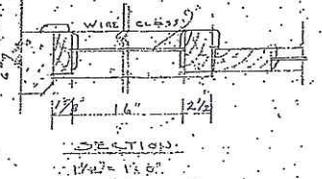
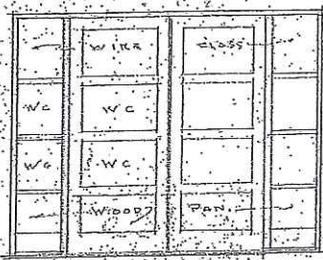
# EXHIBIT B

D.O.O.R. SCHEDULE

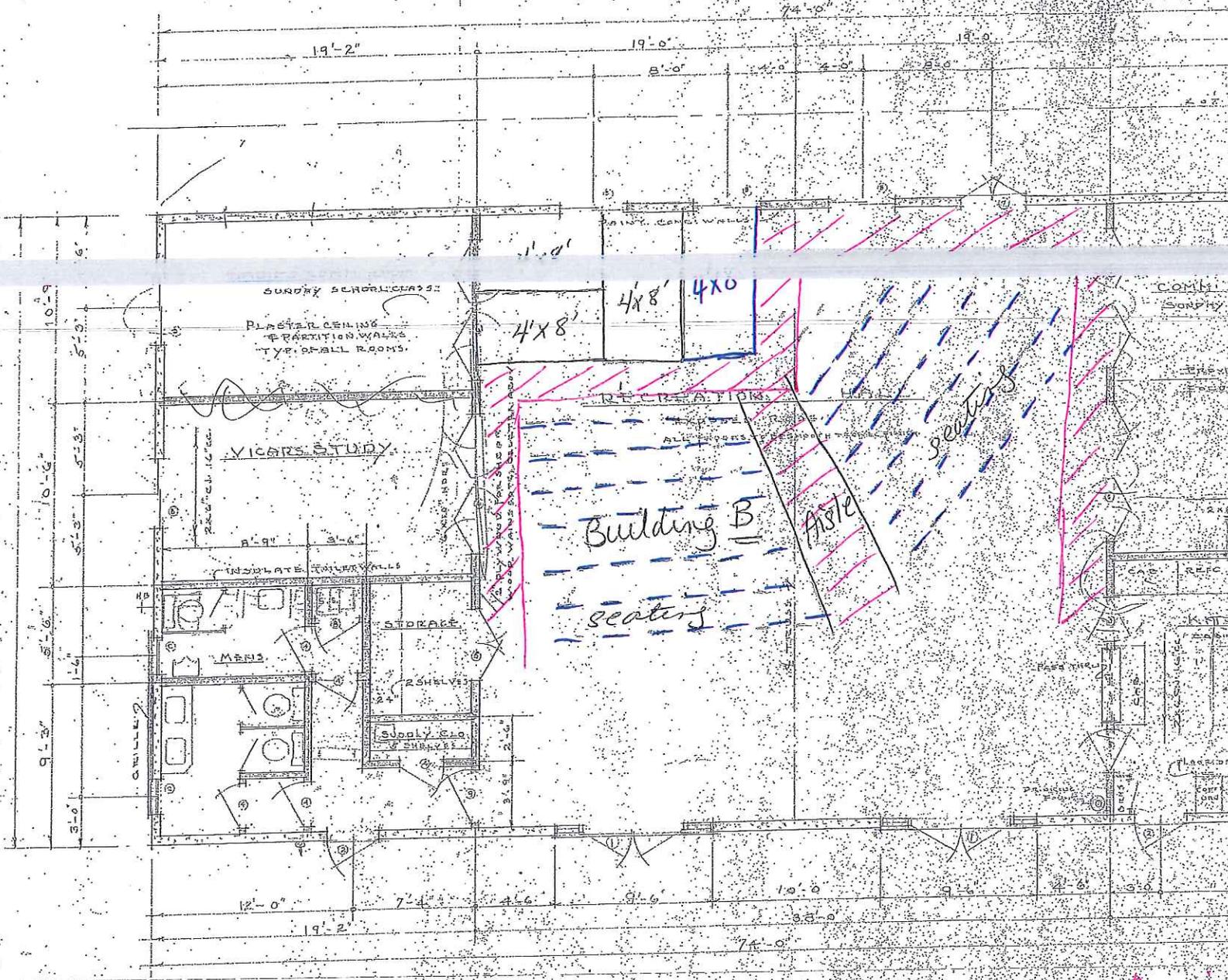
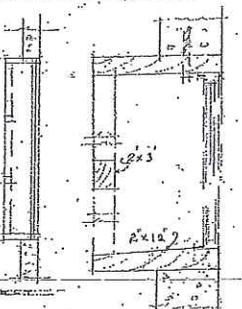
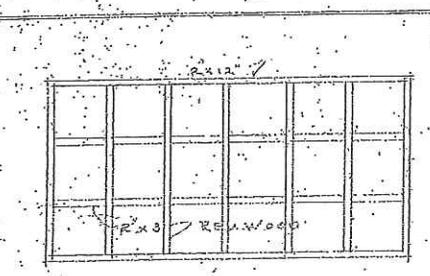
SY	SIZE	TRICK	TYPE	FRAMA	TRIM	BUTTS	LOCK	PAINT	HTG.	REMARKS
1	11'-3" x 7'-0"	1 3/4"	DRY	WOOD	YES	2	KEX	YES	YES	PAINT BOYS SUITES
2	3'-0" x 7'-0"	"	FLUSH	DRY	"	3	"	"	YES	"
3	2'-0" x 7'-0"	1 3/8"	"	JAMB	"	"	D.A.	PUSH	"	GLASS SPINDLE
4	2'-0" x 7'-0"	1 3/8"	"	"	"	3	"	PUSH	"	"
5	2'-0" x 7'-0"	1 3/8"	"	"	"	2	"	"	"	"
6	2'-0" x 7'-0"	1 3/8"	"	"	"	2	"	"	"	"
7	2'-0" x 7'-0"	1 3/8"	DET.	DRY	"	3	PAINT	"	YES	WIRE GLASS
8	2'-0" x 7'-0"	1 3/8"	FLUSH	JAMB	"	2	LOCK	"	"	"
9	2'-0" x 7'-0"	1 3/8"	"	"	"	2	LOCK	"	"	"

WINDOW SCHEDULE

SY	SIZE	TYPE	FRAMA	GLASS	TRIM	HTG.	PAINT	REMARKS
A	4'-0" x 5'-0"	SLIDE	WOOD	OPA	YES	ALUM.	"	"
D	4'-0" x 5'-0"	"	"	"	"	"	"	"
C	2'-0" x 4'-0"	LANE	PLATE	"	"	"	"	OBSCURE GLASS



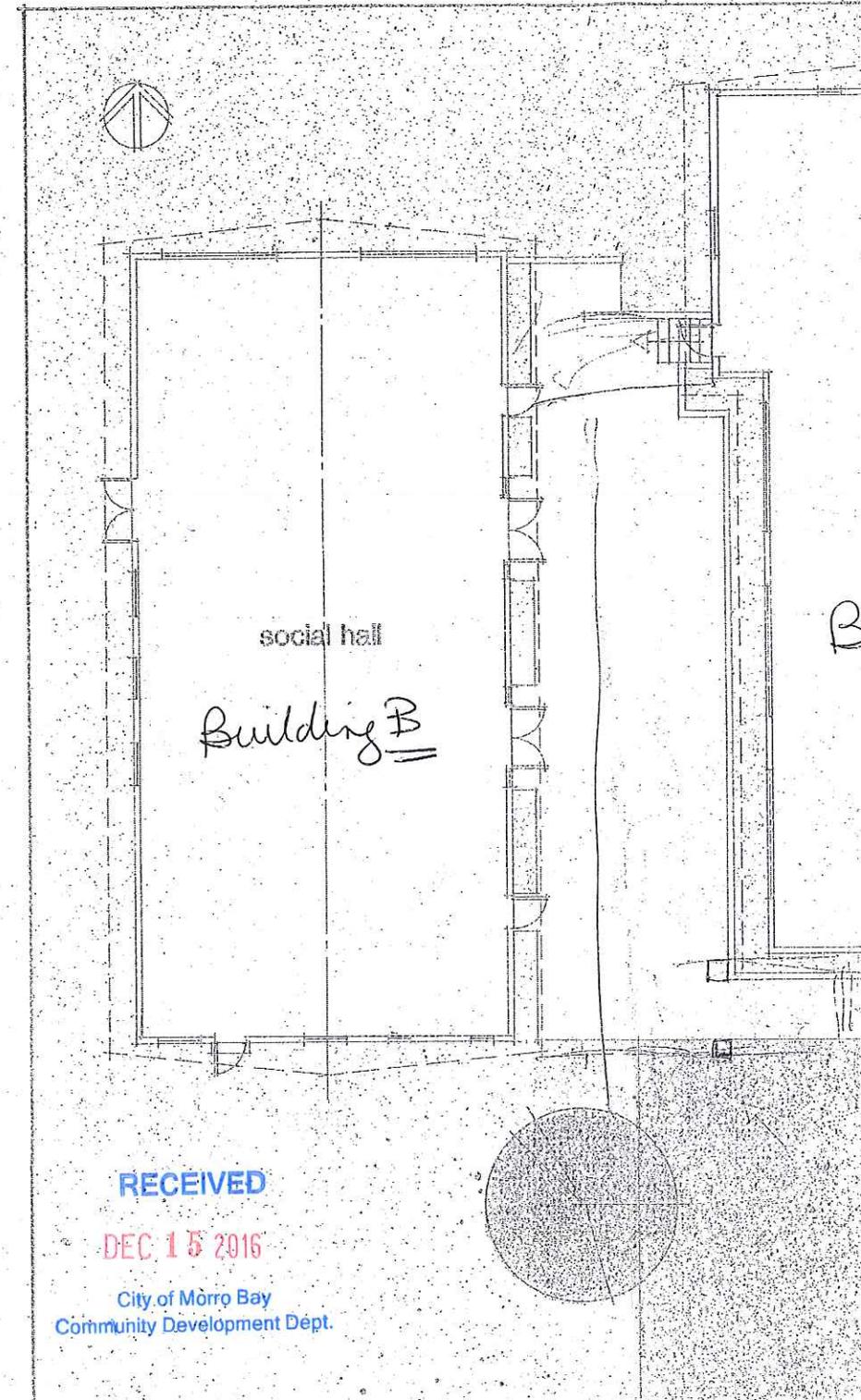
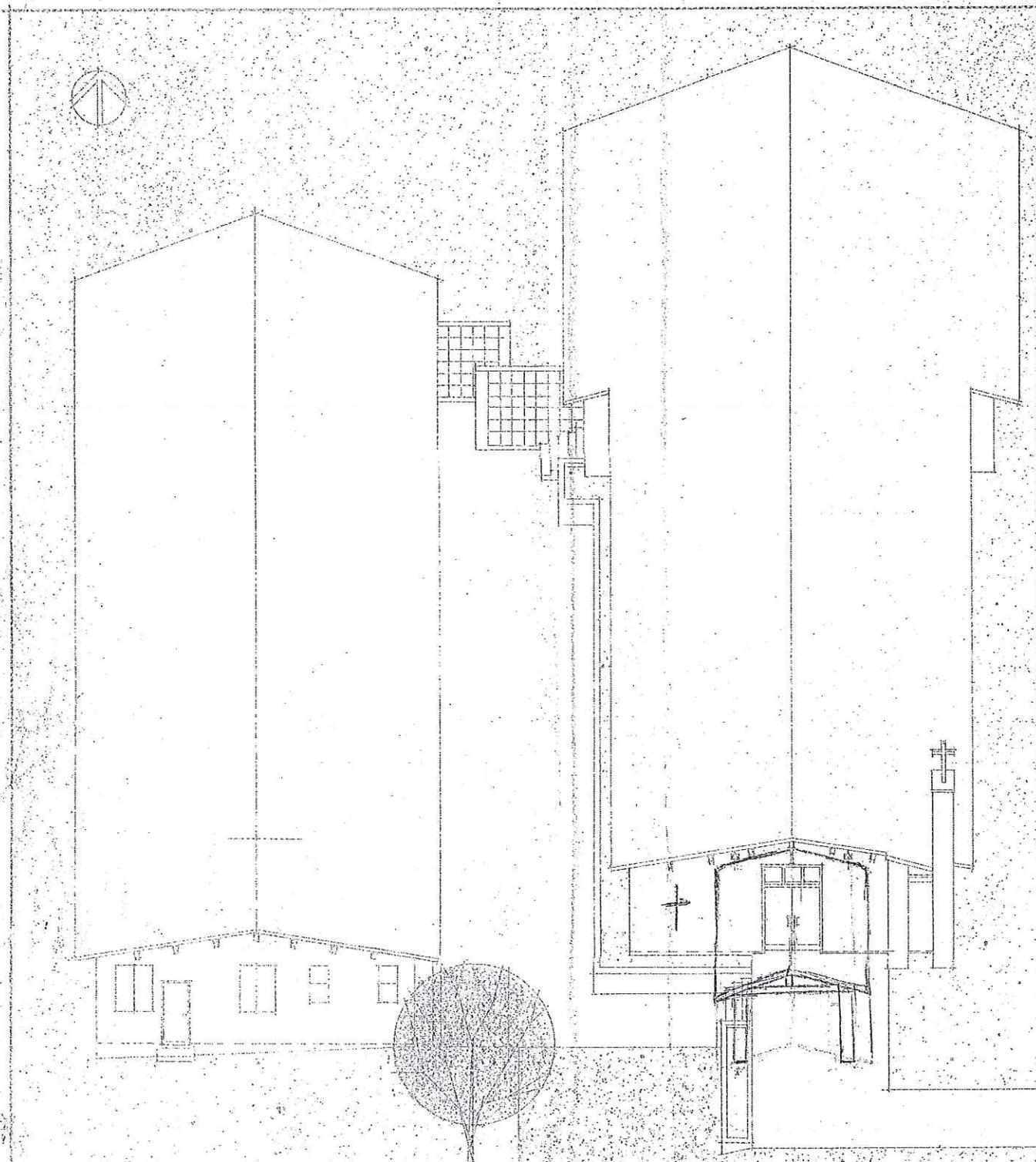
ENTRANCE DOORS



FLOOR PLAN

= 42" min  
 = seats, v

EXHIBIT B



RECEIVED

DEC 15 2016

City of Morro Bay  
Community Development Dept.

# EXHIBIT C

## PLAN FOR BY THE SEA PRODUCTIONS STAGING LIVE THEATER PERFORMANCES AT ST. PETER'S BY THE SEA EPISCOPAL CHURCH PARISH HALL (Building B on attached site plan.)

The **Pewter Plough Players, Inc.** is a non-profit 501c3 organization that has been staging live theater productions at the Pewter Plough Playhouse in Cambria for the past 18 years. The Players' lease expires on December 31, 2016. The Players have entered into an agreement with **St. Peter's By The Sea Episcopal Church** to stage live theater performances in their **Erickson Parish Hall**, under their new 'doing business as' name, **By the Sea Productions**.

There are 39 performances planned for the 2017 calendar year per the tentative show schedule attached. There will be a maximum of 99 seats available for each performance, well under the legal capacity of the Hall. Seating will be arranged in rows, with at least one wheelchair accessible aisle. The tables will be stored in the library room on the northwest side of the Hall during performances.

For dinner theater productions, seating would be arranged around the tables in the Hall, again providing wheelchair access. All dinner theater food would be catered off site, not prepared in the Hall kitchen.

No structural changes will be made to the Hall. There will be no curtains or proscenium arch. The 'stage' will consist of 4 foot by 8 foot, 8 inch high wooden platforms that will be placed in the southwest corner of the Hall during the run of each show, and removed afterward. Sets will be constructed of plywood flats on wood frames, or metal grids affixed to the platforms, and also removable. Furniture and props on set will be removed or moved out of the way between performances. No open flames will ever be used in any production.

Stage lighting will be provided by one strip of lights to be installed on a ceiling beam, and two portable light stands on the east and west walls, away from entry/exit doors. The portable stands will be removed after each performance. Recorded music and sound effects will be at levels low enough to not be heard beyond the Hall area.

There are currently 30 paved parking spaces, including <sup>12</sup>handicap access. Additional spaces are planned to be added on the northwest corner of the property in the near future. There is also street parking available along the church frontage on Driftwood and Shasta.

Performances will be on Fridays and Saturdays at 7:30 pm, usually concluded by 10 pm. Sunday matinees will be at 3 pm, concluded by 5:30 pm. In the weeks preceding performances, there will be rehearsals on some weeknights between 5 pm and 9:30 pm and on some weekends during the day.

Every effort will be made to be considerate of surrounding residents and make this additional use of the property an asset to the community.

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City of Morro Bay  
Community Development Dept.

# EXHIBIT C

## 2017 Tentative show schedule

### SHOW 1

2/17, 18, 19

2/24, 25, 26

3/3, 4, 5

### READERS THEATRE 1

Memorial day weekend 5/26 , 27, 28

### READERS THEATRE 2

Father's Day weekend 6/16, 17, 18

### SHOW 2

7/29, 30, 31

8/5, 6, 7

8/12, 13, 14

### READERS THEATRE 3

Labor Day weekend 9/1, 2, 3

### SHOW 3

10/20, 21, 22

10/27, 28, 29

11/3, 4, 5

### READERS THEATRE 4

Holiday theme 12/15, 16, 17

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DEC 15 2016

City of Morro Bay  
Community Development Dept.

# EXHIBIT D

**Joan Gargiulo**

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**From:** D Goris <drgoris@gmail.com>  
**Sent:** Tuesday, January 10, 2017 6:24 PM  
**To:** Joan Gargiulo  
**Cc:** Michael Lucas; Gerald Luhr; Richard Sadowski; Robert Tefft; Joseph Ingrassia  
**Subject:** Re: 545 Shasta Ave Info

Thank you Joan for letting us know information and documents will be available Jan. 12 in the Planning Commission agenda.

We only became informed of this Jan. 7 via the yellow Notice of Public Hearing. A quick google search gave results that this appears to be a "done deal" since as early, if not before, of November 2016. How can the below links have confirmation of their move to St. Peter's Episcopal Church when there has not been a public hearing? One of our neighbors, a Firefighter, is on an extended vacation out of the Country and not even available to be informed of or given the opportunity to comment. Many other neighbors are renting and did not receive Notice of a Public Hearing. A few said it was only this prior Sunday that they heard of this because that is when Pastor Sid and "an actor" knocked on their doors and gave them a schedule of upcoming productions. Are we just being given procedural practices for something already back-door approved by the City Council and Planning Commission?

November 2016 ... [https://www.facebook.com/pg/bytheseaproductio/about/?ref=page\\_internal](https://www.facebook.com/pg/bytheseaproductio/about/?ref=page_internal)  
and [http://bytheseaproductio.org/?page=about\\_us](http://bytheseaproductio.org/?page=about_us)

December 5, 2016 ... Mayor Jamie Irons "*echoed enthusiasm when he learned Monday that the move had been confirmed*" <http://www.sanluisobispo.com/news/local/community/cambrian/article119084218.html#storylink=cpy> <http://www.sanluisobispo.com/news/local/community/cambrian/article119084218.html>

Ticket Reservations are already being offered [http://bytheseaproductio.org/?page=ticket\\_request](http://bytheseaproductio.org/?page=ticket_request) )

The Notice of Public Hearing states that "*the platforms, sets, props, lighting and other equipment will be removed from the hall and stored in an existing storage structure on site...*" There is no other existing storage structure on site. On their website, By the Sea Productions writes "*However, this move will incur costs, not just for the moving itself, but also for permanent, accessible storage space for our costumes, props and set furniture.*"

Our home is across the street from St. Peter's and we are extremely disappointed that we were not given any prior knowledge. A good neighbor policy would dictate that we should have been informed, invited for involvement and discussion of such a significant change in our quiet neighborhood.

We are extremely concerned as to plans/restrictions for noise control, increased traffic/parking issues, for not only attendees, but also rehearsals, set construction and all matters contributing to live theater productions. We've read that there are hopes to have Dinner Shows in the future which entails even more contributing disturbances. For the past 8 years we have continually had parking issues where Church attendees block our driveway throughout the daytime. Will we now have this problem in the evenings also?

Every live theater reading/production we've ever attended has had an intermission. St. Peter's hall does not have a Lobby or an enclosed Courtyard area suitable for intermissions. While there is an existing structure in very

# EXHIBIT D

close proximity to the Hall, it contains cell tower equipment (cell tower in Steeple) and has posted signs of RF with keep distance warnings.

Will 99 attendees (their hopeful payees) stand around in the parking lot?

St. Peter's currently hosts AA, NA and other nightly meetings on a regular basis. [https://calendar.google.com/calendar/embed?src=stpetersmorrobay@gmail.com&ctz=America/Los\\_Angeles&pli=1](https://calendar.google.com/calendar/embed?src=stpetersmorrobay@gmail.com&ctz=America/Los_Angeles&pli=1) These meetings are usually very subdued and quiet, however there are usually 4-6 individuals who routinely hang out in the parking lot visiting typically to late in the evening. Even from inside our home we can hear them. It is very likely that theater attendees would also be heard but there would be many, many more of them and the evening's production likely to be ending much later than the current nightly meetings.

We have always enjoyed the arts and and have been active in live theater productions and full access participants of film festivals. However, we have many more questions and concerns regarding the impacts, disturbances, even loss of property value of live Theater productions being held in a residential neighborhood. It is our hope the City of Morro Bay Planning Commission recognizes the negative impact Live Theater productions would create in our residential neighborhood.

Respectfully,  
Gregg and Donna Goris  
[drgoris@gmail.com](mailto:drgoris@gmail.com)

On Tue, Jan 10, 2017 at 3:54 PM, Joan Gargiulo <[jgargiulo@morrobayca.gov](mailto:jgargiulo@morrobayca.gov)> wrote:

Good Afternoon,

The plans and information relating to the Use Permit Application for the Playhouse can be viewed at the Community Development Department. We have open counter hours Monday, Tuesday, Thursday, and Friday from 1:00pm to 5:00pm, however if you'd like to meet at any other time, please let me know and I will schedule a time. I look forward to answering any questions you may have.

Have a wonderful week.

Sincerely

*Joan E. Gargiulo, Assistant Planner*

Community Development Department

City of Morro Bay

[\(805\) 772-6270](tel:(805)772-6270)

[jgargiulo@morrobayca.gov](mailto:jgargiulo@morrobayca.gov)

**From:** D Goris [mailto:[drgoris@gmail.com](mailto:drgoris@gmail.com)]

**Sent:** Tuesday, January 10, 2017 3:53 PM