



CITY OF MORRO BAY PLANNING COMMISSION AGENDA

The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.

**Regular Meeting - Tuesday, October 16, 2018
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson Gerald Luhr

Vice-Chairperson Michael Lucas
Commissioner Jesse Barron

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. For Public Hearing, New Business, and Unfinished Business items, additional opportunities for public comment will be provided following the Staff Report for each such 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 Department 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 - NONE

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.

A-2 Approval of minutes from the Planning Commission meeting of July 17, 2018.
Staff Recommendation: Approve minutes as submitted.

A-3 Approval of minutes from the Planning Commission meeting of August 7, 2018.
Staff Recommendation: Approve minutes as submitted.

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 Case No.: UP0-481, CP0 -544

Site Location: 210 Atascadero Road, Morro Bay, CA

Project Description: Coastal Development Permit and Conditional Use Permit approval request for change in use of an existing 11,840 square foot commercial building located at 210 Atascadero Road, formerly known as the Flippo's Roller Skating facility. The building and associated parking is currently not in use. The proposal includes a café, several offices and storage areas as well as a large interior display area for classic and vintage cars and required parking lot improvements. This project is in the C-VS/PD zoning district and is within the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: This project has been deemed exempt from CEQA under Section 15301 related to interior improvements of existing facilities.

Staff Recommendation: Approve the Conditional Use Permit and Coastal Development Permit with Conditions of approval

Staff Contact: Nancy Hubbard, Contract Planner (805) 772-6211

B-2 Case No.: Appeal of CP0-575

Site Location: 2575 Greenwood Avenue, Morro Bay, CA

Project Description: Appeal of staff's approval of an Administrative level Coastal Development Permit for the construction of a new 386 sq. ft. attached Accessory Dwelling Unit within the existing two-car garage and the removal of a nonconforming shed on a 4,595 sq. ft. parcel at 2575 Greenwood Avenue. The parcel is located within the R-1/S.2 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

CEQA Determination: Not Applicable

Staff Recommendation: Deny the appeal and uphold staff's approval

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

C. NEW BUSINESS

C-1 Plan Morro Bay (General Plan/LCP Update): Draft Zoning Code Update, Module 4: Overlay Districts and Citywide Standards.

Staff Recommendation: Review staff report and draft Zoning Module 4, hear presentation, take public comment, discuss and provide feedback to staff.

Staff Contact: Scot Graham, Community Development Director, (805) 772-6291

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Morro Bay Community Center, 1001 Kennedy Way, on November 6, 2018 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.morrobayca.gov/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.morrobayca.gov/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 a \$277 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

Agenda No: A-1
 Meeting Date October 16, 2018

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.

#	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
Hearing or Action Ready Projects:										
1	Krull	2575 Greenwood	4/11/18	CP0-575	Coastal Development permit for Proposed Accessory Dwelling Unit (ADU) within the existing garage space. Construct new 386sf attached ADU within existing 2 car garage and remove nonconforming shed.	Administrative CDP approved on 8/6/2018. Project appealed to PC. Appeal of Director action to be heard by PC on 10/16/18				jg
2	Guesno	210 Atascadero	6/1/17	CP0-544 / UP0-481	Coastal Development Permit and Conditional Use Permit for commercial change in use	Under review. Correction memo sent to applicant 6-27-17. Resubmittal received 7/24/17. Incomplete letter sent 8/4/17. Plans still incomplete as of Nov 2017. Resubmittal received 1/5/18. Incomplete letter sent 2/6/18. Resubmittal received 5/25/18. Incompleteness letter sent to applicant on July 5, 2018. Resubmittal received 8-6-18. Deemed complete, tentatively agendized for PC on October 16, 2018.		PN- Conditionally Approved 6/25/2018		nh
3	Rogers/ McClure	1127 Las Tunas St	8/9/18	UP0-538	Conditional Use Permit for Interior remodel & enclosing an existing breezeway; accessory building	Under Intial Review. Project tentatively scheduled for the 10/16 PC hearing				jg
4	Williams	2930 Cedar	6/6/18	CP0-580/UP0-532	Coastal Development Permit & Conditional Use Permit for a 323 sq. ft. addition and 60 sq. ft. covered front porch	Under Initial Review. Correction Letter sent 7/5. Resubmittal rcv'd 8/23. Scheduled for 11/6 PC		PN- Conditionally Approved 6/26/2018		jg
5	Hilton	430 La Jolla	3/5/18	CP0-568	Admin CDP to Remodel existing SFR to create an Accessory Dwelling Unit	Under Initial Review. Correction letter sent 3/20/2018. Additional comments sent regarding clarify correction letter on 6/5/18. Resubmittal rcv'd 8/16. Noticed 10/1. Action to occur on/after 10/12		PN-Conditionally Approved 5/31/18		jg
6	Frye	3400 Toro	2/21/18	CP0-566	Coastal Development Permit for New single-family residence with an attached accessory dwelling unit	Under Initial Review. Waiting on PW comments. Correction Letter sent 3/20. Resubmittal rcv'd 4/2. Correction letter sent 4/23. Resubmittal rcv'd 5/31. Tentatively scheduled for the 8/21 PC Hearing. Continued to a date uncertain. Resubmittal rcv'd 10/1. PC hearing 11/6		PN- Conditionally Approved 6/25/2018		jg
7	Tilley	370 Fairview	9/17/18	MUP 18-01	Minor Use Permit and parking exception for 19'3" garage width where 20' is the minimum requirement	Under Review. Noticing request sent to admin staff 10/2				jg
30 -Day Review, Incomplete or Additional Submittal Review Projects:										

#	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
8	TLC Family Enterprises	833 Embarcadero	10/3/18	MUP 18-05	Minor Use Permit to change occupancy use on former downstairs Off the Hook Restaurant from restaurant use to general assembly/special events. Appliant proposes Haunted House from 10/27- 10/30 from 6-8pm.	Under review. Site noticed for pending permit approval on 10/16.				cj
9		461 Fairview	9/14/18	CDP 18-009	Admin CDP for demo of existing non-conforming SFR (955SFR and 297sf garage) and construct new 2203sf 2-story residence with new 432 sf garage	Under review.				jg/wu
10	Hobab	982 Carmel	9/19/18	CDP 18-010/MUP 18-04/PKG 18-03	Coastal Development, Minor Use, and Parking Exception for the construction of an Accessory Dwelling Unit	Under Review				jg
11	Kenney	1130 Scott	9/7/18	CUP 18-06 and CDP 18-008 and PKG 18-01	Conditional Use and Coastal Developmetn permits for 1416 sf commercial garage/shop with 2200 sf caretaker's unit. Parking exception for increased driveway width for small lots	Under Initial review				jg
12	Ranat	2598 Main	9/7/18	MUP 18-02	Minor use permit for commercial use in the MCR	Under Review. Spoke to agent, Cathy Novak 9/11 about the insufficient submittal missing majority of submittal docs. Correction Letter sent 10/9				jg
13	Najarian	479 Nevis	8/31/18	CDP 18-007	New 1,686 sq. ft. SFR	Under Initial review. Correction Letter sent 10/1				jg
14	Fletcher	435 Napa	8/22/18	CUP 18-05 and CDP 18-005	Conditional Use and Coastal Development Permit for a 740 sq.ft. addition to nonconforming sfr and new 460 sq. ft. attached accessory dwelling unit	Under initial review. Correction letter sent 9/27				jg
15	Hoefner	125 Hatteras	8/7/18	CP0-586/ UP0-536	Coastal Development Permit & Conditional Use Permit for 316 sf residenital addition, 194 sf garage addition to existing SFR adjacent to ESHA habitat	Correction letter sent 9-6-18				nh
16	Luhr	2620 Nutmeg	7/31/18	CP0-585	Administrative CDP for new 3912sf single family residence	Under review. Correction letter sent 8-21-18 and clarification 8-22-18.				nh
17	Henry	411 Trinidad	7/5/18	CP0-584	CDP for construction of a new single-family residence on a vacant lot	Under Intial Review. Correction letter sent 7/16/18.		PN- conditionally Approved 7/19/2018		nh
18	Fields	731 Butte	6/14/18	CP0-582/UP0-534	CDP and CUP for Multi-Family residences. A 1,500 sq. ft. manufactured residence, a 448 sq. ft. studio unit above a 441 sq. ft. garage with an attached 220 sq. ft. carport	Under Initial Review. Correction letter sent 7/11/18.				jg
19	Patel	233 Atascadero	6/13/18	CP0-581/UP0-533	CDP and CUP for New 83 room hotel on vacant 2 acre lot	Under Initial Review. Incomplete letter sent 7/13/18. Resubmitted 9/11/18				cj

#	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
20	Held	205-215 Harbor St	5/4/18	CP0-578/ UP0-527	Coastal Development Permit & Conditional Use Permit for New construction of new 30 unit hotel, Merge existing 6 lots	Under initial review. Incomplete letter sent 6/4/18. Resubmittal received 7/3/18. Additional comments sent to Applicant's Agent 8/3/18, and 8/22/18. Proposals received for environmental review.		PN- Conditionally Approved 7/17/2018		cj
21	Carter	2035 Bayview	4/10/18	CP0-574	Administrative CDP for Demo reconstruct. New 1,931 sq. ft. SFR with an attached 460 sq. ft. garage	Under Initial Review. Correction letter sent 5/1.				jg
22	Wood	361 Main	4/6/18	AD0-134 / UP0-526	Addition to existing residence; 2nd floor addition 386 sq. ft.; 2nd floor deck 329 sq. ft. with variance AD0-134	Under Initial Review. Correction letter sent 5/1.				jg
23	T-Mobile	1478 Quintana	2/26/18	A00-056	Modification to UP0-052/CP0-073 for upgrade to existing wireless site	JG - Under initial review. Correction Letter sent 3/30		JW approved		jg
24	Matson Bay	787 Main Street & 280 Morro Bay Blvd	1/17/18	S00-130	Lot Line Adjustment	Under initial review. Deemed incomplete, letter sent to applicant 2/16/18. Project Deemed complete. Applicant to comply with conditions prior to recording final documents. Applicant withdrew their application 9-11-18. Applicant will process LLA as originally intended, will address conditions in final submittal.		PN- Final Map on 10/9/2018 City Council Agenda		nh
25	Matson Bay	271 Pacific	1/17/18	S00-131	Cert of Compliance	Under initial review. Approved, recording documents in process. Waiting for signed documents from applicant				nh
26	Matson Bay	767 Main Street	1/17/18	S00-132	Cert of Compliance	Under initial review. Approved, recording documents in process. Waiting for signed documents from applicant				nh
27	Johnson	128 Rennell	1/10/18	CP0-561	Demo/reconstruct 1,362 sq. ft. SFR with 496 sq. ft. garage, and 240 sq. ft. covered front porch	Incomplete letter mailed 2-9-18. Resubmittal received on June 19, 2018. Project resubmitted July 5, 2018, deemed incomplete on July 16, 2018. Resubmitted August 27, 2018. Incomplete letter provided 9-25-18.		PN - Conditionally Approved 8/3/2018		nh
28	Morgan	101 Fig St.	4/12/17	UP0-476	Conceptual Review of New SFR with accessory unit. Existing historical structure on lower level.	PC Conceptual Review 5/16/17. Applicant evaluating whether to pursue project.		PN-Conditionally approved 5/11/17		nh
29	State Parks - Mike Walgren	11 State Park Road	8/20/18	CDP 18-004, UP0-18-04	Install new modular building for office space, parking and landscape improvements at Morro Bay State Park	Submitted on 8-20-18. Deemed incomplete 9.10.18. Applicant to resubmit plans.		PN- Approved 9/4/2018		nh
30	Vista Pacific Builders	340 Sicily	8/27/18	CDP 18-006	New SFR on vacant lot, 1807 sf of living space, 400 sf garage and 600 sf deck.	Deemed incomplete 9-11-18. Resubmitted 10-2-18, under review.				nh

#	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
31	Gambriel	405 Atascadero Rd.	5/13/15	CP0-475 / UP0-417	New construction of 10,000sf commercial retail on vacant lot	WM. Under review. Will need Arch and Traffic reports. Resubmittal received 8/11/15. Incomplete letter sent 9/4/15. Resubmitted 2/13/18. Under Review. Incomplete letter sent 3/13/18. Resubmittal received 3/26/18. Under Review. RFP for environmental consultant concluded. Consultant selected, preparing contract documentation. Consultant engaged and has begun work on initial study. Draft MND in staff review. Applicant reviewing site work changes to minimize site disturbance.		PN-Conditionally Approved 2/28/2018		nh
Planning Commission Continued projects:										
32	City of Morro Bay	End of Nutmeg	1/18/12	UP0-344	Environmental documents for Nutmeg Tanks. 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- 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		cj
Projects Appealed or Forwarded to City Council:										
32	Huber	2783 Coral Ave	2/24/17	CP0-530, UP0-470, S00-127	Proposed 6 lot residential subdivision (Tentative Tract Map, CDP, and CUP application). Property located at corner of San Jacinto & Coral Ave.	Under Initial Review. Resubmitted 11-2017. RFP released for preparation of environmental (IS/MND). MND update in process. Draft initial study provided for staff review 3/16/18. Comments provided to consultant 4-6-18 to draft public review draft document. Draft Initial Study out for public review 5/11/18 to 6/11/18. Reviewing MND public comment. Approved by PC on 8-7-18. Appealed to City Council to be heard on 9/25/18. City Council action was to continue appeal hearing to the 11/13/18 Council meeting.		PN- Not Approved per memo dated 3/16/17		nh
33	TLC Family Enterprises	833 Embarcadero	1/2/18	UP0-509	CUP Concept Plan application for Demo/reconstruction of existing Off the Hook Building. Harborwalk Plaza. New buidng to be 2 stories with 1st floor visitor serving retail and 2nd floor of 8 hotel units and total of 7,994sf.	Under Initial Review. Correction letter sent 2/13/18. Resubmitted 5/30/18. Public hearing for PC approval of Concept Plan 8/21/2018. Will also require City Council approval of concept plan. Forwarded with Favorable Recommendation for Approval to City Council. Tentative agenda hearing date set for 10/9/18				cj

#	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
34	City of Morro Bay	Citywide	6/19/13	A00-015	Sign Ordinance Update. Text Amendment Modifying Section 17.68 "Signs"	Text Amendment Modifying Section 17.68 "Signs". Planning Commission reviewed 5/17/2010. Item heard at 5/24/11 City Council Meeting. Interim Urgency Ordinance approved to allow projecting signs. PC reviewed 2/7/2011. Workshops scheduled 9/29/11 & 10/6/11 .City Council 12/13/11. Continued to 1/10/12 CC meeting. PC reviewed 5/2/2012. Update due to City Council in June 2013. Draft Sign Ordinance reviewed by PC on 6/19/13 & 7/3/13. 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. Business workshops held fall/winter 13/14. Result of sign workshops discussed at 11-3-15 PC mtg. Revised Public Draft of Sign Ordinance posted to City website on July 6, 2017	No review performed.	N/R		sg
Environmental Review										
35	City of Morro Bay	N/A		UP0-423	MND for Chorro Creek Stream Gauges	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
Final Map Under Review Projects - No pending applications currently.										
Projects requiring coordination with another jurisdiction:										
36	City of Morro Bay	Outfall			Original jurisdiction CDP for the outfall and for the associated wells	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		
37	City of Morro Bay Desal Plant	170 Atascadero			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.	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 finalized. Phase 2 on hold as of 7/22/14.		
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:										

#	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
38	City of Morro Bay	Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. General Plan Advisory Committee meetings ongoing. For more information or to get involved, visit www.morrobayca.gov/planmb . Project to be complete with documents ready for adoption and certification by end of 2018. Public draft of combined General Plan/ LCP released May 2018 for review.				
39	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	Zoning Text Amendment - Second Unit	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. 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. Coastal objected to ban on use as vacation rentals. New State legislation will force additional changes.	No review performed.			wm
Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:										
40	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.	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
Grants										
41	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation.	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. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17.	No review performed.	N/A		sg

#	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
42	City of Morro Bay	City-wide				Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management in coordination with County staff administration. Final 2016 funding recommendations reviewed by Council on 3-8-16. 2016 Subrecipient Agreement executed and Council approved 2018-2020 Cooperation Agreement with County on 6-13-17.	No review performed.	N/R		cj
43	City of Morro Bay	City-wide				Climate Action Plan - Implementation	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
Projects in Building Plan Check:											
1	Osborne	415	Arcadia	5/18/18	B - 32005	Remove and Replace portion of 2nd unit and R and R front porch, new electric panel, dual pane windows, water heater, harboard siding	Planning Permit issued 9/26 with permit effective date of 10/8 at which time, Planning can approve	BLDG - Disapproved by hb on 5-23-18. MF	PN- Approved 7/19/2018		jg
2	AJ Wright and Phil Davis	2996	Alder	9/28/18	B18-0033	New 3 story 3-unit apartment building, 2 story housing over ground level garage	Submitted 9-28-18				nh
3		399	Beach	9/13/18	B18-0021	Commercial tenant improvement to Hungry Fisherman. Remodel, correct plumbing in bathroom and kitchen					
4	LaPlante	3093	Beachcomber	4/24/17	B-31487	New SFR: 3,495sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Approved 8-9-18. cj.	Approved by cdl on 5-10-17	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	
5	Borchard	508	Blanca	9/5/18	B18-0015	New Single Family Residence	Approved by planning 10-4-18				nh
6	Meyer	205	Bradley	9/20/18	B32-148	Upgrade to energy efficient windows, insulation, roof and siding, radiant heat, increase masterbath 57 sq. ft, 529 sq. ft conditioned spc.	Demo permit approved by planning 4-26-18	BLDG- Disapproved by hb on 9-26-18 (see memo) mf			nh
7	Tays	982	Carmel	6/4/18	B32030	Demo Walls, remove slabs, remove carport	Disapproved. Requires a CDP, MUP, and AD0 for the ADU and nonconforming parking	PW- Disapproved by pn on 6-6-18 (see memo). MF BLDG - Disapproved by hb on 6-10-18 (see memo). PLNG Disapproved by jg on 6-14-18. mf			
8		555	Dowing Ave.	6/28/18	B32075	Remodel Kitchen, Master Bed/bath rooms, remove wall make closet, Restucco exterior		Disapproved by hb on 7-3-18 (see memo) mf	PN- Approved 7/25/18		
9	Ferrin	2770	Elm	5/14/18	B - 31998	Remodel SFR Master Bedroom w/bath and closet. New 1-car garage	Approved 5/22/18	Disapproved by hb on 5-17-18 (see memo) MF			jg
10	Branch	845	Embarcadero	9/13/08	B18-0023	Repair existing seawall construct 74 lf of sheetpile. Remove/replace existing floating dock w/aluminum, widen public walkway 10'.	Disapproved with correction 9/21/18. cj.				
11	Branch	885	Embarcadero	9/13/18	B18-0024	484 sq. ft. Ottor Rock Café, renovate service area, upgrade bathroom, relocate trash enclosure, modify portions of roof.	Disapproved with corrections 9/24/18. cj.				

#	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
12	Maloney	1287	Embarcadero	9/4/18	B 32 142	Addendum Replace old handrail around dock.		BLDG -Disapproved by hb on 9-5-18 see memo. Mf			
13	Tilley	370	Fairview Ave.	8/3/18	B32119	Addition to Existing Residence; 720 sq. ft.	Dissapproved 8/17/18. sg	Disapproved by Ca. Code Ck 8-17-18 (see memo). Mf	PN-Disapproved 9/4/2018		
14	Mathias	2515 & 2525	Greenwood	2/16/18	B-31888	New SFR with ADU	Conditionally approved 2/27/18. Need COA attached to plan set	Ca Code Check - Disapproved by Scott Martini with CCC (see memo) received on 3-12-18 PB	PN- Disapproved per memo dated 3/5/18		jg
15	Scott	2940	Hemlock	8/28/18	B18-0006	New Single Family Residence	Disapproved 9/18/18				jg
16	Bulatov	2980	Hemlock	9/11/17	B-31651	Remodel existing SFR, new 1st, & 2nd floor addition(1444sq.ft.) new 310 sf deck above	Disapproved by jg on 9-8-17.	03-28-18 - Disapproved by Bldg. (hb) on 3-27-18. - GA	Disapproved by jb on 9-15-17.	1-24-18 - Received submittal & routed to BLDG (w/ soils), PLAN, PW. & FIRE (route when one is back). PB	jg
17	Gelman	2784	Indigo Circle	5/15/18	B - 32002	New SFR 2110 sq. ft., 663 sq. ft. garage, 275 sq. ft. patio	Approved 6/6/18	BLDG - Disapproved by Ca. Code Ck on 6-11-18 see memo. mh			jg
18	Gelman	2784	Indigo Circle	5/21/18	B -32010	design and install overhead fire sprinklers		Fire-Conditional Approval by mv on 6-4-18. mf			
19	Pall	340	Jamacia	7/2/18	B32079	Fire System Chemical Fire Suppression for Auto Paint		Fire - Disapproved by mv on 7-18-18. mf			
20	Sanguinetti	2821	Juniper	7/30/18	B32113	Addendum Replace door w/slider-Remod bathroom, add window, replace fireplace.		BLDG - Conditional Approval by hb on 8-27-18 (see memo). Mf			
21	Kudla	2871	Juniper	10/2/18	B32-153	Addendum - Strap st top break, lateral analysis, Epoxy anchor Install, Title 24.					
22	Kudla	2871	Juniper	10/8/18	B32-158	Fire Systems 13 D Sprinkler					
23		2970	Juniper	9/17/18	B18-0026	Residential Elevator Installation	Under Review				jg
24	Linker	594 D	Kings	7/3/18	B-32081	New SFR 3000 Sq. Ft. home and 1000 Sq. Ft. garage.	Disapproved 8-2-18. Resubmitted 9-27-18.	BLDG - Disapproved by CA Code Ck. On 7-27-18 see memo. Mf Fire -	PN-Disapproved 8/2/2018		nh
25		235	Marina	9/21/18	B180027	Demo 632sq. Ft SFR, Reconstruct 1599 Sq. Ft. SFR, 400 Sq. Ft. garage, 57 sq. Ft. deck	Under Review. Approved				jg
26	Vogal	948	Marina	9/5/18	B18-0014	Addition	Under Review				jg
27	Henderson	958	Marina	10/18/17	B-31732	Replace interior finish, repair & reinforce existing structure & replace electrical mechan.& plumbing systems on 2ndary unit	Under review Disapproved by rr on 11-1-17. Project requires planning entitlements.	BLDG - Disapproved by hb on 3-28-18. MF	Approved by jb on 10-23-17.		

#	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
28	Tope	900	Main St	7/17/18	B-32090	Install foyer doors to enclose existing breeze way (mitigating noise) at the Siren.		BLDG - Disapproved by hb on 7-23-18 (see memo) mf FIRE - Approved by mv on 7-20-18. mf			
29	Sonic	1840	Main	10/17/17	B-31730	Sonic Drive-in Restaurant, 1395 sf building, 1020 sf covered patio, 2646 sf covered parking	Corrections sent 12-8-17. Resubmitted 3-2-18. Application incomplete and corrections sent 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. cj.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 3-16-18 PB	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	
30	Kaishar	2460	Main	8/2/18	B32117	Comm. Alteration Remove Wall and expand lobby.		BLDG - Disapproved by hb on 8-7-18 (see memo) mf			
31	Howard	1255	Morro Ave.	9/24/18	B32-150	Fill in existing door-change window to door truss revision, detail furr up living area- new shower for lower bath.		BLDG - Approved by hb on 9-27-18. mf			
32	Crowfoot	416	Napa	3/1/17	B-31417	Convert downstairs closet into kitchen to create secondary dwelling unit (CP0-531)	Approved by rr on 7-31-17.	BLDG-Approved by cdl on 3-29-17. PZ	PN- Disapproved per memo dated 3/29/17		
33	Jerkovich	2584	Nutmeg	9/19/18	B-32147	Retaining Wall - 25' long, stagger heights on slopes.		BLDG - Conditional Approval by hb on 9-20-18 (see memo).mf			
34	Lewis	290	Piney Ln.	9/26/18	B32-151	Addendum - Adding stucco finish in lieu of ledgestone		BLDG- Approved by hb on 9-26-18. mf			
35	Lewis	290	Piney Ln.	5/22/18	B 32014	Fire Sprinkler System		FIRE Approved by mv on 7-8-18. mf			
36	Osborne	450	Piney Way	8/29/18	B 32141	New NFPA 13D Fire Sprinkler System		Fire			
37	Colmer	529	Quinn Ct,	10/3/18	B32-156	Fire System New 13 D Sprinklers					
38	Colmer	529	Quinn Ct,	9/5/18	B -32145	Addendum Relocate slider to rear wall.		BLDG - Disapproved by hb on 9-6-18 (see memo). Mf			
39	Colmer	533	Quinn Ct,	10/3/18	B32-155	Fire System New 13 D Sprinklers					
40	Colmer	533	Quinn Ct,	9/5/18	B -32146	Addendum Relocate slider to rear wall.		BLDG - Disapproved by hb on 9-6-18 (see memo). Mf			

#	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
41	Colmer	537	Quinn Ct,	10/3/18	B32-154	Fire Sysem New 13 D Sprinklers					
42	Colmer	537	Quinn Ct,	9/5/18	B 32144	Addendum Change sliding door in dining room		BLDG - Dissapproved by hb on 9-6-18 (see memo). Mf			
43	Kitzman	325	Quintana	8/29/18	B18-0007	Commercial Alteration- Add parking lot	Planning approval on 9-28-18				nh
44	Densley	680	Quintana	10/4/18	B32-157	Addendum - Revision of location and quantity of LED's.		BLDG- Approved by hb on 10-8-18. Sig. needed. Mf			
45	Sontag	370	Rennell	8/20/18	B - 32137	Addendum to 31646 Replace deck w/same.		BLDG - Disapproved by hb on 8-21-18 (see memo) mf			
46	Brisson	341	Sicily	9/12/17	B-31670	Single Family Alteration	Conditional approval 9-27-17. RR	Disapproved by cdl on 9-21-17.	N/A	Emailed comments on 9/28/17	
47	Birtcher	375	Tulare	6/22/18	B -32067	Add 450 sf conditioned space, complete 1488 sf existing w/insulation, drywall.		BLDG- Disapproved by hb 0n 6-28-18 (see memo) mf	PN - Approved 7/19/2018		
48	Mounce	330	Vashon	9/9/18	B18-0016	Demo existing SFR due to Fire	Approved 9/13	BLDG- Approved by hb on 9/13/18.			ig
49	Foster	1169	West	7/3/18	B32080	New SFR					

Planning Projects & Permits with Final Action:

1	Stollmeyer	300 & 302 Tahiti		3/16/18	CP0-563 / UP0-522	Demo existing Stollmeyers building and construct SFR with accessory dwelling unit (ADU) on each of the 2 existing legal lots on this property. / Coastal Dev Permit & Minor Use Permit	Under Initial Review. Correction Letter sent 4/13. Resubmittal rcv'd 4/20. PC meeting held on June 5. Continued to a date uncertain. Resubmittal received 7/12. Noticed for PC hearing on 10/2. Approved by PC on 10-2-18				ig
2	Stollmeyer	310 & 312 Tahiti		3/16/18	CP0-570 / UP0-523	Demo existing Stollmeyers building and construct SFR with accessory dwelling unit (ADU) on each of the 2 existing legal lots on this property. Minor Use Permit	Under Initial Review. Correction letter sent 4/13. Resubmittal rcv'd 4/20. PC meeting held on June 5. Continued to a date uncertain. Resubmittal received 7/12. Noticed for PC hearing on 10/2. Approved. By PC on 10-2-18				ig

#	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
3	Kenney	321 Trinidad	3/2/18	UP0-515/AD0-131	Addition to a nonconforming SFR and parking exception for tandem space	Under Initial Review. Correction Letter sent 4/3. resubmittal received 7/20. Resubmittal received. Scheduled for 10/2 PC Hearing. Approved by PC 10-2-18				jg
4	Davis	945 Embarcadero	7/10/18	UP0-448	Conditional Use Permit - Precise Plan Application for House of Juju Restaurant remodel and bayside public access improvements.	CDP waiver received 7/2018. Reviewed and ready for the 10/2/18 PC meeting. Approved by PC on 10-2-18				cj
5	Baston	561 Embarcadero	8/15/18	A00-060	Minor Modification to CUP (UP0-448) for Grays Inn to removed proposed two off-site parking space, minor relocation of proposed gangway, and and revised coastal access sign.	Noticed for administrative minor modification on 9/18. Tentative action date is 10/1/18. Minor mod approved on 10-5-18.				cj

AGENDA ITEM: A-2

DATE: OCTOBER 16, 2018

ACTION: DRAFT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – JULY 17, 2018
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr Michael Lucas Richard Sadowski Joe Ingraffia Jesse Barron	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Nancy Hubbard Martha Miller	Community Development Director Contract Planner Lisa Wise Consulting

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE
PLANNING COMMISSIONER ANNOUNCEMENTS
<https://youtu.be/eFYce97UVhw?t=1m54s>

Commissioner Sadowski notified the public the protest ballots for the 218 ballots will be included in their water bill.

PUBLIC COMMENT PERIOD
<https://youtu.be/eFYce97UVhw?t=2m16s>

Marla Jo Sadowski, Morro Bay, stated she received a letter from PG&E regarding wild fire threat emergency preparation. PG&E notified the public about the area they live in is located in a high wild fire area. Sadowski also commented on the Draft Environmental Impact Report, and how it didn't include using Solar.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/eFYce97UVhw?t=6m14s>

PRESENTATIONS - NONE

A. CONSENT CALENDAR
<https://youtu.be/eFYce97UVhw?t=6m20s>

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

A-2 Approval of minutes from the Planning Commission meeting of April 3, 2018.
Staff Recommendation: Approve minutes as submitted.

MOTION: Chairperson Luhr moved to approve and file the Consent Calendar. Commissioner Ingraffia seconded, and the motion passed (5-0).

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.

<https://youtu.be/eFYce97UVhw?t=6m56s>

B-1 Case No.: UPO-520, CPO -562 and AD0-132

Site Location: 2996 Alder Avenue, Morro Bay, CA

Project Description: Coastal Development Permit, Minor Use Permit and parking exception requesting approval for a 3-unit multi-family dwelling with a parking garage proposed at 2996 Alder Ave. The site is a vacant lot on the corner of Alder Ave and Sequoia Street in the Ocean Heights neighborhood. The proposal includes two stories of housing over a slightly subterranean parking structure. The proposed building height is 27 feet. The proposed project provides 3 residential apartments totaling 3,783 s.f.. This project is in the R-4/SP zoning district and is not within the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: Categorically Exempt, Section 15303, Class 3(b)

Staff Recommendation: Conditionally Approve the project subject to Finding and Conditions

Staff Contact: Nancy Hubbard, Contract Planner (805) 772-6211

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

Hubbard presented the staff report.

The Commissioners presented their questions and concerns to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/eFYce97UVhw?t=23m18s>

Chuck Stevenson, representative for applicant, presented his report to the Commissioners.

Betty Winholtz, Morro Bay, voiced her concerns about the project; emphasized the height limit.

Joe Huff lock (sp?), Morro Bay, also voiced his concerns about the height limit and was concerned about the project turning into a vacation rental.

Stevenson answered the Commissioners questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eFYce97UVhw?t=52m16s>

Discussion and questions from the Commissioners.

MOTION: Commissioner Ingraffia moved to approve CP0-562/AD0-132, 2996 Alder Avenue, with added condition. Commission Barron seconded, and the motion passes 3-2, with Vice-Chairperson Lucas and Commissioner Sadowski voting no.

Planning Condition #18 added by Planning Commission on July 17, 2018

Project design shall include a change in the 2nd floor roofline on the Birch Street elevation over the common patio area. Change shall break up the long roof line with a change in materials to look similar to the canopies over the people doors and

garage door on the parking level. Change should be reflected on the building permit submittal drawings.

Chairperson Luhr asked staff about a 2-foot height increase, and how the community would benefit from it.

Graham responded to Luhr's question and suggested the discussion be agendized to a future Planning Commission meeting.

Commissioner Sadowski presented question to staff regarding the General Plan.

Graham responded to Sadowski's question.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS

<https://youtu.be/eFYce97UVhw?t=1h19m58s>

D-1 **Plan Morro Bay (General Plan/LCP Update): Draft Zoning Code Update, Module 3: Use Regulations** *(continued from the June 5, 2018 and July 3, 2018 Planning Commission meetings).*

Staff Recommendation: Review staff report and draft Zoning Modules 3, hear presentation, take public comment, discuss and provide feedback to staff.

Staff Contact: Scot Graham, Community Development Director, (805) 772-6291

D-2 **Project Description:** Planning Commission recommendation to City Council for Reauthorization of the Residential Design Guidelines adopted by City Council on October 11, 2016 (expiring October 10, 2018)

Online link: https://www.morro-bay.ca.us/DocumentCenter/View/11765/Final-City-of-MB-Design-Guidelines-CC-7_14_15

Staff Recommendation: Reauthorize

Staff Contact: Scot Graham, Community Development Director, (805) 772-6291

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/eFYce97UVhw?t=1h20m6s>

Commissioners presented their questions and concerns to staff.

Winholtz, commented on how the process for the General Plan is being handled. She feels the public will not have enough time to respond. Winholtz also spoke about the comments she turned in regarding Module 3.

Comments and questions from the Commissioners.

Continued discussion about Module 3.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/eFYce97UVhw?t=3h1m43s>

Winholtz asked if the Commission was going to discuss Design Guidelines.

Graham responded to Winholtz's question.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/eFYce97UVhw?t=3h2m29s>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – JULY 17, 2018

E. PLANNING COMMISSIONER COMMENTS – NONE

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT

<https://youtu.be/eFYce97UVhw?t=4h24m34s>

Graham notified the Commission the next meeting will consist of the Coral Avenue subdivision and Plan Morro Bay.

G. ADJOURNMENT

The meeting adjourned at 10:25 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on August 7, 2018, at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary

AGENDA ITEM: A-3

DATE: OCTOBER 16, 2018

ACTION: DRAFT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 7, 2018
VETERANS MEMORIAL BUILDING – 6:00 PM

PRESENT:	Gerald Luhr	Chairperson
	Michael Lucas	Vice-Chairperson
	Richard Sadowski	Commissioner
	Joe Ingraffia	Commissioner
	Jesse Barron	Commissioner
STAFF:	Scot Graham	Community Development Director
	Cindy Jacinth	Senior Planner
	Nancy Hubbard	Contract Planner
	Amy Sinsheimer	Michael Baker International

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

PUBLIC COMMENT PERIOD

<https://youtu.be/ZTPxEiuA0P4?t=1m59s>

Bill Martony, Morro Bay, commented on the zoning maps. Martony noted the southern end of Main Street which is Mixed Use Area B includes water lease sites which shouldn't be there and requested the zoning maps be fixed to correctly show waterfront zoning and residential zoning

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=4m16s>

Graham responded to Martoney's questions.

PRESENTATIONS - NONE

A. CONSENT CALENDAR

<https://youtu.be/ZTPxEiuA0P4?t=5m39s>

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

A-2 Approval of minutes from the Planning Commission meeting of April 17, 2018.
Staff Recommendation: Approve minutes as submitted.

Commissioner Ingraffia commented on the April 17th minutes, the note states the Chevron property as 300 acres when it should be 3000 acres.

MOTION: Chairperson Luhr moved to approve and file the Consent Calendar.
Commissioner Ingraffia seconded, and the motion passed (5-0).
<https://youtu.be/ZTPxEiuA0P4?t=6m6s>

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 Case No.: UPO-470, CPO -530 and S00-127

Site Location: 2783 Coral Ave, Morro Bay, CA

Project Description: Coastal Development Permit, Conditional Use Permit and Vesting Tentative Map approval request for a 6 lot subdivision in the Cloister's Tract 1996 located at 2783 Coral Ave. The site is a vacant lot on the SW corner of Highway 1 and San Jacinto Street. The proposal includes three concept designs for the future homes, created to meet the architectural design guidelines of the Cloister's Tract 1996. The new residential parcels will have access from Coral Ave via a share an access roadway. The proposed 6 new parcels range in size from 6,058 square feet to 8,521 square feet. This project is in the CRR/GC/PD zoning district and is within the appeals jurisdiction of the California Coastal Commission.

CEQA Determination: The Community Development Director determined that the project qualifies for a Mitigated Negative Declaration (MND), available together with related documents on the City website at <http://www.morrobayca.gov/842/currentplanningprojects>. Mitigation is recommended to reduce the potential environmental impacts to a less than significant level.

Staff Recommendation: Adopt the Mitigated Negative Declaration and approve the project subject to Finding and Conditions

Staff Contact: Nancy Hubbard, Contract Planner (805) 772-6211

<https://youtu.be/ZTPxEiuA0P4?t=6m22s>

Hubbard notified the Commission there were public comments and letters received, which were emailed to the Commissioners & copies brought to the meeting for the public. Hubbard stated there were also two phone calls received regarding questions on what the detailed home designs would look like, but the current application relates to the vesting tentative map and includes only conceptual home designs.

Hubbard presented the staff report.

Chairperson Luhr announced Item D-1 would be placed before Public Hearing Item B-2 for discussion.

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS –
NONE

The Commissioners presented their questions and concerns to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=24m35s>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 7, 2018

Kevin Huber, applicant, thanked staff for their help. Huber introduced his other staff members who came with him. Huber spoke about the project and addressed some of the questions.

Staff responded to previous questions from the Commissioners.

Dawn Beattie, Cloisters resident, suggested she be the main contact for the residents of the Cloisters. Beattie also spoke about the raptors and keeping the trees for them.

Martoney, spoke about a previous purchase for the property and why it didn't work out. Martoney thinks there is one more "Right to Build" in the Cloisters.

The Commissioners presented their questions to the applicant.

Huber responded to the Commissioners questions.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=34m53s>

The Commissioners presented their questions and comments to staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=50m3s>

Dave Watson, Planner for the applicant, answered questions from the Commissioners.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=52m53s>

Discussion between the Commissioners and staff.

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=54m18s>

Watson answered questions from the Commissioners.

Hubbard offered suggestions to the Commissioners regarding parking.

Jeff Emrick, Taylor and Associates, answered questions from the Commissioners.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=1h58s>

Chairperson Luhr opened the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=1h2m37s>

Martoney, made a comment on having only one additional building on site recorded as opposed to the Covenants, Conditions and Restrictions (CC&R) in the Cloisters.

Discussion between the Commissioners and staff.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/ZTPxEiuA0P4?t=1h3m28s>

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/ZTPxEiuA0P4?t=1h7m34s>

Steve Stephens, MB, stated there was not proper notification given to the residents in the Cloisters. Stephens noted the project has not gotten the approval from the design committee.

Chairperson Luhr closed the Public Comment period.
<https://youtu.be/ZTPxEiuA0P4?t=1h11m24s>

MOTION: Vice-Chairperson Lucas conditionally approved the project adopting PC Resolution 20-18, CP0-530/UP0-470/S00-127, in adoption to the July 18, 2018 Mitigated Negative Declaration with contingency conditions and mitigation measures for approval of the project with added condition to Planning Condition #32, 2996 Alder Avenue, with added condition. Commission Barron seconded, and the motion passes 4-1, with Commissioner Sadowski voting no.

Added to Planning Condition #11 by the Planning Commission:

Trees removed from the subject site to accommodate the development shall be replaced, at a minimum, at a 1:1 ratio in an off-site location with a species of tree suitable to replace or enhance Raptor habitat areas, as approved by the Community Development Director.

Discussion between Commissioners.

B-2 Case No.: *Plan Morro Bay: General Plan/Local Coastal Program Update*

Site Location: Citywide

Applicant/Project Sponsor City of Morro Bay

Proposed Project: General Plan/ Local Coastal Program Update known as “Plan Morro Bay” public draft was released for public review in May 2018 and has been reviewed by the General Plan Advisory Committee (GPAC). Plan Morro Bay is an integrated General Plan and Local Coastal Program Land Use Plan which is proposed to update the City’s existing separate General Plan adopted in 1988 and Local Coastal Program certified by the Coastal Commission in 1984.

Online link: <http://www.morro-bay.ca.us/DocumentCenter/View/11817/Plan-Morro-Bay-LCP-Public-Draft-May-2018>

CEQA Determination: Environmental Impact Report

Staff Recommendation: Take public comment, review, and provide comments and recommendations on public draft of Plan Morro Bay

Staff Contact: Scot Graham, Community Development Director (805) 772-6291

<https://youtu.be/ZTPxEiuA0P4?t=1h35m58s>

Sinsheimer presented the staff report.

Chairperson Luhr opened the Public Comment period.
<https://youtu.be/ZTPxEiuA0P4?t=1h46m>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – AUGUST 7, 2018

Martoney, Morro Bay, presented his questions regarding the Land Use map, and suggested it be corrected.

Carolyn Brinkman, representative for the Morro Bay Action Team, stated the group has reviewed the General Plan and strongly suggests the Commission reject it. Brinkman stated the General Plan does not meet the Coastal Commission requirements. Brinkman noted what was wrong with the plan and spoke of the update requirements and stated there was no Environmental Impact Report (EIR) included in the update.

Meredith Bates, Morro Bay stated she was happy the Commission spoke about the trees. Bates appreciated the GPAC members for their views and comments regarding Plan Morro Bay. Bates stated the GPAC comments and workshops were ignored and believes the plan is not ready. Bates also spoke of the Coastal Commission guidelines and requirements. Bates recommends the denial of the update or continue until the required environment justice is included.

Cynthia Holly, representative for Morro Bay Action Team, went over the requirements of the Local Coastal Act Policies. Holly noted the requirements should have been included into the plan.

Marla Jo Sadowski, representative for Home Front Morro Bay, spoke of what the group represents. Sadowski stated the original maps were taken out and the Environmentally Sensitive Habitat Area (ESHA) were completely removed from the plan and changed to aquatic resources and wetland habitat. Sadowski doesn't want the Commission to approve the plan without all required information.

Stephens, stated there needs to be a more aggressive outreach program.

Chairperson Luhr closed the Public Comment period.

<https://youtu.be/ZTPxEiuA0P4?t=2h8m31s>

Staff answered questions from the Public Comment period and from the Commissioners.

Discussion between Commissioners and staff

Sinsheimer reviewed Sections 1 through 3B with the Commissioners.

The Commissioners presented their questions and concerns to staff.

Staff answered questions from the Commissioners.

Discussion to continue at a Special Meeting on Thursday, August 23rd, 4 p.m. at the Community Center, Multipurpose room.

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS

<https://youtu.be/ZTPxEiuA0P4?t=1h17m8s>

- D-1 Project Description:** Planning Commission recommendation to City Council for Reauthorization of the Residential Design Guidelines adopted by City Council on October 11, 2016 (expiring October 10, 2018).
Online link: https://www.morro-bay.ca.us/DocumentCenter/View/11765/Final-City-of-MB-Design-Guidelines-CC-7_14_15
Staff Recommendation: Reauthorize
Staff Contact: Scot Graham, Community Development Director, (805) 772-6291

Graham presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Luhr opened the Public Comment period and seeing none, closed the Public Comment period.
<https://youtu.be/ZTPxEiuA0P4?t=1h24m39s>

The Commissioners presented their questions to staff.

MOTION: Commissioner Ingraffia moved to approve PC Resolution 70-16 for the approval of the Residential Design Guidelines to City Council and that the Council direct the PC to review and update in two (2) years the document once the GP/LCP/Zoning Code update is complete. Commissioner Lucas seconded, and the motion passes 5-0.
<https://youtu.be/ZTPxEiuA0P4?t=1h31m58s>

E. PLANNING COMMISSIONER COMMENTS
<https://youtu.be/ZTPxEiuA0P4?t=3h55m3s>

Vice-Chairperson Lucas commented on the General Plan document and noted even if there was some push back from the public, it was great to finally have something in writing.

Chairperson Luhr appreciated the public comment received. Luhr noted it has helped the Commission in making decisions.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENT
<https://youtu.be/ZTPxEiuA0P4?t=3h56m7s>

Graham also noted the public comment received was invaluable. The Committee wouldn't have been able to go through the process without them.

G. ADJOURNMENT

The meeting adjourned at 9:57 p.m. to the regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on August 21, 2018, at 6:00 p.m.

Gerald Luhr, Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: B-1
MEETING DATE: October 16, 2018

Staff Report

TO: Planning Commissioners **DATE: October 9, 2018**

FROM: Nancy Hubbard, Contract Planner

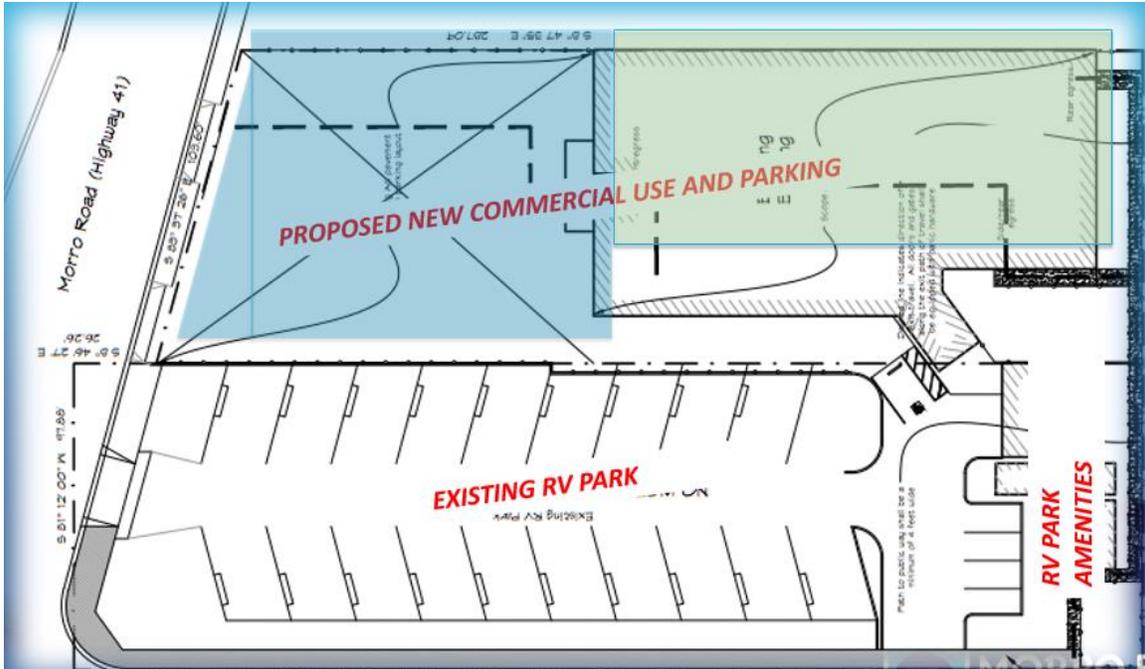
SUBJECT: Application for change in use of an existing commercial building located on a 1.52-acre site located at 210 Atascadero Road. The project application consists of a Coastal Development Permit (CP0-544), Conditional Use Permit (UP0-481). The project is within the Coastal Commission Appeals Jurisdiction.

RECOMMENDATION:

CONDITIONALLY APPROVE THE PROJECT by adopting Planning Commission Resolution 32-18 making the necessary findings for approval of CP0-544, UP0-481.

APPLICANT: Lawrence Guesno, agent for Morro Strand One LLCA, LLC
AGENT: None
ADDRESS/APN: 210 ATASCADERO ROAD/ 066-332-012

SUBJECT: Request to change the use of a 11,200 square foot existing commercial building that was previously Flippo's Surfside Skate Harbor roller skating rink at 210 Atascadero Road across the street from Morro Bay High School. The commercial portion of the building and the parking lot which occupy about ½ of the site, are currently not in use. The other portion of the site is an existing RV Park with 19 RV spaces and accessory buildings for rest rooms, showers and vending machines. Attached to the commercial building is an existing residential unit with a 2-car garage for use by the RV Park manager. The proposal under consideration is to transform the existing commercial building into a 1,079 square foot café/merchandise area, a 260 square foot office and approximately 9,861 square feet for vintage/classic car display area, with associated circulation area and restrooms. The project requires approval of a Use Permit (UP0-481) and Coastal Development Permit (CP0-544).

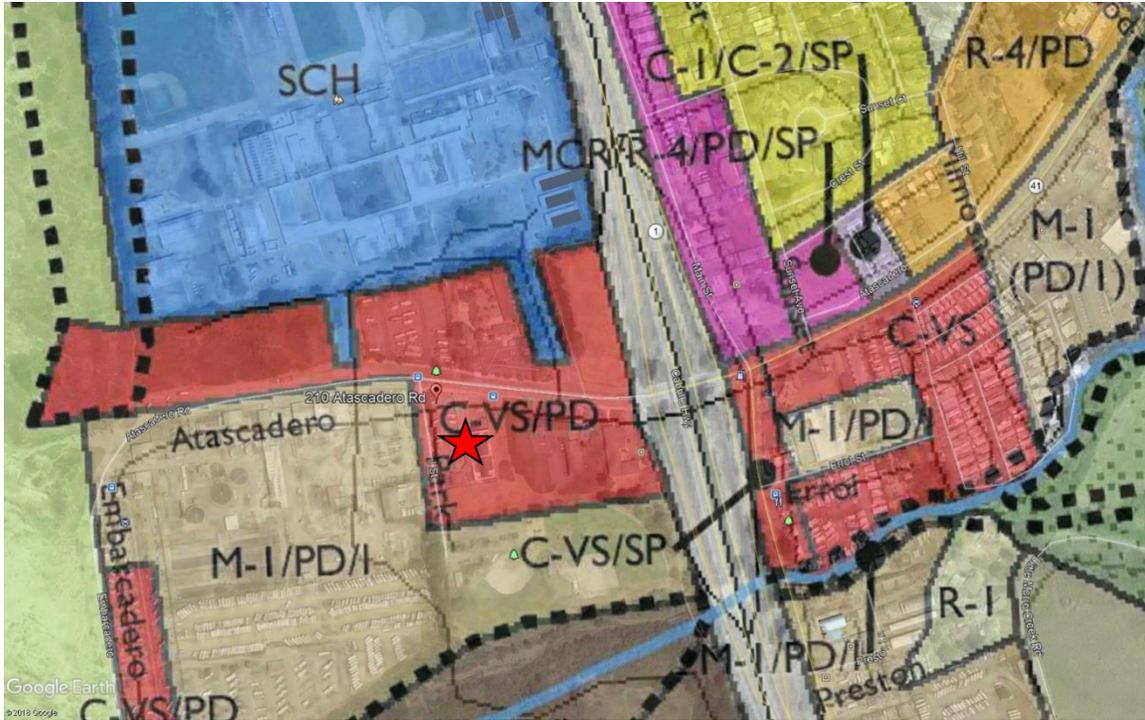


LEGAL DESCRIPTION: Lot 12 of Atascadero Beach R. M. Book 2, Page 15.

ZONING: CV-S/PD (Visitor-Servicing Commercial/Planned Development)

GENERAL PLAN/COASTAL LAND USE PLAN: Area 5 – Morro Rock with land use designation of Visitor Serving. The proposed uses fit within the categories allowed within a Visitor Serving zoning district (restaurant, gallery).

Adjacent Zoning			
North	SCH – School District	East	C-VS/PD – Visitor Serving/ Planned Development
South	M-I/PD/I – Light Industrial/PD/Interim Use	West	M-I/PD/I – Light Industrial/PD/Interim Use



SITE HISTORY:

- The subject commercial building and attached single-family residence were built in 1963
- The commercial building was operated as Flippo's Surfside Skate Harbor rink for 19 years, (from about 1982 to 2001)
- An RV/Mobile Home Park was built on half of the site in 2006/2007 with 19 spaces, rest rooms and a laundry building

Existing building



PROJECT DESCRIPTION:

The applicant would like to use the existing 11,200 square foot commercial building to operate a small café with associated merchandise area, provide an office and storage space and use majority of the building to display specialty cars, such as vintage and classic cars. Some of the cars will be out on the floor for visitors to view up-close and some would be parked in individual storage bays with glass doors for viewing. The proposed uses would require 25 parking spaces, and the applicant has shown the existing parking lot reconfigured to meet the parking lot landscaping requirements, plus provide 27 parking spaces, including 2 accessible spaces.

PUBLIC HEARING NOTICE:

Notice of a public hearing on this item was published in the San Luis Obispo Tribune newspaper on October 5, 2018, and all property owners and occupants of record within 500 feet of the project site were notified of the scheduled public hearing and invited to voice any concerns on this application. The project site was also posted with a public notice sign.

RECOMMENDATION:

Staff recommends that the Planning Commission **CONDITIONALLY APPROVE THE PROJECT** by adopting Planning Commission Resolution 32-18 which includes findings for CP0-544, UP0-481 to allow the proposed use as reflected on the plans submitted to the City of Morro Bay on September 18, 2018.

ATTACHMENTS:

Exhibit A – Resolution 32-18 – Findings and Conditions of Approval
Exhibit B - Plans

EXHIBIT A

Planning Commission Resolution #32-18

CD0-544 and UP0-481

Page 1

RESOLUTION NO. PC 32-18

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FOR APPROVAL OF CONDITIONAL USE PERMIT (UP0-481) AND COASTAL DEVELOPMENT PERMIT (CP0-544) FOR A CHANGE IN USE OF A COMMERCIAL BUILDING AND PARKING LOCATED AT 210 ATASCADERO ROAD, THE FORMER FLIPPO'S SURFSIDE SKATING FACILITY.

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 October 16, 2018, for the purpose of considering Conditional Use Permit #UP0-481 and Coastal Development Permit #CP0-544 for a change in use of an existing commercial building with related interior and exterior improvements located within the Coastal Commission appeals jurisdiction; 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. UP0-481 and CPO-544 is categorically exempt under Class 1a, Section 15301 where minor alternations of an existing building's interior or exterior involving a negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Additionally, none of the Categorical Exemption exceptions, noted under section 15300.2, apply to the 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 commercial remodel and parking lot improvements at 210 Atascadero Road are permitted uses within the zoning district. The commercial structure and proposed use comply with all

EXHIBIT A

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 commercial remodel and parking lot improvements will provide a visitor-serving opportunity which will provide additional benefit and improvements unutilized commercial site.

Section 2. Action. The Planning Commission does hereby approve Conditional Use Permit #UP0-481 and Coastal Development Permit #CP0-544, subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated October 9, 2018, for the project at 210 Atascadero depicted on plans dated May 25, 2018, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Interior remodel of an existing building and parking lot improvements, shall be designed substantially as shown on Planning Commission approved plans submitted for UP0-481 and CP0-544, 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, 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.

EXHIBIT A

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.
8. Conditions of Approval: The Findings and Conditions of Approval shall be included as a full-size sheet in the Building Plans.

PLANNING DEPARTMENT CONDITIONS

1. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or palaeontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The applicant shall be liable for costs associated with the professional investigation.
2. Construction Hours: Pursuant to MBMC subsection 9.28.030.I, Construction or Repairing of Buildings, the erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Community Development Department, which permit may be granted for a period not to exceed three days or

EXHIBIT A

less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.

3. Dust Control: That prior to issuance of a grading permit, a method of control to prevent dust and wind blow earth problems shall be submitted for review and approval by the Building Official.
4. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
5. Parking lot landscaping: Parking lot landscaping shall be provided as reflected on the approved plans. No landscape islands are required since this is an existing parking lot. (Minor Improvements to PD Overlay Zone Properties Section 17.40.030 J.).
6. The proposed project shall provide a minimum of 25 off-street parking spaces, 2 of which must be accessible (one of which must be van accessible). *As a condition of your building permit, an inspection will be required to verify that there are 2 parking spaces available in the existing residential garage.*
7. Signage included in the submittal (one wall sign and one double sided monument sign), must meet the total signage area limit of no more than 85 sq.ft.
3. Operation of any automobile engines within the building is strictly prohibited unless applicant includes appropriate ventilation and monitoring equipment in the building permit submittal satisfactory to all City departmental review criterion.
4. No cooking or heating of food will be allowed on site without further review and approval by the Community Development Department (which may require additional permits and approvals).
5. All exit pathways will need to be clearly marked with a clear pathway and accessible with appropriate panic hardware leading to a public street. See also comments from Fire Department.

BUILDING DEPARTMENT CONDITIONS:

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Building Official.

EXHIBIT A

2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. BUILDING PERMIT APPLICATION. To apply for building permits, submit three (3) sets of construction plans to the Building Division.
6. The Title sheet of the plans shall include:
 - a. Street address, lot, block, track and Assessor Parcel Number.
 - b. Description of use.
 - c. Type of construction.
 - d. Height of the building.
 - e. Floor area of the building(s).
 - f. Vicinity map.

All construction shall conform to the edition of the applicable California Building Code (CBC), California Residential Code (CRC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Energy Code, California Green Building Standards Code (CGBC), and City of Morro Bay amendments in effect when the application for construction permit is submitted to the Building Division.

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

EXHIBIT A

1. SITE MAINTENANCE. During construction, the site shall be maintained so as to not infringe on the adjacent property, such as debris and dust.

C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.

PUBLIC WORKS DEPARTMENT CONDITIONS:

1. Partial Site Plan: On building permit submittal, match site plan to approved site plan. Update note on driveway approach. Entire driveway approach to be updated per city of Morro Bay Detail B-6.

FIRE DEPARTMENT CONDITIONS:

1. Fire Safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Fire Extinguishers. A minimum of one 2A-10-BC extinguisher shall be provided for each floor area, so that travel distance does not exceed 75 feet. Extinguishers shall be serviced annually and shall have a current service tag attached (CCR, Title 19, Sec.3.29)
3. Fire apparatus access roads shall be maintained clear width and unobstructed at all times, Fire apparatus access roads shall be provided such that any portion of the exterior walls, at grade level, of a building or structure by an approved route around the exterior of the building or structure.
4. Fire Lane Marking. Fire apparatus access road shall be clearly marked and identified with signs and painted curbs of No Parking-Fire Lane as required by the fire code official (CFC 503.3). Applicant shall provide the following: Fire Lane No-Parking, 3-inches high letters stencilled every 20-feet along the west side of the access road from Atascadero Road to the private residence attached to the building. Red-painted curbs along the frontage road in front of the monument signage and planter box.
5. Location of Trash/Dumpster. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof lines.

EXHIBIT A

Planning Commission Resolution #32-18

CD0-544 and UP0-481

Page 7

6. No smoking signs shall be placed in conspicuous locations within the structure.
7. Knox Lock. Where access to an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or lock to be installed in an approved location (CFC 506). Provide a Knox Lock on the access gate. Please obtain a Knox application from Morro Bay Fire Department during business hours.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of October 2018, on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

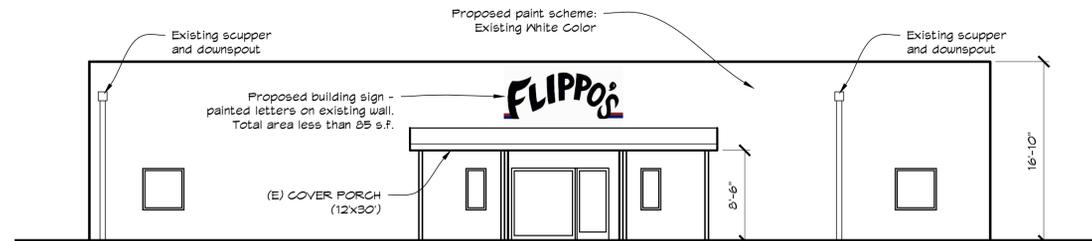
Chairperson Gerald Luhr

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 16th day of October 2018.

EXHIBIT B



FRONT ELEVATION

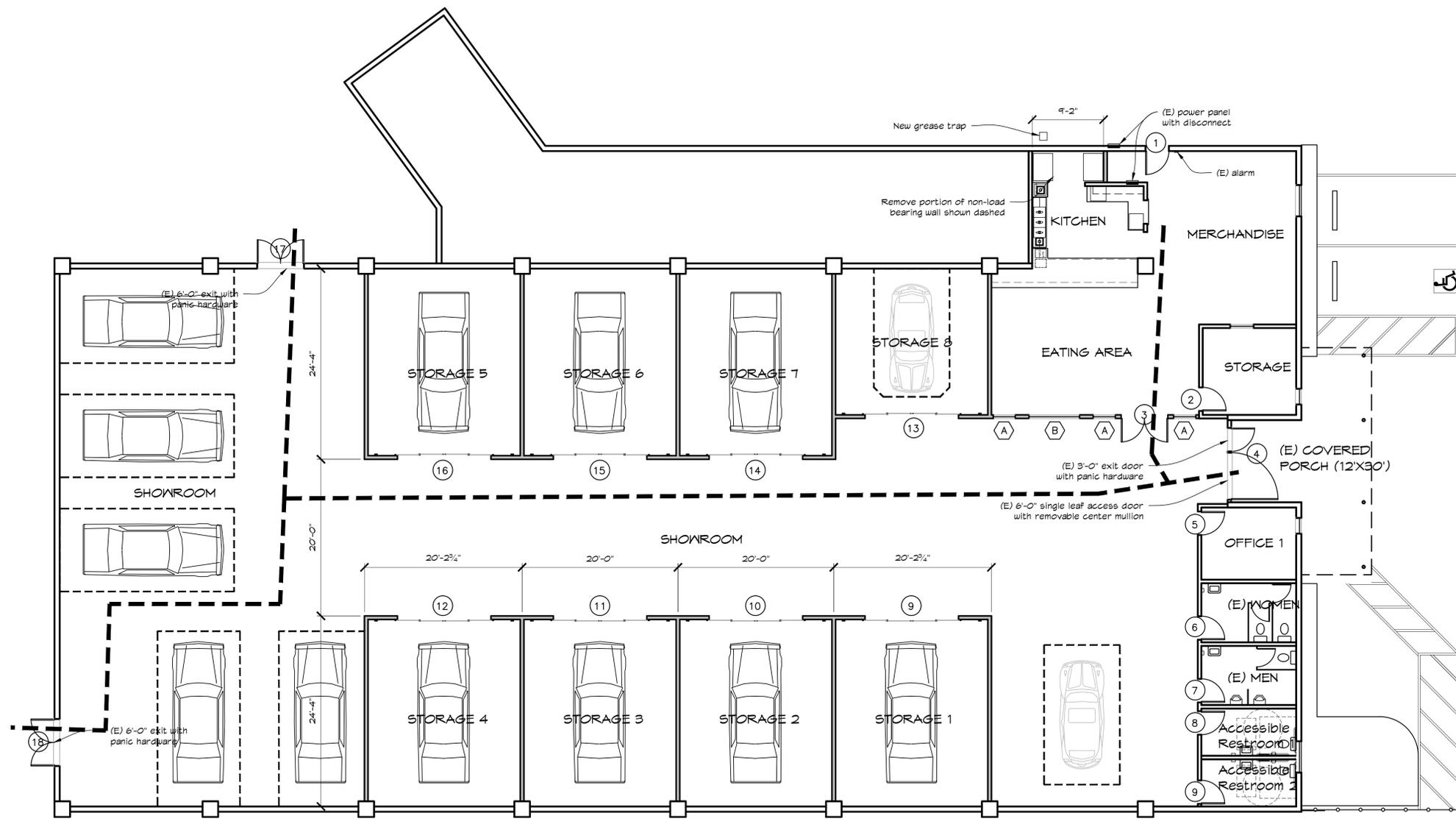
1/8" = 1'-0"

WINDOW SCHEDULE				
WINDOW SYM.	MAT	TYPE	SIZE (W x H)	REMARKS
A	AL	PICTURE	34" x 78"	TEMPERED GLAZING
B	AL	PICTURE	78" x 58"	
-	-	-	-	-

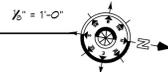
GLAZING SUBJECT TO HUMAN IMPACT SHALL BE TEMPERED PER CRC 308.3 AND 308.4
 WHEN GLAZING IS WITHIN 24" OF A DOOR
 WHEN ADJACENT TO STAIRWAYS, LANDINGS RAMP WITHIN 36" HORIZONTALLY OF THE WALKING SURFACE
 WHEN IN ENCLOSURES FOR OR WALLS FACING HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS AND SHOWERS WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60" ABOVE ANY STANDING OR WALKING SURFACE

DOOR SCHEDULE										
DOOR SYM.	TYPE	MAT.	CORE	FINISH	GLASS	SIZE	FRAME		HARDWARE	REMARKS
							MAT	FINISH		
1	FL	STL	SC	PT	-	3'-0" x 7'-0"	HM	PT	LS, DB, WS, TH	EXISTING
2	FL	WD	SC	PT	-	3'-0" x 7'-0"	WD	-	LS	EXISTING
3	FL	WD	SC	PT	-	6'-0" x 7'-0"	WD	-	LS	(2) LEAFS
4	AL	GL	-	-	GL	9'-2" x 7'-0"	HM	PT	LS, DB, WS, TH	EXISTING
5	FL	WD	SC	PT	-	3'-0" x 7'-0"	WD	-	LS	EXISTING
6	FL	WD	SC	PT	-	3'-0" x 7'-0"	WD	-	LS	
7	FL	WD	SC	PT	-	3'-0" x 7'-0"	WD	-	LS	
8	FL	WD	SC	PT	-	3'-0" x 7'-0"	WD	-	LS	EXISTING
9	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
10	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
11	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
12	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
13	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
14	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
15	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
16	SL	GL	-	-	GL	12'-0" x 7'-0"	WD	STN	LS	TEMPERED SAFETY GLAZING
17	FL	STL	SC	PT	-	6'-0" x 8'-0"	HM	PT	LS, DB, WS, TH	(2) LEAFS
18	FL	STL	SC	PT	-	6'-0" x 8'-0"	HM	PT	LS, DB, WS, TH	(2) LEAFS

LEGEND										
AL	ALUMINUM	GL	GLAZING	PPF	POCKET FLUSH LOCK	SLB	SLIDER - Born Type			
BF	B-FOLDING	HM	HOLLOW METAL	PPP	POCKET FLUSH PULL	STL	STEEL			
BP	B-PASS	INS	INSULATED	PRE	PRE-FINISHED	STN	STAIN			
CL	CLOSER	LH	LEVER HANDLE	PT	PAINT	TH	THRESHOLD			
CO	CASSED OPENING	LL	LEVER LATCH	PIV	PIVOT	WD	WOOD			
DB	DEAD BOLT	LPS	LEVER PRIVACY SET	RH	RECESSED HANDLE	WS	WEATHER STRIPPING			
FCY	FACTORY	LS	LOCK SET	RO	REMOTE OPERATOR					
FL	FLUSH	OHS	OVERHEAD SECTIONAL	SC	SOLID CORE					
FR	FRENCH	P	POCKET	SL	SLIDER					



FLOOR PLAN



GENERAL NOTES

- All gates and exit doors shall be equipped with panic hardware
- See Sheet T1.01 for continued exit pathway beyond the building

NOTE:

THIS BUILDING IS REQUIRED TO BE EQUIPPED WITH A DUAL GAS MONITORING SYSTEM INSTALLED PER MANUFACTURER'S SPECIFICATIONS.

MONITORING SYSTEMS SHALL BE INSTALLED IN ALL AREAS WHERE A VEHICLE MOTOR WILL BE RUNNING.

A STAND-ALONE SYSTEM MAY BE USED AND SHALL BE DIRECT CONNECT TO THE BUILDING MANAGEMENT SYSTEM FOR ACTIVATION WHEN GASSES ARE DETECTED.

SPECIFIC LOCATION FOR MONITOR WILL BE IDENTIFIED ON THE CONSTRUCTION DRAWINGS SUBMITTED FOR BUILDING PERMIT. THE MANUFACTURER WILL BE CONSULTED FOR OPTIMUM LOCATION.

INSTALL AN ACME ENGINEERING PROD. TWINSET STAND-ALONE DUAL GAS MONITOR (#CN-TAG-120-1). THIS SYSTEM IS ADEQUATE TO COVER UP TO 20,000 SQUARE FEET.

Drawings prepared by:
Design Solutions
 3357 Rio Arriba, Atascadero, CA 93422
 (805) 462-9488
 COPYRIGHT © This drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without their permission and unless the reproduction carries their name. All design and other information shown on this drawing are for the use on the specified project only and shall not be used otherwise without written permission of the Architect/Engineer.
 Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

220 Atascadero Road,
 Morro Bay, CA 93442
 APN - 066-332-012

FLIPPOS REMODEL
 Floor Plan

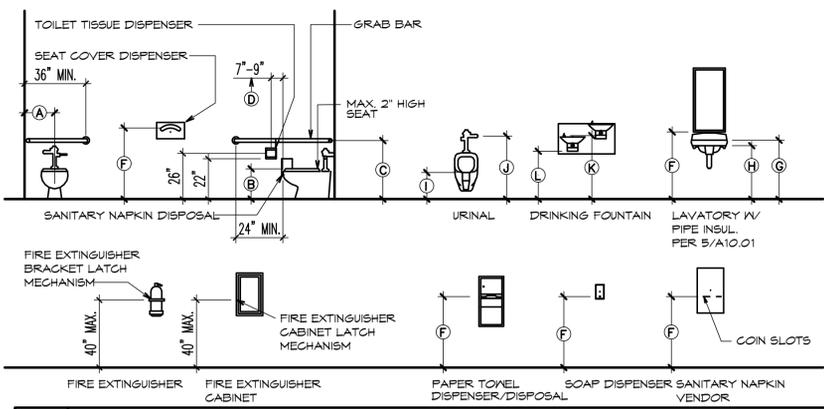
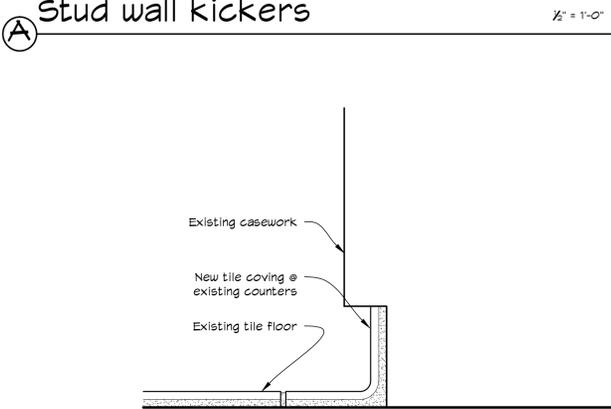
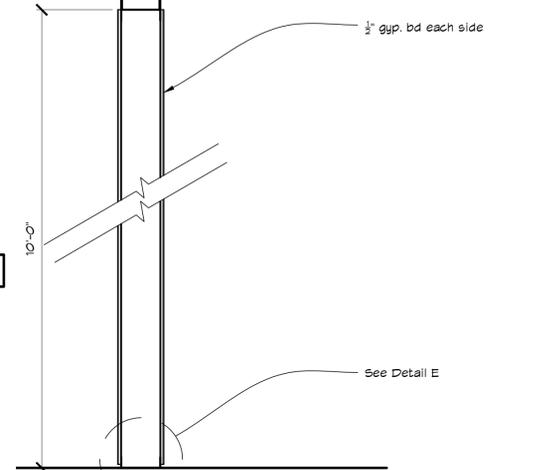
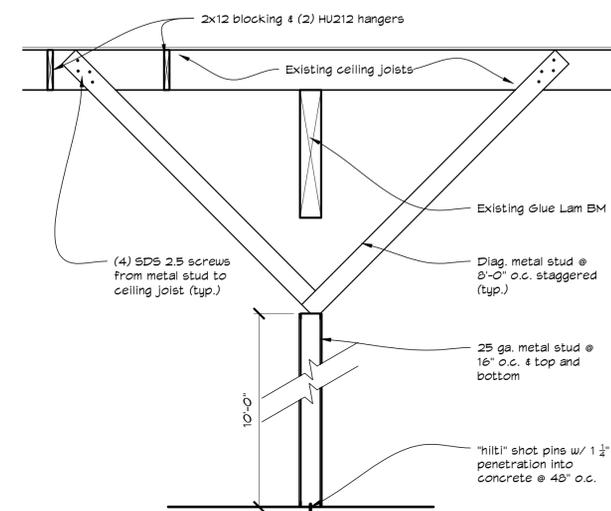
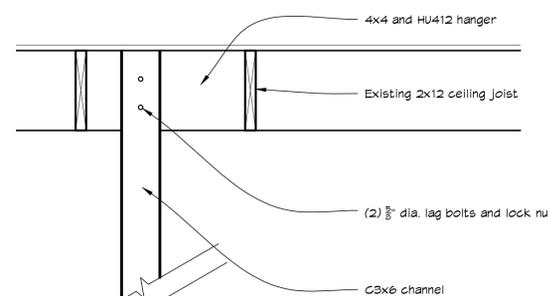
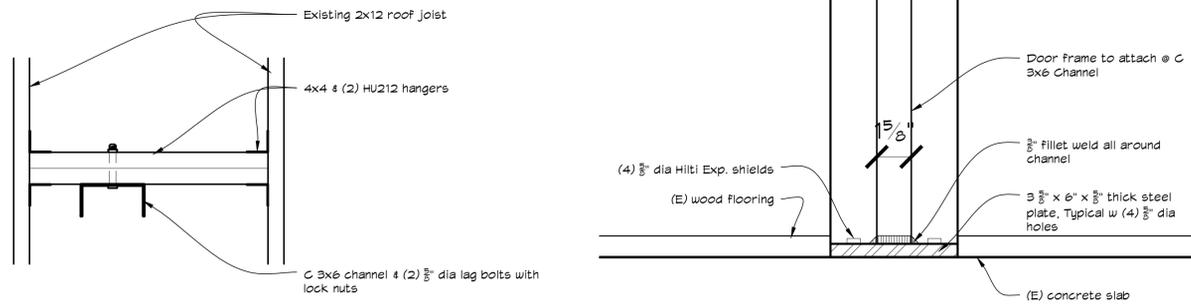
No.	Revision	Date
1	-	-
2	-	-
3	-	-

Project Manager
 charlie Trenbeth
 Drawn by
 mid
 Date
 May 25, 2018
 CAD file

Job Number
 2180301

Sheet
A2.01

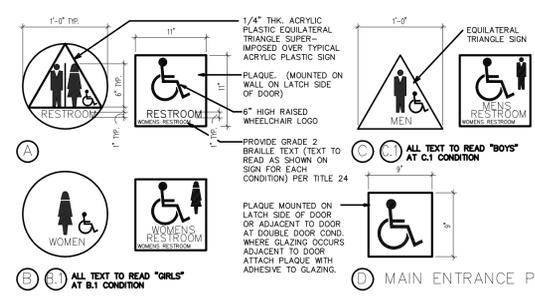
EXHIBIT B



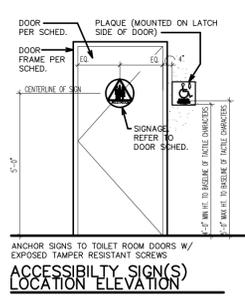
- NOTES:
1. NOT ALL FIXTURES/ACCESSORIES NECESSARILY OCCUR IN THIS PROJECT.
 2. HEIGHTS NOTED ON INTERIOR ELEVATIONS GOVERN OVER THOSE SHOWN HERE.
 3. THE ITEMS IN THIS DETAIL ARE SHOWN AT HEIGHTS ACCESSIBLE TO ADULT PERSONS WITH DISABILITIES. FOR ADULT AND JUVENILE MOUNTING HEIGHTS (AS OUTLINED IN DSA POLICY 94-15, DATED AUG. 1, 1994) SEE DETAIL 4/A10.01.
 4. WATER CLOSET FLUSH VALVE SHALL BE ORIENTED TO THE WIDE SIDE OF THE ROOM/STALL.

(A) TOILET CENTERLINE FROM WALL	10"
(B) TOILET SEAT HEIGHT (DIMENSION TO TOP OF SEAT)	17"-19"
(C) GRAB BAR HEIGHT (SIDE)	33"-36"
(D) TOILET PAPER IN FRONT OF TOILET	7"-9"
(E) NAPKIN DISP. IN FRONT OF TOILET	12" MAX
(F) DISPENSER OR MIRROR HEIGHT	40" MAX
(G) LAVATORY/SINK TOP HEIGHT	34" MAX
(H) LAVATORY/SINK KNEE CLEARANCE	29" MIN
(I) URINAL LIP HEIGHT	17" MAX
(J) URINAL FLUSH HANDLE HEIGHT	44" MAX
(K) DRINKING FOUNTAIN BUBBLER HEIGHT	36" MAX
(L) DRINKING FOUNTAIN KNEE CLEARANCE	27" MIN

F STANDARD MOUNTING HEIGHTS SCHEDULE 1/2" = 1'-0"

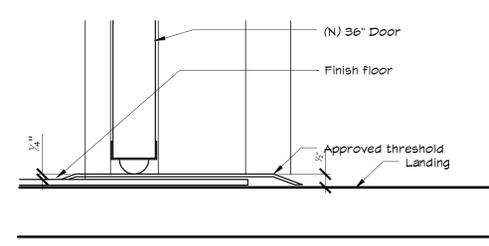
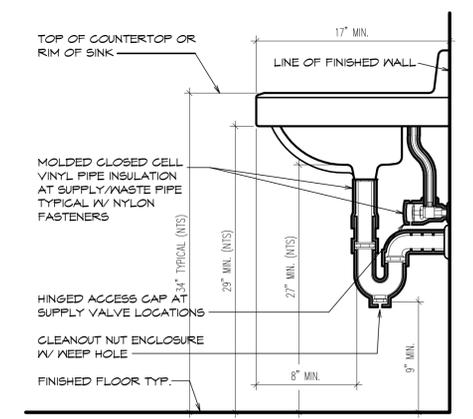


- GENERAL NOTES:
1. ALL SIGNS AND PLAQUES TO BE 1/4" THICK ACRYLIC PLASTIC.
 2. ALL SYMBOLS AND LETTERS TO BE RAISED MIN. 1/32" ABOVE SIGN/PLAQUE SURFACE.
 3. ALL SYMBOLS AND LETTERS TO HAVE A COLOR WHICH CONTRASTS WITH THE SIGN COLOR.
 4. ALL SIGNS TO HAVE A COLOR WHICH CONTRASTS WITH THE DOOR COLOR.
 5. ALL PLAQUES TO HAVE A COLOR WHICH CONTRASTS WITH THE WALL ADJACENT TO THE LATCH SIDE OF THE DOOR.
 6. REFER TO SIGN "A" THIS DETAIL FOR TYPICAL DIMENSIONS AND NOTES.
 7. REFER TO ELEVATION TO THE RIGHT FOR SIGN/PLAQUE LOCATION INFORMATION.
 8. BRAILLE DOTS SHALL BE 1/16" (2.5mm) ON CENTERS IN EACH CELL WITH 2/16" (0.5mm) SPACE BETWEEN CELLS. DOTS SHALL BE RAISED A MINIMUM OF 1/64" (0.5mm) ABOVE THE BACKGROUND.
 9. ALL SIGNS AND IDENTIFICATION SHALL COMPLY WITH TITLE 24, SECTION 11195-11196.10.



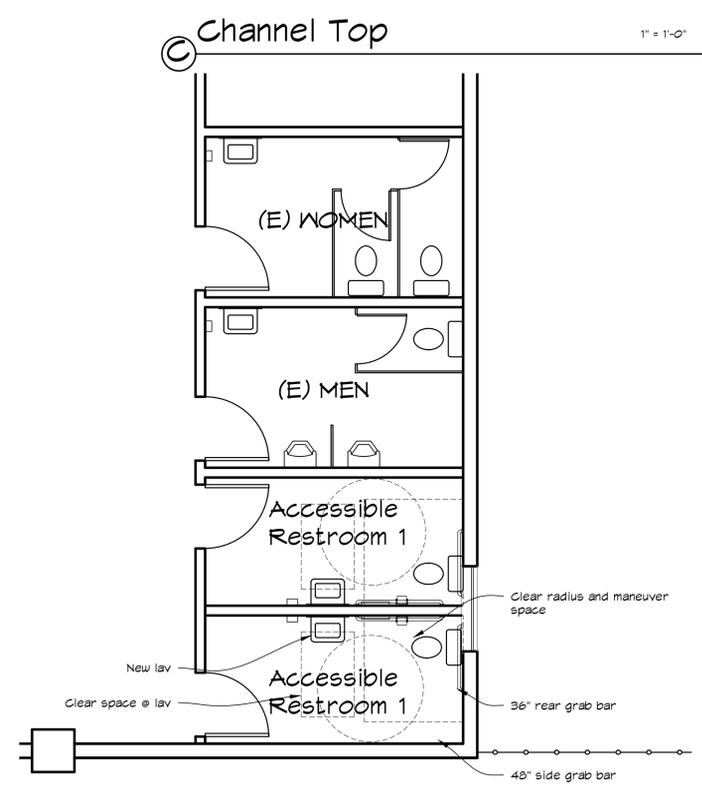
Where permanent identification is provided for rooms and spaces, raised letters shall be provided and accompanied by approved Braille. Mounting location and height as follows: install on wall adjacent to outside door latch. Tactile characters on signs shall be located 49 inches above the Finish floor, measured from the baseline of the lowest Braille cells and 60 inches maximum above the Finish floor, measured from the baseline of the highest line of raised characters.

G SIGNAGE 1 1/2" = 1'-0"

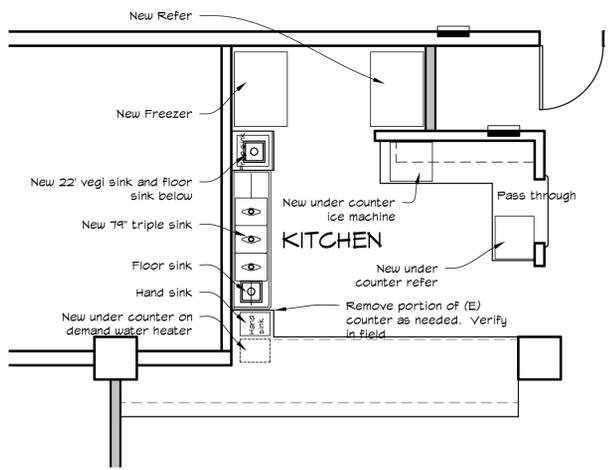


Door thresholds shall be a minimum of 1/2" in height and the height at the edge shall be a maximum of 1/2". Maximum bevel shall be not greater than 1 unit vertical to 2 units horizontal

I HAND SINK 1 1/2" = 1'-0" H Threshold 3" = 1'-0"



PROPOSED ENLARGED RESTROOM PLAN 1/2" = 1'-0"



ENLARGED KITCHEN PLAN 1/2" = 1'-0"

Drawings prepared by:
Design Solutions
 3357 Via Arroyo, Atascadero, CA 93422
 (805) 462-9438
 COPYRIGHT © This drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without their permission and unless the reproduction carries their name. All design and other information shown on this drawing are for the use on the specified project only and shall not be used otherwise without written permission of the Architect/Engineer.
 Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

220 Atascadero Road.
 Morro Bay, CA 93442
 APN - 066-332-012

FLIPPOS REMODEL
 Enlarged Plans
 & Details

No.	Revision	Date
1	-	-
2	-	-
3	-	-

Project Manager
 charlie Trerbeth
 Drawn by
 mid
 Date
 May 25, 2018
 CAD file
 Job Number
 2180301
 Sheet
A2.02

EXHIBIT B



③ Elevations of Flippo's adjacent properties



② Elevations of Flippo's adjacent properties



① Elevations of Flippo's adjacent properties



⑥ Elevations of Flippo's adjacent properties



⑤ Elevations of Flippo's adjacent properties



④ Elevations of Flippo's adjacent properties



African Daisies



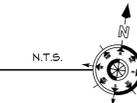
Zonal Geraniums



Monterey Cypress



SITE CONTEXT



Drawings prepared by:
Design Solutions
 3357 Via Bufo, Atascadero, CA 93422
 (805) 462-9438
 COPYRIGHT in this drawing, as an instrument of service, is the property of the Architect/Engineer and may not be reproduced without their permission and unless the reproduction carries their name. All design and other information shown on this drawing are for the use on the specified project only and shall not be used otherwise without written permission of the Architect/Engineer.
 Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job and the Architect/Engineer shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to the Architect/Engineer for approval before proceeding with fabrication.

220 Atascadero Road.
 Morro Bay, CA 93442
 APN - 066-332-012

FLIPPOS REMODEL
 Site Context

No.	Revision	Date
1	-	-
2	-	-
3	-	-

Project Manager
 Charlie Trenbeth
 Drawn by
 mid
 Checked by
 ct
 Date
 May 25, 2018
 CAD file

Job Number
 2180301

Sheet
A3.01



AGENDA NO: B-2

MEETING DATE: October 16, 2018

Staff Report

TO: Planning Commissioners **DATE:** October 7, 2018

FROM: Joan Gargiulo, Assistant Planner

SUBJECT: Appeal of Administrative Coastal Development Permit No. CP0-575 for the construction of an attached Accessory Dwelling Unit within the existing garage and the removal of a nonconforming shed at 2575 Greenwood Avenue. The parcel is located within the R-1/S.2 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

RECOMMENDATION

Staff recommends the Planning Commission deny the appeal and uphold the approval of Administrative Coastal Development Permit No. CP0-575 for the Accessory Dwelling Unit at 2575 Greenwood by adopting Planning Commission Resolution No. 31-18 for site development plans dated July 19, 2018 and with the associated Findings and Conditions of approval including an added condition prohibiting a gate across the driveway(s).

APPELLANTS: Kay Milligan and Judy Johnston

APPLICANTS: Dan and Dina Krull

LEGAL DESCRIPTION/APN: 068-249-038

SUMMARY:

An Administrative Coastal Development Permit (Exhibit C) was issued on August 6, 2018 for the construction of a new 386 sq. ft. attached Accessory Dwelling Unit within the existing garage space and the removal of a nonconforming shed on a 4,595 sq. ft. parcel at 2575 Greenwood Avenue. An appeal of this action was submitted on August 15, 2018 (Exhibit B) and the project is before the Planning Commission as the appellant body.

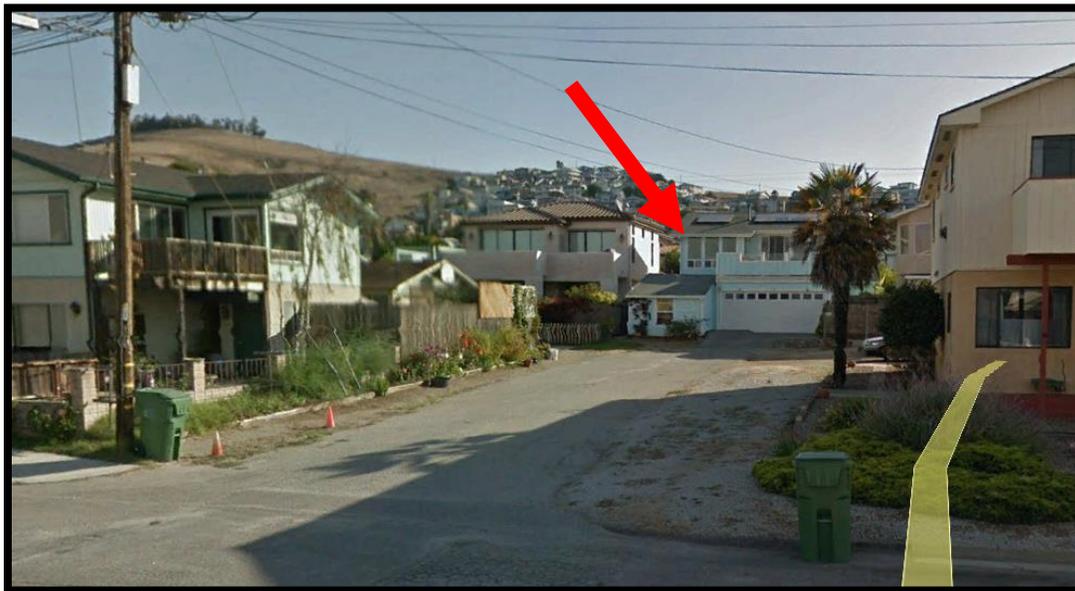
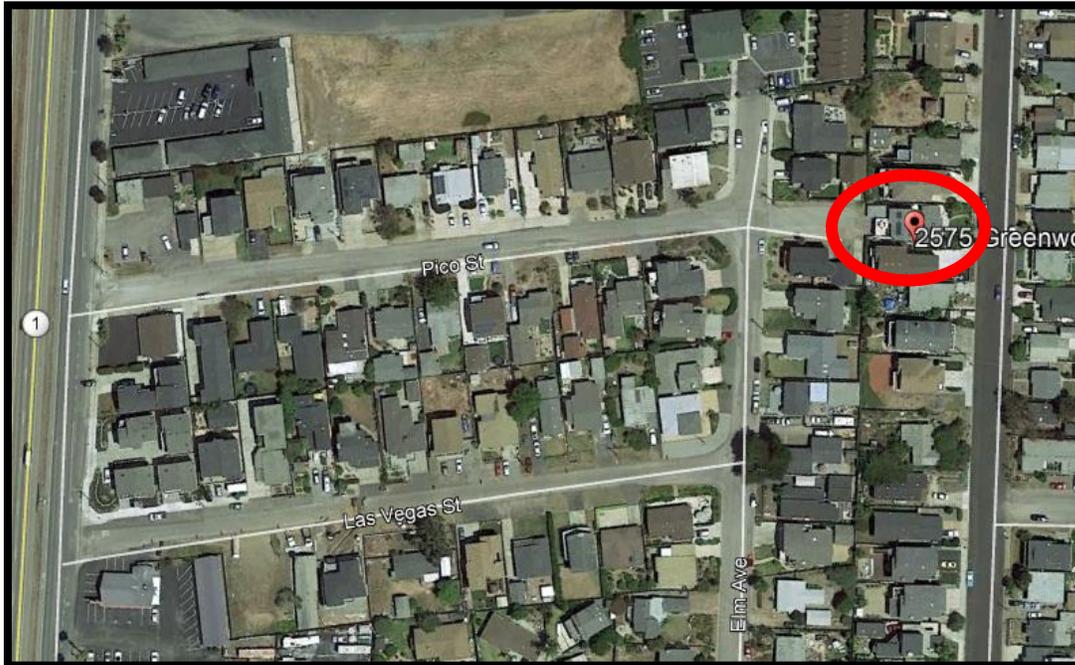
PROJECT SETTING:

The project is located in the North Morro Bay neighborhood, designated as Planning Area 1 in the Local Coastal Plan. The parcel at 2575 Greenwood Avenue is located to the east of Highway 1 and North Main Street, south of San Joaquin

Prepared By: JG

Department Review:

Street, and north of Avalon Street. The parcel is the only through lot located with frontage on Greenwood avenue as well as on the stub end of Pico Street.



Adjacent Zoning/Land Use			
North:	R-1/S.2 Single-Family Residential	South :	R-1/S.2 Single-Family Residential
East:	R-1/S.2 Single-Family Residential	West:	R-1 Single-Family Residential

Site Characteristics	
Site Area	4,595 sq. ft.
Existing Use	Single-Family Residential
Terrain	Virtually Level and Developed
Vegetation/Wildlife	Ornamental Landscaping
Archaeological Resources	N/A
Access	Greenwood Avenue and Pico Street

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	R-1
Zoning Overlay District	n/a
Special Treatment Area	S.2
Combining District	n/a
Specific Plan Area	n/a
Coastal Zone	Located Outside of the Coastal Appeal Jurisdiction

DISCUSSION:

Staff considered the proposed project in light of the City's Zoning Ordinance, General Plan, and Local Coastal Plan as well as State Law (SB 1069 and AB 2299) as it relates to Accessory Dwelling Units and found the requested development consistent with the applicable City documents and State law listed above and issued a Coastal Development Permit on August 6, 2018. On August 15, 2018, this approval was subsequently appealed to the Planning Commission to "deny all approvals of this action" and require "a fence all the way across [the rear property

line] and use access to [two] parking [spaces] in the front of the house....We believe that the only real resolution after six years of noncompliance would be to seal up the back of the home with a fence to vehicles and park in the two designated spots at their address on Greenwood like everyone else.” The Appellant’s grounds for appeal (summarized below in italics) and staff’s response to said appeal is presented below.

APPEAL ISSUES:

Appellants Kay Mulligan and Judy Johnston base their appeal of the project on the following grounds (see Exhibit B for all appeal documents received):

1. Fire and Safety:

“We believe the proposed driveway will be a safety hazard in blocking our cars in, getting into and out of our existing driveway.” The Appellant’s assert, as evidenced via photos as seen below and included in exhibit B, that the approval will exacerbate an already unsafe parking situation on Pico Street. Photos provided show parked vehicles associated with the subject parcel regularly impeding ingress and egress from the Appellant’s driveways, both of which are accessed via the stub end of Pico Street.



Staff Response:

Staff has observed the parking situation noted in the appeal. The project has therefore been specifically conditioned to mitigate for this problem. The Conditions of Approval associated with Coastal Development Permit No. CP0-575 (Exhibit B) require that the existing driveway approach on Pico Street be removed and a traffic

barrier with a no parking sign be erected at the edge of the rear property line in the public right-of-way (see Public Works Condition No. 3 verbiage below). The project has also been conditioned to require that all parking shall occur only in a manner that is consistent with all applicable Sections of the Morro Bay Municipal Code and the California Motor Vehicles Code (see Planning Condition No. 8 verbiage below).

Public Works Condition No. 3: Barricade: Due to Pico Street ending, a metal beam barricade (with no parking sign) is required in front of the proposed fence.

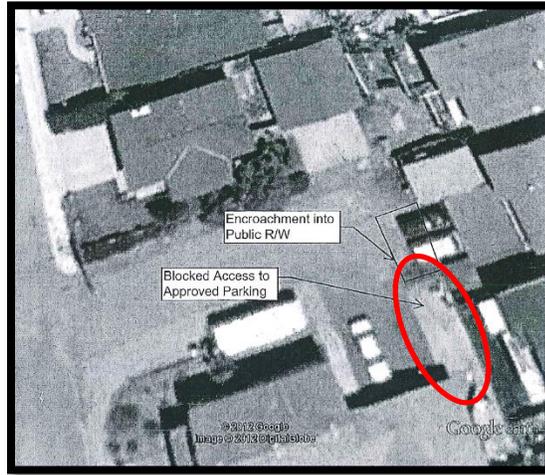
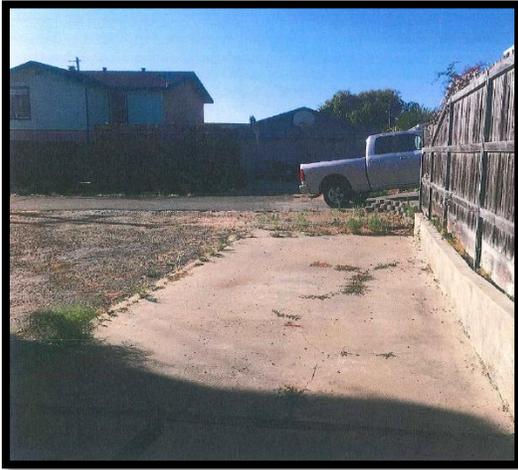
Planning Condition No. 8: Parking: Parking shall occur only within designated onsite parking spaces or within the Public Right-Of-Way in a manner that is consistent with all applicable Sections of the Morro Bay Municipal Code and the California Motor Vehicles Code and shall not block or impede ingress or egress to any other parcel or otherwise create an unsafe situation.

2. Parking:

“Use of proposed parking in [rear] on a straight-up one lane road, how are they going to back out?” Current parking habits regularly block an approved parking space along the rear property line of 2590 Elm Street. Appellant Johnston also requests that parking should not be allowed in the right-of-way along her exterior side-yard. She states that “I should not have to have parking 5 feet from my bedroom window!”

Staff Response:

As seen in the images below, the City approved parking space located along the fence line adjacent to Ms. Johnston’s driveway (the concrete pad shown in the image below to the right and circled in red in the image below to the left) is regularly blocked by vehicles parking at the subject parcel. Please see response to appeal issue #1 with regard to conditions of approval added to mitigate for parking issues. On occasion, vehicles associated with the subject parcel, park perpendicular to the property line abutting Pico, which can serve to impede access to approved parking at Ms. Johnston’s residence. Coastal Development Permit No. CP0-575 includes a condition of approval that requires the removal of the existing driveway and the installation of a no parking sign at this location. There is sufficient back-up turning radius to allow for a vehicle parked in the newly designated parking area to back out and exit Pico Avenue in a forward motion. With regard to parking along the exterior side-yard, parking is allowed within the public right-of-way.



3. Drainage:

Appellant Johnston has issue with past City approvals that required drainage to be channeled to the street, stating “this changed drainage to erode the driveway” and caused water to pool in her driveway and parking area.

Staff Response:

This matter has been previously addressed by the City Engineer in 2012. Coastal Development Permit No. CP0-575 for the creation of an Accessory Dwelling Unit within the existing garage and the demolition of the existing shed will not increase the impervious area onsite. Removal of the existing driveway approach to the satisfaction of the City Engineer will improve the drainage situation on site.

4. Trash Cans:

“I should not have to have 9 trash cans in front of my house.” The Appellant requests that the trash cans utilized by all residential occupants of the subject parcel be put out on the Greenwood Avenue frontage of the lot and not be allowed to be placed on the Elm Street right-of-way.

Staff Response:

The Morro Bay Municipal Code requires refuse containers to be placed in areas at the curbline where they will be readily accessible for collection (MBMC Section 8.16.160). The trash cans are being placed within the public right-of-way, not on private property, and thus are in an allowable location on refuse collection days.

CONCLUSION

The Appellants are requesting that Planning Commission overturn approval of Coastal Development Permit No. UP0-575 and deny the approval of an Accessory Dwelling Unit at 2575 Greenwood Avenue. Staff recommendation based on review and analysis of the appeal and policies set forth in the City's General Plan, Local Coastal Plan, and Zoning Ordinance and State Law is to deny the appeal and uphold the Director's approval of Coastal Development Permit No. CP0-575 with the added Condition of Approval to prohibit a gate across the driveway in Planning Commission Resolution No. 31-18.

EXHIBITS

A: Planning Commission Resolution 31-18

B: Appeal Received from Appellants Dated 8/15/2018

C: Administrative Coastal Development Permit No. CP0-575 with Associated Plan Set

RESOLUTION NO. PC 31-18

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION DENYING THE APPEAL OF THE APPROVAL OF ADMINISTRATIVE COASTAL DEVELOPMENT PERMIT (CP0-575) FOR THE CONSTRUCTION OF A 386 SQ. FT. ACCESSORY DWELLING UNIT WITHIN THE EXISTING GARAGE SPACE AND THE DEMOLITION OF THE NONCONFORMING SHED AT 2575 GREENWOOD 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, on October 16, 2018, for the purpose of considering an appeal filed against Coastal Development Permit #CP0-575; 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 appellant and 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 upholding the Administrative Approval

A. Administrative Coastal Development Permit No. CPO-575 was approved in a manner consistent with the City's General Plan, Local Coastal Program and Zoning Ordinance.

B. The appeal raises no issues as it relates to project compliance with the City's General Plan, Local Coastal Program and Zoning Ordinance.

Section 2: Findings. Based upon all the evidence, the Commission makes the following findings:

California Environmental Quality Act (CEQA) Finding

1. Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15303, Class 3 for a new Accessory Dwelling Unit in an urbanized residential area. Additionally, none of the

exceptions found in CEQA Section 15300.2 apply to this project.

Coastal Development Permit Finding

2. The project is the construction of a second dwelling unit in a residential zone which is consistent with the City's General Plan, Local Coastal Plan, and Zoning Ordinance. Specifically, the permit is an Administrative Coastal Development Permit for the construction of a new attached 386 sq. ft. Accessory Dwelling Unit within the existing garage. The project is located within the R-1/S.2 Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

Section 3. Action. The Planning Commission does hereby deny the appeal Filed by Kay Mulligan and Judy Johnson on August 15, 2018 and approve Coastal Development Permit No. CP0-575 for property located at 2575 Greenwood Avenue subject to the following conditions:

STANDARD CONDITIONS

1. This permit is granted for the land described in the staff report dated October 7, 2018, for the project at 2575 Greenwood Avenue (APN:068-249-038) depicted on plans dated July 19, 2018, as part of Administrative Coastal Development Permit CP0-575 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 plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.
4. Compliance with the Law: 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. 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. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: 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 Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
8. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

PLANNING CONDITIONS:

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the County Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form attached to the coastal development permit. This filing has the effect of starting a 35-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
2. Construction Hours: Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less

while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.

3. Parking During Construction: Parking shall occur in a manner consistent with the Morro Bay Municipal Code and the California Motor Vehicle Code and shall not, at any time, block any portion of any driveway on any other parcel in the vicinity.
4. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
5. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. Storage containers or other equipment shall not encroach into the required setback areas consistent with the zoning district.
6. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
7. Driveway Removal: The existing driveway located at the western edge of the parcel shall be removed up to the property line; to be shown on submitted building plans.
8. Parking: Parking shall occur only within designated onsite parking spaces or within the Public Right-Of-Way in a manner that is consistent with all applicable Sections of the Morro Bay Municipal Code and the California Motor Vehicles Code and shall not block or impede ingress or egress to any other parcel or otherwise create an unsafe situation.
9. Driveway Gate: The gate across the driveway shown on approved plans dated July 19, 2018 shall be removed and shall not be included on plans submitted upon building permit application.

BUILDING CONDITIONS:

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.

3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
6. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
9. **BUILDING PERMIT APPLICATION.** To apply for building permits submit three (3) sets of construction plans to the Building Division.
10. The Title sheet of the plans shall include:
 - a. Street address, lot, block, track and Assessor Parcel Number.
 - b. Description of use.
 - c. Type of construction.
 - d. Height of the building.
 - e. Floor area of the building(s).
 - f. Vicinity map.

All construction will conform to the 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Fire Code (IFC), 2016 California Mechanical Code (CMC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Energy Code, 2016 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and/or building height prior to framing inspection when determined necessary by the Planning Division.

C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.

FIRE DEPARTMENT CONDITIONS:

1. Fire Safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum

safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.

2. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)
3. Address identification. All new and existing single family residence and ADU's shall have their own approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.

PUBLIC WORKS CONDITIONS:

1. Stormwater Management: The City has adopted Low Impact Development (LID) and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website www.morro-bay.ca.us/EZmanual. Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to prove compliance.
2. Driveway Approach: A driveway approach is required for all proposed driveways off both Pico and Greenwood. Proposed uncovered cobble 1-car parking spaces off Greenwood Avenue (Major Collector street) requires installation of B-6 driveway approach with sidewalk. Proposed uncovered parking space off Pico Street requires driveway. If permeable pavers are to be used, a modified driveway approach with a 12" wide PCC grade beam should be constructed to stabilize the front edge of the pavers. An encroachment permit is required for any work within the Right of Way.
3. Barricade: Due to Pico Street ending, a metal beam barricade (with no parking sign) is required in front of the proposed fence.
4. Mailbox: Existing mailbox located within proposed uncovered cobble 1-car parking space, will need to be relocated. Install per US Postal requirements.
5. Utilities: Show all existing and proposed locations of the sewer lateral and sewer main. Include sizes where appropriate. Note the location of all

overhead utilities and construction underground service entrances per the CBC.

6. Sewer Lateral: Perform a video inspection of the lateral and submit to Public Works via flash drive or DVD, prior to building plan approval. Lateral shall be repaired as necessary and all repairs shall be noted on approved set of plans. Our records indicate two possible sewer lateral connections to the sewer mainline.
7. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070).
8. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. 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.
9. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.
10. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway and barricade; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement. If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit within the City right-of-way.

Add the following Notes to the Plans:

1. 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.
1. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permits are available at the City of Morro Bay Public Works Office located at 955 Shasta Ave. The Encroachment permit shall be issued concurrently with the building permit.

EXHIBIT A

Planning Commission Resolution 31-18

CP0-575 at 2575 Greenwood Avenue

Page 9

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of October 2018 on a motion by _____ and seconded by _____ on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson Gerald Luhr

ATTEST

Scot Graham, Community Development Director

The foregoing resolution was passed and adopted this 16th day of October, 2018.

RECEIVED

AUG 15 2018



CITY OF MORRO BAY

City of Morro Bay
Community Development Dept.

APPEAL FORM

Community Development Department
Planning Division

955 Shasta Avenue
Morro Bay, CA 93442
(805) 772-6577

In CCC Appeals Jurisdiction?

YES - No Fee
 NO - Fee Paid: Yes No

Project Address being appealed: 2575 Greenwood Ave Morro Bay, Ca 93442	
Appeal from the decision or action of (governing body or City officer): <input checked="" type="checkbox"/> Administrative Decision <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: all	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): CPD-575 + UPD-521	
Date decision or action rendered: August 6, 2018	
Grounds for the appeal (attach additional sheets as necessary): - please see attached photo + letters Fire + Safety Public Work conditions Storm water management Driveway Erosion and sediment grading + drainage Encroachment permits Utilities Property lines	
Requested relief or action: To not issue permit as is Need to put a fence all the way across + use access to parking in front of the house (2 spots instead of 1)	
Appellant (please print): Kay Milligan Judy Johnston	Phone: 1-805-459-5497 1-619-873-7373
Address: 2590 Elm Ave Morro Bay, Ca 93442 2600 Elm Ave Morro Bay, Ca 93442	
Appellant Signature: Judy Johnston Kay Milligan	Date: 8-15-18

FOR OFFICE USE ONLY	
Accepted by:	Date appeal filed:
Appeal body:	Date of appeal hearing:

City of Morro Bay
Community Development Dept.

August 15, 2018

Attn: Joan Gargiulo, Assistant Planner
Re: Permit No. CPO-575

As per our conversation with you and Rob Livick on 8/13/18, we are writing to you about Permit # CPO-575, a Coastal Development Permit located at 2575 Greenwood Avenue in Morro bay , Ca. We are appealing this permit for multiple reasons outlined below.

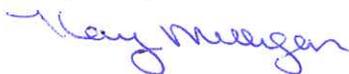
We believe the proposed driveway will be a safety hazard in blocking our cars in, getting into or out of our existing driveway (see pictures), and also believe that the water draining from the homes on Greenwood would also pose a problem. We have documented and taken pictures over the the last six years concerning the parking, drainage, and compliance with the existing permit the city has issued for a garage and driveway approach in 2012 for the same residence (see pictures).

We have tried to resolve the issues related to the problems associated with the permit issued in 2012 concerning said driveway approach, parking, drainage and access to our approved driveway. We have talked to the City, the Krulls and their guests that park there, to no avail. The new permit would seem to just make matters worse. We believe the only real solution after six years of non compliance would to seal up the back of the home with a fence to vehicles and park in two designated spots at their address on Greenwood like everyone else.

We look forward to talking with you in the future about our concerns with the proposed permit and resolving the existing issues we have with the last six years of non compliance from your 2012 permit issued. Thank you for your cooperation.

Sincerely,

Clay Kearney and Kay Milligan



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

2590 Elm.

Judith Johnston EXHIBIT B 8/14/2018

Concerns = Judith Johnston (home owner) here 40 years

I Fire + Safety

- ① We have to be able to get out of GARAGES for emergency since 2012 ongoing blocking of PARKING. many complaints to city + Police!

Discussed with Robbiwick →

(this is because there are no PARKING places on Pico Ave + only one side of Elm — see photos #1 #2)

(Compounded by low income housing = makes their people park extra/leaking cars on Street ∴ therefore our street sweeper can never get in 2 years!)

RECEIVED

AUG 15 2018

City of Morro Bay Community Development Dept.

II Public Works

1) Drainage (Storm Waste m/g)

- when the lot was cut in two + 2 homes put in they made a new property line.

- so 3 pipes drain into street db see photo

illegal → 2012 bldg. 1/2 ton Earth hauled in + regraded rd.

- said it would be removed → then allowed to stay.

8)9) - this changed DRAINAGE to erode Driveway also allowing Earth Buildup from open pipes. - many complaints to city to fix problem - see photo

② Driveway Approach

- again you are going to allow them to build on city right of way



AUG 15 2018

City of Morro Bay
Community Development Dept.

10) Encroachment

By opening DEAD ENDS
↓SET BACK LAWS = They in essence
Have 2 Front YARDS.
Both opening to the Street∴ SET BACK LAWS should apply
why should they be the only
House in M.B. to have 5' set back
to the street FACING OCEAN (NOT
RIGHT)

11.) Use of proposed parking in BACK

- STRAIGHT UP A ONE LANE ROAD
- how ARE they going to BACK out?
- we ALREADY have trouble backing out of GARAGE because to Built up street to their CAR port/PATIO.

AUG 15 2018

City of Morro Bay
Community Development Dept.

Building Questions

- We were told no new construction
- The "Garage" was ALWAYS a PATIO then converted (was it permitted. or did they just put A Garage Door up)
- is too low^m Height for an Apartment unit.

General

- NO ADDRESS ON elm Ave.
- over 100ft AWAY from their lot
- yet access to house + new Apartment unit
- compounds already dire parking situation.

Devalue - 2012 when you allowed them to open
 Dead end street { 2575 Greenwood ↑ \$40,000
 from Willow { 2590 Elm ↓ 20,000
 2600 Elm ↓ 20,000

their improvements bring our properties down!

Property Lines = are not the same on a corner lot (mine)
 which you now say as for a lot next lot
 (house to house)
 i believe i should not have to have parking
 5ft from my Bedroom window!

JUDITH JONASTON
2590 Elm Ave

8/10/2018

- 2575 Greenwood
Put All TRASH CAN ^{100ft} DOWN DEPARTMENT
TO PUT IN FRONT OF MY HOUSE
ON Elm Ave.

- new unit will also

- I should not have to have
9 TRASH CANS IN FRONT OF
my house ^{parking}
(compounding all problem)

- I Request that it be
written into the plan
that they put their
TRASH in front of their
address on Greenwood

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

JUDITH JONASTON 8/10/2018

- I Request that
PART of this plan
include

- 2575 Greenwood
& new unit

- Put all TRASH CANS
on these street

- AS it stands they put
All TRASH CAN IN FRONT OF
my house on Elm Ave
& new unit will too

- I should not have to have
9 TRASH CANS IN FRONT OF MY HOUSE.
(thus compounding problems)

please make this a condition
of permit.

EXHIBIT B

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

This is Saturday
EXHIBIT B

RECEIVED
AUG 15 2018
City of Morro Bay
Community Development Dept.

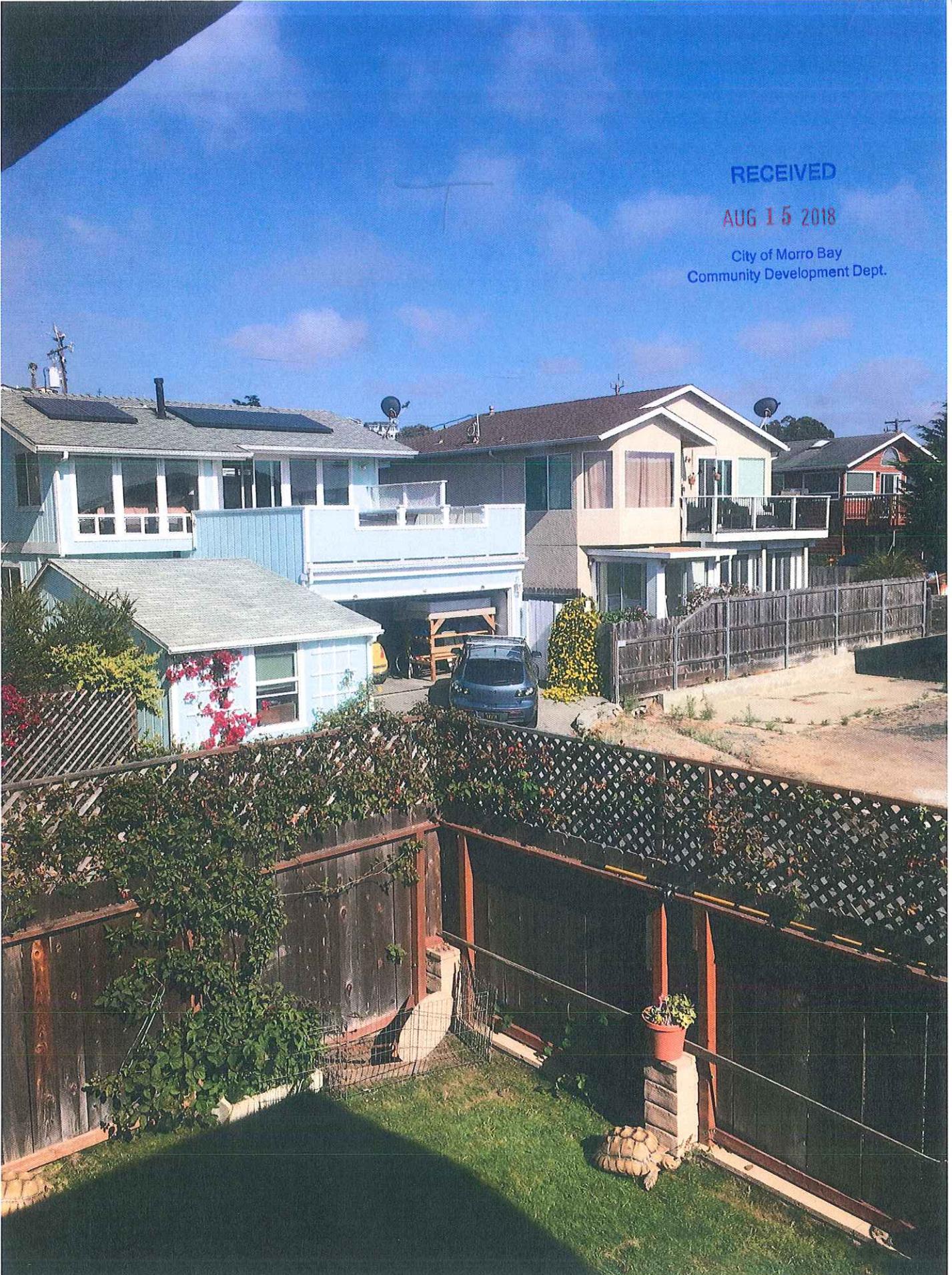


EXHIBIT B

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

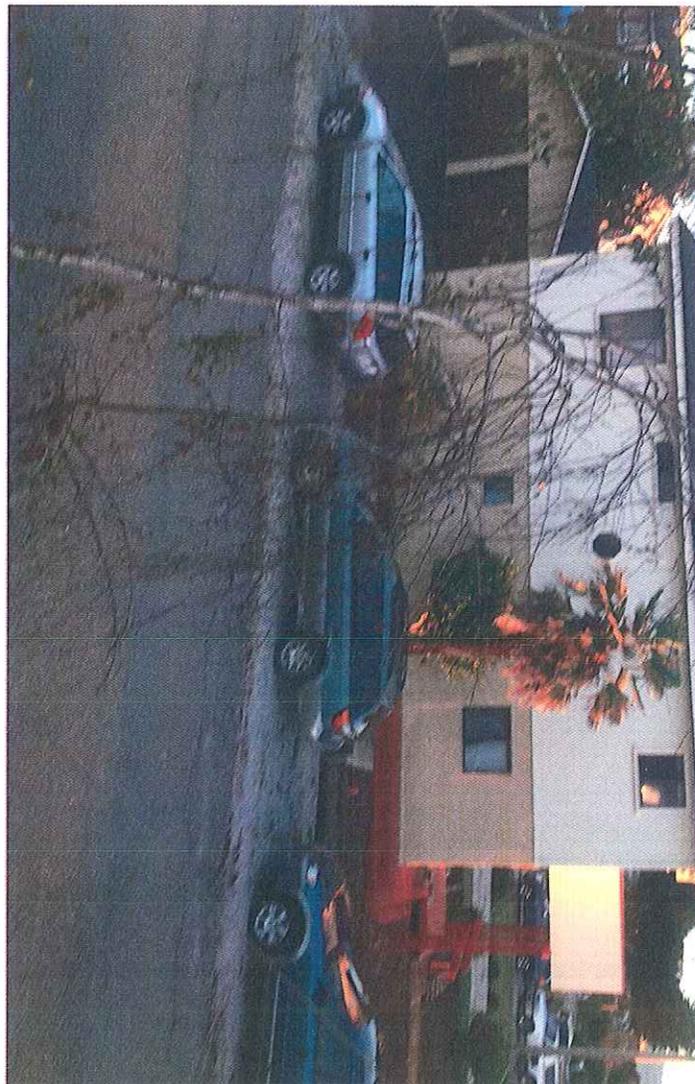


EXHIBIT B
RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.





RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

EXHIBIT B



RECEIVED
AUG 15 2018
City of Morro Bay
Community Development Dept.

3/9/2017 avqkL4JSvXdU pM8zVC8vmzcXhOBDFSp56jz-dnzwiJABUSHPQpNU1ra6yqF J1aIk9qC0rmu210...

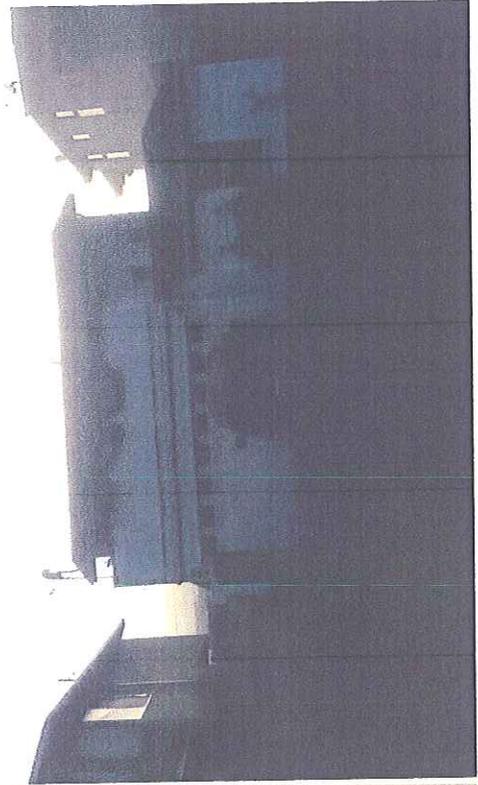
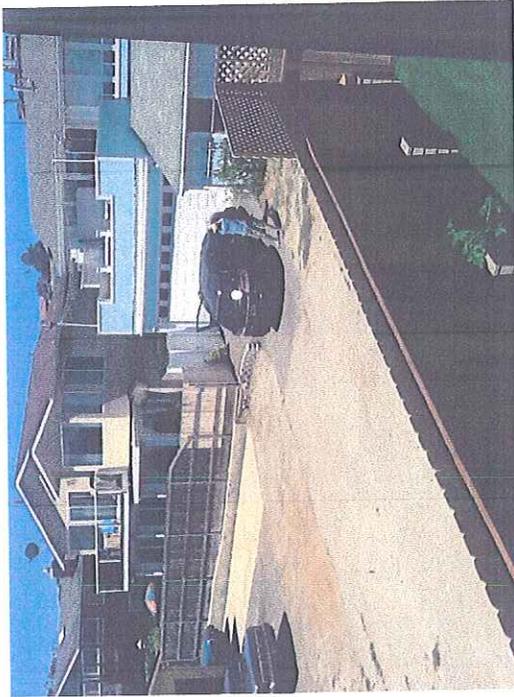
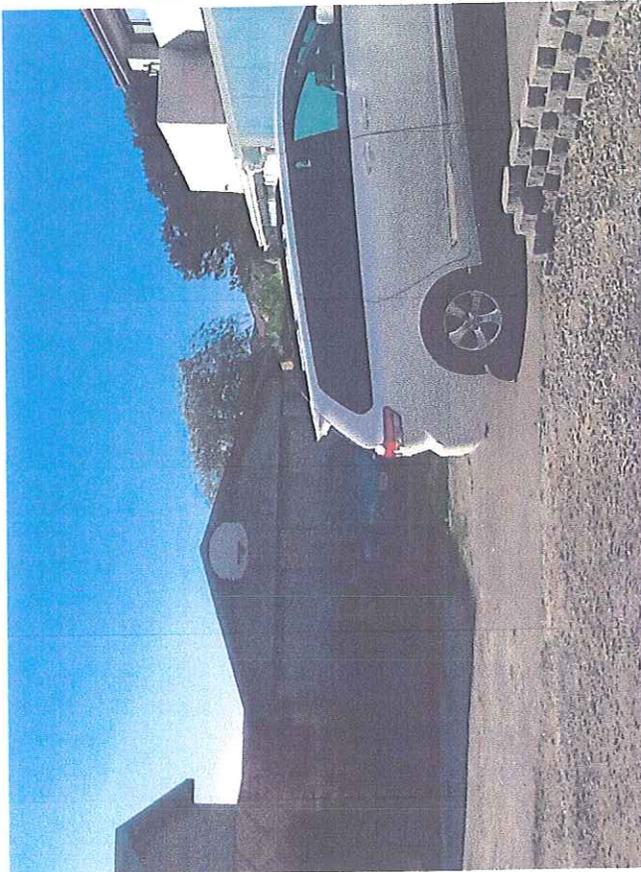


<https://gm1.ggpht.com/avqkL4JSvXdU pM8zVC8vmzcXhOBDFSp56jz-dnzwiJABUSHPQpNU1ra6yqF J1aIk9qC0rmu210...> 1/2

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



3/9/2017 JYIrxwHQR10I7muJb_c4JWoxvc6XIA2GSPSDoufVxO8cLUHtobi4CaJF-0f1ajF_fkMf8sLeDBJBwHt...



https://gm1.ggpht.com/JYIrxwHQR10I7muJb_c4JWoxvc6XIA2GSPSDoufVxO8cLUHtobi4CaJF-0f1ajF_fk... 1/2

EXHIBIT B

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

3/9/2017 hvsSWR8jtM2ATN5Qj1_cdlEaeAmGGbTG3zNe9a4AIKINRqvGi3flUObcFv7caQrm9JZijQQSnqG...



https://gm1.ggpht.com/hvsSWR8jtM2ATN5Qj1_cdlEaeAmGGbTG3zNe9a4AIKINRqvGi3flUObcFv7caQ... 1/2

EXHIBIT B

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

RECEIVED
AUG 15 2018
City of Morro Bay
Community Development Dept.

RECEIVED
AUG 15 2018
City of Morro Bay
Community Development Dept.

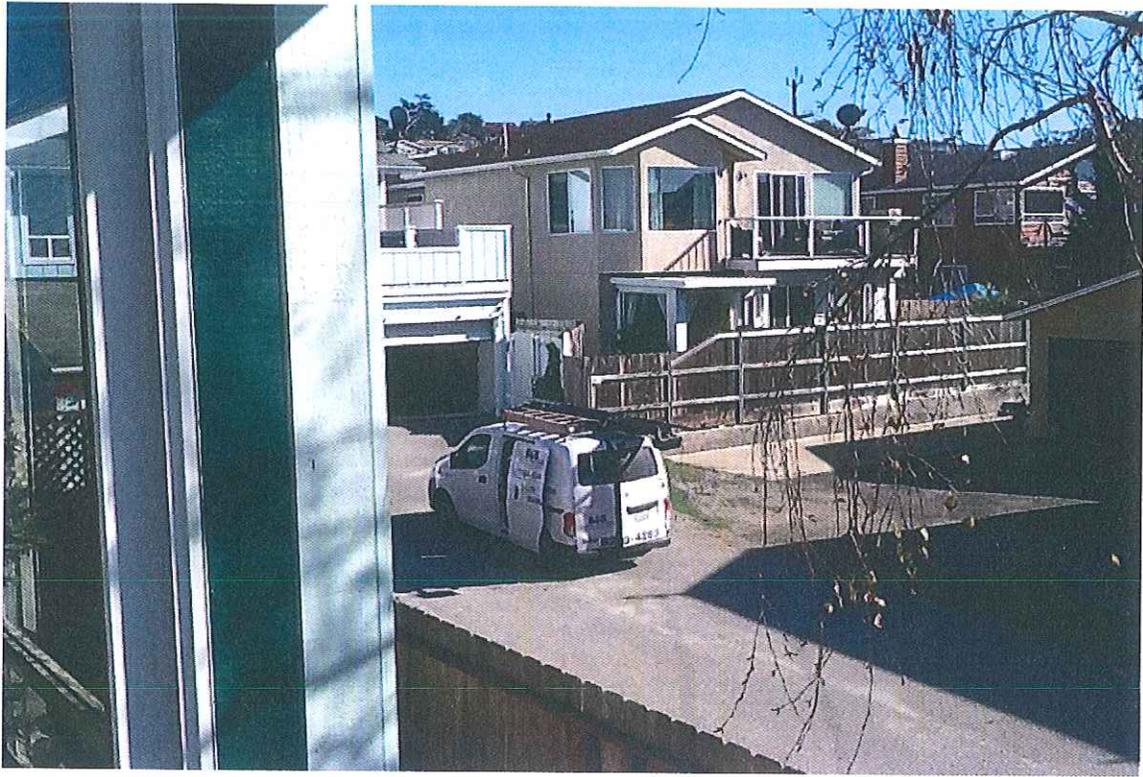


RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.





RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

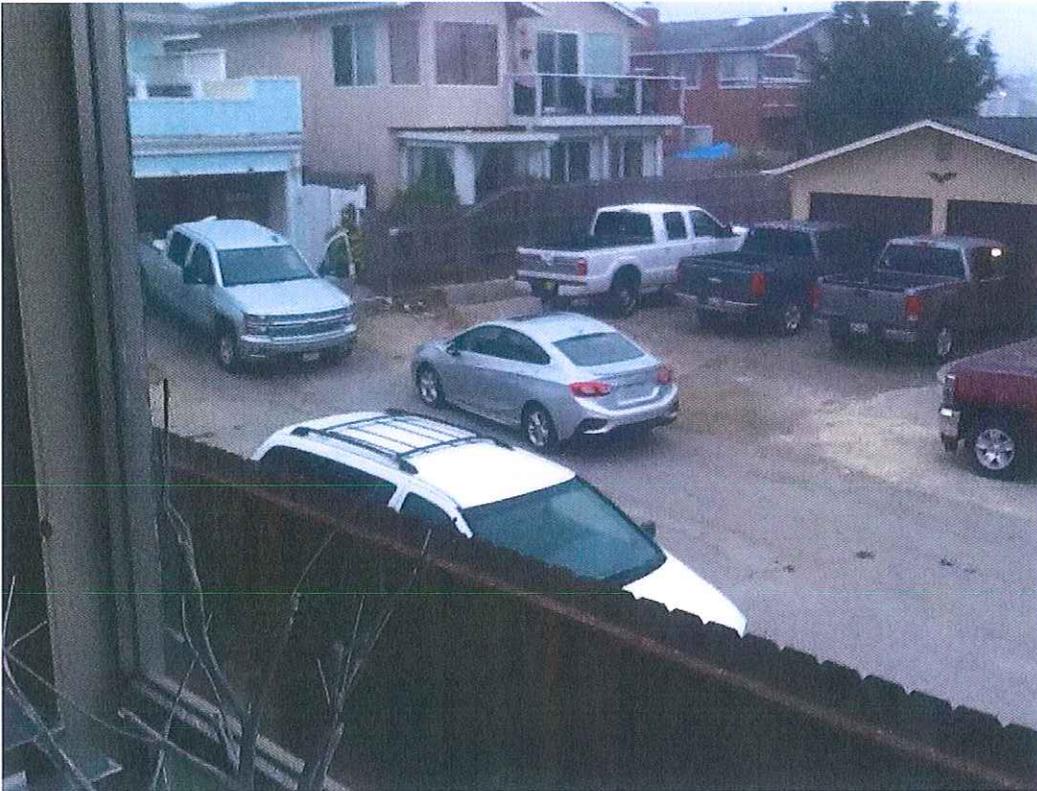


Kay Milligan <kayam1957@gmail.com>

(no subject)
1 message

Clay Kearney <broncos8307@hotmail.com>
To: "kayam1957@gmail.com" <kayam1957@gmail.com>

Mon, Aug 13, 2018 at 12:51 PM



Sent from my iPad

RECEIVED
AUG 15 2018
City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

Sent from my iPad

Clay Kearney <broncos8307@hotmail.com>
To: "kayam1957@gmail.com" <kayam1957@gmail.com>

Mon, Aug 13, 2018 at 12:52 PM



Sent from my iPad

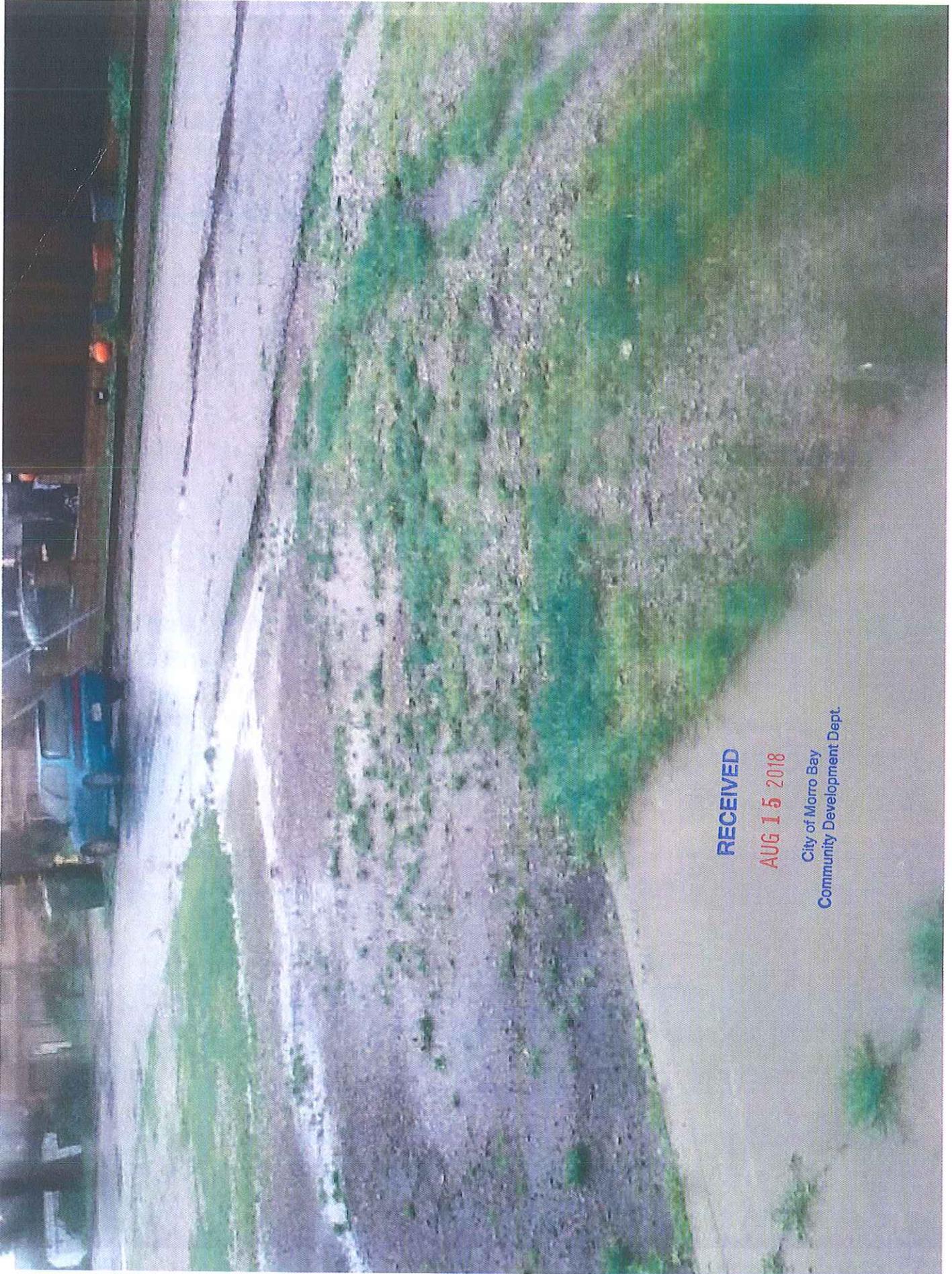
3/9/2017

Email - (no subject)

Sent from my iPad



EXHIBIT B



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.





High enough? 

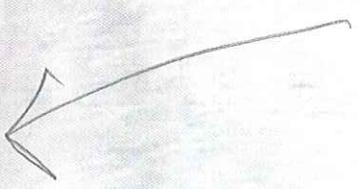
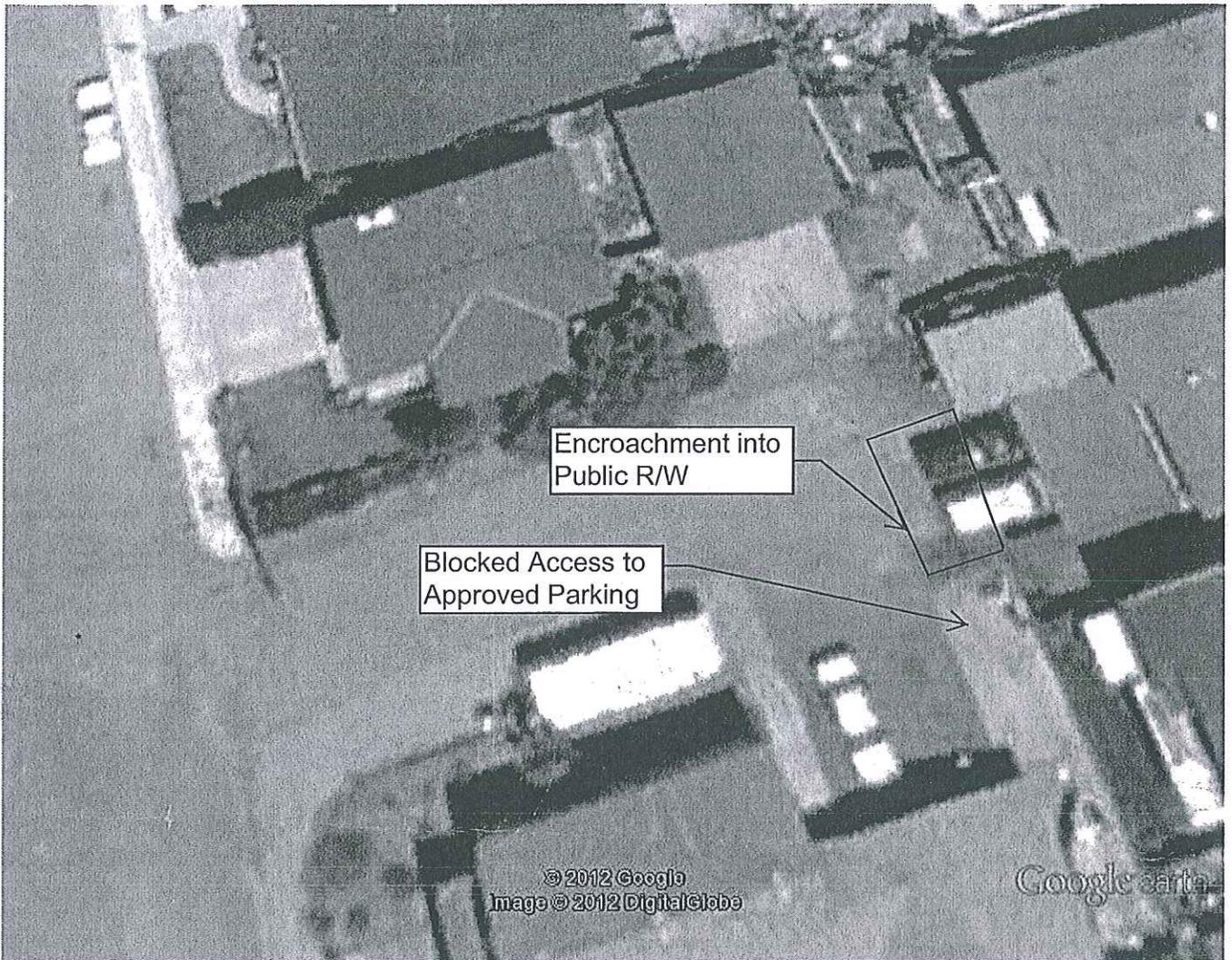


EXHIBIT B

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



Google earth



2575 Greenwood Avenue, Morro Bay

Encroachment into Right of Way and Blocking Access

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

EXHIBIT B

RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.





RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

EXHIBIT B



RECEIVED

AUG. 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept

EXHIBIT B



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

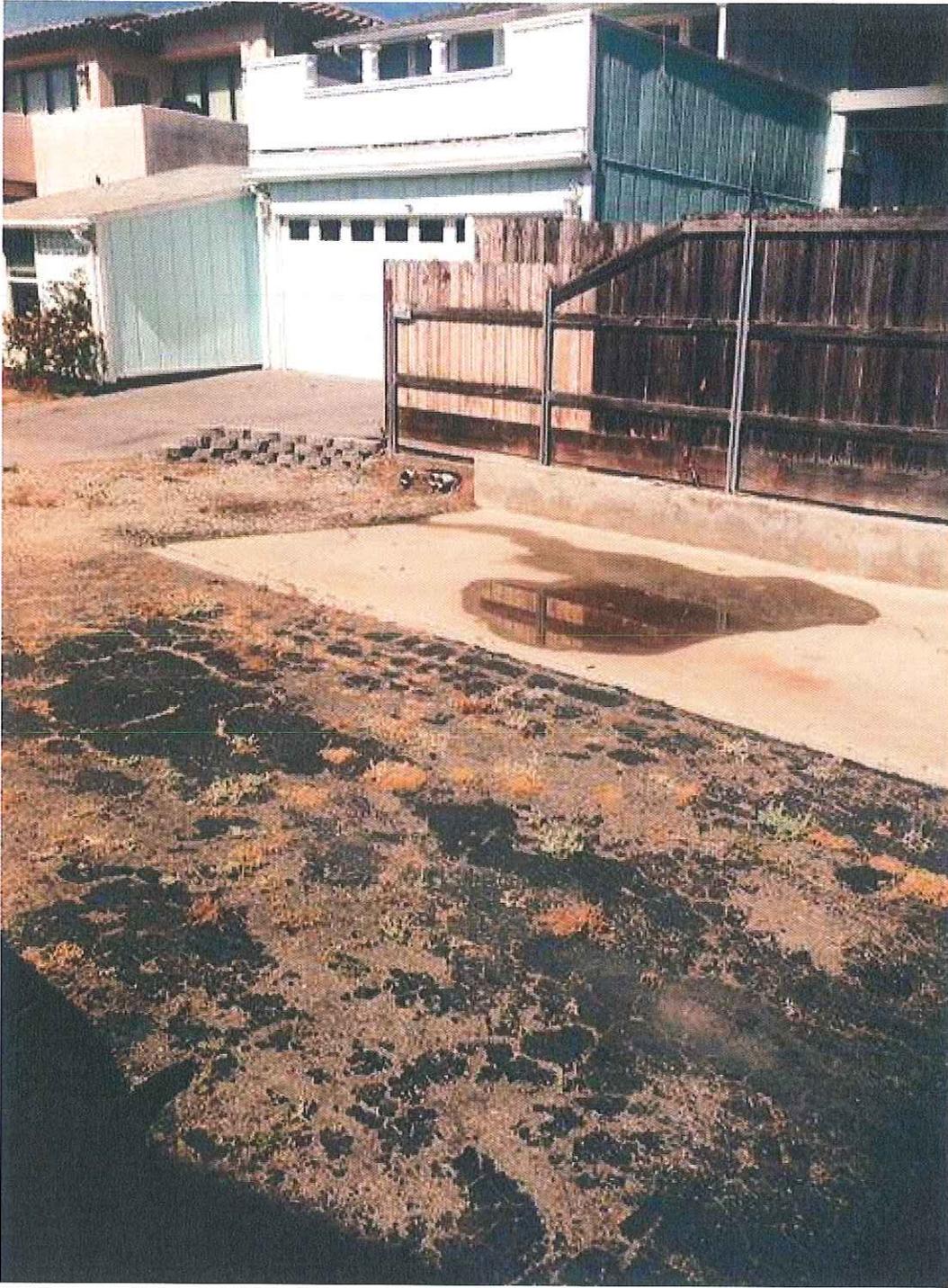
EXHIBIT B



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.



RECEIVED

AUG 15 2018

City of Morro Bay
Community Development Dept.

EXHIBIT B



RECEIVED

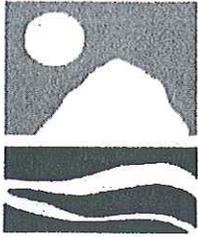
AUG 15 2018

City of Morro Bay
Community Development Dept.

Morro Bay, CA, US

EXHIBIT B

Sept 4 2012



CITY OF MORRO BAY
PUBLIC SERVICES DEPARTMENT
955 SHASTA AVENUE ♦ MORRO BAY, CA 93442
805-772-6261

RECEIVED
AUG 15 2018
City of Morro Bay
Community Development Dept.

WARNING OF ADMINISTRATIVE CITATION
MORRO BAY MUNICIPAL CODE
ORDINANCE # 530 SECTION 1.03.030

September 4, 2012

KRULL, DAN & DINA, ET AL
2575 GREENWOOD AVE
MORRO BAY, CA, 93442-1544

RE: Unauthorized Driveway Approach Encroachment – Pico Street Right of Way

On March 30, 2012 the City of Morro Bay sent you a warning of administrative citation for an unauthorized driveway encroachment and associated fill placed into the Public Right of Way (Pico Street) adjacent to your property located at 2575 Greenwood Ave, Morro Bay, Ca. APN 068-247-018. The encroachment blocks access to an existing approved parking space on an adjacent property and inhibits drainage from adjoining properties. You continue to be in violation of Morro Bay Municipal Code chapter 12.04 Streets and Sidewalks. It is unlawful for any improvements within the Public Right of Way to be in violation of this section of the Morro Bay Municipal Code. Parking is prohibited in accordance with California Vehicle Code section 22500: (e) *In front of a public or private driveway...*

You are hereby ordered to remove said encroachment or make the necessary modifications to the approach such that it does not interfere with access or drainage; within 10 days of receiving this order. Prior to any work within the Public Right of Way, be it removal or modification of the driveway approach, an Encroachment Permit issued by the City's Public Services Department is required. Failure to comply with the above mentioned conditions can result in an Administrative citation; the first offense is \$100, second \$200, and third \$500. Each day that compliance is not achieved is a separate violation. **Additionally, if the encroachment is not removed within 10 days following receipt of this notice, the City may, without any additional warning remove the encroachment and bill you for the costs incurred.**

Should you have any questions or wish to apply for an encroachment permit, please contact Damaris Hanson, Engineering Technician at 772-6265.

Thank you for your cooperation,

Rob Livick, PE/PLS
Public Services Director/City Engineer

C: Rob Schultz, Damaris Hanson, Brian Cowen, Bryan Millard

AUG 15 2018

City of Morro Bay
Community Development Dept.

City of Morro Bay – Building inspector

Nov 3, 2011

RE:

2590 Elm Ave

Morro Bay -----Family home for more than 30 years.

- I. My first complaint in 2006 was when you changed the lot lines for the house directly behind me. A very strange configuration that would allow the new property to drain into the street even though it now flooded my back yard, which never flooded in 30 years prior. See diagram....
- II. I was told there was no recourse and their contractor put cement blocks up to block the water, which only served to build up a berm of weeds and soil at the fence line.. SEE PHOTO....
- III. Then in August the new owner built access to his patio/quasi Garage (no sides or doors). His Garage was always in the front of house and to my knowledge still is. I consulted your office and was told they could not grade in the street with out a permit. As photos show this was not the case. They brought in dirt and grade a nice drive in the street. What are you going to do about that.....?????

I made an official complaint in August 10, 2011 and was told it would be looked into.... I called a couple of times but no resolution and never a word in written form about this complaint...??????????. Copy of this complaint inclosed

I was told natural grade of the road----wrong it was a dead end Flat road for 30 years I have pictures to show this is true. The run off from new lot lines built it up.

After no response from your office the situation has gotten worst with the new owner orienting his house to this side. His drive way, his visitors now block driveway entrances on both side. All neighbors are concerned about the rising problems, but of course we new this would happen and still we have no response from your office. What Gives?????

955 Shasta Ave.
Morro Bay, CA 93442
(805) 772-6211



CITY OF MORRO BAY
 COMMUNITY DEVELOPMENT DEPARTMENT
 955 Shasta Avenue
 Morro Bay, CA 93442

August 6, 2018

Dan and Dina Krull
 2575 Greenwood Avenue
 Morro Bay, CA 933442

Subject: Coastal Development Permit #CP0-575 at 2575 Greenwood Avenue

Description:

Administrative Coastal Development Permit for the construction of a new 386 sq. ft. attached Accessory Dwelling Unit within the existing two-car garage and the removal of a nonconforming shed on a 4,595 sq. ft. parcel at 2575 Greenwood Avenue. The proposed project is located within the R-1/S.2 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

Dear Mr. and Mrs. Krull:

The City of Morro Bay Community Development Department conditionally approved your request. 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 enclosed Acceptance of Conditions form, signed, to this department or the action is null and void.***

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals except for those not coastal permits in the coastal appeals jurisdiction.

Please also find enclosed the Notice of Exemption for your project. The City of Morro Bay no longer files notices of exemptions. You may file the Notice of Exemption with the County Clerk's office located in the County Government Building in San Luis Obispo. The filing Fee is \$50.00 and the County requires the original Notice of Exemption and at least one copy.

Section 15062 (d) of The California Environmental Quality Act (CEQA) provides:

"The filing of a Notice of Exemption and the posting on the list of notices start a 35 day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180 day statute of limitations will apply."

Sincerely,

Scot Graham
 Community Development Director

By:



 Joan Gargiulo, Assistant Planner



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT

Coastal Development Permit

This approval is based upon the attached findings and is valid only if the attached conditions are met and only after the applicable appeal period. Failure to comply with the conditions of this permit shall, at the discretion of the Community Development Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

CASE NO: CP0-575

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 2575 Greenwood Avenue

APPLICANT: Dan and Dina Krull

APN/LEGAL: 068-249-038

DATE APPROVED: August 6, 2018

APPROVED BY: Community Development Director

CEQA DETERMINATION: Categorical Exemption, Class 3, CEQA Guidelines Section 15303(a)

DESCRIPTION
OF APPROVAL:

Administrative Coastal Development Permit for the construction of a new 386 sq. ft. attached Accessory Dwelling Unit within the existing two-car garage and the removal of a nonconforming shed on a 4,595 sq. ft. parcel at 2575 Greenwood Avenue. The proposed project is located within the R-1/S.2 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

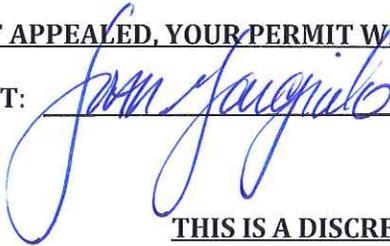
Please see reverse for Permit Effective Date.

YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) *Calendar days*, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE CITY COUNCIL/PLANNING COMMISSION

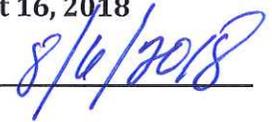
YOUR PROPERTY IS LOCATED IN THE COASTAL COMMISSION APPEALS JURISDICTION: THE FOLLOWING COASTAL COMMISSION APPEAL PERIOD APPLIES TO YOUR PROJECT: This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) *Working days* following Commission receipt of this notice and after expiration of the City of Morro Bay appeal period. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, Ste. 300, Santa Cruz, CA 95060, Phone: 415-427-4863. If you have any questions, please call the City of Morro Bay Community Development Department, 772-6264.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: Thursday, August 16, 2018

ATTEST:



DATE:



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



CITY OF MORRO BAY
COMMUNITY DEVELOPMENT DEPARTMENT
**NOTICE OF FINAL ACTION ON COASTAL DEVELOPMENT
PERMIT**

DATE OF NOTICE: 8/6/2018

NOTICE OF FINAL CITY ACTION on Coastal Development Permit No. CP0-575

THE FOLLOWING PROJECT IS LOCATED IN THE MORRO BAY COASTAL ZONE AND A COASTAL DEVELOPMENT PERMIT APPLICATION HAS BEEN ACTED ON BY THE CITY.

Applicant: Dan and Dina Krull

Address: 2575 Greenwood Avenue, Morro Bay, CA 93442

Project Description:

Administrative Coastal Development Permit for the construction of a new 386 sq. ft. attached Accessory Dwelling Unit within the existing two-car garage and the removal of a nonconforming shed on a 4,595 sq. ft. parcel at 2575 Greenwood Avenue. The proposed project is located within the R-1/S.2 Single-Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction

Project Location: 2575 Greenwood Avenue, Morro Bay, CA 93442

APN: 068-249-038

Zoning: R-1/S.2

Land Use Plan/General Plan: Moderate Density Residential

Lot Area: 4,595 square-feet

Filing Date: 4/11/2018

Approval Body: Community Development Director

Action Taken: Approve with conditions

Action Date: 8/6/2018

THIS SITE IS OUTSIDE OF THE COASTAL COMMISSION APPEAL JURISDICTION

This City decision is appealable to the California Coastal Commission pursuant to the California Public Resource Code, Section 30603. The applicant or any aggrieved person may appeal this decision to the Coastal Commission within TEN (10) working days following Commission receipt of this notice. Appeals must be in writing and should be addressed to: California Coastal Commission, 725 Front Street, #300, Santa Cruz, CA 95060, 531-427-4863.

APPLICANT'S ACCEPTANCE
OF
CONDITIONS OF APPROVAL

CASE NO. CP0-575

SITE LOCATION: 2575 GREENWOOD AVENUE, MORRO BAY

APPLICANT NAME: DAN AND DINA KRULL

APPROVAL BODY: COMMUNITY DEVELOPMENT DIRECTOR

DATE OF ACTION: 8/6/2018

I (WE), _____ the undersigned, have read and
(APPLICANT'S NAME - PLEASE PRINT)

reviewed the conditions of approval imposed by the Approval Body in its action

approving Case Number: CP0-575

I UNDERSTAND AND ACCEPT SAID CONDITIONS AND AGREE TO FULLY COMPLY WITH THEM.

APPLICANT'S SIGNATURE

DATE

APPLICANT'S SIGNATURE

DATE

CITY OF MORRO BAY
NOTICE OF EXEMPTION

TO: [X] San Luis Obispo Co. Clerk
County Government Center
San Luis Obispo CA 93401
[] Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

FROM: City of Morro Bay
Community Development Department
955 Shasta Avenue
Morro Bay, CA 93442

Project Title: Construction of an Accessory Dwelling Unit

Project Location - Specific: 2575 Greenwood Avenue, Morro Bay (APN 068-249-038)

Project Location - City: MORRO BAY County: SAN LUIS OBISPO

Description

of Project: Administrative Coastal Development Permit for the construction of a new 386 sq. ft. attache Accessory Dwelling Unit within the existing two-car garage and the removal of a nonconforming shed on 4,595 sq. ft. parcel at 2575 Greenwood Avenue. The proposed project is located within the R-1/S.2 Single Family Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction

Name of Public Agency Approving the Project: CITY OF MORRO BAY, 955 SHASTA AVE, MORRO BAY, CA 93442
jgargiulo@morrobayca.gov

Name of Person or Agency Carrying Out Project: D. and D. Krull, 2575 Greenwood, Morro Bay., CA 93442
Dan.m.krull@gmail.com

Exempt Status: (Check One)

Reasons why project is exempt: New ADU in a residential zoning district

- [] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a))
[] Declared Emergency (Sec. 21080(b)(3); 15269(a))
[X] Categorical Exemption:
Type and Section Number: 15303, Class 3(a)
[] Statuary Exemption Code No.

Lead Agency: City of Morro Bay, 955 Shasta Ave, Morro Bay, CA 93442

Contact Person: Joan Gargiulo, Assistant Planner Telephone: 805-772-6270

Has a Notice of Exemption been filed by the public agency approving the project? [] Yes [X] No

Certification:

I hereby certify that the public agency has made the above finding and that the project is categorically exempt from CEQA.

Signature: [Handwritten Signature]

Title: Assistant Planner

Date: 8/6/2018

COASTAL DEVELOPMENT PERMIT
CASE NO. CP0-575
SITE LOCATION: 2575 GREENWOOD AVENUE, MORRO BAY

I. FINDINGS OF APPROVAL

The Community Development Director has reviewed this Coastal Development Permit and application and finds the following:

California Environmental Quality Act (CEQA)

1. The project is exempt from the California Environmental Quality Act, under Class 3, Section 15303(a) for the construction of a second dwelling unit in a residential zone in an urbanized area. Additionally, none of the Categorical Exemption exception, noted under Section 15300.2 apply to the project.

Coastal Development Permit findings

2. That the project is the construction of a second dwelling unit in a residential zone which is consistent with the City's General Plan, Local Coastal Plan, and Zoning Ordinance. Specifically, the permit is an Administrative Coastal Development Permit for the construction of a new attached 386 sq. ft. Accessory Dwelling Unit within the existing garage. The project is located within the R-1/S.2 Residential Zoning District and outside of the Coastal Commission Appeal Jurisdiction.

II. CONDITIONS OF APPROVAL

STANDARD CONDITIONS:

1. Permit: This permit is granted for the land described on Assessor Parcel Number 068-249-038 for the construction of an Accessory Dwelling Unit as depicted on plans dated July 19, 2018, and on file with the Community Development Department, as modified by these conditions of approval. Site development, including all buildings and other features, shall be located and designed substantially as shown on plans, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.

4. Compliance with the Law: 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. 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. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: 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 Planning and Building Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
8. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

PLANNING CONDITIONS:

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the County Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form attached to the coastal development permit. This filing has the effect of starting a 35-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.
2. Construction Hours: Construction Hours: Pursuant to section 9.28.030.I, Construction or Repairing of Buildings. The erection (including excavating), demolition, alteration or repair of any building or general land grading and contour activity using equipment in such a manner as to be plainly audible at a distance of fifty feet from the building other than between the hours of seven a.m. and seven p.m. on weekdays and eight a.m. and seven p.m. on weekends except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the community development department, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for a period of three days or less while the emergency continues.

3. Parking During Construction: Parking shall occur in a manner consistent with the Morro Bay Municipal Code and the California Motor Vehicle Code and shall not, at any time, block any portion of any driveway on any other parcel in the vicinity.
4. Dust Control: That prior to issuance of any grading permit, a method of control to prevent dust and windblown earth problems shall be submitted for review and approval by the Building Official.
5. Boundaries and Setbacks: The property owner is responsible for verification of lot boundaries. Storage containers or other equipment shall not encroach into the required setback areas consistent with the zoning district.
6. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.
7. Driveway Removal: The existing driveway located at the western edge of the parcel shall be removed up to the property line; to be shown on submitted building plans.
8. Parking: Parking shall occur only within designated onsite parking spaces or within the Public Right-Of-Way in a manner that is consistent with all applicable Sections of the Morro Bay Municipal Code and the California Motor Vehicles Code and shall not block or impede ingress or egress to any other parcel or otherwise create an unsafe situation.

BUILDING CONDITIONS:

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.

EXHIBIT C

CP0-5475
2575 Greenwood Avenue

4. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
6. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
9. **BUILDING PERMIT APPLICATION.** To apply for building permits submit three (3) sets of construction plans to the Building Division.
10. The Title sheet of the plans shall include:
 - a. Street address, lot, block, track and Assessor Parcel Number.
 - b. Description of use.
 - c. Type of construction.
 - d. Height of the building.
 - e. Floor area of the building(s).
 - f. Vicinity map.

All construction will conform to the 2016 California Building Code (CBC), 2016 California Residential Code (CRC), 2016 California Fire Code (IFC), 2016 California Mechanical Code (CMC), 2016 California Plumbing Code (CPC), 2016 California Electrical Code (CEC), 2016 California Energy Code, 2016 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

1. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The

EXHIBIT C

CP0-5475

2575 Greenwood Avenue

Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.

3. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and/or building height prior to framing inspection when determined necessary by the Planning Division.

C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.

FIRE DEPARTMENT CONDITIONS:

1. Fire Safety during Construction and Demolition shall be in accordance with 2016 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Carbon monoxide alarms in new dwellings and sleeping units. An approved carbon monoxide alarm shall be installed in dwellings having a fossil fuel-burning heater or appliance, fireplace or an attached garage. Carbon monoxide alarms shall be listed as complying with UL 2034 and be installed and maintained in accordance with NFPA 720 and the manufacturer's instructions. (CRC R315.2)
3. Address identification. All new and existing single family residence and ADU's shall have their own approved address numbers or building numbers placed in a position to be plainly legible from the street or road fronting the property (CFC 505). Provide approved address numbers 4 inches high with ½ inch stroke in contrasting numbers.

PUBLIC WORKS CONDITIONS:

1. Stormwater Management: The City has adopted Low Impact Development (LID)

and Post Construction requirements to protect water quality and control runoff flow from new and redevelopment projects. The requirements can be found in the Stormwater management guidance manual on the City's website www.morrobay.ca.us/EZmanual. Projects with more than 2,500sf of new or redeveloped impervious area are subject to these requirements. All proposed projects must complete the "SFR Performance Requirement Determination Form" to prove compliance.

2. Driveway Approach: A driveway approach is required for all proposed driveways off both Pico and Greenwood. Proposed uncovered cobble 1-car parking spaces off Greenwood Avenue (Major Collector street) requires installation of B-6 driveway approach with sidewalk. Proposed uncovered parking space off Pico Street requires driveway. If permeable pavers are to be used, a modified driveway approach with a 12" wide PCC grade beam should be constructed to stabilize the front edge of the pavers. An encroachment permit is required for any work within the Right of Way.
3. Barricade: Due to Pico Street ending, a metal beam barricade (with no parking sign) is required in front of the proposed fence.
4. Mailbox: Existing mailbox located within proposed uncovered cobble 1-car parking space, will need to be relocated. Install per US Postal requirements.
5. Utilities: Show all existing and proposed locations of the sewer lateral and sewer main. Include sizes where appropriate. Note the location of all overhead utilities and construction underground service entrances per the CBC.
6. Sewer Lateral: Perform a video inspection of the lateral and submit to Public Works via flash drive or DVD, prior to building plan approval. Lateral shall be repaired as necessary and all repairs shall be noted on approved set of plans. Our records indicate two possible sewer lateral connections to the sewer mainline.
7. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A sewer backwater valve shall be installed on site to prevent a blockage or maintenance of the municipal sewer main from causing damage to the proposed project (MBMC 14.24.070).
8. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. 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.
9. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.

EXHIBIT C

CP0-5475

2575 Greenwood Avenue

10. Encroachment Permits: A standard encroachment permit shall be required for the proposed driveway and barricade; the driveway shall comply with B-9 (Driveway Ramps: Size & Location). A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement. If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by an encroachment permit within the City right-of-way.

Add the following Notes to the Plans:

1. 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.
2. 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.



AGENDA NO: C-1

MEETING DATE: October 16, 2018

Staff Report

TO: Planning Commissioners **DATE:** October 9, 2018

FROM: Scot Graham, Community Development Director
Cindy Jacinth, Senior Planner

SUBJECT: Draft Zoning Code Module 4: Overlay Districts & Citywide Standards

RECOMMENDATION:

Staff recommends the Planning Commission review the staff report and draft Zoning standards for module 4, Overlay Districts and Citywide Standards, hear the presentation, take public comment, and provide direction to staff.

DISCUSSION:

The fourth module of the City's comprehensive Zoning Code Update presents for Planning Commission review updated Overlay Districts and Citywide Standards. Module 3 was presented to the General Plan Advisory Committee (GPAC) on July 19, 2018. GPAC input included direction to encourage use of permeable pavers in landscaped areas, and elimination of requirements for covered/enclosed parking on all single family or multifamily residential lots

CONCLUSION:

The Planning Commission should review and provide direction on Module 4 including considering the GPAC input and provide direction to staff on requested changes or edits.

Upon completion of the Module 4 review, all modules will be returned for public review of the complete draft Zoning Code which after hearings and adoption will be incorporated into the General Plan / Local Coastal Program update project known as *Plan Morro Bay*.

EXHIBITS:

- A. Comments received from Commissioner Ingraffia
- B. Planning Commission Review Draft – Module 4, also available online at:
<https://www.morrobayca.gov/DocumentCenter/View/12302/Module-4-for-Planning-Commission-review-Sep-2018>

Prepared By: CJ

Department Review: SG

EXHIBIT A

1. Can we use the ESH overlay provisions (17.12) as that easy device to extend protection to the entire bay and estuary as we discussed at the last meeting?
2. The 50ft buffer (17.12.040) has an exception when 50 feet would make the land undevelopable. I think we should make explicit this option is available only when the property has no possible use as improved property and not simply because most of the kinds of development desired by the applicant are not available or sufficiently profitable. Undevelopable should have nothing to do with economic feasibility.
3. There are two different varieties of mixed use overlay districts, What are trying to accomplish with them individually? Why do we need two different flavors?
4. Currently, the in-lieu fees must be used within Morro Bay. I know we would all like that, but given the trends, land is going to continue its cost increase and that increase will accelerate. I think that we should be open to partnering with other municipalities to at least get affordable housing that is within commuting distance of Morro Bay on less expensive land.
5. I think the starting affordable housing in-lieu fee (17.17.030) is too low. It might be right for a small apartment building of 5 one bedroom units, but recall the recent application for homes on the vacant lot at Jacinta and Hwy 1. The units cost approx. \$1M per unit. The developer could afford to contribute more than \$100k when he's making at least a normal profit of probably \$1.5M on the project.
6. Why not give a density bonus (17.17.040), not to only a project that complies with government thresholds, but to market rate affordable housing outside government guidelines as well i.e. encourage developers to build smaller, less expensive units, but more of them period. And give them big breaks on the upfront fees as additional incentive.
7. What happens when shore protection (17.18.040H) due sea rise also causes accelerated beach erosion of what little sand is left? Whose right wins out, the beach site owner who bought with notice of the problem or citizens who want to conserve what beach is left?
8. I think we should require good, accurate 3-D renderings of landscape plans (17.19.040) and renderings that depict the height of trees at maturity, not just after three years. Also, I think that we should impose some reasonable limitation on allowable tree heights at maturity in areas that will impact neighbor views.
9. With respect to the table on page 67, in my experience when multiple couples rent a home as a STVR, each couple brings a car. I think there should be one on-site parking space for every two adult occupants, not simply every four occupants that assumes some are children or adult non-drivers.
10. On page 80, why not require that a portion of the parking space paving (17.21.110 I) must have ground cover unless there's a good reason not to do this?

CITY OF MORRO BAY

ZONING CODE UPDATE



August 2018

Module 4: Overlay Districts and Citywide Standards

Prepared for:

City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

Prepared by:

LWC

983 Osos Street
San Luis Obispo, CA 93401

Table of Contents

Introduction	1
Overlay Districts	3
Chapter 17.10 Coastal Zone (CZ) Overlay District (IP)	3
Chapter 17.11 Cultural Resource Protection (-CRP) Overlay District (IP)	11
Chapter 17.12 Environmentally Sensitive Habitat (-ESH) Overlay District (IP)	13
Chapter 17.13 Mixed Use Residential (-MUR) Overlay District	26
Chapter 17.14 Planned Development (-PD) Overlay District (IP)	27
Chapter 17.15 Waterfront Master Plan (-WMP) Overlay District (IP)	33
Citywide Regulations	34
Chapter 17.16 Visual Resource Protection (IP)	34
Chapter 17.17 Affordable Housing, Density Bonuses, and Other Incentives	35
Chapter 17.18 Hazards and Shoreline Protection (IP)	41
Chapter 17.19 Landscaping (IP)	48
Chapter 17.20 Nonconforming Uses, Structures, and Lots (IP)	56
Chapter 17.21 Parking and Loading (IP)	62
Chapter 17.22 Performance Standards (IP)	83

This page intentionally left blank.

INTRODUCTION

This paper presents draft provisions for overlay districts and citywide development standards—requirements that apply to development in some or all zoning districts. In the new Zoning Code, these provisions will be located in Division II—District Regulations and Division III—Citywide Regulations.

Notations on the differences between current regulations and the draft provisions are included throughout this paper. Certain parts of the Zoning Code are also components of the Coastal Implementation Plan. These are indicated with an (IP) following the chapter name.

Division II-District Regulations, Overlay Districts

Draft base zoning district regulations were provided in a previous paper. Draft provisions for overlay districts are contained herein. Overlay districts are “laid over” or applied to base districts in situations in which modification of permitted uses or required standards is appropriate due to specific conditions, circumstances, or goals. Overlay districts are often used to regulate areas with special physical characteristics such as pedestrian-oriented districts, flood plains, historic preservation areas, and hillsides. In Morro Bay, overlay districts are proposed for the Coastal Zone, cultural resource protection, environmentally sensitive habitat, planned development, and areas within the Waterfront Master Plan.

Division III-Citywide Standards

Zoning codes typically include regulations that apply to more than one or a few districts in a city or that apply citywide. In order to make the code easier to use and administer as well as to reduce its length, these types of regulations are consolidated in one place in the updated code. Division III includes site regulations that apply to multiple districts, requirements for special regulatory programs, and standards that apply to specific uses. Draft general development regulations and standards that apply to specific uses were presented in previous papers. This paper contains site regulations that would apply to development in some or all zoning districts and special regulatory programs.

Sustainability

The City and community members put a high value on sustainability; including resource preservation, resource conservation, and environmental stewardship. As such, sustainability principles have been integrated throughout the draft zoning regulations. ‘Sustainability’ is a broad concept and is addressed in zoning in a variety of ways. The following page provides an overview of how sustainability principles are integrated into zoning.

Integrating Sustainability Principles into Zoning

Sustainability principles are integrated into zoning in a variety of ways. Popular zoning approaches to climate change include: adopting or broadening mixed-use development (to reduce potential commuting), increasing density in infill areas, reducing the amount of required parking (to discourage driving and reduce impermeable surfacing), and adopting transportation demand requirements (generally requiring larger developments reduce traffic generation below expected values). Techniques for encouraging renewable energy include providing additional height or reduced setbacks for solar panels and wind power generators. Solar panels are often explicitly allowed on rooftops or in parking areas. Solar, geothermal, and wind power generators can also be allowed as primary uses of land in some zone districts. Techniques for encouraging water conservation include requiring water efficient landscaping and allowing rain barrels, rain gardens, and bioswales in setback areas. Limits on paving, requirements for landscaped areas, and allowances for permeable surfaces help conserve water and treat runoff.

In addition to these subjects, several jurisdictions have broadened their definition of sustainability to address issues such as food production and security, and community health and safety. Community health is sometimes promoted in zoning ordinances through requirements for street and walkway connectivity within and between land uses and by encouraging or requiring bicycle parking areas. Food security can be addressed by allowing urban agriculture and farmers markets in a broader range of zoning districts.

It is important to keep in mind that there are many rules, regulations, and programs outside of zoning aimed at sustainability that apply to development, including, but not limited to, CALGreen, the Coastal Act, the California Water Conservation in Landscaping Act, and the National Pollutant Discharge Elimination System (NPDES) stormwater program.

In integrating sustainability principles into zoning regulations, it is important to keep the following principles in mind.

- Significant improvements in building performance are usually better addressed through the building code than the zoning code. Zoning should focus on issues related to design, use, and review procedures – such as building orientation, parking, landscaping, and use regulation.*
- Begin by removing zoning barriers that prevent sustainable development from happening. The second consideration is development incentives to encourage sustainable designs and features. If neither of those approaches is likely to produce significant results, consider regulating the inclusion of sustainable features. Regulatory mandates should generally not be the first approach considered.*
- Where incentives or regulatory requirements are considered, evaluate the costs and benefits of the requirement. Avoid incentives that sound good on paper but do not generate enough additional benefit to motivate builders to use the incentive. Avoid regulations that require expensive building or site changes but produce only marginal sustainability benefits or preclude better solutions.*

Overlay Districts

Chapter 17.10 Coastal Zone (CZ) Overlay District (IP)

Note: This chapter includes information and regulations that apply specifically to the Coastal Zone. Although virtually all of Morro Bay is within the Coastal Zone, this overlay is included in order to highlight the need for a Coastal Development Permit and applicability of the Local Coastal Program. Code users and staff expressed that the requirement for a Coastal Development Permit is not always clear in the current code. General information for development within the Coastal Zone, including permit requirements, exclusions and exemptions, and development within Coastal Commission permit jurisdiction is included in this chapter, with reference to the City's Local Coastal Program Land Use Plan. The requirements for issuance of a Coastal Development Permit are included separately in Division IV, Administration and Permits.

17.10.010 Purpose and Applicability

The Coastal Zone (CZ) Overlay Zone is established for the purpose of implementing the Coastal Act of 1976 (Division 20 of the California Public Resources Code) and to ensure that all development in the Coastal Zone of the City of Morro Bay is consistent with the City's Certified Local Coastal Program and the Coastal Act.

17.10.020 Applicability

The CZ Overlay Zone is applied to the "Coastal Zone" as defined by the Coastal Act. Any person (including the City, any utility, state or local government, or special district or any agency thereof) wishing to perform or undertake any development within the Coastal Zone of the City of Morro Bay shall comply with the provisions of this Chapter.

17.10.030 Coastal Development Permit Required

In addition to any other required permits or approvals, a Coastal Development Permit shall be required prior to commencement of any development in the CZ Overlay Zone unless specifically excluded or exempted pursuant to Section TBD, Exclusions and Exemptions, or conducted pursuant to an Emergency Permit in accordance with Chapter TBD, Emergency Permits. The applicable Coastal Development Permit procedure is determined pursuant to Section TBD, below.

17.10.040 Determination of Applicable Coastal Development Permit Procedures

- A. **Initial Determination.** At the time a Coastal Development Permit application is submitted, the Community Development Director shall determine if the development is located within an area where the Coastal Commission retains permit jurisdiction or if the development otherwise consists of appealable development, and shall inform the applicant of the review procedure requirements for that particular development.
1. ***Within an Area Where the Coastal Commission Retains Permit Jurisdiction.*** Development proposals which are located on lands identified as tidelands, submerged lands, or public trust lands as identified on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Morro Bay, adopted by the Coastal Commission, shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a Coastal Permit from the Coastal Commission with review by the City pursuant to Section TBD, Development Within Coastal Commission Permit Jurisdiction.
 2. ***Other Areas.*** A Coastal Development Permit pursuant to Chapter TBD, Coastal Development Permits, is required. The Community Development Director shall determine whether or not the proposed development is appealable to the Coastal Commission and shall inform the applicant of the notice and hearing requirements for that particular development.
 - a. ***Appealable Development.*** Pursuant to Public Resources Code Section 30603(a), Appealable Development consists of the following types of development.
 - i. Developments between the sea and the first public road paralleling the sea or closer than 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
 - ii. Developments that are located on tidelands, submerged lands, public trust lands, closer than 100 feet of any wetland, estuary, or stream, or closer than 300 feet of the top of the seaward face of any coastal bluff.
 - iii. Developments located in a sensitive coastal resource area.
 - iv. Any development which constitutes a major public works project or a major energy facility.
- B. **Post-LCP Certification Permit and Appeal Jurisdiction Map.** The Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Morro Bay, has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In

addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any appealable area, the matter should be referred to the City of Morro Bay or the Executive Director of the California Coastal Commission for clarification and information. The Post-LCP Certification Permit and Appeal Jurisdiction Map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

C. Challenge of Determination.

1. If the determination of the Community Development Director is challenged by the applicant or an interested person, or if the City wishes to have a Commission determination, the City shall notify the Coastal Commission by telephone of the dispute/question and shall request an opinion from the Executive Director of the Coastal Commission.
2. The Executive Director shall transmit the determination as to whether the development is categorically excluded, within Coastal Commission permit jurisdiction, non-appealable, or appealable.
3. Where there is a dispute between the Executive Director's determination and the City's determination, the Coastal Commission shall hold a hearing for purposes of determining the appropriate designation.

17.10.050 Exclusions and Exemptions

- A. **Categorical Exclusions.** Pursuant to California Public Resources Code Section 30610(e), the construction or demolition of a single unit dwelling on an existing lot is excluded from the Coastal Development Permit requirements of this Code provided the development does not constitute appealable development pursuant to Public Resources Code Section 30603(a) and Section TBD.B.2.a, Appealable Development.
- B. **Exemptions Pursuant to State Law.** The following categories of development are exempt from the Coastal Development Permit requirements of this Title pursuant to Section 30610 of the Public Resource Code and Sections 13250-13253 of Title 14 of the California Administrative Code.
 1. ***Improvements to Single Unit Dwellings.*** Improvements to existing single unit dwellings; provided, however, that those improvements which involve a risk of adverse environmental effect shall require a Coastal Development Permit, as provided in Section 13250 of Title 14 of the California Administrative Code, as amended from time to time.
 2. ***Improvements to Other Structures.*** Improvements to any structure, including all fixtures and other structures directly attached to or normally associated with the structure and landscaping on the lot, other than a single unit residence or a public

works facility; provided, however, that those improvements which involve a risk of adverse environmental effect; or adversely affect public access; or result in a change in use contrary to any policy of the Coastal Act; shall require a Coastal Development Permit, as provided in Section 13253 of Title 14 of the California Administrative Code, as amended from time to time.

3. ***Maintenance of Navigation Channels.*** Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
4. ***Repair or Maintenance Activities.*** Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of the object of such repair or maintenance activity; provided, however, that extraordinary methods of repair and maintenance that involve a risk of substantial adverse environmental impact shall require a Coastal Development Permit, as provided in Section 13252 of Title 14 of the California Administrative Code, as amended from time to time.
5. ***Utility Connections.*** The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to the California Coastal Act of 1976 and this Chapter, provided that the Community Development Director may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
6. ***Replacement of Existing Structures Destroyed by Natural Disaster.*** The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.
 - a. "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
 - b. "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.
 - c. "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.
7. ***Time-share Conversion.*** Any activity that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as

defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this Code, no Coastal Development Permit shall be required for that improvement on the basis that it is to be made in connection with a conversion. The division of a multiple-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, shall not be considered a time-share project, estate, or use for purposes of this Section.

8. ***Temporary Event Exemption.***

- a. *Temporary Event.* A temporary event is an activity or use that constitutes development as defined in Section 30106 of the California Coastal Act; and is an activity or function of limited duration; and involves the placement of non-permanent structures; or involves exclusive use of a sandy beach, parkland, filled tidelands, water, streets or parking area which is otherwise open and available for general public use.
 - i. Exclusive Use. A use that precludes public uses in the area of the temporary event for recreation, beach access or access to coastal waters other than for or through the temporary event itself.
 - ii. Limited Duration. A period of time that does not exceed a two-week period on a continual basis, or does not exceed a consecutive four-month period on an intermittent basis.
 - iii. Non-permanent Structure(s). Include, but are not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, booths, platforms, movie/film sets, which do not involve grading or landform alteration for installation.
 - iv. Coastal Resources. Include, but are not limited to, public access opportunities, visitor and recreational facilities, water-oriented activities, marine resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.
 - v. Sandy Beach Area. Includes publicly-owned and privately-owned sandy areas fronting on coastal waters, regardless of the existence of potential prescriptive rights or a public trust interest.
- b. *General Rule.* Every temporary event is exempted from the Coastal Development Permit requirements under this Title, unless the temporary event meets all of the following criteria and is not otherwise exempted pursuant to subparagraph c. below.

- i. The event is to be held between Memorial Day weekend and Labor Day, inclusive; and,
 - ii. The event occupies all or a portion of a sandy beach area; and,
 - iii. The event involves a charge for general public admission or seating where no fee is currently charged for use of the same area (not including booth or entry fees).
- c. *Other Exemptions.* The Community Development Director may also exempt a temporary event that satisfies all of the criteria specified in subparagraph b. above, if:
- i. The fee is for preferred seating only and 75 percent of the provided seating capacity is available free of charge for general public use;
 - ii. The event is held on a sandy beach area in a remote location with minimal demand for public use, and there is no potential for adverse effect on sensitive coastal resources;
 - iii. The event is less than one day in duration; or,
 - iv. The event has previously received a Coastal Development Permit and will be held in the same location, at a similar season, and for a similar duration, with operating and environmental conditions substantially the same as those associated with the previously-approved event.
- d. *Special Circumstances.* The Community Development Director, or the Planning Commission or City Council through direction to the Community Development Director, may determine that a temporary event shall require a Coastal Development Permit, even if the criteria specified in subparagraph b above are not met, if the Community Development Director determines that unique or changing circumstances exist relative to the particular temporary event that have the potential for significant adverse impacts on coastal resources. Such circumstances may include, but shall not be limited to, the following:
- i. The event, either individually or together with other temporary events scheduled before or after the particular event, precludes the general public from use of a public recreational area for a significant period of time;
 - ii. The event and its associated activities or access requirements will either directly or indirectly impact environmentally sensitive habitat areas, rare or endangered species, significant scenic

resources, or other coastal resources as defined in subparagraph a above;

- iii. The event is scheduled between Memorial Day weekend and Labor Day and would restrict public use of roadways or parking areas or otherwise significantly impact public use or access to coastal waters; or
- iv. The event has historically required a Coastal Development Permit to address and monitor associated impacts to coastal resources.

- C. **Record of Categorical Exclusion Determinations.** The Community Development Department shall maintain a record of all determinations made which shall be made available to the Coastal Commission or any interested person upon request. This record must include the applicant's name, the location of the project, a brief description of the project, the site plan, the date upon which the determination was made, and all terms and conditions imposed by the City in granting its approval. Notice of each exclusion determination shall be made to the Coastal Commission within five working days of the determination by the Community Development Department. The City is not required to give the Coastal Commission notice of exemption determinations.

17.10.060 Development Within Coastal Commission Permit Jurisdiction

Development proposals which are located on lands identified as tidelands, submerged lands, or public trust lands as identified on the Post-LCP Certification Permit and Appeal Jurisdiction Map, City of Morro Bay, adopted by the Coastal Commission, shall, pursuant to the requirements of California Public Resources Code Section 30519(b), require a Coastal Development Permit from the Coastal Commission in addition to any permits required by this Code.

- A. **Concept Plan.** A Concept Plan shall be submitted and approved by the City Council for any development proposal within Coastal Commission Permit Jurisdiction. The Concept Plan shall be processed in the same manner as a Conditional Use Permit application, pursuant to Chapter TBD, Use Permits, except that concept plans shall receive final approval from the City Council at a duly noticed public hearing. The Planning Commission shall first review the concept plan by conducting a public hearing. If the Commission consideration is to approve the plan, it shall report such findings and recommendation to the City Council. If the Commission determines to deny the plan, it need not be forwarded to the Council and the Commission decision shall become final unless appealed. The action on the Concept Plan shall include a recommendation to the Coastal Commission regarding the development's conformance with the certified Local Coastal Program. The City's determination of development conformance with the objectives and requirements of the Local Coastal Program shall be advisory only and not a final action.

- B. **Coastal Development Permit.** The City's decision on the Concept Plan shall be forwarded to the Coastal Commission for their consideration in review of the application for a Coastal Development Permit.
- C. **Conformance Review.** After the Coastal Commission grants a Coastal Development Permit, the Planning Commission shall review the Coastal Development Permit for conformance with the approved Concept Plan at a duly noticed public hearing. Development shall not proceed until the Coastal Commission grants a Coastal Development Permit for such development and the Planning Commission finds the Coastal Development Permit substantially consistent with the approved Concept Plan.

Chapter 17.11 Cultural Resource Protection (-CRP) Overlay District (IP)

Note: This new chapter includes provisions for the protection of significant archaeological, historic, and paleontological resources, including requirements for preliminary resource surveys, mitigation plans, and actions in the event resources are unearthed or discovered during construction activities.

17.11.010 Purpose

The Cultural Resource Protection (-CRP) Overlay District is intended to protect and preserve cultural resources.

17.11.020 Applicability

The provisions of this Chapter apply to development within areas known to contain or are suspected of containing cultural resources, including archaeologically sensitive areas and paleontologically sensitive areas.

- A. **Archaeologically Sensitive Areas.** The following areas are defined as archaeologically sensitive:
 - 1. Any parcel which is located within an archaeologically sensitive area as delineated on the Zoning Map.
 - 2. Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.
- B. **Paleontologically Sensitive Areas.** Any parcel which is located within a paleontologically sensitive area as delineated on the Zoning Map.

17.11.030 Requirements

- A. **New Development.** New development shall be sited and designed to avoid adverse impacts to archaeological and paleontological resources to the maximum extent feasible. If there is no feasible alternative that can eliminate all impacts to archaeological and paleontological resources, then the alternative that would result in the fewest or least significant impacts shall be selected. Reasonable mitigation measures shall be required for proposed developments where impacts to archaeological and paleontological resources cannot be avoided through siting and design alternatives.

- B. **Preliminary Site Survey Required.** Before issuance of a land use or construction permit for development within an Archaeologically Sensitive Area or Paleontological Sensitive Area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture, paleontologist, or other qualified expert subject to the approval of the Director.
- C. **Mitigation Plan.** If the preliminary site survey determines that proposed development may have an adverse impact on existing, known or suspected cultural resources and avoidance is infeasible, a plan for mitigation shall be prepared by a qualified archaeologist, paleontologist, or other qualified expert subject to the approval of the Director. Culturally affiliated persons shall be consulted during the preparation of the plan. The purpose of the plan is to protect the resource through construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Director, and considered in the evaluation of the development request by the review authority.
- D. **Cultural Resources Discovery.** In the event cultural resources are unearthed or discovered during any construction activities, the standards of Section TBD, Cultural Resources Discovery, shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Director, is completed and implemented. If applicable, the Director shall provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Director prior to occupancy or final inspection, whichever occurs first.

Chapter 17.12 Environmentally Sensitive Habitat (-ESH) Overlay District (IP)

Note: The Environmentally Sensitive Habitat (-ESH) Overlay District applies to areas identified as environmentally sensitive habitat and areas within 100 feet of a habitat area where there is evidence of the presence of a wetland or ESHA. This chapter contains standards for the protection of habitat types found in Morro Bay identified through the habitat surveys conducted for the General Plan/LCP and specific provisions to implement LCP habitat protection policies. Where possible, specific mitigation measures are incorporated as standards.

17.12.010 Purpose

The Environmentally Sensitive Habitat (-ESH) Overlay District is intended to:

- A. Protect environmentally sensitive habitat areas against any significant disruption of habitat values.
- B. Maintain and, where feasible, restore the biological productivity and the overall quality of terrestrial habitat and coastal waters, streams, wetlands, estuaries, and lakes.
- C. Protect wetlands for their commercial, recreational, water quality, and habitat value.

17.12.020 Applicability

The provisions of this Chapter apply to development within areas known to contain or are suspected of containing sensitive habitat, including:

- A. Areas located within or within 100 feet of an Environmentally Sensitive Habitat Area (ESHA) indicated in Figure C-2, Environmentally Sensitive Habitat Areas, of the Coastal Land Use Plan, or in the City of Moro Bay ESHA Review and Current Conditions Mapping report; or
- B. Areas containing or located within 100 feet of a habitat area where there is evidence of the presence of an ESHA, wetland, or other sensitive habitat.

17.12.030 Initial Site Resource Survey

- A. An initial site resource survey, prepared within one year of permit application, is required for all Coastal Development Permit applications for development within the -ESH Overlay District.

- B. The initial site resource survey shall identify the presence or potential for wetlands or sensitive habitat, vegetation or wildlife species on the site. If the site contains the potential for monarch overwintering or rookeries due to the presence of appropriately sized trees and groves, a seasonally timed survey appropriate for detecting the target species shall be included in the study.
- C. **ESHA Determination.** If the initial site resources survey indicates the presence or potential for sensitive habitat vegetation or wildlife species on the site, a report shall be prepared with recommendations as to whether a habitat area constitutes an ESHA.
1. **Evaluation.** The report shall include a site-specific survey, prepared within one year of completion of the report, and shall evaluate the following attributes when recommending whether a habitat area constitutes an ESHA:
 - a. The presence of natural communities that have been identified as rare by the California Department of Fish and Wildlife.
 - b. The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law.
 - c. The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.
 - d. The presence of coastal streams.
 - e. The degree of habitat integrity and connectivity to other natural areas.

Attributes to be evaluated when determining a habitat's integrity/connectivity include the habitat's patch size and connectivity, dominance by invasive/nonnative species, the level of disturbance, the proximity to development, and the level of fragmentation and isolation.
 2. **Recommendation.** If an area is recommended as an ESHA, the boundaries of the ESHA and the appropriate buffers shall be identified and shown on the project site plan.

17.12.040 Environmentally Sensitive Habitat Areas

- A. **ESHA Designation.** Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments shall be designated as an ESHA except existing developed areas.
- B. **Protection Required.** ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed. Development in areas adjacent to ESHAs shall be sited and designed to prevent impacts

which would significantly degrade such areas, and shall be compatible with the continuance of the ESHA.

C. **ESHA Buffers.** A protective open space buffer shall be required to horizontally separate ESHA from development areas and provide distance and physical barriers to human and domestic pet intrusion.

1. **Size.** ESHA buffers shall be of a sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Terrestrial ESHA shall have a minimum buffer width of 50 feet.

a. *Exceptions:* Smaller ESHA buffers may be allowed only where it can be demonstrated that:

i. A 50-foot-wide buffer would render a lot undevelopable; and

ii. The proposed narrower buffer would be protective of the biological integrity of the ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance.

2. **Vegetation.**

a. ESHA buffers shall be maintained exclusively with native vegetation to serve as transitional habitat.

b. Fuel modification zones shall be maintained outside of ESHA buffers.

c. Invasive plant species shall be prohibited.

D. **Design and Siting.** Development outside, but within 100 feet of, an ESHA shall incorporate the following design and site characteristics:

1. Development adjacent to an ESHA shall be designed and sited to protect ESHA resources against any significant disruption of habitat values.

2. Development adjacent to an ESHA shall be compatible with the continuance of ESHA habitat areas.

3. Development adjacent to an ESHA shall be limited to low-impact land uses, such as open space and passive recreation whenever feasible.

4. Development shall not necessitate fuel modification in an ESHA or ESHA buffer.

5. Development lighting adjacent to an ESHA shall minimize impacts to wildlife.

a. All outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to direct lighting away from environmentally sensitive habitat areas (ESHA) and ESHA buffers and to minimize glare, sky glow, and light trespass.

b. Buildings shall be designed to minimize light trespass from interior lighting.

- c. All lighting shall utilize the best available “dark sky” practices, including the use of lights with the lowest intensity possible for safety purposes and that utilize wavelengths that are the most environmentally protective of organisms active at night and dawn and dusk.
 6. Unauthorized structures that impact, or encroach into, ESHA or ESHA buffer shall be removed.
- E. **Limits on Land Uses.** ESHA shall be protected against any significant disruption of habitat values. Uses within ESHA shall be limited to only those uses that are dependent on those resources. Limited public access improvements (e.g., hiking and educational trails and low-impact camping), minor educational, interpretative and research activities and development, and habitat restoration projects may be considered resource-dependent uses. Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing, shall be implemented as necessary to protect ESHA.
- F. **Required Findings.** No development shall be allowed in an ESHA or ESHA buffer area unless the following findings are made:
 1. The resource as identified will not be significantly degraded or disrupted by the proposed development and the development will be compatible with the continuance of the resource.
 2. There is no feasible less environmentally damaging alternative.
 3. All feasible mitigation measures capable of reducing or eliminating project-related impacts have been adopted.

17.12.050 Wetlands, Deepwater Areas, and Other Water Areas

- A. **Protection Required.**
 1. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes shall be protected, maintained and, where feasible, restored.
 2. All uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
 3. Marine resources shall be maintained, enhanced, and, where feasible, restored.
 4. Special protection shall be provided to marine resource areas and species of special biological or economic significance.
- B. **Wetland Delineation.** If the initial site resources survey indicates the presence or potential for wetland species or indicators, a site survey, prepared within one year of the wetlands delineation analysis, and wetlands delineation analysis shall be prepared.

1. **Methodology.** Wetland delineations shall be conducted in accordance with the definitions of wetland boundaries contained in Section 13577(b) of the California Code of Regulations.
 - a. *Other Factors.* Where ambiguities in wetland delineation exist due to the demonstrated presence of both upland and wetland characteristics, factors other than the standard field indicators of wetland hydrology, wetland vegetation and wetland soils may be analyzed as part of the delineation. Such factors may include topography, soil permeability, drainage patterns, adjacency to identified wetlands, and comparisons of hydrology at the ambiguous site and at nearby upland and wetland reference sites following significant rainfall events.
 2. **Recommendation.** If a wetland is delineated, appropriate buffers shall be identified.
- C. **Wetland Buffers.** A protective open space buffer shall be required to horizontally separate wetlands from development areas. Wetland buffers shall be of a sufficient size to ensure the biological integrity and preservation of the wetland. Wetlands shall have a minimum buffer width of 50 feet.
1. **Exception:**
 - a. *Where Allowed.* Smaller wetland buffers may be allowed only where it can be demonstrated that:
 - i. The project is separated from the wetland by topography; or
 - ii. A 50-foot-wide buffer is not possible due to site-specific constraints, the site is unusable for the principal purpose if the buffer is not reduced, and the reduction is the minimum necessary that allows the use after all practical design modifications are evaluated.
 - b. *Additional Requirements.* Where smaller wetland buffers are allowed, the following additional requirements apply:
 - i. Site drainage shall be evaluated to ensure development does not cut off hydrology.
 - ii. Stormwater from the development shall be managed such that it does not contribute sediment or pollutants into the wetland.
 - iii. Native vegetation shall be planted between the wetland and the development.
- D. **Channelizations.** Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to:

1. Necessary water supply projects.
 2. Flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.
 3. Developments where the primary function is the improvement of fish and wildlife habitat.
- E. **Removal of Unauthorized Structures.** All unauthorized structures that impact, or encroach into, wetlands, deepwater areas, or other water areas shall be removed.
- F. **Diking, Filling, and Dredging Projects.**
1. ***Limits on Development.*** Development involving the diking, filling, or dredging of open coastal waters, wetlands, or estuaries shall only be permitted consistent with Section 30233 of the Coastal Act and under the following circumstances:
 - a. Only if there is no feasible, less environmentally damaging alternative.
 - b. If there is no feasible, less environmentally damaging alternative, mitigation measures shall be provided to minimize adverse environmental effects.
 - c. Diking, filling or dredging projects shall sustain the functional capacity of the wetland, or estuary. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following:
 - i. That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance, and composition are essentially unchanged as a result of the project.
 - ii. That the project does not harm or destroy a species or habitat that is rare or endangered.
 - iii. That the project does not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary.
 - iv. That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.
 2. ***Limits on Uses.*** Development involving diking, filling, or dredging of open coastal waters, wetlands, and estuaries shall be limited to the following:
 - a. Construction or expansion of port/marine facilities.

- b. Construction or expansion of coastal-dependent industrial facilities, including commercial fishing facilities, and commercial ferry facilities.
 - c. In open coastal waters, including estuaries and streams, new or expanded boating facilities, including slips, access ramps, piers, marinas, recreational boating, launching ramps, and pleasure ferries, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
 - d. Recreational docks and piers within the intertidal areas, including wetlands.
 - e. Maintenance of existing and restoration of previously dredged depths in navigational channels, turning basins, vessel berthing, anchorage, and mooring areas, and boat launching ramps.
 - f. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.
 - g. Sand extraction for restoring beaches, except in environmentally sensitive areas.
 - h. Restoration purposes.
 - i. Nature study, aquaculture, or similar resource-dependent activities.
3. ***Dredged Material Disposal.***
- a. Dredged material disposal shall be planned and carried out to limit turbidity and to avoid significant disruption to marine and wildlife habitats and water circulation.
 - b. Dredged material suitable for beneficial reuse shall be transported for such purposes to appropriate areas and placed in a manner that minimizes adverse effects on the environment.
 - c. Dredged material suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

17.12.060 Coastal Dunes

- A. **Purpose.** This Section provides requirements for development in areas with or adjacent to coastal dunes. The intent of this Section is to protect coastal dunes as natural habitats and for shoreline protection.
- B. **Applicability.** The requirements of this Section shall apply to development in areas with coastal dune habitats.

- C. **Earthmoving.** Earthmoving of beach sand in dune habitat areas shall be limited to dune restoration projects necessary for the protection of coastal resources and existing development.
- D. **Public Access and Recreation.** Public beach access improvements shall be designed, sited, and maintained in a manner to avoid impacts to dune habitats through the use of well-defined footpaths, boardwalks, protective fencing, signage, and similar methods. Recreation improvements shall be designed and sited to avoid dune habitat areas.
- E. **Restoration of Native Vegetation.** Plant materials in coastal dune habitat areas shall be restricted to native plant species appropriate to the habitat type.

17.12.070 Mitigation and Monitoring

- A. **When Required.** Mitigation and monitoring programs, including restoration plans and management programs, are required to minimize adverse impacts to sensitive habitat.
 - 1. **ESHA.** Mitigation shall be required for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.
 - 2. **Wetlands.** Feasible mitigation measures shall be required to minimize adverse environmental effects of diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes where the proposed use is consistent with Section 30233 of the Coastal Act and there is no feasible less environmentally damaging alternative.
- B. **Mitigation Programs.** Mitigation programs shall include the following components:
 - 1. Specific mitigation objectives and performance standards designed to measure the success of the restoration and/or enhancement.
 - 2. Provisions for acquiring title or other property interest to the mitigation site.
 - 3. Provisions for the dedication of the restored or created habitat or wetland and associated buffer areas to a public agency or nonprofit entity acceptable to the reviewing authority, or permanent restriction of their use to open space purposes.
 - 4. A monitoring and management program with mitigation objectives and performance standards.
 - 5. **Additional Components for Open Coastal Waters, Wetlands, Estuaries, and Streams.**
 - a. **Wildlife Contingency Plan.** A Marine Wildlife Contingency Plan (Plan) shall be developed and approved by the Community Development Director prior to the initiation of any pile driving activities. That plan shall describe

specific methods that will be used to reduce pile-driving noise and comply with the standards of this Section. 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 US Fish & Wildlife Service (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 any 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.

- b. *Oil Spill Response and Recovery Plan.* 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:
 - i. 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:
 - (1) 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving operations)
 - (2) Barrel Absorbent Pads
 - (3) Container Absorbent Granules

- ii. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
 - iii. The work area shall be contained within a boom to prevent debris from falling into the water.
 - iv. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
 - v. An Absorption Tarp shall be placed underneath any portable equipment while in use.
 - vi. No equipment shall be permitted to enter the water with any petroleum products.
 - vii. All equipment used during pile driving operations shall be in good condition without fuel or oil leakage.
 - viii. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
 - ix. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.
- c. *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 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 after 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.
- d. *Noise Mitigation Plan.* Prior to issuance of a building permit, a pile driving plan and hydro-acoustical 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: (i) an accumulated 187 dB SEL as measured 5 meters from the source; and (ii) 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).

- e. Netting or fencing around and underneath the project site shall be installed to catch and remove debris released during and after construction.
- f. 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.

C. Habitat Creation/Restoration.

- 1. **ESHA.** Mitigation for impacts to ESHA and other sensitive resources shall be in the form of habitat creation or substantial restoration. The mitigation shall occur on site wherever possible. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on site.
- 2. **Wetlands.** Mitigation shall occur in the same watershed and in the form of in-kind wetland restoration or creation whenever possible. Where out-of-kind mitigation is necessary, restoration or creation of wetlands shall be of equal or greater biological productivity to the wetland that was filled or dredged. Mitigation may also be permitted in the form of restoration that includes opening equivalent areas to tidal action or providing other sources of surface water.

D. Mitigation Ratios. Adverse impacts shall be mitigated at a ratio necessary to achieve the specific mitigation objectives and performance standards identified in the mitigation and monitoring program and approved by the review authority.

- E. **Restoration Plans.** A restoration and management plan shall be submitted. Restoration plans shall be reviewed and approved by a qualified professional prior to accepting sites for mitigation.
- F. **Timing.** Restoration/mitigation shall occur before or simultaneously with construction of the approved development.
 - 1. Any off-site mitigation site shall be purchased and legally restricted and/or dedicated before impacts to the development site can proceed.
- G. **In-Lieu Fee for Wetland and/or Eelgrass Impacts.** An in-lieu fee may be paid to an appropriate public agency to mitigate wetland and/or eelgrass impacts, if no appropriate mitigation site can be acquired. Payment of an in-lieu fee would only be an option if an applicant is unable to find a potential restoration site. The fee shall be based on the following factors:
 - 1. The habitat type.
 - 2. The costs of acquisition.
 - 3. The cost per acre to restore or create a comparable wetland within the region where the impact occurred.
 - 4. The acreage of the habitat affected, based on the final approved project.
- H. **Monitoring.** Monitoring of mitigation measures shall be for a period of sufficient time to determine if mitigation objectives and performance standards are being met. Midcourse corrections shall be implemented if necessary to meet the objectives or performance standards.
 - 1. **Responsible Party.** A responsible party shall be identified for each aspect of monitoring and completing the mitigation measures.
 - 2. **Period.** Monitoring shall be conducted a period of not less than five years following completion, unless the Director determines that a longer mitigation monitoring schedule is appropriate. If performance standards are not met by the specified monitoring period, the monitoring period shall be extended until the standards are met or the applicant shall submit an amendment application proposing alternative mitigation measures and implement the approved changes.
 - 3. **Reports.** Monitoring reports that document the success or failure of the mitigation shall be provided to the Department annually and at the conclusion of the monitoring period.
 - 4. **Completion.** The restoration shall be considered successful after the success criteria have been met for a period of at least three years with no remediation or maintenance activities other than weeding.

- I. **Easements and Dedications.** Where on-site or off-site preservation of an ESHA, wetland, stream, or mitigation area and buffers to each are required as a condition of approval of a Coastal Development Permit or other authorization, a guarantee of protection through direct dedication, offer to dedicate, or conservation easement shall be required. The protection guarantee shall identify the precise location and area to be set aside for preservation along with evidence of the legal ability over that area to restrict that area and/or convey a property interest in that area.
 1. **Timing.** Prior to the approval of a coastal development permit, the method and form of the protection guarantee shall be approved by City Attorney. The protection guarantee shall be recorded in the office of the County Recorder prior to the issuance of a building permit
 2. **Management and Funding.** A management plan and funding plan shall be required to ensure appropriate management of the habitat area in perpetuity.
 3. **Method of Protection Guarantee.** A method of access guarantee shall be chosen according to the following criteria:
 - a. **Deed Restriction.** A deed restriction shall be used only where an owner, association or corporation agrees to assume responsibility for maintenance of and liability for the habitat area, subject to approval by the reviewing authority.
 - b. **Grant of Fee Interest or Easement.** A grant of fee interest or easement shall be used when a public agency or private organization approved by the reviewing authority is willing to assume ownership, maintenance and liability for the habitat.
 - c. **Offer of Dedication.** An offer of dedication shall be used when no public agency, private organization or individual is willing to accept fee interest or easement for habitat maintenance and liability. These offers shall not be accepted until maintenance responsibility and liability is established.

Chapter 17.13 Mixed Use Residential (-MUR) Overlay District

Note: This new chapter is intended to implement the Mixed-Use Residential Overlay being considered in Plan Morro Bay.

17.13.010 Purpose

The Mixed Use Residential (-MUR) Overlay District is intended to allow additional opportunities for residential development within certain Zoning Districts.

17.13.020 Applicability

The Mixed Use Residential (-MUR) Overlay District applies to all areas within the boundaries of the MUR Overlay District shown on the Official Zoning Map.

17.13.030 Allowed Residential Development

In addition to the uses and development configuration allowed pursuant to base district regulations, residential development is allowed as follows.

- A. **VSC District.** In the VSC District, attached Single-Unit Dwellings and Multi-Unit Residential development up to 27 units per acre are allowed with Conditional Use Permit approval when provided as part of a visitor-serving, mixed-use development.
- B. **NC District.** In the NC District, residential housing types on the ground floor or developed as stand-alone residential development are allowed subject to Conditional Use Permit approval.

Chapter 17.14 Planned Development (-PD) Overlay District (IP)

Note: This chapter revises and reformats the existing provisions for Planned Development. In the current code, the Planned Development (PD) Overlay District is proactively applied to parcels and land areas that meet certain criteria. Any development within the PD Overlay District requires Concept Plan and Precise Plan review by the Planning Commission and City Council.

Generally, Planned Development (PD) is a planning tool that offers a degree of flexibility to allow for coordinated development and creativity in land planning, site design, and the protection of environmentally sensitive areas that would not be possible through strict application of conventional zone or land use regulations. They typically provide extensive flexibility for the applicant and the community to negotiate an appropriate land use and design approach. When properly utilized, PDs are a tool that can result in creative development projects that provide greater amenities than would likely result from conventionally developed land. They are one of a number of tools jurisdictions use to provide flexibility in land use and development regulations. PDs are typically used for large-scale, integrated developments, where the size and scale of the project would allow a quid-pro-quo where the applicant is granted flexibility and the City gains a superior development project rather than for flexibility of specific standards on a project-by-project basis.

The draft PD Overlay District provisions reflect this approach. Rather than being proactively assigned to parcels and land areas that meet certain criteria, the PD Overlay District must be applied for and will only be available for integrated development on large parcels. The new PD Overlay District provisions include a set of procedures and requirements for development and redevelopment of larger parcels and allow greater flexibility in design than would be possible through strict application of conventional zone or land use regulations when substantial community benefits are provided. Specific development standards will be as specified in approved plans, but this chapter includes some basic standards applicable to all planned developments, including minimum area requirements and maximum residential densities set in relation to the General Plan.

17.14.010 Purpose

The purpose of this Chapter is to establish a Planned Development (-PD) Overlay District that provides for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

- A. Provide for greater flexibility in the design of the development than is otherwise possible through the strict application of zoning district regulations;
- B. Ensure compliance with the General Plan/Local Coastal Land Use Plan and provide various types of land use which can be combined in compatible relationship with each other as a part of a totally planned development; and
- C. Allow for creative development projects that incorporate design features that are more sensitive to site conditions and provide greater amenities than would likely result from conventionally planned development.

17.14.020 Zoning Map Designation

A -PD Overlay District shall be noted on the Zoning Map by the designation “-PD,” followed by the number of the Planned Development based on order of adoption.

17.14.030 Land Use Regulations

No use other than an existing use is permitted in a -PD Overlay District except in accordance with a valid PD Plan. Any permitted or conditional use authorized by this Code may be included in an approved PD Plan consistent with the General Plan/Local Coastal Land Use Plan land use designation(s) for the property.

17.14.040 Development Standards

- A. **Minimum Area.** The minimum area of a -PD Overlay District shall be one-half acre; however, the City Council may approve a district smaller than one-half acre if it finds that a Planned Development would provide greater benefits to the general welfare of Morro Bay’s residents and property owners than development under conventional zoning because of unique characteristics of the site or the proposed use.
- B. **Residential Unit Density.** Except where a density bonus is granted in compliance with Chapter TBD, Affordable Housing, Density Bonuses, and Other Incentives, the total number of dwelling units in a -PD Overlay District shall not exceed the maximum number permitted by the General Plan/Local Coastal Plan density for the total area of the planned development designated for residential use, excluding areas devoted to public and private streets.
- C. **Performance Standards.** The Performance Standards prescribed by Chapter TBD, Performance Standards, apply.
- D. **Other Development Standards.** Other development standards shall be as prescribed by the PD Plan.

17.14.050 Procedures

- A. **Decision-Making Body.** A -PD Overlay District must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review; and the Planning Commission shall make a recommendation to the City Council.
- B. **Review Procedures.**
 - 1. **Zoning/LCP Amendment.** An application for a -PD Overlay District shall be processed as a Zoning amendment, according to the procedures of Chapter TBD, Amendments to the General Plan, Zoning Code, and Zoning Map; Chapter TBD, Amendments to the Local Coastal Program; and shall include a PD Plan.
 - 2. **PD Plan.** The PD Plan shall be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Chapter TBD, Use Permits.
 - 3. **Tentative Subdivision Map.** When a PD requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.
- C. **Initiation.** An application for a -PD Overlay District may be initiated by any qualified applicant identified in Section TBD, Application Forms and Fees, or a motion of the City Council. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.
- D. **Application Content.** A qualified applicant shall submit an application for a -PD Overlay District on a form prescribed by the Planning Division accompanied by the required fee. The Planning Division may require an applicant to submit such additional information and supporting data as considered necessary to process the application.

17.14.060 Required Findings

A -PD Overlay District and PD Plan shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan/Local Coastal Land Use Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic

levels of service or public services so as to be a detriment to public health, safety, or welfare;

- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- E. The development generally complies with applicable design guidelines; and
- F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base zoning district, and will achieve superior community design, resource protection, and/or substantial public benefit.

17.14.070 Conditions

In approving a -PD Overlay District and PD Plan, the City Council may impose reasonable conditions deemed necessary to:

- A. Ensure that the proposal conforms in all significant respects with the General Plan, Local Coastal Land Use Plan, and with any other applicable plans or policies that the City has adopted;
- B. Achieve the general purposes of this Code or the specific purpose of the zoning district in which the project is located;
- C. Achieve the findings listed above; or
- D. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

17.14.080 Expiration and Renewal

A. Expiration.

1. ***PD Plan.*** A PD Plan shall be effective on the same date as the ordinance creating the -PD Overlay District for which it was approved and shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Plan may specify a development staging program exceeding two years.
2. ***Tentative Map.*** Where a tentative map has been approved in conjunction with a PD Plan, the PD Plan shall expire upon the expiration of the tentative map.
3. ***Phased Development.*** In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the PD Plan

shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

- B. **Renewal.** An approved PD Plan that has not been inaugurated may be renewed for a two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal shall be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a PD Plan if it finds the renewal consistent with the purposes of this Chapter.

17.14.090 Amendments of Approved Plans

- A. **Changed Plans.** Amendments to a -PD Overlay District or PD Plan may be requested by the applicant or its successors. Amendments to the approved Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
- B. **Major Amendments.** Major Amendments to an approved -PD Overlay District or PD Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:
 - 1. A change in the boundary of the -PD Overlay District;
 - 2. An increase or decrease in the number of dwelling units for the -PD Overlay District that is greater than the maximum or less than the minimum stated in the PD Plan;
 - 3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Plan;
 - 4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
 - 5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the -PD Overlay District or to the overall major street system, as determined by the Public Works Director; or
 - 6. Any other proposed change to the PD Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
- C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection B above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor Amendments may be approved by the Director.

17.14.100 Project Review

Plans for a project in a -PD Overlay District shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved PD Plan.

Chapter 17.15 Waterfront Master Plan (-WMP) Overlay District (IP)

Note: This new chapter is intended to clearly identify which properties are subject to the Waterfront Master Plan and provide a cross reference to that document.

17.15.010 Purpose

The purpose of this Chapter is to identify the applicability of the Waterfront Master Plan.

17.15.020 Applicability

The Waterfront Master Plan applies to all use and development of properties within the boundaries of the Waterfront Master Plan (-WMP) Overlay District boundaries on the Official Zoning Map.

17.15.030 Waterfront Master Plan

All development within the Waterfront Master Plan (-WMP) Overlay District shall be in accordance with the Waterfront Master Plan.

Citywide Regulations

Chapter 17.16 Visual Resource Protection (IP)

Note: Specific standards for the height and bulk of development and for landscaping are included in other sections of the Code. This chapter includes provisions for visual resource protection, carrying forward the provisions of Section 17.48.190, Protection of Visual Resources and Compatible Design, of the current code with revisions to eliminate redundancies with other parts of the Code and to reference viewpoint and scenic views identified in the General Plan.

17.16.010 Visual Resource Protection

New development shall protect and, where feasible, enhance the visual quality of the surrounding area. New development may be permitted only if the siting and design meet the following standards:

- A. **Protection of Public Views.** Significant public views to and along the coast are protected.
- B. **Natural Landform Protection.** Alterations to natural landforms are minimized.
- C. **Compatibility.** The development is visually compatible with the character of the surrounding area and any design themes adopted for the area by the city.
- D. **Visual Quality.** Visual quality in visually degraded areas is restored and enhanced.
- E. **Scenic Area Standards.** The following standards apply to the viewpoints and scenic views described in Figures C-6 and C-7 of the General Plan.
 - 1. View corridors shall be incorporated into the development to protect significant public views to and along the shoreline and other scenic areas.
 - 2. Building and landscaping design and location shall provide for the preservation and enhancement of significant public views to and along the shoreline and other scenic areas.

Chapter 17.17 Affordable Housing, Density Bonuses, and Other Incentives

Note: Regulations and permit procedures governing the density bonus incentive program in Chapter 17.50, Affordable Housing, Density Bonuses and Incentives, of the existing code are updated consistent with State law (Cal. Gov. Code §65915) and the Housing Element. Existing provisions for inclusionary housing, in-lieu fees for affordable housing, and requirements for an affordable housing agreement are carried forward. Density bonus provisions, consistent with State law, are included.

17.17.010 Purpose

The purpose of this Chapter is to:

- A. Meet the requirements to provide affordable housing contained in Government Code Sections 65580-65589.8 through inclusionary housing; and
- B. Promote and facilitate the provision of very-low, low, and moderate-income housing and housing for seniors, foster youth, veterans, and homeless persons consistent with the provisions of Government Code Sections 65915-65918 and the Housing Element of the General Plan.

17.17.020 Inclusionary Housing

- A. **Inclusionary Housing Required.** Pursuant to the requirements of Government Code Sections 65580-65589, all new residential developments of five or more for-sale units shall provide a minimum of one inclusionary unit or ten percent of the total number of units, whichever is greater, to be affordable to families with incomes in the very low-, low-, or moderate-income ranges, depending on the needs of the City at the time of approval. The lower-income units may be either for rent or for sale, but shall remain affordable for at least 55 years, or such other term approved by the City, consistent with State law.
 - 1. For the purposes of calculating the number of affordable inclusionary units required by this Section, any additional units authorized as a density bonus will not be counted in determining the required number of inclusionary units.
- B. **Location of Inclusionary Units.** In accordance with Government Code Section 65590, the City shall require the developer to provide affordable housing on-site where feasible. If the City determines that this is not feasible based on a detailed economic analysis prepared by a City-contracted consultant at the cost of the applicant, the City shall require

the developer to provide such housing at another location in Morro Bay. If the City determines that it is not feasible for the developer to provide such affordable housing off-site, the developer shall pay a fee in lieu of providing such housing. Said fee shall be as prescribed in Section TBD, In-Lieu Fees for Affordable Housing.

17.17.030 In-Lieu Fees for Affordable Housing

In cases where the provisions for the required affordable housing are not being met on-site or off-site, the applicant may contribute in-lieu fees.

- A. **Timing.** In-lieu fees shall be paid prior to issuance of a building permit or final tract map.
- B. **Calculation.** In-lieu fees shall be established on a project basis by multiplying construction cost by the percent of fee based on project size shown in Table TBD, In-Lieu Fees for Affordable Housing, where construction costs include all expenses related to the development of housing units, including land, construction, on- and off-site infrastructure, and associated soft costs.

TABLE TBD: IN-LIEU FEES FOR AFFORDABLE HOUSING	
<i>Project Size</i>	<i>Percent of Each Unit Cost or Fraction Thereof</i>
5 Units	10%
9 Units	15%
10 Units	20%
11 Units	30%
12 Units	40%
13 Units	50%
14 Units	60%
15 Units	70%
16 Units	80%
17 Units	90%
18 Units	100%

- C. **Use.** Fees accepted for affordable housing shall be used by the City to construct or assist in the construction of housing for rent or sale to very low, low and moderate income families or to purchase land for the purpose of affordable housing or to assist very low, low and moderate income families to afford adequate housing or for other measures to provide housing for low and moderate income families. The City may, at its option,

transfer in-lieu fees to another public agency as a nonprofit housing provider for the purpose of providing affordable housing in the city of Morro Bay.

17.17.040 State Density Bonus

The provisions of this Section apply to proposed developments which comply with the eligibility requirements specified in Government Code Sections 65915 through 65918. Where regulations are not specifically addressed in this Section or where conflicts exist between these provisions and the provisions of Government Code Sections 65915 through 65918, the provisions of the Government Code, as they may be amended over time, shall apply.

- A. **Housing Developments.** A density bonus pursuant to Government Code 65915(f) and applicable incentives/concessions shall be granted if an applicant seeks and agrees to construct a housing development as defined in Government Code Section 65915, consisting of five or more residential units and containing low-income, very low-income, moderate-income, and/or senior housing, transitional foster youth, veteran, or homeless person units, the required percentages of which are outlined in Government Code Section 65915(b)(1).
- B. **Land Donation.** When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with Government Code Section 65915(g), the City shall grant density bonus as required by Government Code Section 65915(g).
- C. **Childcare Facility Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of Government Code Section 65915(b) and includes a childcare facility other than a Family Day Care Home that will be located on the premises of, as part of, or adjacent to the project, the City shall grant additional density bonus or additional concession or incentive as required by Government Code Section 65915(h).
- D. **Commercial Development.** When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in Government Code Section 65915.7(c) to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the commercial developer a development bonus as prescribed in Government Code Section 65915.7(b). Housing shall be constructed on the site of the commercial development or on a site that meets the criteria in Government Code Section 65817(a)(1). This Subsection shall remain in effect only until January 1, 2022, and as of that date is repealed.
- E. **Incentives or Concessions.** Where a project is eligible for a State Density Bonus, an applicant may submit to the City a request for specific concessions or incentives as follows.

1. **Available Concessions or Incentives.** A qualifying project shall be entitled to one, two, or three of the following incentives, as allowed by Government Code Section 65915, in addition to the density bonus allowed:
 - a. A reduction in the site development standards of this Title (e.g., lot coverage, parking requirements, reduced lot dimensions, and/or setback requirements);
 - b. Approval of mixed-use zoning not otherwise allowed by this Title in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located; and/or
 - c. Other regulatory incentives or concessions proposed by the developer or the City that will result in identifiable and actual cost reductions.
 2. **Required Findings to Reject Concession or Incentive.** The concession or incentive requested by the applicant shall be granted unless the Review Authority makes a written finding, based upon substantial evidence, of one or more of the following:
 - a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c); or
 - b. The concession or incentive would have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
 - c. The concession or incentive would be contrary to State or federal law.
 3. **Effect of Incentive or Concession.** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan, Local Coastal Program, or Zoning amendment or other discretionary approval.
- F. **Application Requirements and Process.**
1. **Timing.** Applicants shall submit applications for a density bonus, incentive, or concession, as part of a project application.
 2. **Materials Required.**
 - a. *Application for a Density Bonus.*

- i. Total number of units in the development;
 - ii. Number of units that will be limited by income, to seniors, transitional foster youth, veteran, or homeless person;
 - iii. Income limits that will be applied to each unit; and
 - iv. Amount of density bonus requested.
 - b. *Application for an Incentive or Concession.*
 - i. Description of incentives or concessions requested;
 - ii. An explanation of how the development standard would physically preclude the construction of a development that meets the criteria of Government Code Section 65915(b); and
 - iii. Financial information describing how each incentive or concession requested is necessary to provide for affordable housing costs or rents.
- 3. ***Processing.***
 - a. If the project is subject to any discretionary approvals, the request for a density bonus, incentive, or concession shall be considered concurrently with the discretionary approval.
 - b. For all other projects, the application for a density bonus, incentive, or concession, the Planning Commission shall approve or deny the application based on the requirements of State law, the provisions of this Chapter, and the information presented in the application and at the meeting.

17.17.050 Assurance of Continued Availability

A developer of affordable units shall enter into an affordable housing agreement with the City prior to the recordation of the final map, or the issuance of a grading permit or a building permit where approval of a map is not requested. The agreement shall be recorded against the parcel(s) designated for construction of the affordable units. The agreement shall run with the land and shall be binding upon the successor(s) in interest. At a minimum, the agreement shall include:

- A. Total number and size of affordable units.
- B. Maximum qualifying household incomes for the affordable units.
- C. Standards for calculating affordable rents or affordable sales prices.
- D. Enforcement mechanisms, including annual reporting and monitoring to ensure affordable units are continuously occupied by eligible households and remedies for breach of the agreement.

E. Affordability term.

Chapter 17.18 Hazards and Shoreline Protection (IP)

Note: This chapter will include standards applicable to development in hazard areas and standards applicable to shoreline protection. The standards in this chapter apply to all development undertaken and proposed to be undertaken with coastal, geological, and fire hazard areas, including areas with the potential for hazards due to sea level rise. The shoreline development and shoreline protection related standards are included consistent with the Coastal Act.

17.18.010 Purpose

This Chapter provides standards for proposed development and new land uses in coastal, geological, and fire hazard areas to protect the public health, safety, and welfare.

17.18.020 Applicability

The provisions of this Chapter apply to all development undertaken and proposed to be undertaken within coastal, geological, and fire hazard areas within the City of Morro Bay.

17.18.030 Hazards Evaluation Report

- A. **Initial Site Assessment.** The Director shall conduct an initial site assessment screening of all permit applications to determine whether the site is or will be subject to geologic or other hazards over a timeframe of a minimum of 100 years. Geological or other hazards are defined to include:
1. Earthquake hazard zones;
 2. Areas subject to tsunami runup or episodic and long-term shoreline retreat (including beach or bluff erosion);
 3. Unstable slopes and areas with moderate or greater landslide or liquefaction potential; and
 4. Flood hazard areas, including those areas potentially inundated by future sea level rise.
 5. The screening shall include a review of reports, resource maps, aerial photographs, site inspection, and the City's hazards maps. Absence of mapping shall not alone be considered absence of hazard, and local site conditions shall be examined at the time of permit application using the best available science.

- B. **Environmental Hazards Report.** Where the initial site assessment reveals that the proposed development is located in or within 100 feet of an area potentially subject to geologic or other hazards over the 100-year assessment time frame, an Environmental Hazards Report prepared by a qualified registered civil or structural engineer or licensed geologist or engineering geologist is required for the project. The Environmental Hazards Report shall describe the extent of potential environmental hazards on the site over the minimum 100-year timeframe, and recommend construction, siting and other techniques to avoid and minimize possible environmental hazards. Reports addressing tsunami runup, beach or bluff erosion, wave impacts, and flood hazards must include evaluation of potential changes to the hazard due to sea level rise that might occur over the life of the development and the 100-year assessment time frame. Existing shoreline protective devices may not be factored into the required analyses. The Report shall demonstrate that, subject to the Report's recommended measures, all of the standards of this Chapter can be met.

17.18.040 Shoreline Development

- A. **Purpose.** This Section provides standards for development proposed on lots that border the ocean or bay, where careful design and development practices are necessary to preserve significant coastline features, implement applicable provisions of the General Plan and Local Coastal Program, and comply with the Coastal Act.
- B. **Applicability.** This Section applies to all development or expansion of existing uses proposed to be located on or adjacent to a beach or coastal bluff.
1. **Coastal Bluff.** A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along the ocean or bay and subject to wave action. The bluff may be a simple planar or curved surface, or it may be step-like in section.
- C. **Geologic Report.** Permit applications for development or expansion of existing uses proposed to be developed on or adjacent to a beach or coastal bluff shall include a geologic report prepared by a licensed engineering geologist or a professional civil engineer with expertise in soils and foundation engineering, or a registered geologist with a background in engineering applications. Such report shall include a scaled map showing location of the bluff edge, the toe of the bluff, and other significant geologic features by distance from readily identified fixed monuments such as the property line, centerline of the road nearest the bluff, or inside of curb face. The report shall include an analysis of beach erosion, wave run-up, inundation and flood hazards, including those due to sea-level rise; and consider, describe, and analyze the following:
1. The impact of construction activity on the stability of the site and adjacent area;

2. Bluff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site;
 3. Historic, current, and foreseeable bluff and shoreline erosion and possible changes in shore configuration and sand transport;
 4. Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints and faults;
 5. Evidence of past or potential landslide conditions, the implications of such condition for the proposed development, and the potential effects of the development on landslide activity;
 6. Ground and surface water conditions and variations, including hydrologic changes caused by the development;
 7. Potential erosion of the site and mitigation measures to be used to ensure minimized erosion problems before and after construction (i.e., landscape and drainage design);
 8. Effects of marine erosion on coastal bluffs;
 9. Potential effects of seismic forces resulting from a maximum credible earthquake;
 10. Any other factor that might affect slope or bluff stability;
 11. A tsunami hazard assessment, including sea-level rise and tsunami wave runup calculations;
 12. Evaluation of off-site impacts of development (e.g., development contributing to geological instability) and the additional impacts that might occur due to the proposed development (e.g., increased erosion along a footpath).
 13. On lots with a legally established shoreline protective device, the analysis must describe the condition of the existing seawall, identify any impacts it may be having on public access and recreation, scenic views, sand supplies, and other coastal resources, and evaluate opportunities to modify or replace the existing arming device in a manner that would eliminate or reduce these impacts;
 14. An evaluation of whether the development, as proposed or modified, could be safely established on the property for a 100-year period without a shoreline protective device;
 15. Measures to mitigate potential impacts; and
 16. Other matters as determined relevant to the property by the report preparer or City Engineer.
- D. **Coastal Bluff Face Development.** No development shall be permitted on a coastal bluff face, except for engineered staircases or accessways to provide public beach access and

pipelines for scientific research or coastal-dependent industry. Drainpipes shall only be allowed where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the coastal bluff face, toe, and beach. Drainage devices extending over the coastal bluff face shall not be permitted if the property can be drained away from the coastal bluff face.

- E. **Structures on the Beach.** No permanent structure shall be permitted on a dry, sandy beach except a facility necessary for public health and safety, such as lifeguard towers, and recreation facilities, such as beach volleyball courts.
- F. **Setbacks.** Proposed development must be set back from the seaward property line or the coastal bluff where applicable, as provided by this Subsection. Additional setbacks may be required to accommodate public access in compliance with Chapter TBD, Coastal Access.
 - 1. **Coastal Bluff Setback Requirements.** New development must be set back equal to a sufficient setback to maintain a minimum factor of safety of at least 1.5 for a minimum of 100 years based on a site-specific geological or geotechnical engineering study. In no case shall the minimum setback be less than 20 feet from the coastal bluff edge.
 - a. No development, except pathways, stairways, fencing, signage, and other features associated with a public accessway or a necessary pipeline associated with a public facility, will be permitted within the bluff retreat setback identified in site-specific geologic reports.
 - b. A one-time addition of less than 10 percent of the existing floor area may be allowed for buildings within the required coastal bluff setback provided the addition does not encroach further into the setback than the existing structure. Alteration or additions to existing nonconforming development that equals or exceeds 10 percent of the size of the existing structure shall not be authorized, unless the entire structure is brought into conformance with the coastal bluff setback requirement.
 - 2. **Non-bluff Coastline Setbacks.** Structures proposed within 500 feet of the mean high tide line in areas that lack coastal bluffs, shall be set back equal to a sufficient setback so the proposed structure would not be expected to be subject to shoreline erosion or other hazards for the structure's lifetime or for 50 years, whichever is greater, based on a site-specific shoreline erosion rate and shoreline hazards study. In no case shall the minimum setback be less than 20 feet from the coastline or property line adjacent to the ocean or bay, whichever results in a greater setback.
 - 3. **Landscaping.** Drought-tolerant landscaping shall be installed and maintained in the required setback.

- G. **Erosion Control.** Proposed development must be designed and constructed to incorporate appropriate erosion-control measures, consistent with the City's grading standards.
- H. **Shoreline Protection Restrictions.** Development shall be sited and developed to be safe from coastal bluff retreat, waves, or flood hazards without the use of any shoreline protective device. Piers, groins, breakwaters, drainages, seawalls, revetments, rip-rap, pipelines, and other shoreline protection structures are permitted only when required to serve coastal-dependent uses such as public access and recreational uses, or to protect existing structures or public beaches in danger of erosion, when non-structured alternatives have failed and when located to avoid significant rocky points and intertidal areas. Any shoreline protection devices shall be designed to eliminate or mitigate adverse impacts on local shoreline sand supply and to minimize the impact of future flooding and sea-level rise.
1. All permits for development on coastal blufftop or shoreline lots that do not have a legally established shoreline protection structure shall have conditions of approval requiring that prior to issuance of any grading or construction permits, the property owner record a deed restriction against the property to ensure that no shoreline protection structure will be proposed or constructed to protect the development, and expressly waiving any future right to construct such devices.
 2. Proposed development shall not be approved where the review authority determines that shoreline protective structures will be necessary to protect the new structures at the time of development or if the development will be increased to exposure of flooding within 100 years of the date of review due to flooding or sea-level rise.
 3. A shoreline protective structure may be allowed with Conditional Use Permit and Coastal Development Permit approval, only when the Planning Commission makes the following findings:
 - a. The shoreline protective structure will serve coastal-dependent uses, such as public access, recreational uses, and public beaches in danger of erosion;
 - b. The shoreline protection structure is necessary due to increased exposure of flooding within 100 years of the date of review due to flooding or sea-level rise;
 - c. The shoreline protection structure is necessary to protect against future sea-level rise in tsunami hazard zones;
 - d. Non-structured alternatives to the protective devices have failed;
 - e. The shoreline protective structure is located to avoid significant rocky points and intertidal areas;

- f. The shoreline protective structure proposed is the least environmentally damaging, feasible alternative;
 - g. The shoreline protection structure is designed to maintain lateral beach access, where feasible; and
 - h. The shoreline protection structure is designed to respect natural land forms and minimize visual impact to the extent possible, through means including the use of visually compatible colors and materials.
- i. **Liability.** For any development on a beach or shoreline subject to wave action, erosion, flooding, landslides, sea-level rise, or other hazards associated with development on a beach or coastal bluff, the property owner shall execute and record a deed restriction that acknowledges and assumes these risks and waives any future claims of damage or liability against the City and agrees to indemnify the City against any liability, claims, damages, or expenses arising from any injury or damage due to such hazards.

17.18.050 Flood Hazards

Habitable space is prohibited at elevations subject to wave and/or flood risk, including risk due to sea level rise.

17.18.060 Geologic, Slope, and Stability Hazards

The following standards apply to all development within areas of geologic hazards; very high, high, and moderate landslide potential; high or moderate liquefaction potential; and areas with other soil or slope stability issues.

- A. **Subdivisions.** Land divisions, including lot line adjustments, are prohibited in areas subject to geologic, seismic, and other hazards unless it is demonstrated by the subdivider that all lots in the new subdivision will have sufficient buildable land area that is situated outside the hazardous portions of the property.
- B. **Geotechnical, Soil, and Engineering Studies.** Site-specific geotechnical, geologic, soil, and/or structural engineering studies that assess the degree of hazard on the proposed site and recommend any appropriate site design modifications or considerations as well as any other mitigation measures shall be prepared.
- C. **Sloping Lots.** The following standards apply to development on lots with an average slope of 15% or greater prior to grading.
 - 1. **Downhill Facing Building Elevation.** The building elevation facing the downslope shall have a maximum height of 20 feet from finished grade with sufficient articulation from that building face to the next highest story to minimize the visual height and bulk as viewed from the lowest finished grade.

2. **Articulation.** The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of bays, recesses, stepbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
3. **Foundation Design.** The use of multi-level foundations (floor levels separated by a minimum of four feet) shall be the standard design for residential structures unless an alternative design, with less grading, is approved through the Design Review process as more appropriate for the site.
4. **Underfloors.** Areas between the lowest floor and finished grade shall not exceed six feet in height.
5. **Decks.** No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architecture of the structure, and not appear as an add-on to the primary building mass.

Chapter 17.19 Landscaping (IP)

Note: This chapter includes landscaping provisions that apply to all new development. They also apply to additions to multi-unit and nonresidential that expand existing floor area by 10 percent or more. Water efficiency and irrigation requirements consistent with the State's Model Water Efficient Landscape Ordinance also have been incorporated.

The Water Conservation in Landscaping Act (AB 325) was signed into law on September 29, 1990. The statute directed the Department of Water Resources (DWR) to develop and adopt a Model Ordinance for water efficient landscaping. If by January 1, 1993 a local agency did not adopt a water efficient landscape ordinance, the Model Ordinance adopted by DWR took effect. State law and the model ordinance has been updated since 1993, most recently in 2015. The City of Morro Bay did not adopt a water efficient landscape ordinance and therefore, the State model ordinance is in effect.

Common complaints of the DWR Model Ordinance is that it is difficult to implement, requiring calculations of the maximum applied water allowance (MAWA) and estimated applied water use (EAWU), and not responsive to local conditions. The proposed landscaping provisions provide straightforward options for simplified compliance with these water efficiency requirements. Water use calculations are not required if a high percentage of drought tolerant plant materials are used. However, if desired, just about any type of noninvasive planting may be used as long as the estimated water use is less than the maximum allowed per State law.

The draft regulations establish general landscaping standards. They provide details on the type of materials that are to be used and what irrigation specifications are to be included. The regulations also prescribe what is to be in landscaping plans and include the option to create an Alternative Landscape Plan (ALP) for sites with unique characteristics that may find the standard landscaping requirements difficult to satisfy, or where site planning concepts could benefit from flexibility in landscape standards.

17.19.010 Purpose

The purposes of the landscaping regulations are to:

- A. Improve the appearance of the community by requiring permanently maintained landscaping;
- B. Enhance the appearance of development and minimize or eliminate conflicts between potentially incompatible uses through landscaping;

- C. Aid in energy conservation by providing shade from the sun and shelter from the wind;
- D. Provide areas on site to absorb rainfall and assist in reducing storm water runoff;
- E. Assist in erosion control;
- F. Promote conservation and efficient use of water; and
- G. Implement the Water Conservation in Landscaping Act.

17.19.020 Applicability

The provisions of this Chapter shall apply to the following:

- A. All new development.
- B. Additions to Multi-Unit and nonresidential development that expand existing floor area by 10 percent or more.
- C. All new and rehabilitated landscaping projects that include new irrigated landscaping over 500 square feet.
- D. **Exceptions.** The provisions of this Chapter do not apply to the following:
 - 1. Farming, agriculture, and crop production including vegetable gardens, vineyards, and small orchards.
 - 2. Public recreational areas (designated for active play, recreation or public assembly).
 - 3. Registered local, state or federal historical sites.
 - 4. Habitat restoration projects that do not require a permanent irrigation system.
 - 5. Mined-land reclamation projects that do not require a permanent irrigation system.
 - 6. Existing plant collections, as part of botanical gardens and arboretums open to the public.

17.19.030 Areas to be Landscaped

In addition to areas required to be landscaped pursuant to other sections of this Title, the following areas shall be landscaped, and may count toward the total area of a site required to be landscaped.

- A. **Required Street-Facing Setbacks.** All required street-facing setbacks, except for areas used for exit and entry, shall be landscaped.
- B. **Interior Property Lines Abutting Residential Districts.** Whenever a nonresidential use is located adjacent to a Residential District, a six foot wide landscape buffer planted with a

mix of trees and shrubs shall be provided along interior property lines. A minimum of one tree of at least 15-gallon size shall be planted per 20 linear feet or as appropriate to create a tree canopy over the buffer yard. In addition, at least three shrubs shall be planted per 20 linear feet.

- C. **Building Perimeters.** The portions of a nonresidential building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply where a building is located on the front or corner side property line.
- D. **Parking Areas.** Parking areas as required by Chapter TBD, Parking and Loading.
- E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped, hydroseeded, or left in a natural state.

17.19.040 Landscape Plan

A landscape plan showing compliance with the standards of this Chapter shall be submitted with the permit application for all projects for which landscaping is required.

- A. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together on the landscape plan. The plant factor, established in the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use, and temporarily irrigated areas shall be identified as low water use.
- B. Location of any existing tree over six inches in diameter or over two inches in diameter for oak trees, as measured at 48 inches above natural grade, and whether each such tree is proposed for retention or removal.
- C. Details and location of proposed fencing, entries, refuse collectors and free-standing or monument signs.
- D. Walkways, plazas and sitting areas, play areas, street furniture and other existing or proposed permanent outdoor equipment or decorative landscape features, if any.
- E. Outdoor light fixtures, including their location, height, intensity, and type.
- F. Proposed method and location of irrigation.
- G. Interim landscaping for future phases where deemed necessary by the City.
- H. **Alternative Landscape Plan.** An applicant may demonstrate that the intent of the landscape requirements of this Chapter can be achieved through an Alternative Landscape Plan. The Alternative Landscape Plan shall be prepared in accordance with the purposes set forth in this Chapter and the criteria of this Section and shall clearly detail

the modifications being requested from the provision of this section and how they reflect the evaluation criteria listed below.

1. Innovative use of plant materials and design techniques in response to unique characteristics of the site or the proposed use.
 2. Preservation or incorporation of existing native vegetation.
 3. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
 4. Integration of landscaping and pedestrian facilities in a manner that improves access or incorporates pedestrian-friendly design, this may include reduced ground-level planting along the front setback if canopy shade trees along sidewalks are provided.
 5. Use of additional shade trees to create a greater canopy effect.
 6. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer.
- I. **Preparation by Qualified Person.** Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than 12 units shall be prepared by a California Registered Landscape Architect.

17.19.050 General Requirements

A. Materials.

1. **General.**
 - a. Required landscaped areas shall be planted with a combination of ground covers, shrubs, vines, and trees.
 - b. Landscaping may include decorative materials such as brick, bark, timber, decorative rock, structural features, or other decorative features, provided they do not cover more than 50 percent of the area required to be landscaped. Permeable pavers and other permeable surfaces are encouraged for hardscape areas.
 - c. Garden areas and other areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
2. **Required Water Efficient Plants.** One of the following options of types of plants shall be chosen to ensure that the landscape project meets water efficiency requirements.

- a. *Option A: All Low Water Plants.* Exclusive of garden areas, all plants and trees shall be low or very low water use (average California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS) plant factor of 0.3). Option A is available for all residential and nonresidential areas.
 - b. *Option B: Primarily Low Water Plants.* Exclusive of garden areas, at least 85 percent of the landscape area shall contain low or very low water use plants (average WUCOLS plant factor of 0.3). Option B is only available for residential areas.
 - c. *Option C: Water Use Calculation.* The estimated total water use (ETWU) of the landscaping shall not exceed the maximum applied water allowance (MAWA), calculated pursuant to the State Model Water Efficient Landscape Ordinance (MWELo). Option C is available for all residential and nonresidential areas.
 - i. Department of Water Resources Model Water Efficient Landscape Ordinance Compliance Required. Where Option C is selected, all requirements of the Department of Water Resources Model Water Efficient Landscape Ordinance shall apply.
3. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
- a. *Ground Covers.* Ground cover plants other than grasses shall be at least the four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 12 inches on center.
 - b. *Shrubs.* Shrubs shall be a minimum size of one gallon. When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
 - c. *Trees.* Trees shall be a minimum 15-gallon size.
 - i. Tree trunks shall be placed at least five feet from utilities.
 - ii. Tree trunks shall be placed at least 15 feet from light poles.
4. ***Turf.*** Turf is subject to the following limitations.
- a. No more than 25 percent of the landscaped area may be turf.
 - b. The installation of turf on slopes greater than 25 percent is prohibited.
 - c. Turf is prohibited in locations that are less than 10 feet wide.
5. ***Invasive Plants Prohibited.*** Plant species that are listed by CAL-IPC as invasive are prohibited. Existing invasive plants and noxious weeds shall be removed.

6. **Mulch.** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
 7. **Compost.** Compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test) shall be incorporated.
- B. **Water Features.** Recirculating water shall be used for all decorative water features.
 - C. **Dimension of Landscaped Areas.** No landscaped area smaller than three feet in any horizontal dimension shall count toward required landscaping.
 - D. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within three years after planting.
 - E. **Intersection and Driveway Visibility.** All landscaping shall comply with Section TBD, Visibility at Intersections and Driveways.
 - F. **Maintenance.** All planting and other landscape elements shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.

17.19.060 Irrigation Specifications

An irrigation system shall be installed that meets the following standards.

- A. **General Requirements.**
 1. All irrigation equipment must meet American National Standards Institute (ANSI), American Society of Agricultural and Biological Engineers/ International Code Council (ASABE/ICC)802-2014. "Landscape Irrigation Sprinkler and Emitter Standard".
 2. The following areas shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
 - a. Slopes exceeding 25 percent.
 - b. Areas less than 10 feet wide in any direction.
 3. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas such as adjacent property or hardscapes.
 - a. Irrigation systems shall be designed for zero run-off onto paved surfaces unless that surface drains to another landscape area.

- b. Spray irrigation must be placed two-feet away from impervious surfaces unless that surface drains to another landscape area.
 - c. Proper irrigation equipment and schedules, including features such as repeated cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.
 - d. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour, and check valves shall be utilized.
- B. **Sprinkler Heads.** Where used, sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability, and ease of maintenance.
 - 1. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of .65 or higher using the protocol defined in ASABE/ICC 802-2014.
 - 2. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- C. **Water Meters.** A dedicated meter for irrigation is required for nonresidential projects with landscape areas of 1,000 square feet or more.
- D. **Pressure Regulating Equipment.** Pressure regulating valves or assemblies shall be installed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
- E. **Flow Sensors.** Flow sensors are required to detect high flow conditions created by system damage on all nonresidential projects 1,000 square feet and greater and residential projects 5,000 square feet and greater.
- F. **Controllers.** Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
 - 1. Automatic irrigation controllers shall utilize either evapotranspiration or soil moisture sensor data, or rain sensing override devices.
 - 2. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
- G. **Control Valves.** Plants which require different amounts of water should be irrigated by separate valves.
- H. **Check Valves.** Where required on steep slopes, check valves shall be installed to prevent low-head drainage.
- I. **Master Shut-off, Gate or Ball Valves.** Locate valves as close as possible to the point of connection of the water supply, and place where needed to minimize water loss in case of an emergency (such as a main line break) or routine repair.

17.19.070 Installation and Completion

- A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to promote and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a certificate of occupancy for the project.
- C. **Exception—Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a certificate of occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.
- D. **Certification of Completion.** Upon completion of the installation of the landscaping and irrigation system, a field observation shall be completed by the licensed project contractor. A certificate of completion shall be submitted to the City by the licensed project contractor. The certificate shall specifically indicate that the plants were installed as specified and that the irrigation system was installed as designed, along with a list of any deficiencies.
 - 1. Where Required Water Efficient Plant Option C: Water Use Calculation, was installed, the applicant shall submit a Certificate of Completion pursuant to the Department of Water Resources Model Water Efficient Landscape Ordinance.

Chapter 17.20 Nonconforming Uses, Structures, and Lots (IP)

Note: This chapter includes provisions for nonconforming uses, structures and lots which are currently located in Chapter 17.56, Nonconforming Uses and Structures. Lawful nonconforming uses may be continued and maintained unless they are determined to be a public nuisance because of health or safety concerns. Nonstructural maintenance, repair, and interior alterations are allowed. Structural repairs are only allowed to protect health and safety.

The draft regulations offer flexibility for nonconforming structures. Conforming alterations and additions are allowed and are not limited to 25 percent, provided use of the property is conforming and there is no increase in the discrepancy between existing conditions and the requirements of the Code. Additionally, an allowance is included where nonconforming interior side yard may be maintained and extended provided no new encroachment into any other yard is created, height is not increased, and any addition above the first floor conforms to the required setbacks.

The Zoning Code also includes provisions requiring the removal of nonconforming uses if they have been abandoned, destroyed, or substantially damaged. Consistent with existing provisions, the draft regulations include provisions for allowing the restoration of nonconforming structures when damaged by fire or other calamity to the extent of 50 percent or less. If a nonresidential structure or a residential structure with four or more units is damaged to the extent of 50 percent or more, the land and building are subject to all of the requirements of the most current Code. Nonconforming residential use of three or less units may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.

Current provisions allow nonconforming uses a one-time expansion of 10 percent with Planning Commission approval. Pursuant to the draft provisions, nonconforming uses could be maintained, changed to a permitted use, or be expanded or substituted with another nonconforming use (with Planning Commission approval).

17.20.010 Purpose

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan

or Local Coastal Land Use Plan. To that end, this Chapter establishes the circumstances under which a nonconforming use or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan, Local Coastal Land Use Plan, and public health, safety, and general welfare.

17.20.020 Applicability

The provisions of this Chapter apply to structures, land, and uses that have become nonconforming by adoption of this Title as well as structures, land, and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

17.20.030 General Provisions

- A. **Nonconformities, Generally.** Any lawfully established use, structure, or lot that is in existence on the effective date of this Title or any subsequent amendment but does not comply with all of the standards and requirements of this Title shall be considered nonconforming.
- B. **Right to Continue.** Any use or structure that was lawfully established prior to the effective date of this Title or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure; no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.
 - 1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.
 - 2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.
 - 3. The right to continue a nonconforming use or structure shall not apply if the nonconforming use has been abandoned or vacated as described in Section TBD, Abandonment of Nonconforming Uses.
- C. **Removal of Nonconforming Structures Valued Under \$1,500.** Any structure which does not conform to the regulations of the District in which it is located and which has an assessed valuation of \$1,500 or less at the time it became nonconforming, shall be removed, or altered or reconstructed to be structurally conforming, within five years from the time the structure became nonconforming. The Building Inspector shall cause notice to be given to the owners of any such structure at least one year prior to the time removal or alteration is required, and removal or alteration is not required to be completed until such one-year period has lapsed.

17.20.040 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Section unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

- A. **Maintenance and Repairs.** Nonstructural maintenance, repair, and interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge the structure, change the building footprint, or increase building height or roof pitch.
- B. **Structural Repairs.** Structural repairs that do not enlarge or extend the structure, including modification or repair of building walls, columns, beams, or girders repairs may be permitted only when the Building Division determines that such modification or repair is immediately necessary to protect public health and safety, occupants of the nonconforming structure, or occupants of adjacent property, and when the cost of such work does not exceed fifty percent of the appraised value of the nonconforming structure.
- C. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Title, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Title (i.e. there is no increase in the nonconformity), except as provided below.
 1. **Nonconforming Setbacks, Residential Districts.** In Residential Districts, a nonconforming interior side or rear yard may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:
 - a. A new encroachment into any other required yard is not created;
 - b. The height of the portion of the structure that is within the required setback is not increased; and
 - c. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.
- D. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Title may only be maintained in compliance with the requirements of Chapter TBD, Signs.

17.20.050 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their

agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

- A. **Restoration When Damage is 50 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 50 percent of its replacement cost immediately prior to such damage, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.
- B. **Restoration When Damage Exceeds 50 Percent of Value.** If the cost of repair or reconstruction exceeds 50 percent of its replacement cost immediately prior to such damage, the land and building shall be subject to all of the requirements of this Title, except as provided below.
 1. ***Nonresidential Uses and Structures.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.
 2. ***Residential Uses and Structures.***
 - a. ***Residential Uses, Three Units or Less.*** Nonconforming residential use of three or less units may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.
 - i. **Timing.** Building permits must be obtained within one year of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.
 - b. ***Other Residential Uses.*** Any nonconforming use must permanently cease. The structure may be restored and used only in compliance with the requirements of this Title.

17.20.060 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded or changed except as provided below.

- A. **Expansion.** Nonconforming uses may only be expanded with Planning Commission approval where the Planning Commission makes the following findings.
 1. ***Required Findings.***
 - a. The nonconforming use was legally established;

- b. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare; and
 - c. With the exception of the nonconforming use, the proposed expansion would not be inconsistent with the General Plan and would not preclude or interfere with implementation of any applicable City Specific Plan.
 2. **Conditions.** When making its decision on an application for an expansion of a Nonconforming Use, the Planning Commission may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:
 - a. Required improvement of, or modifications to existing improvements on, the property;
 - b. Limitations on hours of operations;
 - c. Limitations on the nature of operations; and
 - d. A specified term of years for which the expanded nonconforming use shall be allowed.
- B. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use, as defined in Chapter TBD, Use Classifications.
- C. **Change from Nonconforming to Permitted Use.** Any nonconforming use may be changed to a use that is allowed by right in the district in which it is located and complies with all applicable standards for such use.
- D. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.
- E. **Substitution of a Nonconforming Use with Another Nonconforming Use.** The Planning Commission may allow substitution of a nonconforming use with another nonconforming use, subject to approval of a Conditional Use Permit. In addition to any other findings required by this Title, the Planning Commission must find that the proposed new use will be no less compatible with the purposes of the District and surrounding uses that comply with the requirements of this Title than the nonconforming use it replaces.
 1. **Amortization of Substituted Nonconforming Use.** In granting a Conditional Use Permit to allow a nonconforming use to be replaced with another nonconforming use, the Planning Commission may establish an amortization schedule for the nonconforming use by setting a date after which the nonconforming use must be discontinued or replaced with a conforming use.

17.20.070 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months.

- A. **Abandonment.** The six-month period shall commence when the use ceases and any one of the following occurs:
1. The site is vacated;
 2. The business license lapses;
 3. Utilities are terminated; or
 4. The lease is terminated.

Chapter 17.21 Parking and Loading (IP)

Note: The proposed parking and loading regulations apply to new buildings and uses, projects creating additional dwelling units, change or expansion in use, or expansion of floor area. When a change in use, expansion of a use, or expansion of floor area creates an increase in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.

The required number of parking spaces have been revised in a number of ways. On-site parking is not required in the Waterfront District. In other districts, where appropriate, a consistent parking requirement was identified for multiple uses within the same use classification. For example, all Public and Semi-Public Uses must provide one parking space per 250 square feet of floor area except as specified for certain uses such as Day Care Centers and Hospitals. This is intended to ease administration and provide flexibility with regard to re-use and changes of occupancy. Another notable change is the decrease in the amount of parking required for eating and drinking establishments. Current provisions generally require one space for each 60 square feet of floor area to be occupied by customers, plus one space for each 120 square feet of outdoor eating area greater than 125 square feet. This is proposed to be revised to require one space for each 100 square feet of indoor area and one space for each 200 square feet of outdoor eating area. Another change includes the elimination of the requirement for residential parking to be covered on lots less than 4,000 square feet. On lots larger than 4,000 square feet in size, a minimum of one space must be covered.

Several new parking reduction provisions are proposed to allow flexibility in meeting parking requirements. Parking reductions are available for locations near public parking facilities, transit, provision of motorcycle parking, carshare parking, shared parking, and instances where conditions exist whereby parking demand generated by the project will be adequately served and a Minor Use Permit is approved. These standards provide flexibility while still accommodating parking demand.

Draft regulations revise and expand the parking area design and development standards to address various aspects of parking area design, including parking space dimensions, maneuvering aisles, surfacing, striping, curbing, lighting, landscaping, separation from buildings, screening, circulation, alternative designs, and maintenance. Electric vehicle charging stations are required in new parking lots with 10 or more spaces.

The draft regulations increase the amount of the parking area to be landscaped from 5 percent to 10 percent and detail minimum requirements including minimum planter dimensions of 25 square feet, layout, landscaped islands every eight stalls, landscaped buffers, trees every five spaces, protection of vegetation, and clearance. Requiring a larger percentage of landscaping will help improve the aesthetic appearance of parking lots, promote energy conservation through the creation of shade, reduce heat gain, and reduce noise and glare. Parking and loading provisions also address bicycle parking and on-site loading.

17.21.010 Purpose

The purposes of the parking and loading regulations are to:

- A. Ensure that adequate off-street parking and loading facilities are provided for new land uses and major alterations to existing uses;
- B. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- C. Insure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes;
- D. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses; and
- E. Offer flexible means of minimizing the amount of area devoted to parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand.

17.21.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

- A. **New Buildings and Land Uses.** Parking and loading in accordance with this Chapter shall be provided at the time any main building or structure is erected or any new land use is established.
- B. **Reconstruction, Expansion, and Change in Use of Existing Non-Residential Buildings.**
 - 1. When a change in use, expansion of a use, or expansion of floor area creates an increase in the number of required parking or loading spaces, additional parking and loading shall be provided for such addition, enlargement, or change in use and not for the entire building or site.
 - a. *Exception, Commercial Uses.* Additional parking and loading spaces are not required for the change of use from one Commercial Use to another Commercial Use.
 - 2. The existing parking and loading shall be maintained.
 - 3. If the number of existing parking or loading spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking and loading requirements for the addition, enlargement, or change in use.

4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.
 5. Additional parking and loading spaces are not required for the reconstruction of an existing building when there is no increase in floor area.
- C. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires parking to serve the new dwelling units. This requirement does not apply when sufficient parking exists to provide the number of spaces required for the existing and new dwelling units.
- D. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

17.21.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- B. **Nonconforming Parking or Loading.** An existing use of land or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, provided that facilities used for parking and/or loading as of the date of adoption of this Code are not reduced in number to less than what this Chapter requires.
- C. **Accessibility.** Parking and loading areas must be accessible for its intended purpose during all hours of operation.
- D. **Stacked Parking.** Stacked or valet parking is allowed if an attendant is present or an automated system is in place to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, an acceptable form of guarantee must be filed with the Director ensuring that an attendant will be present while the lot is in operation.

17.21.040 Required Parking Spaces

- A. **Minimum Number of Spaces Required.**
1. **Waterfront District.** On-site parking is not required in the Waterfront District.
 2. **Other Districts.** In Districts other than the Waterfront District, each land use shall be provided at least the number of parking spaces stated in Table TBD, Required Parking Spaces. The parking requirement for any use not listed in Table TBD shall be determined by the Director based upon the requirements for the most similar

comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE TBD: REQUIRED NUMBER OF PARKING SPACES

<i>Land Use Classification</i>	<i>Required Parking Spaces</i>	
Residential Uses	As specified below	
Residential Housing Types		
<i>Single-Unit Dwelling, Attached or Detached</i>	2 per unit	
<i>Two-Unit Dwelling</i>	2 per unit	
<i>Multi-Unit Residential</i>	1 per studio unit 1.5 per one-bedroom unit 2 per unit with two or more bedrooms Guest parking: 1 for every 5 units	Guest parking shall be distributed throughout the site, clearly marked as reserved for guests, and maintained at all times for guest parking
<i>Accessory Dwelling Unit</i>	None required for the accessory dwelling unit. Required parking for the primary dwelling shall be provided	
<i>Senior Housing</i>	0.5 per unit	
<i>Very Low-, Low-, and Moderate-Income Housing</i>	0.5 per unit for senior housing 1 per studio or one-bedroom unit 2 per unit with two or more bedrooms	
<i>Caretaker Unit</i>	1 per unit	
Family Day Care		
<i>Small</i>	None beyond what is required for the Residential Housing Type	
<i>Large</i>	1 for each nonresident employee plus parking required for the residential use	
<i>Group Residential</i>	1 for every 2 guest rooms	
<i>Mobilehome Park</i>	1 space per unit Guest parking: 1 for every 2 units	
Residential Care Facilities		
<i>Small</i>	None beyond what is required for the Residential Housing Type	
<i>Large</i>	1 for every 3 beds	
<i>Residential Facility, Assisted Living</i>	1 for every 3 beds	
<i>Single Room Occupancy</i>	0.5 per unit	

TABLE TBD: REQUIRED NUMBER OF PARKING SPACES

<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
Supportive Housing	None beyond what is required for the Residential Housing Type
Transitional Housing	None beyond what is required for the Residential Housing Type
Public/Semi Public Uses	1 per 250 square feet of floor area except as specified below
Campgrounds and Recreational Vehicle Parks	1 for each camping or recreational vehicle space plus one common space for each 5 camping or recreational vehicle spaces
Colleges and Trade Schools	1 for every 50 square feet of net classroom floor area
Community Assembly	1 for every 75 square feet of assembly area
Day Care Centers	1 for every 300 square feet of net classroom floor area
Emergency Shelter	1 for every 4 beds and/or 0.5 per bedroom designated as a family unit with children plus 1 per employee
Hospitals	1 for every bed
Skilled Nursing Facility	1 for every 3 beds
Parking Lots and Structures	None
Schools	High School: 4 spaces per classroom plus 1 for every 300 square feet of office Other schools: 2 spaces per classroom plus 1 for every 300 square feet of office
Commercial Uses	1 per 300 square feet of floor area plus 1 per 2,000 square feet of outdoor display and storage area, except as specified below
Commercial Entertainment and Recreation	Cinema/Theaters and Indoor Sports and Recreation: 1 for each 4 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided Other Commercial Entertainment and Recreation uses: As determined by the Director
Eating and Drinking Establishments	1 per 100 square feet of floor area plus 1 per 200 square feet of outdoor seating area
Farmer's Markets	None
Funeral Parlors and Interment Services	1 for each 4 permanent seats or 1 for every 75 square feet of assembly area where no seats or where temporary or moveable seats are provided
Lodging	
<i>Hotels and Motels</i>	1 for each guest room plus one space for each 10 rooms. Additional parking required for ancillary uses, such as restaurants, according to the parking requirements for the ancillary use

TABLE TBD: REQUIRED NUMBER OF PARKING SPACES

<i>Land Use Classification</i>	<i>Required Parking Spaces</i>
<i>Short-term Vacation Rental</i>	1 for every 4 people based on maximum occupancy
Nonpermanent Vendor	See Section TBD, Nonpermanent Vending
Industrial Uses	1 per 500 square feet of floor area plus 1 for every 1,000 feet of indoor warehousing or storage area and outdoor use area, except as specified below
Personal Storage	1 space per 50 storage units, plus 1 space per 300 square feet of office area. A minimum of 5 spaces shall be provided.
Transportation, Communication, and Utility Uses	1 per 300 square feet of office area plus one for each fleet vehicle
Urban Agriculture Uses	See Section TBD, Urban Agriculture

- B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following rules:
1. **Floor Area.** Where a parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
 2. **Employees.** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
 3. **Bedrooms.** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
 4. **Students.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students at the state-certified capacity or at Building Code Occupancy where no state-certification is required.
 5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 80 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section TBD, Parking Reductions.

17.21.050 Parking Reductions

The number of parking spaces required by Section TBD, Required Parking Spaces, may be reduced as follows.

- A. **Transit Accessibility.** For any land use except residential Single-Unit and Two-Unit development, if any portion of the lot is located within one-quarter mile of a transit stop with regular, scheduled service during the weekday hours of 7:00 a.m. to 9:00 a.m. and 5:00 p.m. and 7:00 p.m., the number of required parking spaces is reduced by 20 percent of the normally required number of spaces.
- B. **Proximate Public Parking Facilities.** Where a use is located within 1,200 feet of a public parking facility, measured along a pedestrian route, the number of required parking spaces may be waived all or in part with approval of a Minor Use Permit.
- C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least four feet wide and seven feet deep.
- D. **Carsharing Programs.** Required automobile parking spaces may be substituted with designated Carshare Vehicle parking spaces, pursuant to the following:
 - 1. Up to a maximum of 20 percent of the required automobile parking spaces may be designated as Carshare Vehicle parking spaces.
 - 2. Carshare Vehicles shall be maintained for active use by Carshare Service and not for other purposes. No sales, servicing, storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles unless otherwise permitted by the land use regulations in the zoning district.
 - 3. Carshare Vehicles shall be made available to members of the Carsharing Service through an unattended, self-service operation 24 hours a day, seven days a week.
 - 4. All owners of a lot, including any applicable Homeowner's Associations, shall be required to grant permission for the operation or parking of a Carshare Vehicle on their property.
- E. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent with approval of a Minor Use Permit, if the review authority finds that:
 - 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - 2. The proposed number of parking spaces to be provided will be adequate to serve each use; and

3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of Section TBD, Off-Site Parking Facilities.
- F. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Minor Use Permit as follows.
1. **Criteria for Approval.** The review authority may only approve a Minor Use Permit for reduced parking if it finds that:
 - a. Special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—exist that will reduce parking demand at the site;
 - b. The use will adequately be served by the proposed parking; and
 - c. Parking demand generated by the project will not exceed the capacity of or have a significant impact on the supply of on-street parking in the surrounding area.
 2. **Parking Demand Study.** In order to evaluate a proposed project’s compliance with the above criteria, submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces may be required.

17.21.060 Parking In-Lieu Payments and Parking Management Programs and Districts

- A. **Parking Management Programs and Districts.** If parking management programs and districts are established, said formations shall be established consistent with the Coastal Land Use Plan. Assessment district financing and/or an in-lieu fee system may be established in order to provide adequate off-street parking requirements for new development.
- B. **Parking Management Plan Area.** Where it can be demonstrated that the reasonable and practical development of commercially zoned property precludes the provision of required off-street parking on the property located within or adjacent to the parking management plan area defined in Figure TBD, Parking Management Plan Area, the Planning Commission may permit the applicant to satisfy parking requirements by payment of an in-lieu parking fee. The Planning Commission will determine the total parking requirements for each individual project at the time of permit review.
1. **Number of Spaces.** The number of parking spaces required and used to calculate the in-lieu fee shall be determined according to the provisions of this Chapter and any other applicable provisions of the Zoning Code and the City of Morro Bay Municipal Code.

2. **Change of Use.** Any off-street parking satisfied through this provision shall run with the land and any subsequent change of use that requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking.
3. **Change of Ownership.** A change of ownership or the dividing or merging of properties shall not affect an obligation for parking in-lieu fees or a determination that parking requirements have been met according to fees paid for a particular use.
4. **Fees.** The fee to be charged for each parking space required shall be set by resolution by the City Council and may be modified from time to time, and shall be payable in accordance with administrative policies established in this chapter. In setting such fees, the City Council shall consider all costs associated with the provision of the necessary parking including planning, design, land acquisition or lease costs and construction of improvements.
5. **Use of Fees.** Fees accepted under this provision will be used by the City to provide the additional required parking at another location in lieu of the applicant providing the required off-street parking. Such parking shall be provided within a reasonable distance from the contributing project or within close proximity to public transit providing access to the use. All such fees collected shall be used by the City for the planning, design, acquisition or lease of land, and development and redevelopment of public parking facilities within or adjacent to the parking management plan area and for public transit facilities providing access to said parking.
6. **Fee Payment.** The per space fee for new construction, additions or changes in occupancy shall be paid in a lump sum or in accordance with a payment plan approved by both the finance director and the City Administrator, prior to the issuance of construction permits for the structure or occupancy for which the parking is required or prior to the issuance of a City business license for the activity for which the parking is required, if no construction permit is required.
7. **Conflict with Other Parking Programs.** Nothing in this Section shall preclude the formation of a Parking Assessment District coterminous with the Parking Management Plan Area. Any property participating in the in-lieu fee program shall be required to participate in the assessment district if a parking assessment district is established. Funds derived from each property through a combination of the in-lieu fee and assessment payments shall equal the fair market value of the cost of converting the required parking into a municipal parking lot, as estimated by the Public Works Director.

8. In-lieu fees accepted by the City shall be credited against a project's full obligation established by an assessment district formula.

17.21.070 Location of Required Parking

- A. **Front and Street-Side Setbacks.** Parking spaces required pursuant to this Chapter shall not be located within a required front or street-side setback. See Chapter TBD, Setbacks, for provisions applicable to the parking of vehicles in required setbacks.
- B. **On-Site Parking Required.** Required parking shall be located on the same lot as the use it serves except as allowed below.
 1. **Allowance for Off-Site Parking.** Required parking may be located off-site provided the off-site parking facility is located within 600 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.
 - a. **Parking Agreement.** A written agreement between the landowner and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:
 - i. A guarantee among the landowner for access to and use of the parking facility; and
 - ii. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

17.21.080 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking intended to serve shoppers, customers, messengers, guests and other visitors to a site who generally stay for a short time, shall be provided as specified below.
 1. **Parking Spaces Required.** For the following uses, the number of short-term bicycle parking spaces shall be at least 20 percent of the number of required automobile parking spaces, with a minimum of four parking spaces provided per establishment.
 - a. Multi-unit Residential, Group Residential, and Single Room Occupancy with five or more units.
 - b. All uses in the Public and Semi-Public Use Classification.
 - c. All uses in the Commercial Use Classification.
 2. **Location.** Short-term bicycle parking must be located within 50 feet of a main entrance to the building it serves. Where the bicycle parking area is not visible

from the main entrance of the building, signs located at the main entrance of the building shall identify the location of bicycle parking.

- a. In the CC District, required short-term bicycle parking may be located in the right-of-way with an encroachment permit issued by the City.
 3. **Anchoring and Security.** For each short-term bicycle parking space required, a stationary, securely anchored object shall be provided to which a bicycle frame and one wheel (two points of contact) can be secured with a high-security U-shaped shackle lock if both wheels are left on the bicycle. One such object may serve multiple bicycle parking spaces.
 4. **Size and Accessibility.** Each short-term bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.
- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.
1. **Parking Spaces Required.**
 - a. *Residential Uses.* A minimum of one long-term bicycle parking space shall be provided for every five units for Multi-Unit Residential, Group Residential, and Single Room Occupancy.
 - b. *Other Uses.* Any establishment with 25 or more full time equivalent employees shall provide long-term bicycle parking at a minimum ratio of one space per 25 vehicle spaces.
 - c. *Parking Structures.* Long-term bicycle parking shall be provided at a minimum ratio of one space per 50 vehicle spaces.
 2. **Location.** Long-term bicycle parking must be located on the same lot as the use it serves and near the facility entrance. In parking garages, long-term bicycle parking must be located near an entrance to the facility. Where the bicycle parking area is not visible from the entrance of the building, signs located at the entrance or in an entry lobby of the building shall identify the location of bicycle parking.
 3. **Covered Spaces.** At least 50 percent of required long-term bicycle parking must be covered. Covered parking can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.
 4. **Security.** Long-term bicycle parking must be in:
 - a. An enclosed bicycle locker;

- b. A fenced, covered, locked or guarded bicycle storage area;
 - c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas or within secure/restricted bicycle storage room; or
 - d. Other secure area approved by the Director.
5. **Size and Accessibility.** Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.
- C. **Bicycle Parking Reductions and Modifications.** A Modification for a reduction in the number of required bicycle parking spaces or to other standards of this Section may be granted pursuant to Chapter TBD, Modifications, if the review authority finds that:
- 1. Adequate site space is not available on an existing development to provide bicycle parking; or
 - 2. Reduced bicycle parking is justified by reasonably anticipated demand; or
 - 3. Other criteria based on unusual or specific circumstances of the particular case as deemed appropriate by the review authority.

17.21.090 Loading

- A. **Loading Spaces Required.** Every new building, and every building enlarged by more than 10,000 square feet of gross floor area that is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking establishment, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise shall provide off-street loading and unloading areas as follows.

REQUIRED LOADING SPACES	
<i>Gross Floor Area</i>	<i>Required Loading Spaces</i>
0-10,000	0
10,001-25,000	1
25,001-75,000	2
75,001-150,000	3
150,001+	4 plus 1 per each additional 100,000 over 150,001

1. **Multi-Tenant Buildings.** The gross floor area of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
 2. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use and/or location, such loading space will not be needed or is not practical.
 3. **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
- B. **Location.** All required loading areas shall be located on the same site as the use served. Loading areas shall not be located within the required front, side, or rear yard setback.
- C. **Screening.** Loading areas shall be screened from public view by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than six feet in height.
- D. **Minimum Size.** Each on-site loading space required by this Chapter shall not be less than 12 feet wide, 25 feet long, and 14 feet high, exclusive of driveways for ingress and egress, maneuvering areas and setbacks. The minimum size requirement may be modified if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such size will not be needed.
- E. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this Chapter shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Director finds that sufficient space is provided so that maneuvering areas will not interfere with traffic and pedestrian circulation.
- F. **Surfacing.** All loading areas shall be paved and improved so as to provide a dust-free surface, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer.

17.21.100 Driveways and Drive Approaches

- A. **Forward Entry.** Vehicles shall not back onto an arterial street. Parking areas designed to accommodate five or more vehicles shall be provided with suitable maneuvering room so that all vehicles can enter and exit from a public street by forward motion only.

- B. **Limited-Access and Arterial Street.** Driveway encroachments shall be restricted onto arterial streets and highways if alternative points of access to the property are feasible or if the City Council has, by resolution, restricted access to the street.
- C. **Driveway Separation.** There shall be a minimum of 22 feet of standard curb and gutter between the tops of the driveway transition. In Residential Districts, the required driveway separation only applies to driveways on the subject parcel.
- D. **Driveway Transitions.** No part of the driveway transition shall extend closer than one foot to side property line of the property being served by the driveway unless approved by the City Engineer and unless a written agreement is obtained from the adjacent property owner and filed with the City Engineer for recording with the County Recorder. The agreement shall be in a form approved by the City Attorney.
- E. **Curb Height.** Full height curbs shall be provided except for locations with approved driveways and/or handicap ramps.
- F. **Driveway Length and Accessibility.**
 - 1. **Driveway Length.** Driveways providing direct access from a public street to a covered or uncovered parking space shall be at least 20 feet in length except as follows:
 - a. *RS-B and RS-C Districts.* The minimum driveway length is 15 feet.
 - b. *RS-D District.* The minimum driveway length is 10 feet.
 - 2. **Accessibility.** In the Residential Districts, driveways providing access to parking spaces for detached residential single unit development shall be kept free and clear for the required length stated above. Driveways shall not be gated within this minimum distance.
- G. **Driveway Width.** The minimum and maximum width of a driveway shall be as follows.

TABLE TBD: DRIVEWAY WIDTH		
	<i>Minimum Width (ft)</i>	<i>Maximum Width (ft)</i>
All Development	Notwithstanding any other driveway width requirement, no one-way driveway be less than 10 feet in width or a two-way driveway be less than 20 feet in width unless approved by the City Engineer.	Notwithstanding any other driveway width requirement, the total driveway width shall not exceed 50 percent of a lot frontage unless approved by the City Engineer for safety purposes or to avoid awkward vehicle maneuvers.
One-way driveway		
<i>Serving six or fewer spaces, residential development</i>	10	20

TABLE TBD: DRIVEWAY WIDTH

	<i>Minimum Width (ft)</i>	<i>Maximum Width (ft)</i>
<i>Serving six or fewer spaces, nonresidential development</i>	12	20
<i>Serving seven to 20 spaces</i>	12	20
<i>Serving 20 or more spaces</i>	20	30
Two-way driveway	20	30

H. Turnarounds.

1. Driveways that serve commercial or multi-unit development which exceed 100 feet in depth shall provide a turnaround to ensure that vehicles can safely exit in a forward direction.
2. Driveways that exceed 15 percent slope serving any type of development may also be required to provide turnarounds.

I. Surfacing. Driveways shall be surfaced with asphalt or concrete paving or alternative surface as approved by the City Engineer.

1. ***Residential Paved Wheel Tracks.*** For residential uses, in lieu of a full width paved driveway and where the driveway serves only one residence; paved wheel tracks are allowed as long as the tracks are located where the wheel traffic will most probably occur, the tracks are located only behind the sidewalk ramp, each track is at least three and one-half feet apart.

J. Maximum Slope.

1. ***Residential Development.*** Driveways serving residential development shall not exceed 15 percent slope unless the City Engineer approves a slope up to 20 percent provided special construction procedures and materials are used.
2. ***Nonresidential Development.*** Driveways serving nonresidential development shall not exceed 10 percent slope.

K. Visibility. Visibility of a driveway crossing a street property line shall not be blocked between a height of three feet and nine feet for a depth of five feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway.

L. Common Access Driveways. Projects are encouraged to provide shared vehicle and pedestrian access to adjacent nonresidential properties for convenience, safety, and efficient circulation. A joint access agreement guaranteeing the continued availability of the shared access between the properties approved by the Director shall be recorded in the County’s Records Office, in a form satisfactory to the City Attorney.

- M. **Replacement of Curb and Sidewalks of Abandoned Driveway.** The Director of Public Works shall determine whether a driveway has been abandoned. Any such abandoned driveway shall be removed by the owner and replaced with standard curb, gutter and sidewalk to fit the existing line of grade of adjacent standard curb, gutter and sidewalk. The Director of Public Works shall cause an abandoned drive to be removed if it has not been removed within 30 days after the owner has been notified to do so. The procedure for repair and collection of the cost of repair shall be as set forth in Division 7, Part 3, Chapter 22 of the Streets and Highways Code.

17.21.110 Parking Area Design and Development Standards

All parking areas except those used exclusively for stacked or valet parking, shall be designed and developed consistent with the following standards. Parking areas used exclusively for stacked or valet parking are subject only to Subsections H through P. Stacked or valet parking areas which will allow parking at some times without attendants must be striped in conformance with the layout requirements of this Section.

- A. **Handicap Parking.** Each parking area where parking is provided for the public as clients, guests, or employees shall include parking accessible to handicapped or disabled persons as near as practical to a primary entrance and in accordance with the standards for the number of spaces, size, location, signing, and markings/stripping set for in Chapter 71, "Site Development Requirements for Handicapped Accessibility" of Title 24 of the California Code of Regulations.
- B. **Electric Vehicle Charging Stations.** In new parking lots with 10 or more parking spaces, a minimum of one level 2 or fast charging electric vehicle charging station shall be provided for every 10 parking spaces.
- C. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.
1. No more than two vehicles shall be placed one behind the other.
 2. Both spaces shall be assigned to a single dwelling unit or nonresidential establishment.
 3. Tandem parking to meet required parking for nonresidential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
 4. Tandem parking to meet required parking for multi-unit development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
 5. Tandem parking shall not be used to meet the guest parking requirement.

D. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions required by this Subsection. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.

1. **Standard Parking Spaces and Drive Aisles.** The minimum basic dimension for standard parking spaces is nine feet by 20 feet, with a minimum vertical clearance of seven feet. Table TBD, Standard Parking Space and Aisle Dimensions, provides the dimensions of spaces (stalls) and aisles according to angle of parking spaces. The required aisle width may be modified if the City Engineer finds that sufficient space is provided, so that maneuvering areas will not interfere with traffic and pedestrian circulation.

TABLE TBD: STANDARD PARKING SPACE AND AISLE DIMENSIONS				
<i>Angle of Parking</i>	<i>Stall Width (ft)</i>	<i>Curb Length Per Stall (ft)</i>	<i>Stall Depth (ft)</i>	<i>Aisle Width (ft)</i>
Parallel	9	20	9	12
30°	9	18	18	12
45°	9	14	19.5	14
60°	9	11	21	18
90°	9	9	20	25

2. **Compact Parking Spaces.** In parking areas with four or more parking spaces, up to 25 percent of the required spaces may be reduced to 8.5 feet by 18 feet and labeled “compact”.
3. **Parking Spaces Abutting a Wall, Fence, or Column.** The width of each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by one foot on each obstructed side.
4. **Minimum Dimensions for Residential Garages.** Garages serving residential uses shall be constructed to meet the following minimum inside dimensions.
 - a. A single car garage shall be at least 11 feet wide and 20 feet long.
 - b. A garage containing two or more parking spaces shall have a minimum inside dimension of 10 feet in width by 20 feet in length per space.
 - c. The minimum vertical clearance shall be seven feet except in the front four feet of the parking space where the minimum vertical clearance is four feet six inches.

- d. Garages shall be equipped with an automatic door opener and a roll-up sectional or similar garage door which does not extend onto the apron. A security gate for a multi-unit development is permitted.
- E. **Service Vehicle Maneuvering Area.** Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing up unreasonable distances or making other dangerous or hazardous turning movements. The minimum allowable inside turning radius shall be 20 feet. Where fire truck access is necessary, the minimum inside radius shall be 28 feet and the outside radius shall be a minimum of 48 feet.
- F. **Pedestrian Circulation.** Parking areas for multi-unit residential developments of five or more units and parking areas for commercial and mixed-use developments that are 80 feet or more in depth and/or include 25 or more parking spaces shall provide pedestrian access that is separate and distinct from driveways, according to the following standards:
1. **Connection to Public Sidewalk.** An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
 2. **Materials and Width.** Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.
 3. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
 4. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.
- G. **Parking Lot Striping.** All parking stalls shall be clearly outlined with double striping, and all aisles, approach lanes, turning areas, and entrances shall be clearly marked with directional arrows and lines as required by the City Engineer.
- H. **Wheel Stops.** Parking areas designed to accommodate five or more vehicles shall provide concrete bumper guards or wheel stops for all unenclosed parking spaces. A six-inch high concrete curb surrounding a landscape area at least six feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.
- I. **Surfacing.** All parking areas shall be paved and improved, and all sites shall be properly drained, consistent with applicable stormwater runoff regulations and subject to the approval of the City Engineer.

1. **Required Surface.** All parking areas shall be surfaced with asphalt or concrete paving or alternative surface as approved by the City Engineer.
 - a. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.
 2. **Slope and Drainage.** Parking areas shall not exceed six percent slope and nor be less than 0.5 percent slope in the direction of drainage. A maximum of 10 percent slope in aisle and turnaround areas may be allowed by the City Engineer.
- J. **Perimeter Curbing.** Parking areas designed to accommodate five or more vehicles shall provide a six-inch wide and six-inch high concrete curb along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
- K. **Heat Island Reduction.** In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light colored materials.
1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
- L. **Lighting.** Parking areas designed to accommodate five or more vehicles shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candles of light over of the parking surface during the hours of use from one-half hour before dusk until one-half hour after dawn.
1. Light poles and standards shall not exceed 20 feet in height unless a greater height is approved pursuant to Chapter TBD, Modifications.
 2. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 3. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Chapter TBD, Lighting and Illumination.
- M. **Separation From On-Site Buildings.** Parking areas designed to accommodate five or more vehicles must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of three feet in width. Commercial development with 25,000 square

feet or more of gross floor area must be separated from parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width.

N. **Landscaping.** Parking areas designed to accommodate five or more vehicles must be landscaped according to the general standards of Chapter TBD, Landscaping, as well as the standards of this Subsection.

1. **Landscape Area Required.** A minimum of 10 percent of the parking lot area shall be landscaped.
2. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.
3. **Landscaped Planters Between Parking Stalls and at the Ends of Rows of Parking Stalls.** Parking lot planter areas shall be provided after each five parking spaces in any row and at the ends of each row of parking spaces.
4. **Landscaped Buffer Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street for the length of the parking area.
5. **Landscaped Buffer Abutting Interior Lot Line.** A landscaped area at least three feet wide shall be provided between any surface parking area and any interior property line for the length of the parking area.
6. Trees.
 - a. **Number Required.** One for every six parking spaces, minimum of two trees per parking area.
 - b. **Distribution.** Trees shall be distributed relatively evenly throughout the parking area.
 - c. **Size.** All trees shall be a minimum 15-gallon size.
7. **Protection of Vegetation.**
 - a. **Clearance from Vehicles.** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
 - b. **Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.
8. **Visibility and Clearance.**

- a. Notwithstanding other provisions of this Chapter, parking area landscaping shall comply with Section TBD, Visibility at Intersections and driveways.
 - b. Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic.
 - c. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area.
 - d. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.
- O. **Screening.** Parking areas designed to accommodate five or more vehicles shall be screened along the street frontage and adjacent lots in a Residential District, according to the following standards.
1. **Height.** Screening along the street frontage shall be a minimum three feet in height. Screening adjacent to lots in a Residential District shall be a minimum four feet in height.
 2. **Materials.** Screening may consist of one or any combination of the methods listed below.
 - a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director, and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
 - b. **Planting.** Plant materials consisting of compact evergreen plants that form an opaque screen.
 - c. **Berms.** Berms a minimum of two feet in height and planted with appropriate shrubs and ground cover.
- P. **Alternative Parking Area Designs.** Where an applicant can demonstrate to the satisfaction of the Director that variations in the requirements of this Section are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be approved.
- Q. **Maintenance.** It shall be the duty of the property owner to maintain and repair the parking lot and related improvements in accordance with the above standards and any other conditions imposed at the time of approval. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

Chapter 17.22 Performance Standards (IP)

Note: Draft provisions establish measurable standards for determining if a use or activity creates a nuisance on adjoining property. Existing performance standards of Chapter 17.52, Performance Standards, are incorporated. Standards address dust, fumes, electromagnetic interference, hazardous materials, glare, noise, waste disposal, and vibration.

17.22.010 Purpose

The purposes of this Chapter are to:

- A. Establish permissible limits and permit objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions; and
- C. Protect industry from arbitrary exclusion from areas of the City.

17.22.020 Applicability

The minimum requirements in this Chapter apply to all land uses in all districts except as provided below.

- A. The following uses and activities are exempt from compliance with the requirements of this Chapter:
 - 1. Legal nonconforming uses, which, based on a written opinion of the City Attorney, have an established right not to comply with the provisions of this Chapter.
 - 2. Temporary events with approved Temporary Use Permits or other required permits, where such activities otherwise comply with other applicable provisions of this Title.
 - 3. Any emergency activity on the part of the City or a private party.
 - 4. Temporary construction activity where such activity is explicitly regulated by other regulations of the Municipal Code.
 - 5. Other uses and activities as otherwise specified in this Title.

17.22.030 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.

17.22.040 Measurement of Impacts

Measurements necessary for determining compliance with the standards of this Chapter shall be taken at the lot line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

17.22.050 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emits excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Luis Obispo County Air Pollution Control District.

17.22.060 Electromagnetic Interference

No use, activity or process shall cause electromagnetic interference with normal radio and television reception, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities and processes shall comply with applicable Federal Communications Commission regulations.

17.22.070 Fire and Explosive Hazards

All activities, processes and uses involving the use of, or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Firefighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited.

17.22.080 Glare

No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.

17.22.090 Hazardous and Extremely Hazardous Materials

The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities,

processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.

17.22.100 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a reasonable person, or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature increase in excess of five degrees Fahrenheit on another property.

17.22.110 Liquid or Solid Waste

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, either directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and any other agency as shall have jurisdiction of such activities.
- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety and fire hazards, and to facilitate recycling. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects, unless stored in closed containers.

17.22.120 Noise

- A. **Noise Limits.** No use or activity shall create ambient noise levels that exceed the noise limits established in the General Plan.
 - 1. **Separation from Noise Sensitive Uses.** Any business operation with sustained or intermittent noise levels exceeding 70 dB Ldn (or CNEL) including, but not limited to, wood or machine milling, air hammers, generators, or prolonged or excessive truck deliveries, are not allowed within 150 feet of residential uses, hospitals, and other noise sensitive uses unless noise levels are mitigated in compliance with this Section.
 - 2. **Operational Hours.** All commercial and industrial deliveries and loud commercial activities such as loading and unloading, leaf blowers, bands with loudspeakers within 100 feet of a residential use shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- B. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to a noise exposure greater than that deemed "acceptable" by the Noise Element of the General Plan.

- C. **Noise Attenuation Measures.** Noise attenuation measures necessary to reduce noise impacts to acceptable levels are required to be incorporated into a project in accordance with the following:
1. All new residential development shall achieve interior noise level reductions through sound insulation and other measures to meet the General Plan land use compatibility standards by acoustical design and construction of the structure and building elements.
 2. New dwelling units exposed to an exterior DNL above 65 dB shall incorporate the following noise reduction measures:
 - a. All facades must be constructed with substantial weight and insulation;
 - b. Sound-rated windows providing noise reduction performance similar to that of the façade must be included for all exterior entries;
 - c. Acoustic baffling of vents is required for chimneys, fans, and gable ends; and
 - d. Installation of a mechanical ventilation system affording comfort under closed window conditions.
 3. Other measures identified in an acoustic study conducted for the proposed project as necessary to reduce noise levels to “acceptable” levels.
- D. **Exemptions.** The provisions of this Section, do not apply to:
1. ***Emergencies.*** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
 2. ***Warning Devices.*** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
 3. ***Special Events.*** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.
 4. ***Religious Facilities and Other Similar Organizations.*** Unamplified bells, chimes, or other similar devices used by houses of religious worship, as such devices are played between the time period of 7:00 a.m. and 10:00 p.m. and the playing period does not exceed 10 minutes in any one hour.
 5. ***Municipal Solid Waste Collection.*** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
 6. ***Public Works Construction Projects, Maintenance, and Repair.*** Street, utility, and similar construction projects undertaken by or under contract to the City, Alameda County, or the State of California or a public utility regulated by the California

Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.

7. **Public Utility Facilities.** Facilities including, but not limited to, 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

17.22.130 Vibration

No vibration shall be permitted so as to cause a noticeable tremor, measurable without instruments at the lot line.