



# 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, September 21, 2021 - 6:00 P.M.  
Held Via Teleconference**

Chairperson – Susan Stewart

Vice-Chairperson William Roschen  
Commissioner Mike Rodriguez

Commissioner Joseph Ingraffia  
Commissioner Vacant

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLANNING COMMISSIONER ANNOUNCEMENTS  
PUBLIC COMMENT PERIOD  
PRESENTATIONS

### **Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-08-21, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at [planningcommission@morrobayca.gov](mailto:planningcommission@morrobayca.gov) prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

*Please click the link below to join the webinar:*

➤ <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcuTHlRTk9xaTlmWVNWRWFUQT09>

Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \* 9 to “**Raise Hand**” for Public Comment*

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 May 18, 2021.  
**Staff Recommendation:** Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of June 1, 2021.  
**Staff Recommendation:** Approve minutes as submitted.
- A-4** Approval of minutes from the Planning Commission meeting of July 6, 2021.  
**Staff Recommendation:** Approve minutes as submitted.

**B. PUBLIC HEARINGS**

- B-1 Case No.:** MAJ20-004 (Concept/Precise)  
**Site Location:** 715 Embarcadero, Morro Bay, CA  
**Proposal:** Conditional Use Permit Amendment (Major Modification) for 715 Embarcadero Rd to allow for conversion of a commercial fishing wharf to Harborwalk coastal public access, conversion of existing 470sf interior fish processing area to new retail space, 461sf of street-facing outdoor dining, and commercial façade improvements.. The lease site (#80/81 and 80W/81W) is an existing single story building with street facing visitor-serving retail and a bay-facing 1,025sf commercial fish processing wharf and 580sf outdoor covered patio area and windscreen. Specifically, the project proposes removal of the commercial fish processing wharf area, removal of the outdoor covered patio and installation of new 10 foot wide bayside lateral access and new 10' wide fiberglass deck to provide coastal public access where none currently exists by providing a gap connection to the lease sites to the north and south, as well as remove 4 existing wood piles and repair of 3 pilings to remain for support of the Harborwalk. Project also proposes interior building renovations of interior retail space; and related commercial façade improvements. No expansion of the existing building square footage is proposed, nor is any height increase proposed. The project is located in the WF/PD/S4 zoning district and is within the Coastal Commission Original Jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15301  
**Staff Recommendation:** Forward favorable recommendation to City Council for approval.  
**Staff Contact:** Cindy Jacinth, Senior Planner, [cjacinth@morrobayca.gov](mailto:cjacinth@morrobayca.gov), (805) 772-6577

**C. NEW BUSINESS**

- C-1** Review of Public Parking Management Study by Walker Consultants.  
**Staff recommendation:** Receive the staff report and presentation on the Walker parking study, provide comment and recommend next steps, if any.  
**Staff Contact:** Scot Graham, Community Development Director, [sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov), (805) 772-6291

**D. UNFINISHED BUSINESS**

- D-1 Planning Commission development review subcommittee update.** Item provides an opportunity for the subcommittee to update the full Planning Commission on status related to evaluation and improvement of the City's development review process. This is a discussion item and does not include a staff report.  
**Staff contact:** Scot Graham, Community Development Director; (805) 772-6291, [sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)

- D-2 Planning Commission Public Benefit subcommittee update.** Item provides an opportunity for the subcommittee to update the full Planning Commission on the status related to evaluation and development of a public benefits master list for the City. This is a discussion item and does not include a staff report.

**Staff contact:** Scot Graham, Community Development Director; (805) 772-6291, [sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting on October 5, 2021 at 6:00 p.m. via teleconference.

### **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 805-772-6264 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.

This Agenda may be found on the Internet at: [www.morrobayca.gov/planningcommission](http://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](http://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 present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair may invite the applicant/agent 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.

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.



City of Morro Bay  
 Community Development Department  
 Current & Advanced Project Tracking Sheet  
 This tracking sheet shows the status of the work being processed by the Planning & Building Divisions  
 New Planning items or items recently updated are highlighted in yellow.  
 Approved projects are deleted on next version of log.

Agenda No: A-1  
 Meeting Date September 21, 2021

#	Applicant/ Property Owner	Project Address	Application Date	Permit Numbers	Project Description/Status	Planning Comments and Notations	Building/Fire Comments and Notations	Engineering Comments and Notations	Harbor/Admin Comments and Notations	Project Planner
<b>Hearing or Action Ready Projects:</b>										
1	Van Beurden Investments	715 Embarcadero Road	11/17/20	MAJ20-004	<b>Dutchman Harborwalk public access and improvements with wharf changes. Major Modification to CUP.</b>	Under review. Incomplete letter sent 12-10-20. Resubmittal received 4-29-21. Scheduled for 7/20/21 PC hearing for consideration of favorable recommendation. Will also require City Council review and approval. PC continued the hearing to a date uncertain per Applicant request. Revised project plans submitted 8/30/21. Project to be noticed for 9-21-21 PC hearing.				cj
2	Morro Bay Ventiuers	2783 Coral Ave	7/1/21	MAJ21-005	<b>Five unit subdivision, previously approved for a 6 unit subdiivision by City Council.</b>	Project review completed, deemed complete July 19, 2021. Applicant submitting plans this week for Coisters Design Committee review., expect to schedule for City Council hearing within a few weeks.				nh
3	Montemagni	599 San Jacinto Street	6/10/21	CDP21-020	<b>Demo existing home, build new 1574 sf new home with 748 sf ADU</b>	Under review. Planning correction letter sent 7/6/21. Resubmittal received August 9, 2021 and deemed complete August 18, 2021. Public notice permit from August 27 to September 7, 2021. Administrative decision on or about September 8, 2021.				nh
4	Miagany	405 Elena	12/29/20	CUP20-15 & PKG20-05	<b>Conditional Use Permit &amp; Parking Exception for addition to an existing non-conforming single family home</b>	Under review. Project deemed incomplete and incomplete letter sent 1-21-2021. Awaiting resubmittal. Resubmittal received 3/25/21 and is under review. Application deemed incomplete. Second correction letter sent 4/15/21. Awaiting resubmittal. Resubmittal received 5/20/21. Deemed incomplete 6-14-21, requires resubmittal. Resubmittal received August 11, 2021 and deemed complete on August 16, 2021. Scheduled for Planning commission Hearing on September 21, 2021. Public notice permit from September 10- September 21, 2021.				nh
5	Franklin	2680 Main Street	7/14/21	SGN21-06	<b>Sign Permit to increase height of Taco Temple monument sign to 14 feet</b>	Correction letter sent 8/11/21 to request clarification on scope of sign permit request. Advised Applicant sign permit cannot be approved as monument signs by code are only allowed up to 8 feet in height. Pole signs are not supported. Applicant responded 9/7 requesting that sign application be denied in order to appeal Director decision. Denial letter issued.				cj
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>										
6	Bourchard	556 Blanca	7/29/21	CDP21-033	<b>Admin CDP for new 1,890sf SFR with 692sf ADU</b>	Comment letter sent 8/23/21				am

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7	Bourchard	548 Blanca	7/29/21	CDP21-032	Admin CDP for new 1,744sf SFR with 692sf ADU	Comment letter sent 8/23/21				am
8	Dorfman	570 Olive	7/28//21	CDP21-031	Admin CDP for 1150sf new detached ADU	Under review. Project deemed incomplete and letter sent 8/27/21				sa
9	Leonard	550 Zanzibar Street	7/19/21	CDP21-030	new 1933 SF single family home with attached 481 sf garage and 143 sf of deck area	Planning comments sent August 6, 2021, requires resubmittal				nh
10	Cia	2551 Koa Ave	7/26/21	MIN21-008	Changes to previously approved new home - placement on site flipped from previously approved design with reconfigured interior layout. Minor changes in square footage and height.	Review comment provided on August 17, 2021, requires resubmittal				nh
11	Eisemann	541 Atascadero Road (at Hill St)	7/9/21	CUP21-09/ CDP21-029	Four unit apartment complex with attached garages	Review comments provided on July 31, 2021. Project requires resubmittal.				nh
12	Luhr	1140 Allesandro Ave	6/28/21	CDP21-026/ CUP21-08	Multiple residential units with live-work options (i.e. a portion of home designated for business usage). Two scenarios submitted for PC conceptual review and feedback.	Provided review comments July 26, 2021. Requires additional information from applicant - once received, will schedule for PC conceptual review				nh
13	Green	1175 Scott Street	6/28/21	CDP21-025 CUP21-07	New construction of 3 hotel units including one ADA unit and a residential security unit	Review comments provided on July 21, 2021. Requires a resubmittal for review.				nh
14	Perry	3230 Beachcomber	6/24/21	CDP21-024/ VAR21-002	New 1537 sf sfh with attached 380 sf garage. VAR request for roof top deck railing height. Application approval is dependent on completion of LTM21-01	Review comments sent 7/20/21, requires resubmittal.				nh
15	Bernal	2620 Laurel	6/24/21	CDP21-023	New 1558 sf two and a half stories with 280 sf balcony and a 728 sf garage	Review comments provided on July 20, 2021. Requires a resubmittal for review.				nh
16	Steiner	301-390 Seashell Cove	4/19/21	MAJ21-02	General Plan / LCP Land Use & Zoning Map Amendment application to change land use and zoning from R-A to R-3 designation / low density to medium density.	Under review. Response letter/ incomplete letter sent 5-6-21. Resubmittal received. Environmental review in process.				cj
17	SR Development	545 Atascadero Rd	Initial partial submittal on 3/31/2021. Submittal complete on 4/26/21	CDP21-013 / CUP21-04	New construction of 15 unit townhomes project	Comment letter sent 5/14/21, requires resubmittal with responses.				nh
18	Perry	3202 Beachcomber	4/14/21	CDP21-014/ VAR21-001	Demo existing home, build new 2063 sf home with subterranean garage and storage area of 2267 sf. Application approval is dependent on completion of LTM21-01. VAR request for height variance on roof top deck railing.	Submittal received, but not complete. Balance of submittal received 4/14/21, under review. Incomplete letter comments sent for CDP on 5/4/21. Resubmittal received 6/24/21 with VAR request, under review. Review comments sent 7/20/21.				nh

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19	Douleddee	929 Mesa	3/31/21	CDP21-012	Admin CDP for ADU, addition of square ft & relocate garage	Correction letter sent 4/19/21. Awaiting resubmittal. Resubmittal received 5/3/21 and is under review. Awaiting corrections to Sheet A1. Resubmittal received June 16, 2021, planning comments sent on June 23, 2021. Resubmittal received July 27, 2021, planning comments sent on August 3, 2021. Requires minor corrections.				nh
20	Perry	3202 & 3230 Beachcomber		LTM21-01	Merge 3 non-conforming parcels into 2 parcels, move lot line to equalize new parcel sizes	Incomplete letter comments sent for LTM on 4/30/21 and for CDP on 5/4/21.				nh
21	Tullis	404 Estero	3/17/21	CDP21-011	CDP to demo existing improvements & construct new SFR and site improvements.	Under review. Deemed incomplete, comment letter sent to applicant April 2, 2021				nh
22	Diaz	365 Driftwood	1/19/21	CUP20-13 & CDP21-002	Addition to existing single family home. This is an addition to a non-conforming home which requires a conditional use permit and coastal development permit for duplex unit.	Comment letter sent 2/6/21. Requires resubmittal with changes. Resubmittal received 5/10/21. Project deemed incomplete, letter sent 5/25/21. Resubmittal received August 9, 2021. Planning comments sent August 23, 2021, requires resubmittal.				nh
23	Vistra	1290 Embarcadero	12/28/20	CDP20-026 & CUP20-14	Battery Energy Storage System (BESS) - New proposed project to construct 600MW BESS on old tank farm north of existing Morro Bay Power Plant. BESS to be constructed as 3 separate buildings, 30 feet in height plus 10 feet of screening for rooftop equipment.	Under initial review. Project deemed incomplete and incomplete letter sent 1-21-2021. Applicant resubmittal received 2-17-2021 and under review currently. Project deemed complete for processing on 2/23/2021. Project plans and documents being evaluated. Environmental review process in progress.				cj
24	Vazquez	590 Morro Ave	10/22/20	MAJ20-002	CDP/CUP Major Modification to propose equipment upgrade to an existing rooftop telecom wireless site.	Under review. Incomplete letter sent 11/19/20. Discussed with Applicant visual simulation requirements via phone on 7/27/21				cj
25	Hurless	2290 Greenwood Ave	5/7/20	CDP20-007	Legalize ADU from prior construction. Was a previous Code Enforcement issue. Plans difficult to understand.	Correction letter sent 5/18/20. Resubmittal received June 16, 2020 under review. Project deemed incomplete, comment letter sent July 16, 2020. Resubmittal received January 20, 2021. Planning and PW deemed incomplete, comment letter sent 2/6/21. Public works disapproved, planning conditionally approved 3/25/21. Planning deemed incomplete, comments sent 11/29/20. Resubmittal received 4/15/21, under review by PW. PW disapproved, requires resubmittal - comment letter sent 4/28/21				nh
26	Bean	197 Main Street (formerly known as 199 Sandpiper Court)	12/19/19	CUP19-20, CDP19-04, VAR20-001	CUP/CDP for new home on triangular small parcel on the bluff. Proposed home is 526 sf 2-stories with access easement to Main Street	Project deemed incomplete, comment letter sent January 7, 2020. Resubmittal received 10/26/20 adding a variance request, under review. Incomplete, need resubmittal				nh
27	Stanford	121 Easter	9/2/21	CDP21-037	Admin CDP for conversion of existing space for JADU.	Project deemed complete, under review by other departments				am
<b>Projects Appealed to Planning Commission or PC Continued projects</b>										

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<b>Projects Appealed or Forwarded to City Council</b>										
<b>Environmental Review:</b>										
28	City of Morro Bay	N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
<b>Final Map Under Review Projects:</b>										
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>										
29	City of Morro Bay	Citywide			<b>Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. Public draft of combined General Plan/ LCP released May 2018 for review. Worked with Coastal staff on CCC input received during 2019. Adoption Draft to be reviewed by Planning Commission at 10/20/20 hearing. Admin Draft of EIR received and to be circulated. Reviewed by PC at the 11/4/2020 & 11/17/20, 12/1/20, & 12/15/20 PC meetings. 3-16-2021 meeting is for review of the EIR and make recommendations to City Council for adoption. Council review of adoption draft held on 4/27/21. Hearing continued to the 5/11 and then 5/25/21 Council meetings. Plan adopted by Council on 5/25/21. LCP Amendment application submitted to Coastal Commission for certification. <b>Coastal Commission LCP certification hearing of the Coastal Land Use Plan (LUP) to be held on August 12, 2021. Zoning Code portion not yet adopted - to be completed approximately fall 2021.</b>				
30	City of Morro Bay	Citywide	10/16/13	A00-013. A00-029: Ordinance 601	<b>Zoning Text Amendment - Second Unit</b>	Secondary Unit Ordinance Amendment. Ordinance 576 passed by City Council in 2012. Change recommended by PC after Council direction which led to Adoption of Ord. 585 by City Council on 5/13/14. Ordinance to be sent as an LCP Amendment for certification by Coastal Commission. <b>New language for PC and Council review. Second reading going to council on April 12, 2016. PC reviewed change 5-3-16. CC second First Reading 6-28-16.. Application submitted to Coastal Commission August 2016. Coastal objected to ban on use as vacation rentals. New State legislation in effect 1-1-20 which supersedes previous adopted ordinances. To be incorporated into Plan Morro Bay.</b>	No review performed.			wm

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<b>Projects Continued Indefinitely, No Response to Date on Incomplete Letter or inactive:</b>										
31	Verizon / Knight	184 Main new location, Corner of Main and Cabrillo	11/19/14	UP0-394 and CP0-512	<b>Coastal Development Permit and Conditional Use Permit for installation of new Wireless Facility/Verizon antennas on existing pole.</b>	Under Review. JG. Incomplete. Waiting on response from Tricia Knight. Wants to keep project open and figure out the parking situation or move location. 1/26. JG. Applicant looking to move location to pole across the street. resubmittal rcv'd 5/26. Deemed Complete, waiting for Applicant to confirm PC meeting date. PC hearing held on 9/6/16 and continued for further review to 11-1-16 PC hearing. Continuance requested. Continued to a date uncertain		PN- Conditionally approved 6/14/16		jg
<b>Grants</b>										
32	California Coastal Commission, California Ocean Protection Council	City-wide	4/6/16		<b>\$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. Round 6 funding of \$65,000 received Mar 2020.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17. Additional LCP grant funding received in 2020 under Round 6 for \$65,000 to complete LCP update.	No review performed.	N/A		sg
33	City of Morro Bay	City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administration. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting. 2021 CDBG Funding Allocation to be approved as final funding recommendations to the County by City Council on 3-9-21.	No review performed.	N/R		cj
34	City of Morro Bay	City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
<b>Projects in Building Plan Check:</b>										
35	Castillo	1055	Allesandro St.	6/3/2021	B21-0097	250 sf addition to rear of existing SFR, addition creates two bedrooms and one full bath.		Bldg. - Disapproved 6/10/21		sg
36	HASLO	405	Atascadero	12/22/20	B20-0215	35 unit affordable apartments	Planning approved 1/10/21.	Bldg. - Conditionally Approved 9/7/21		nh
37	Baines	1185	Balboa St.	8/9/21	B21-0137	14 sf 2nd story deck at rear of existing SFR and expand existing garage under deck (square footage of garage expansion is unclear).		Bldg. - Plancheck		sg
38	Goldstein	186	Bayshore Dr.	11/4/20	B20-0190	Remodel kitchen, dining & living area.		Bldg. - Approved 11/09/20		sg

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39	Carter	2035	Bayview Ave.	8/5/21	B21-0135	New SFR, 1980 sf living, with 483 sf attached garage, 96 sf covered deck, 267 sf covered rear patio and 32 sf covered front porch.		Bldg. Plancheck			cj
40	Crisman	3029	Beachcomber Dr.	5/14/21	B21-0083	New single family residence (SFR), 278 sf living, 713 sf attached garage, and 130 sf deck on west side.	Planning disapproved with comments on 5/18/21	Bldg. - Disapproved 6/10/21			nh
41	LaPlante	3093	Beachcomber	4/29/17	B-31487	New SFR: 3,495 sf w/ 500 sf garage on vacant land. No activity on this project. Remains in plan check.	Permit extended to 9-22-22	Ready to issue	PN - Approved 6/21/2018	Emailed comments on 10-20-17.	cj
42	Calanchini	433	Bernardo Ave.	4/8/21	B21-0067	Finish open space on the first floor that is enclosed within current structure. The space will become a 22 sf guest room/game room w/wet bar. All electrical & plumbing is currently located in the existing walls.	Planning disapproved 5/10/21. Awaiting resubmittal. Received resubmittal with executed deed restriction per MBMC 17.48.325.A	Bldg. - Approved 8/3/21			am
43	Lindquist	2924	Birch Ave.	7/6/21	B21-0114	Covert existing front covered porch into living space, approximately 56 sq. ft.		Ready to issue			sg
44	Martinez	235	Bradley Ave.	5/17/21	B21-0085	Enclose existing covered deck, adding 274 sf of unconditioned space at rear of existing SFR (no electrical or mechanical proposed in new enclosed area).		Bldg. - Plancheck			sg
45	Diaz	365	Driftwood	1/6/20	B19-0280	328 sq ft addition to master bedroom and bath on second flr. Convert covered patio to living space 50 sq ft enclosed covered porch 30 sq ft interior remodel.	Planning disapproved 1/31/20. Project requires a Conditional Use permit. Planning cannot approve building permit until Conditional Use Permit is final and permit issued. CUP20-13 received, building review following CUP/CDP approval.	Bldg. - Approved 12/29/20			nh
46	Kleeman	2970-A	Elm Ave.	6/17/21	B21-0103	DETACHED ADU - 748 sf accessory dwelling unit (ADU), 230 sf ground floor addition to existing detached garage and 518 sf 2nd level addition (above garage), new 120 sf upper level deck and exterior stairs to serve the ADU.		Bldg.- Approved 8/25/21			cj
47	Curtis & Mulholland	630	Embarcadero	5/18/21	B21-0087	Commercial T.I. to ground floor unit (584 sf) of existing building, space is currently used for dry storage & garage space, the T.I. will create a 145 sf lobby, 185 sf drink prep area, 250 sf kitchen addition and 121 sf new dry storage area utilizing an existing parking space.		Bldg. - Disapproved 5/19/21			sg
48	City of Morro Bay	833	Embarcadero	12/30/20	B20-0220	Demo existing 2 story structure (formerly Off the Hook - Retail & Restaurant) Construct new mixed use structure, 2 story with retail, restaurant, and hotel space.	Disapproved 1-25-21. Correction memo sent to Bldg. Change to south elevation by adding a parapet wall will require a minor modification to the Planning permit. Coastal Commission determined no CDP amendment needed. Cj	Bldg. - Disapproved 8/25/21			cj
49	Thompson	454-A	Estero Ave.	7/27/21	B21-0126	After the fact approval of ADU corrected from accessory building permitted art studio. The art studio was expanded to current size of 496 sf.	Planning Approved Resubmittal 9/8/21	Ready to issue			am
50	Cox	555	Estero	4/22/21	B21-0073	Remove existing detached single car garage. Rebuild single car garage as attached with office space above. Update kitchen.		Ready to issue			sg

#	Applicant/ Property Owner	Project Address		Application 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
51	Ferguson	355	Fresno Ave.	9/7/21		Interior bathroom remodel for wheelchair accessibility creating master bath and walk in closet, also adding guest bath and laundry closet from existing square footage.		Bldg. - Disapproved 9/10/21			sg
52	Godfrey	396	Hill St.	3/18/21	B21-0045	New Duplex - Unit A includes 2422 sf of living, and 770 sf garage. Unit B includes 2616 sf of living area and 603 sf garage.	Under review. Planning disapproved 4-16-21. Planning approved.	Ready to issue			am
53	Wilkie	476-A	Hill St.	3/26/20	B20-0057	ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit.	Correction letter sent 4/30/20.	Bldg. - Approved 4/8/20			nh
54	Johnston	2781	Juniper Ave.	6/2/21	B21-0094	New 463 sf 2nd story deck at rear of existing SFR, also replace five existing windows with three new sliding glass doors.		Bldg. - Approved 6/15/21			sg
55	Melen	2540	Koa Ave.	4/26/21	B21-0075	Interior renovations on mid level and upper floors, adding bathroom to existing space on upper floor, creating new conditioned space from existing attic space on upper floor.		Bldg. - Approved 5/13/21			sg
56	Daniels	964	Las Tunas St.	8/3/21	B21-0133	Remodel the laundry room & add a bedroom, bathroom & hallway to the back of existing home in phase I. Phase 2, build a detached garage		Bldg. - Disapproved 8/18/21			sg
57	Drenick	2530	Laurel Ave.	8/10/21	B21-0141	Demolition of 560 sf of a 2-car garage, garage roof top deck & garage foundation.		Bldg. - Approved 8/12/21			sg
58	McClish	451	Luzon St.	8/31/21	B21-0156	210 sf addition to existing 770 sf single family residence (SFR) creating a new study with bathroom, making SFR 980 sf total.	Under review. PW disapproved 9/15/21, Planning OK, pending other department comments	Bldg. - Plancheck			sa
59	Peter	890	Main St.	2/13/19	B19-0026	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Approved on 3/1/19 - sg	Bldg. - Approved 2/27/19	Disapproved on 4/15/19		sg
60	Sonic	1840	Main St.	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. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension. Planning permit extension requested and granted to allow new permit expiration of April 2021. Emailed applicant 3-19-2021 advising them of permit expiration date and extension opportunities.	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB <b>Permit extended to 4/18/23</b>	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
61	Twin Bay Inc.	2460	Main St.	7/21/20	B-32117 B20-0114	ADA and parking lot improvements. ADA stall to be relocated closer to street and make van accessible.	Resubmittal received 2/2/21, planning approval pending issuance of MUP permit. Planning approved ADA improvement permit 2/11/21	Bldg. Disapprove 8/12/21			nh
62	Leonard	918	Marina St.	3/8/21	B21-0039	Construct 420 sf deck with steps (just under 5 ft. in height) at front of SFR, also install French drain.	Planning approved 3/11/21. am	Bldg. - Approved 3/10/21			sg

#	Applicant/ Property Owner	Project Address		Application 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
63	Biaggini	1156-A	Market Ave.	7/13/21	B21-0122	Demo (E) 576 sf of detached garage roof, add new 576 sf ADU to 2nd story over garage, 50 sf under stair storage closet, 170 sf 2nd story deck.	Planning conditionally approved July 20, 2021	Bldg. - Disapproved 8/3/21			nh
64	Brum	535	Mimosa St.	9/13/21	B21-0164		Backyard single level deck build	Bldg. - Plancheck			am
65	LifePoint Church	615	Monterey Ave.	1/6/20	B19-0279	Remodel/upgrade current building	Planning disapproved 1/27/20. Awaiting resubmittal.	Bldg - Diapproved 1/30/20			nh
66	Markarian	750	Monterey Ave.	9/3/21	B21-0157	Interior/exterior remodel of an existing 1337 sf SFR, new electrical plumbing and mechanical, enlarge existing bathroom, convert existing laundry room to new mud room & 2nd bathroom, replace windows & doors, new comp shingle roof, new decking & stairs at entry. Cellar & barn/garage not in scope of work.		Bldg. - Approved 9/10/21			nh
67	Erb	2630	Nutmeg Ave	2/14/19	B19-0029	Demo 195 sf third story deck at front of home and rebuild with 80 sf extension to allow for deck beam and column support. Remove 152 sf deck on south side of home, misc. construction to repair water damage.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg. - Approved 3/27/19			wu
68	HS, Nutmeg, LLC	2681 & 2681-A	Nutmeg Ave	6/22/21	B21-0106(SFH) B21-0107 (JADU)	2585 sf sfh stair stepped down slop with 748 sf garage and 254 sf deck. JADU is on the lower level and is 500 sf.	Planning approved 6/30/21	Bldg. - Disapproved 8/3/21			nh
69	McDonald	846-A	Pacific St.	7/28/21	B21-0131	ATTACHED ADU - Convert existing 278 sf attached garage to an ADU and add 321 sf to the rear of existing garage creating an overall 599 sf ADU.	Planning Disapproved 8/6/21	Bldg. Approved 8/18/21			am
70	Westbrook	939	Pacific St.	8/9/21	B21-0138	ADDITION to SFR - 374 sf ground floor addition, 470 sf second story addition, 255 sf second floor deck and 100 sf first floor deck area.	Approved 8/16/21	Bldg. - Plancheck			am
71	Angelucci	953	Pacific St.	3/25/21	B21-0052	Add 300 sf to 2nd story, 470 sf attached 2 car garage, 275 sf open deck & 188 sf covered deck.	Under review. Disapproved 4/27/21. am	Bldg. - Approved 6/24/21			am
72	SAAP Trust, Peter Behman, Trustee	965	Pelican Pl.	9/13/21	B21-0162	Addendum to B21-0041 - Additional foundation and framing required.		Bldg. Approved 9/13/21			sg
73	Appel	400-A	Pico St	8/18/21	B21-0149	Convert existing garage to an ADU without changing the footprint of the garage.	Approved 8/25/21	Bldg. Disapproved 9/10/21			am
74	Lee	684	Piney Way	9/10/20	B20-0168	Demo existing detached 416 sf work shed with bathroom & reconstruct new 416 sf garage/shop with electrical, keeping existing bathroom on existing slab/foundation.	Planning disapproved 9/15/20. Requires a Admin CDP and Parking Exception prior to review and approval of the building permit. Waiting for submittal.	Bldg. - Disapproved 3/1/21			nh

#	Applicant/ Property Owner	Project Address		Application 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
75	Tabrizi	998	Quintana Rd.	8/12/21	B21-0142	640 sf Addition (Approx.) - Enclosed area under existing open roof structure (former Napa Autocare Center Bldg).	Under review.	Bldg. - Disapproved 8/18/21			sg
76	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2') with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
77	Wener	687	Sequoia Ct.	8/23/21	B21-0152	Demo & replace existing deck. No increase or change to size of original except where code requires.	Planning Approved 9/1/21	Bldg. - Approved 9/10/21			am
78	Parker	580	Shasta Ave	8/31/20	B20-0159	Add new detached garage	Planning under review. Planning disapproved 9/8/20. Need resubmittal	Bldg. - Disapproved 9/14/20			nh
79	Stanton	351	Trinidad	3/26/19	B19-0054	Repairs to existing 200 sf rooftop deck. Replace all dry-rot structural members, install new waterproof membrane,, new copper drip edge flashing, replace plaster, replace guardrail if needed.	Disapproved 4/11/19. Awaiting resubmittal. Permit appliciation expired	Bldg. - Approved 3/27/19			wu
80	Davis	1149	West Ave	7/8/19	B19-0145	Construct lower level 360 sf enclosed patio (12' x 30') at rear of existing SFR.	Disapproved, proposed enclosed patio extended into the 25 foot bluff setback. Permit application expired.	Bldg. - Approved 7/10/19			nh

**Planning Projects & Permits with Final Action:**

81	Hsiao	205 Harbor St		5/26/21	CDP21-019/ CUP21-05	<b>CDP and CUP approval request for new 6-unit 5,042sf blufftop hotel.</b>	Under review. Noticed for PC review and hearing on 9-7-21. Conditionally approved by PC on 9/7/21.				cj
82	Lent	194 Island		6/17/21	CDP21-022	<b>New ADU and roof top deck</b>	Review comments sent 7/14/21, requires resubmittal. Resubmittal received August 3, 2021 and deemed complete on August 10, 2021. Public notice period from August 19 to August 30, 2021. Administrative decision on August 31, 2021				nh
83	Valerie	490 Mindoro		1/20/21	CDP21-001/PKG21-03	<b>Project changed March 15, 2021 from original application to a new SFH converted from an existing garage on a parcel newly separated from the adjacent parcel which had the original SFH</b>	Planning deemed incomplete and comments were sent 3/29/21. Resubmittal received 7/6/21, planning incomplete letter sent 7/9/21. Resubmittal received 7/22/21, project deemed complete on August 6, 2021. Public notice period from August 13 to August 23, 2021. Administrative approval and permit issued on August 25, 2021.				nh
84	Casagrande	528 Blanca		7/7/21	CDP21-027	<b>New construction of a single family home on a vacant parcel</b>	Project deemed complete. Public notice period from 8/4 to 8/15/21. Permit issued August 16, 2021.				nh
85	Casagrande	536 Blanca		7/7/21	CDP21-028	<b>New construction of a single family home on a vacant parcel</b>	Project deemed complete. Public notice period from 8/4 to 8/15/21. Permit issued August 16, 2021.				nh

#	Applicant/ Property Owner	Project Address	Application 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
86	Battaglia/ Winfield	1280 Scott St	4/14/21	CDP21-015	Admin CDP for upstairs ADU, storage, conversion of existing space for JADU.	Response letter and incomplete comments sent 5/4/21. Resubmittal received May 27, 2021, under review. Minor review comments need to be addressed, comment letter sent 6/15/21. Resubmittal received 8/9/21 and deemed complete on August 10, 2021. Public notice permit from August 19 to August 30, 2021. Admin review and decision on or about August 31, 2021.				nh
<b>Staff Directory:</b>										
Scot Graham - sg	Chad Ouimet - co	Cindy Jacinth - cj	Pam Newman - pn	Nancy Hubbard - nh	Alison MacCarley - am	Saba Asghary - sa				

AGENDA ITEM:     A-2    

DATE: SEPTEMBER 21, 2021

ACTION:     DRAFT    

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – MAY 18, 2021  
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Susan Stewart	Chairperson
	Bill Roschen	Vice-Chairperson
	Jennifer Ford	Commissioner
	Joe Ingraffia	Commissioner
	Mike Rodriguez	Commissioner
STAFF:	Scot Graham	Community Development Director
	Abby Miramontes	Planning Intern
	Damaris Hanson	Environmental Programs Manager

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

INTRODUCTION OF NEW PLANNING COMMISSIONER

PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENT PERIOD – NONE

<https://youtu.be/za501jcJ9CU?t=137>

**Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

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- *Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.*

*Please click the link below to join the webinar:*

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHlRTk9xaTlmWVNW/RWFUQT09>  
Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \* 9 to “**Raise Hand**” for Public Comment*

## PRESENTATIONS – NONE

### A. CONSENT CALENDAR

<https://youtu.be/za501jcJ9CU?t=173>

Chairperson Stewart pulled CDP21-007, regarding activity at 2083 Seaview Avenue.

Graham responded.

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

**MOTION:** Commissioner Ford moved to approve the Consent Calendar. Commissioner Ingraffia seconded, and the motion passes 5-0, with Ford, Ingraffia, Rodriguez, Roschen and Stewart voting yes.

<https://youtu.be/za501jcJ9CU?t=379>

### B. PUBLIC HEARING

#### **B-1** **Case No.:** CUP21-03

**Site Location:** 429 Tulare Avenue, Morro Bay, CA

**Applicant/Project Sponsor:** Pete and Beth Regan

**Proposed Project:** Conditional Use Permit to allow construction of a 560 sf addition to an existing single-family residence. The project includes a 111 sf first floor addition and a 249 sf second story addition with a deck. The addition is in the back half of the property over the existing residence. The existing residence is nonconforming in regard to the front and south side setbacks. The project is located in the R-1 zoning district and outside of the Coastal Commission Appeals Jurisdiction

**CEQA Determination:** Categorically Exempt, Section 15301 Class 1(e)

**Staff Recommendation:** Conditionally Approve

**Staff Contact:** Abigail Miramontes, Planning Intern, (805) 772-6213,  
[amiramontes@morrobayca.gov](mailto:amiramontes@morrobayca.gov)

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Miramontes presented the staff report.

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/za501jcJ9CU?t=852>

Wayne Johnson, Morro Bay, stated his concerns, and noted he was opposed to the project.

Bryan Ridley, applicant's architect, provided information regarding the project.

Sean Green, Morro Bay, presented his questions regarding the front setbacks.

Betty Winholtz, Morro Bay, requested the home be built with a flat or slanted roof.

Graham responded to Sean Greens' comments.

Discussion between the Commissioners and staff.

Ridley answered the Commissioner's questions regarding the roofline.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/za501jcJ9CU?t=2004>

Discussion between the Commissioners and staff.

**MOTION:** Vice-Chairperson Roschen moved to approve the staff recommendation on CUP21-03. Commissioner Rodriguez seconded, and the motion passes 5-0, with Roschen, Rodriguez, Ford, Ingraffia, and Stewart voting yes.

<https://youtu.be/za501jcJ9CU?t=2147>

## C. NEW BUSINESS

<https://youtu.be/za501jcJ9CU?t=2215>

### **C-1** Annual Water Report and Recommendation for Allocation of Water Equivalency Units (WEU) for FY2021-22

**Staff Recommendation:** Planning Commission review the annual water report and allocation of the FY 2021/22 Water Equivalency Units, adopting resolution No. PC 12-21 and forward the following recommendations to City Council:

1. Allocate 50 Water Equivalency Units (WEUs) for residential development and 65 for commercial development for a total of 115 WEUs for FY2021/22.
2. Implement Mandatory Water Conservation Requirements for Severely Restricted Water Supply Conditions if the Governor of California declares a state of emergency due to drought.

**Staff Contact:** Damaris Hanson, Environmental Programs Manager,  
[dhanson@morrobayca.gov](mailto:dhanson@morrobayca.gov)

Hanson presented the staff report.

Rob Livick, City Engineer, provided information on the water report and allocation.

The Commissioners presented their questions and comments.  
Chairperson Stewart opened the Public Comment period and seeing none, closed the Public Comment period.

<https://youtu.be/za501jcJ9CU?t=3936>

**MOTION:** Commissioner Ingraffia moved to approve PC 12-21, and staff recommendation which includes language modifying the resolution for the Governor declaring the new drought emergency. Commissioner Rodriguez seconded, and the motion passes 5-0, with Ingraffia, Rodriguez, Ford, Roschen, and Stewart voting yes.

<https://youtu.be/za501jcJ9CU?t=3950>

**C-2** Planning Commission Discussion in relation to formation of a subcommittee to develop a list of possible public benefit items that could be considered in relation to project approvals that require provision of public benefit items. This is a discussion item and does not include a staff report.

**Staff Contact:** Scot Graham, Community Development Director, (805) 772-6291, [sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov).

<https://youtu.be/za501jcJ9CU?t=4042>

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/za501jcJ9CU?t=4328>

Sean Green, Morro Bay, provided suggestions and comments regarding the city's development review process.

Chairperson closed the Public Comment period.

<https://youtu.be/za501jcJ9CU?t=4537>

Discussion between the Commissioners and staff.

The Commissioners discuss forming the subcommittee.

**D. UNFINISHED BUSINESS**

<https://youtu.be/za501jcJ9CU?t=6368>

**D-1** Update from Planning Commission development review subcommittee. Item provides an opportunity for the subcommittee to update the full Planning Commission on the status related to evaluation and improvement of the City's development review process. This is a discussion items and does not include a staff report.

**Staff Contact:** Scot Graham, Community Development Director, (805) 772-6291, [sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov).

Graham provided an update.

**E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS - NONE**

**F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE**

G. ADJOURNMENT

The meeting adjourned at 8:03 p.m. to the next scheduled Planning Commission meeting via teleconference, on June 1, 2021, at 6:00 p.m.

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Susan Stewart, Chairperson

ATTEST:

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Scot Graham, Secretary

AGENDA ITEM:     A-3    

DATE: SEPTEMBER 21, 2021

ACTION:     DRAFT    

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JUNE 1, 2021  
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Susan Stewart	Chairperson
	Bill Roschen	Vice-Chairperson
	Jennifer Ford	Commissioner
	Joe Ingraffia	Commissioner
	Mike Rodriguez	Commissioner
STAFF:	Scot Graham	Community Development Director
	Abby Miramontes	Planning Intern

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLANNING COMMISSIONER ANNOUNCEMENTS – NONE

PUBLIC COMMENT PERIOD – NONE

**Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

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Password: 135692

*Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \* 9 to “Raise Hand” for Public Comment*

## PRESENTATIONS – NONE

### A. CONSENT CALENDAR

<https://youtu.be/mzwouZ6FTxk?t=92>

Chairperson Stewart pulled CDP21-007, regarding activity at 2083 Seaview Avenue.

Graham responded.

#### A-1 Current and Advanced Planning Processing List

**Staff Recommendation:** Receive and file.

#### A-2 Approval of minutes from the Planning Commission meeting of March 2, 2021.

**Staff Recommendation:** Approve minutes as submitted.

#### A-3 Approval of minutes from the Planning Commission meeting of March 16, 2021.

**Staff Recommendation:** Approve minutes as submitted.

Commissioner Rodriguez stated he will abstain from the motion because he was not a Planning Commissioner at the time.

**MOTION:** Vice-Chairperson Roschen moved to approve the Consent Calendar. Commissioner Ford seconded, and the motion passes 4-0, with Rodriguez abstaining and Roschen, Ford, Ingrassia, and Stewart voting yes.

### B. PUBLIC HEARING

<https://youtu.be/mzwouZ6FTxk?t=169>

#### B-1 Case No.: CPO-515/UPO-455

**Site Location:** 396 Hill Street, Morro Bay, CA

**Applicant/Project Sponsor:** Scott Godfrey

**Proposed Project:** Request for Time Extension of Coastal Development Permit CPO-515 and Minor Use Permit UPO-455. The CDP was approved on May 8, 2017 for new construction of a duplex residence on a vacant lot at 396 Hill. The Minor Modification MIN21-002 was approved on March 9, 2021, for minor exterior design changes. Unit A is 2,212 sf with a 720 sf garage. Unit B is 2,426

sf with a 608 sf garage. The project site is in the MCR/R-4/SP zone and located outside of the Coastal Commission Appeals Jurisdiction.

**CEQA Determination:** Categorically Exempt, Section 15303 Class 3b

**Staff Recommendation:** Approve 1-year extension

**Staff Contact:** Abbigail Miramontes, Planning Intern, (805) 772-6213,  
[amiramontes@morrobayca.gov](mailto:amiramontes@morrobayca.gov)

Miramontes presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/mzwouZ6FTxk?t=519>

Scott Godfrey, applicant, provided information regarding the request for an extension.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/mzwouZ6FTxk?t=596>

**MOTION:** Commissioner Rodriguez moved to approve the staff recommendation for the permit extension. Commissioner Ingraffia seconded, and the motion passes 5-0, with Rodriguez, Ingraffia, Ford, Ingraffia, Roschen, and Stewart voting yes.

<https://youtu.be/mzwouZ6FTxk?t=633>

C. NEW BUSINESS – NONE

D. UNFINISHED BUSINESS

**D-1** Update from Planning Commission development review subcommittee. Item provides an opportunity for the subcommittee to update the full Planning Commission on the status related to evaluation and improvement of the City's development review process. This is a discussion items and does not include a staff report.

**Staff Contact:** Scot Graham, Community Development Director, (805) 772-6291,  
[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov).

Graham provided an update for Planning Commissioners.

The Commissioners presented their questions to staff.

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/mzwouZ6FTxk?t=908>

Commissioner Ford announced two (2) events coming up in Morro Bay:

- Marine Swap Meet, June 26<sup>th</sup>, 8 a.m., behind the Maritime Museum
- Surf Camp benefit, June 25<sup>th</sup>, 12 p.m. – 4 p.m., BB-Q, Potluck, & Blood drive, Movement for Life Therapy, 890 Shasta Ave.

Commissioner Rodriguez spoke about various ideas he had for the community benefit subcommittee. He will be sharing an article with the Commissioners regarding an example of community benefit from San Jose.

Commissioner Ingraffia asked staff for an update on the wind energy project.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS  
<https://youtu.be/mzwouZ6FTxk?t=1731>

Reminded the Commissioners the next Planning Commission meeting will be canceled.

G. ADJOURNMENT

The meeting adjourned at 5:29 p.m. to the next scheduled Planning Commission meeting via teleconference, on July 6, 2021, at 6:00 p.m.

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Susan Stewart, Chairperson

ATTEST:

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Scot Graham, Secretary

AGENDA ITEM:     A-4    

DATE: SEPTEMBER 21, 2021

ACTION:     DRAFT    

ACTION MINUTES – MORRO BAY PLANNING COMMISSION  
REGULAR MEETING – JULY 6, 2021  
HELD VIA TELECONFERENCE – 6:00 PM

PRESENT:	Susan Stewart Bill Roschen Jennifer Ford Joe Ingraffia Mike Rodriguez	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Nancy Hubbard	Community Development Director Contract Planner

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLANNING COMMISSIONER ANNOUNCEMENTS

<https://youtu.be/JYopadXBdul?t=55>

Chairperson Stewart announced she recently purchased a home in Los Osos and would be stepping down as chairperson at the end of month. Stewart encouraged the other Commissioners to apply for the position.

PUBLIC COMMENT PERIOD - NONE

**Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Community Development office at [planningcommission@morrobayca.gov](mailto:planningcommission@morrobayca.gov) prior to the meeting and will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*

- Members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).
- Alternatively, members of the public may watch the meeting and speak during general Public Comment or on a specific agenda item by logging in to the Zoom webinar using the information provided below. Please use the “**raise hand**” feature to indicate your desire to provide public comment. Each speaker will be allowed three minutes to provide input.

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzcwTHIRTk9xaTlmWVNWRFUQT09>  
Password: 135692

Or Telephone Attendee: (408) 638-0968 or (669) 900 6833 or (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press \* 9 to “**Raise Hand**” for Public Comment

## PRESENTATIONS – NONE

### A. CONSENT CALENDAR

<https://youtu.be/JYopadXBdul?t=212>

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

**MOTION:** Commissioner Ford moved to approve the Consent Calendar. Commissioner Rodriguez seconded, and the motion passes 5-0, with Ford, Rodriguez, Roschen, Ingraffia, and Stewart voting yes.

<https://youtu.be/JYopadXBdul?t=236>

### B. PUBLIC HEARING

<https://youtu.be/JYopadXBdul?t=282>

- B-1** **Case No.:** CDP20-020, CUP20-10 and PKG 21-02  
**Site Location:** 490 Piney Way, Morro Bay, CA  
**Request:** Request for Planning Commission approval of a Conditional Use Permit No CUP20-10, Coastal Development Permit No. CDP20-020 and Parking Exception (PKG21-02) for a 970-sf addition to the single-story existing home and a 154-sf second-story addition with a 71-sf deck (total additional area of 1124 sf). The project also includes an interior remodel of an original 736 sf circa 1952 home. The project also includes conversion of the existing non-conforming single car garage into a JADU and new construction of a 469 sf ADU in the rear yard. *In accordance with Gov. Code Section 65852.2, the approval of the JADU and ADU will be ministerial and will not be reviewed by the Planning Commission.* The site is 6000 sf and is zoned R-2 and is not in the appeals jurisdiction.  
**CEQA Determination:** Categorically Exempt, Section 15303, Class 3a  
**Staff Recommendation:** Conditionally approve  
**Staff Contact:** Nancy Hubbard, Contract Planner [nhubbard@morrobayca.gov](mailto:nhubbard@morrobayca.gov)

## COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/JYopadXBdul?t=969>

Denise Phelps, applicant, provided information about the project.

The Commissioners presented their questions to the applicant and made some comments.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/JYopadXBdul?t=1313>

**MOTION:** Vice- Chairperson Roschen moved to approve the staff recommendation. Commissioner Rodriguez seconded, and the motion passes 5-0, with Ford, Ingraffia, Rodriquez, Roschen, and Stewart voting yes.

<https://youtu.be/JYopadXBdul?t=1313>

- B-2 Case No.:** MAJ 21-003 (to CDP 19-008) and PKG21-06  
**Site Location:** 3200 Beachcomber Drive, Morro Bay, CA  
**Proposal:** Request for Planning Commission approval of a Major Modification to an existing Coastal Development Permit and a Parking Exception required for approval of a 700-sf addition to an existing home. The proposal also includes a major interior remodel and outdoor hardscape improvements including a walkway, a patio and decks. The existing home is non-conforming as to the garage size and the exterior side yards along Beachcomber and Mindoro Way. The non-conforming interior space in the garage triggers the need for a parking exception. The original CDP19-008 includes a bank stabilization project. The proposed additional work will not be near the previously approved bank stabilization project, which can proceed without revision. The property is located in the R-1/S.2A zoning district. The site is within the appeals jurisdiction of the California Coastal Commission.  
**CEQA Determination:** Categorically Exempt, Section 15301 Class 1e.  
**Staff Recommendation:** Conditionally Approve  
**Staff Contact:** Nancy Hubbard, Contract Planner nhubbard@morrobayca.gov  
<https://youtu.be/JYopadXBdul?t=1374>

COMMISSIONERS DISCLOSURE OF EX PARTE COMMUNICATIONS – NONE

Hubbard presented the staff report.

The Commissioners presented their questions to staff.

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/JYopadXBdul?t=1991>

Walter Auerbach, applicant, provided information about the project.

The Commissioner's presented their questions to the applicant.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/JYopadXBdul?t=2680>

**MOTION:** Commissioner Rodriguez moved to approve the staff recommendation. Commissioner Ingraffia seconded, and the motion passes 5-0, with Ford, Ingraffia, Rodriguez, Roschen, and Stewart voting yes.

<https://youtu.be/JYopadXBdul?t=2696>

C. NEW BUSINESS - NONE

D. UNFINISHED BUSINESS - NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/JYopadXBdul?t=2774>

Commissioner Rodriguez spoke of the public benefits for the city and hoped Graham would attend the first meeting.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

<https://youtu.be/JYopadXBdul?t=2932>

Graham discussed upcoming items to be discussed on the goal setting update, and updated the Commissioner's on the process improvement and recruitment for the Planning Department. Graham mentioned the recruitment for a new Planning Commissioner.

Graham responded to questions brought up by the Planning Commissioner's.

G. ADJOURNMENT

The meeting adjourned at 6:01 p.m. to the next scheduled Planning Commission meeting via teleconference, on July 20, 2021, at 6:00 p.m.

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Susan Stewart, Chairperson

ATTEST:

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Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: September 21, 2021

## Staff Report

**TO:** Planning Commissioners

**DATE:** September 14, 2021

**FROM:** Cindy Jacinth, Senior Planner

**SUBJECT: 715 Embarcadero:** Conditional Use Permit Major Modification (#MAJ20-004) for conversion of existing commercial fishing wharf to new Harborwalk coastal public access improvements, new 448sf retail space within existing commercial building, new 461sf public outdoor dining, and related building façade improvements.

**RECOMMENDATION:**

*FORWARD A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL TO CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

Adopt Planning Commission Resolution 18-21 which includes the Findings and Conditions of Approval for the project depicted on site development plans received September 8, 2021 (Exhibit E).

**APPLICANT/AGENT:** Van Buerden, Applicant / Cathy Novak Consulting, Agent

**LEGAL DESCRIPTION/APN:** City lease sites 80-81 and 80W-81W / 066-322-006

**PROJECT SUMMARY:**

This item was previously continued to a date uncertain by the Planning Commission at its July 20, 2021 meeting. At that time, the Applicant requested a continuance in order to make further plan revisions prior to seeking CUP amendment approval. Revised plans dated September 8, 2021 are included as Exhibit E.



The Applicant is seeking a Conditional Use Permit Amendment (Major Modification) for

715 Embarcadero Rd to demolish 445 sf of the existing 1,025sf commercial fish processing wharf including removal of 5 existing wood pilings, installation of a new 10' wide Harborwalk coastal public access and additional 10 foot wide fiberglass deck, removal of a 580sf outdoor covered patio and conversion of the area to new Harborwalk, and repair of 3 existing pilings to remain for support of the new Harborwalk. The project also proposes conversion of 470sf of existing interior fish processing area to new retail space, new 461sf of street-facing public outdoor dining, and related commercial façade improvements. No expansion of the existing building square footage is proposed, nor is any height increase proposed. The project is located in the WF/PD/S4 zoning district and is within the Coastal Commission Original Jurisdiction.

**PROJECT SETTING:**

The location is a city lease site (80/81 and 80W/81W) occupied with a single-story visitor-serving commercial building which is the location of the Dolphin Shirt Company. Along the rear of the building is an existing outdoor patio area with windscreen previously used by the Dutchman restaurant. In addition, at the northwest corner of the building is the existing commercial fishing wharf. No boat slips or docks are located at this lease site. There is also no current bayside lateral access. The Harborwalk was recently redone and expanded by the Rose' Landing development to the north and the project will serve to fill in the current Harborwalk gap that exists between Rose's Landing and the Dutchman's site to the south.



*Project site: 715 Embarcadero*

<b>Adjacent Zoning/Land Use</b>			
North:	Waterfront (WF/PD, S.4) / Waterfront commercial industrial / Visitor-serving commercial; lodging	South:	Waterfront (WF/PD, S.4) / Waterfront commercial industrial / visitor-serving commercial
East:	Commercial Visitor-Serving(C-VS, PD/S.4), Commercial	West:	Harbor

<b>Site Characteristics</b>	
Overall Site Area	Land: 5,670 sf; Water: 3,150 sf
Existing Use	Retail, fish processing wharf.
Terrain	Land portion previously developed.
Vegetation/Wildlife	Eelgrass patches near work area ranging in size from ¼ square meter to 4 square meters. Eelgrass not directly at construction site. Project conditioned accordingly,
Access	Embarcadero
Archaeological Resources	No known resources.

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Waterfront commercial industrial land use / Visitor-serving commercial uses
Base Zone District	WF, Waterfront Zoning district
Coastal Land Use Plan	Planning Area 6 – Bayfront
Zoning Overlay District	PD, Planned Development overlay (required to also obtain City Council approval of Concept Plan)
Special Treatment Area	S.4
Combining District/Spec. Plan	N/A
Coastal Zone	Coastal Commission original jurisdiction. Applicant required to obtain Coastal Development permit from Coastal Commission prior to issuance of any building permit.

<b>Development Standards – no exceptions requested</b>	
Setbacks	No changes proposed. Building footprint existing
Height	No increase in height proposed
Roof Area Requirement: 80% > 4:12 Pitch	No change to roof pitch proposed
Lot Coverage	No change to lot coverage proposed
Parking Requirements (MBMC 17.44):	Existing interior retail space to be used to create additional retail space. Removal of fish processing wharf credits 1 parking space plus historic credit of 2 spaces exists which was documented with 1992 CUP approval. Outdoor dining is proposed as public outdoor dining and therefore does not trigger outdoor parking requirements. Project is compliant with parking standards.
View Corridor Requirement	Existing view corridor is not proposed to change. Removal of the covered patio area is expected to improve the view corridor between the two buildings.

**PROJECT BACKGROUND:**

On September 22, 1992, the Planning Commission approved Conditional Use Permit Precise Plan #CUP07-91. The permit approval included a phased expansion, boardwalk, plaza area, and remodel of the existing restaurant, fish market, retail store, and reduction in size of fish processing use. The conditions of approval (#B-10 and B-12) require that the project come back for conditional use permit review if the fish processing use ceases. The 1992 CUP approval covered both the north and south lease site of what is known as the Dutchman’s development today. Because the proposed project is limited to the northern lease site (80/81 & 80W/81W), the CUP Major Modification approval is for 715 Embarcadero.

Other relevant permit history includes Minor Use Permit #05-07 which was approved on April 7, 1997, for a conversion of the interior fish market space to retail space. Review of past permits showed no previous conditions of approval that would conflict with the proposed project.

**PROJECT DESCRIPTION DETAILS:**

The Applicant has provided a detailed project description (Exhibit B) which explains the project in detail. The project plans depict the existing and proposed site, and elevations. Project plans show the proposed conversion of the existing fish processing wharf to become part of the Harborwalk and provide a gap connection between the adjoining lease sites. As shown in the image below, the Applicant proposes installation of a 10-foot wide Harborwalk with an additional 10-foot-wide fiberglass deck to provide

20 feet in width for public access along the length of the lease site with an additional 6' 5" pop out at the northwest corner as shown on plan sheet A1.3. New 42-inch-high deck railing is proposed to match the existing Dutchman's lease site to the south. However, staff is recommending that Planning condition 6 be added to match the new cable railing to the lease site to the north at Rose's Landing. The Downtown Waterfront Strategic Plan (DWSP) design guidelines for the waterfront lease sites emphasize that railings should utilize uniform materials and the cable railing design is consistent with recently approved harborwalk lease sites nearby. Upon future redevelopment of the lease site to the south, it would be expected that any harborwalk improvements then would also include a cable railing design for uniformity.



**PROPOSED FACADE**

Proposed elevation changes are located on plan sheets A2.1. Board and batten and cement shingle siding will be used to replace the existing vertical corrugated metal siding as shown on the plan elevation page A2.1. Roofing will be changed to galvanized metal with blue accents and a gray shingle will be used to face architecture extensions of the building that extend above the main roof.

To ensure minimal disruption of public access, staff has added Planning condition 5, limiting public access closure to 45 days, subject to extension by the Community Development Director if deemed appropriate/necessary.



**PROPOSED FACADE**

### **Public Access Improvements/ Harborwalk:**

The Applicant is proposing installation of a new 10-foot wide Harborwalk access path where none currently exists and an additional 10-foot-wide fiberglass deck for a 20 x 20-foot-wide coastal public access improvement as shown on the proposed site plan (Exhibit E). Because of the elevation difference between the project lease site and the Rose's Landing site to the north, the Harborwalk connection will also provide an ADA compliant connection. Two new coastal public access signs will be added to the southwest corner of the building and north elevation as shown on Plan sheet A1.3.

The applicant is also proposing 461sf of street-facing public outdoor dining split into two areas (313sf and 148sf). This dining area is proposed to be open to the public similar to other waterfront lease site areas. The Waterfront Master Plan encourages outdoor dining, and this proposal would provide a new public outdoor dining amenity for visitors with signs noting for public access and no purchase necessary. Planning condition 13 is added to prohibit table setups in the public dining area.

### **Project Phasing:**

The Applicant is also requesting flexibility with phasing of the project construction. Contractor availability for marine construction is seasonally dependent and therefore they are requesting that removal of the wharf, piling and associated repairs be allowed to be constructed and completed as a separate building permit activity. Staff would be in support of this request to avoid public impacts to the Harborwalk and in order to

minimize construction impacts during the busy tourist season.

### **Visual Simulations**

The Applicant has submitted visual simulations from two viewpoints both bayside (west) and from the street (east) (Exhibit C). This exhibit also depicts the proposed exterior finishes for the public access improvements. The street-side visual simulation does not include placement of the outdoor dining tables which are indicated on the site plan as two separate areas, but the plans do specify the material choice for the proposed tables and chairs on plan sheet 2.1. During the 2020-2021 indoor dining closures due to the pandemic, outdoor dining was placed in this area as shown in the photos below. These pictures are representative of the proposed public dining. Note that Planning condition 14 is proposed (Exhibit A) that would restrict table umbrellas from being placed in the view corridor or any furniture item that exceeds the 30 inch maximum height limitation noted in the Waterfront Master Plan.



### **Color and Materials**

Project plans show the proposed color and materials in Exhibit C. The project proposes to update the color scheme with a light gray board and batten exterior, royal blue accents, galvanized metal roofing, and white windows and trim. The southern building of the Dutchman development will through a separate permit activity also be updated with the same color and materials as reflected in the proposed visual simulations (Exhibit C). The proposed deck railings will match the deck railing to the south. Staff has added Planning condition 7 to ensure the proposed railings are consistent with design guidelines of the Downtown Waterfront Strategic Plan as a cable railing.

A lighting plan is shown on plan sheet A1.4. This plan shows a combination of low-wattage wall sconces, path lighting, and the existing can lighting on site.

## **Signage**

The project proposal does not include a request for a sign program as the scope of work does not trigger the requirement for a master sign program. If the proposed conversion of existing interior space to add retail space were to add a second tenant to the building, the new tenant would be required to apply for a sign permit for proposed new business signage. In regard to existing signage on-site, staff is recommending that a condition of approval be added (Planning condition 7) to remove non-conforming signage specifically the window signs that currently obscure the entire front building window (refer to street view building picture on page 2 of the staff report). The City's sign ordinance only allows up to 25% of the window surface area to be covered as a temporary sign where the Ugg boots sign entirely covers the window. This is consistent with other waterfront businesses where previous project approvals included conditions to address the overabundance of signs and overall cluttered appearance.



## **ENVIRONMENTAL:**

An eelgrass study was performed by Tenera Environmental on February 1, 2019 during the most recent piling repairs. This report found small eelgrass patches as close as three meters from the project site. A small patch of  $\frac{1}{4}$  square meter was found 3 meters to the north,  $\frac{1}{16}$  square meter patch was located 4 meters to the west, and a third patch of 3 square meters was located two meters to the south. Project conditions have been added along with best management practices (BMP) to ensure the project is consistent with the California Eelgrass Mitigation Policy (CEMP) requirements as well as permitting requirements of the Army Corps of Engineers (ACOE). With

implementation of BMPs and project conditions, the project based on size meets the requirement for a categorical exemption under CEQA, Section 15301, Class 1e and 1g for minor alterations to existing structures; and Class 3c for conversion of commercial structures from one use to another where the commercial remodel of this project converting the fish processing use to Harborwalk public access and interior building changes to create a second retail tenant space and removal of pilings and repair of existing pilings to support the new Harborwalk would qualify for an exemption with implementation of BMP's as conditioned by Planning conditions 9-11. To ensure there are no future impacts to eelgrass, a condition of approval has been added to require an updated eelgrass survey per the CEMP (Planning condition 11). Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

### **REGULATIONS:**

The lease site is zoned WF/PD/S.4 as a waterfront zone and land use designation. The Planned Development (PD) zone is an overlay zone which applies special standards to primary zoning districts. The S.4 is a special treatment overlay zone which requires any project to undergo architectural review.

#### Planned Development Overlay

The proposed project is located in a Planned Development overlay district. Section 17.40.030 of the Municipal Code requires both a Concept and Precise plan for projects on publicly owned land. Typically, the Planned Development overlay requires that a Concept Plan approval by Planning Commission and City Council be obtained first, followed by a Precise Plan approval. Due to the small scale of the proposed project, staff has brought forward the application request as a major modification to the 1992 Precise Plan approval. The major modification will require approval by the City Council due to the new Harborwalk public access which has not previously been reviewed by City Council. Should the Planning Commission vote to approve the project, the requested action would be to forward a favorable recommendation for approval to the City Council. Should the Planning Commission move to approve the project by forwarding a favorable recommendation to the City Council, there would be no further Planning Commission public hearings on the CUP request, barring any major changes to the project design by the coastal development permit process.

Upon City Council approval, the applicant would be required to apply to the California Coastal Commission (CCC) for a Coastal Development Permit (CDP). Once they receive entitlements from the CCC, the Applicant would then apply for a building permit approval with staff responsible for compliance review of all City conditions of approval. This includes coordination with CCC staff on related CDP conditions.

### Waterfront Master Plan

The proposal is within the Waterfront Master Plan and is within Planning Area 3: Embarcadero Visitor Area. This area encompasses the Embarcadero from Beach Street to South Street between the bluff and the waterfront. This portion of the Embarcadero contains the majority of the shopping and eating establishments as well as the most intense mix of pedestrian and vehicle activity. The Waterfront Master Plan includes guidance for development of Area 3, including, in part, lateral access along the bay front of commercial buildings that connect to lateral access components of adjacent buildings. The proposed project addresses this by installing new Harborwalk access where none currently exists.

### **PUBLIC NOTICE:**

Notice of a public hearing on this item was posted at the site and published in the Tribune newspaper on September 10, 2021 and mailed directly to all property owners and occupants of record within 500 feet of the subject site. The notices invited the public to attend the hearing and express any concerns they may have regarding the proposed project.

### **CONCLUSION:**

The proposed project would provide an important gap connection to the City's Harborwalk system of bayside lateral access. In addition, the proposed public outdoor dining and retail space building improvements to an existing visitor-serving commercial use on the Embarcadero contributes to an increase in coastal access consistent with City Local Coastal Program policies and Chapter 3 of the Coastal Act. The site currently has no lateral access and upon project completion will provide a connection point to the neighboring lease sites.

Furthermore, the project is consistent with the Downtown Waterfront Strategic Plan for outdoor dining, exterior lighting, and public access. The project provides enhanced public access in excess of the minimum 10 foot required width which meets City goals in the Waterfront Master Plan and exceeds the minimum requirements for bayside lateral access by providing an additional 10 feet wide access deck to add to the ambiance of the waterfront area. It is consistent with the City's 2021 General Plan / LCP. With the incorporation of recommended conditions, staff recommends that Planning Commission forward a favorable recommendation of this CUP Major Modification to City Council for approval as a combined Concept/Precise Plan.

### **EXHIBITS:**

Exhibit A – Planning Commission Resolution 18-21

Exhibit B – Applicant's Project Description, September 2021

Exhibit C –Visual Simulation  
Exhibit D – Conditional Use Permit #CUP07-91  
Exhibit E – Plans/ Reductions dated September 8, 2021  
Exhibit F – Powerpoint presentation

# EXHIBIT A

## RESOLUTION NO. PC 18-21

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR CONCEPT / PRECISE PLAN APPROVAL OF CONDITIONAL USE PERMIT MAJOR MODIFICATION (MAJ20-004) FOR CONVERSION OF EXISTING COMMERCIAL FISHING WHARF, INSTALLATION OF NEW HARBORWALK COASTAL PUBLIC ACCESS IMPROVEMENTS, REMOVAL AND REPAIR OF PILINGS TO SUPPORT THE NEW HARBORWALK, CONVERSION OF 470SF OF EXISTING INTERIOR FISH PROCESSING AREA TO NEW RETAIL SPACE FROM WITHIN EXISTING SINGLE-STORY COMMERCIAL BUILDING, NEW 461SF OF PUBLIC OUTDOOR DINING, AND RELATED BUILDING FAÇADE IMPROVEMENTS  
AT 715 EMBARCADERO

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing via video conference on September 21, 2021 for the purpose of considering approval of Conditional Use Permit Major Modification #MAJ20-004 (“Project”); and

**WHEREAS**, pursuant to the Governor's Executive Order N-29-20 issued on March 17, 2020 in response to the present State of Emergency in existence due to the threat of COVID-19, the City of Morro Bay Planning Commission is authorized to hold public meetings via teleconferencing and all requirements in the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived; 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. MAJ20-004 is exempt under Section 15301 and 15303, Class 1e and 1g for minor alterations to existing structures; and Class 3c for conversion of commercial structures from one

# EXHIBIT A

use to another where the commercial remodel of this project converting the fish processing wharf and removal to allow for installation of new Harborwalk coastal public access where none currently exists, interior building changes to convert 470sf of existing interior fish processing area to new retail area from within the existing building footprint, removal of pilings and repair of existing pilings to support the new Harborwalk would qualify for an exemption with implementation of best management practices as evaluated in the February 1, 2019 eelgrass report prepared by Tenera Environmental and conditioned by Planning conditions 7-9. To ensure there are no future impacts to eelgrass, a condition of approval has been added to require an updated eelgrass survey prior to construction of the dock and gangway replacement per the California Eelgrass Mitigation Policy (CEMP) (Planning condition 10). 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 conversion of commercial fish processing wharf to Harborwalk coastal public access improvements where none currently exists, removal of pilings and repair of existing pilings to support the new Harborwalk, conversion of 470sf of interior fishing processing area to new retail area within existing single-story commercial visitor-serving building, new 461sf of public dining area to be located street-facing, and building façade improvements at 715 Embarcadero are permitted uses within the zoning district and said structures comply with all applicable project conditions and City regulations and is consistent with the City's Local Coastal Program.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood and the general welfare of the City in that the proposed new 10 foot wide and additional 10 foot wide public bayside deck public access improvements, new 470sf retail area, new 461sf public outdoor dining and updated public coastal access signage, will provide public coastal access and new amenities to a visitor-serving commercial use and is consistent with the character of the existing development.

## **Waterfront Master Plan Findings**

- A. The proposed project makes a positive contribution to the visual and public accessibility to the bay while increasing and maintaining commercial fishing industry:
  - a. The proposed project provides the amenities identified in the WF Plan, facilitates pedestrian visual and physical access to the waterfront, in that new Harborwalk bayside lateral access is created where none currently exists providing a significant improvement by connecting the neighboring lease site to allow for easier pedestrian access, enjoyment, and better bay views.

# EXHIBIT A

- b. The design recognizes the pedestrian orientation of the Embarcadero and provides an interesting and enhanced pedestrian experience in that the project will provide new lateral public access to the water while assisting in the Harborwalk plan to continue public access along the waterfront via bayside lateral access. In addition the project recognizes the pedestrian orientation by providing a gap connection linking the lease sites to the north and south. The project is consistent with the character of the existing development.
- c. The project gives its occupants and the public some variety in materials and/or application in that the proposed color and materials are consistent with the character of the building and coastal access signage will be updated to be consistent with other Embarcadero projects in order to have consistent public access signage in order to promote public awareness of coastal bayside access.
- d. The project contains the elements of harmony, continuity, proportion, simplicity, and balance, and its appearance matches its function and the uses proposed in that the new harborwalk public lateral access will be accessible to the public and that is consistent with the character of the existing development.
- e. The proposed project does not diminish, either directly or by cumulative impact of several similar projects, the use, enjoyment, or attractiveness of adjacent buildings and provides a visual and pedestrian transition connection point to its immediate neighbors to the north and south.

## **Architectural Consideration**

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

## **Precise Plan Finding**

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

## **Downtown Waterfront Specific Plan (DWSP) Finding**

- A. The project is consistent with the Waterfront Design Guidelines for the DWSP in that the proposed project includes outdoor dining, exterior lighting, and coastal access

# EXHIBIT A

signage oriented toward pedestrians which is encouraged. The project also includes project exterior light consistent with the architectural style of the building as well as public street-facing outdoor dining and a new proposed 10 foot wide Harborwalk bayside lateral access with an additional 10 foot width of public bayside decking.

**Section 2.** Action. The Planning Commission does hereby forward a favorable recommendation to the City Council to approve Conditional Use Permit #MAJ20-004 as a combined Concept/Precise Plan approval subject to the following conditions:

## **STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report dated September 14, 2021, for the project at 715 Embarcadero depicted on plans received September 8, 2021, on file with the Community Development Department, as modified by these conditions of approval, and more specifically described as follows: Site development, including all buildings and other features, shall be located and designed substantially as shown on Planning Commission approved plans submitted for MAJ20-004, unless otherwise specified herein.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this Resolution and is diligently pursued, thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Any extension may be granted by the City's Community Development Director (the "Director"), upon finding the project complies with all applicable provisions of the Morro Bay Municipal Code (the "MBMC"), General Plan and certified Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Community Development Director. Any changes to this approved permit determined, by the Director, not to be minor shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, the City, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the MBMC, and shall be consistent with all programs and policies contained in the LCP and General Plan for the City.

# 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.

## **Building Conditions:**

### **THE FOLLOWING CONDITIONS AND SELECTED CODE REQUIREMENTS SHALL BE MET PRIOR TO ISSUANCE OF A BUILDING PERMIT.**

#### **A. CONDITIONS PRIOR TO THE 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

# EXHIBIT A

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 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 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. 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.
6. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
7. BUILDING PERMIT APPLICATION: To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
8. The Title sheet of the plans shall include, but not limited to:
  - Street address, lot, block, track and Assessor Parcel Number
  - Occupancy Classification(s)
  - Construction Type
  - Maximum height of the building allowed and proposed
  - Floor area of the building(s)
  - Fire sprinklers proposed or existing
  - Minimum building setback allowed and proposed
9. All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

# EXHIBIT A

(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:**

10. **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
11. **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.
12. **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case by case basis for some lot types.
13. **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the

# EXHIBIT A

MBMC. The Building Official shall have discretion on a case by case basis for some site-specific projects.

14. EXISTING BUILDINGS: Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.2 and the minimum opening area requirements of section R310.2.1 of the 2019 California Residential Code.

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

15. Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be 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. This permit card shall then be turned into the building division for scheduling of the final building inspection.
16. Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
17. If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
18. If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
19. Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
20. Final T-24 energy reports (Certificates of Installation)

## **Fire Conditions:**

1. Fire Safety during Construction and Demolition shall be in accordance with 2019 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.

# EXHIBIT A

2. Fire Protection for Wharves, docks, marinas, boat moorings. Firefighting appliances and equipment shall be provided and maintained in an operable manner for all commercially operated marinas and dock facilities, as specified by ordinances of the city, and all installations shall be subject to the approval of the fire marshal of the Fire Department.

## **Public Works Conditions:**

1. Construction laydown: Show construction laydown, all staging areas, point of haul-in/out and all construction corridors to and from the construction site.
2. Pedestrian Access: Show limits of construction fencing and how pedestrian access will be accommodated/re-routed throughout the project duration.
3. Erosion Control: Show location of silt screens and/or straw waddle needed to prevent demolition debris and sediments.
4. Add the following Notes to the Plans:

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.

No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permit application and requirements are available on the City's website at the following location: <https://www.morro-bay.ca.us/197/Public-Works>.

## **Planning Conditions:**

1. A Coastal Development Permit shall be submitted to the Community Development Department prior to issuance of a building permit.
2. Prior to issuance of a building permit, the Applicant shall either acquire all required regulatory permits and authorizations (i.e. U.S. Army Corps of Engineers, Regional Water Quality Control Board, California Department of Fish and Game), or submit documentation that such permits are not required.
3. Conditions of Approval on Building Plans: Prior to the issuance of a Building Permit, the final Conditions of Approval for both the Conditional Use Permit and the Coastal Development Permit shall be attached to the set of approved plans. The sheet containing Conditions of Approval shall be the same size as other plan sheets and shall be the last sheet in the set of Building Plans.

# EXHIBIT A

4. Inspection: The applicant shall comply with all City conditions of approval and conditions imposed by the California Coastal Commission and obtain final inspection clearance from the Planning Division at the necessary time in order to ensure all conditions have been met.
5. The public access closure shall be limited to no more than 45 days. Any extension of public access closure beyond 45 days shall be subject to review and approval by the Community Development Director.
6. The Harborwalk railing shall be a cable railing design to match with the lease site to the north and consistent with the design guidelines of the Downtown Waterfront Strategic Plan subject to the satisfaction of the Community Development Director.
7. Non-conforming signs, including window signs as discussed in the September 14, 2021 staff report shall be removed or otherwise conform to the Sign Ordinance (MBMC 17.68).
8. A project-specific Oil Spill Response and Recovery Plan that includes specifics on reporting and response procedures, available on-site equipment and contracted services, and responsibilities shall be completed and approved prior to the initiation of construction activities. Specifically, the project shall include the following Best Management Practices (BMPs) and shall be included on building plans submitted for approval:
  - a. No refueling of equipment without adequate containment and spill response equipment. The barge shall have only double contained fuel storage below decks, with the spill containment and clean up kits on-site and easily accessible. Spill containment and clean up kits shall include the following:
  - b. 150 feet Absorbent Boom 200 square feet Absorbent Tarp (for use during pile driving / removal operations where applicable)
  - c. Barrel Absorbent Pads
  - d. Container Absorbent Granules
  - e. Rainwater runoff pollution from equipment stored on deck shall be prevented through ongoing equipment maintenance and appropriate double containment.
  - f. The work area shall be contained within a boom to prevent debris from falling into the water.
  - g. All equipment fueling shall take place on the barge, with containment in-place. No refueling between vessels shall occur.
  - h. An Absorption Tarp shall be placed underneath any portable equipment while in use.

# EXHIBIT A

- i. No equipment shall be permitted to enter the water with any petroleum products.
  - j. All equipment used during pile removal and repair operations shall be in good condition without fuel or oil leakage.
  - k. Should any equipment begin to leak, that equipment shall be removed immediately from the barge and repaired or replaced.
  - l. All vessels shall have portable, regularly serviced sanitation equipment. No overboard discharge is permitted.
9. Netting or fencing around and underneath the project site shall be installed as applicable to catch and remove debris released during and after construction.
10. 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.
11. Eelgrass – Applicant shall be subject to the California Eelgrass Mitigation Policy (CEMP) which requires that a pre-construction survey shall be completed within 30-60 days prior to issuance of a building permit unless otherwise waived under the Army Corps permitting requirements or deemed not required by the Army Corps. A Post-construction survey, if required by the CEMP, shall be completed within 30 days of construction completion or as otherwise determined by the National Marine Fisheries Service (NMFS) in order to determine amount of impact if any and CEMP-required annual reporting and mitigations. 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.
12. Harborwalk Bayside Lateral Public Accessway. The bayside lateral access, also known as the Harborwalk, shall maintain a 10-foot-wide coastal access with open unobstructed access at all times with no tables or dining encroachments in order to maximize public access. Any uses that obstruct the lateral access such as private uses or barriers including furniture, planters, ropes, or seating not otherwise approved within the 10-foot bayside lateral access shall be prohibited.
13. No restaurant condiments or table setups shall be allowed at the outdoor public dining area.
14. View Corridor. The required view corridor between the buildings at 701 and 715 Embarcadero shall be maintained with no furniture item or table umbrellas to exceed 30 inches in height per the Waterfront Master Plan. No podium, hostess stand or station shall be allowed within the view corridor and public dining area.

# EXHIBIT A

Planning Commission Resolution #18-21  
CUP Major Modification / MAJ20-004  
Page 12

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 21<sup>st</sup> day of September, 2021 on the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Susan Stewart, Chairperson

ATTEST

---

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 21<sup>st</sup> day of September 2021.

**Project Description for 715 Embarcadero Road**  
**September 2021**

**Setting & Project Description**

The project site is located at 715 Embarcadero Road, lease sites #80-81 & 80W-81W, Morro Bay. The property is located on the western side of Embarcadero Road and adjacent to Rose's Landing on the north and the Dutchman Seafood House and City street end (corner of Pacific and Embarcadero). It is zoned WF/H (PD/S.4). The site currently has a one story building and no bayside lateral access. The lease sites are Land = Approx. 5,670 sq. ft.; Water = Approx. 3,150 sq. ft.

The project area encompasses a single story building that has a retail shop (Embarcadero side), fish processing (west side) and an approximate 580 sq. ft. covered, wood decked, outdoor patio area with a windscreen and 2' wide "catwalk" on the south western side. The mid-section of the project area is approximately 3' by 20' wide with access for employee only. On the western side of the lease, there is an existing approximately 1,025 sq. ft. wood wharf that has been utilized for commercial fish unloading operation.

The proposed project includes the removal of the patio covering, "catwalk", and windscreen and will transform this area to the Harborwalk while retaining the existing wood deck. The mid-section area will be modified with a new 10' wide composite or wood deck and a 10' wide fiberglass deck which will provide a new Harborwalk area approximately 20' by 20'.

The existing wharf pilings, support beams and bracing are in need of repair. The proposed project would remove the western 445 sq. ft. of wharf (approximately 1/2), 4 piles, sleeve or epoxy jacket 3 existing piles and repair any sections of the remaining wood wharf deck. The repaired 445 sq. ft. wharf would then become a part of a new Harborwalk.

In addition, there is a small section of wharf that extends beyond the lease line to the north and that section will be removed so it will be within the lease site boundaries. At the wharfs end, there is a concrete ADA path leading to the Rose's lease site and Harborwalk. This proposed project will complete a critical Harborwalk connection from the north and continuing through to the south.

The interior of the existing fish market space will be configured with a new retail space approximately 470 sq. ft. (northwestern side). The old roll up door will be converted to a 36" door for access to the new retail space. The remaining space, currently retail, on the south and eastern sides will remain as is.

Last, sections of the building siding are also need of repair and or replacement, the areas that need replacement will be replaced with cement board siding with vertical Board and Batten and the upper front section of the building at 701 Embarcadero will include shingles up to the front Gable.

In addition, change the roofing to a galvanized metal roofing, and make the metal soffit stay corrugated metal, and now in a royal blue with a light gray vertical siding and white windows. In addition, the metal awnings on the south side and over the t-shirt door and north entry of the Dutchman will be replaced with either metal (in-kind) or canvas awnings. This part of the project is considered repair and maintenance however a color board has been provided to show the new color scheme.

**Project Phasing:**

The applicant would like to reserve the ability to phase the construction of the project if necessary. Specifically the removal of the portion of the wharf, pile and associated repair work. It may become beneficial to do this portion of the work first and at an earlier timeframe than the balance of the project due to construction start and end times to avoid significant disruption of the Harborwalk and other construction activities during the prime visitor serving season. The applicant is requesting that the City allow for this portion of the project to move forward with the issuance of a separate building permit and final occupancy prior to the commencement of the remainder of the project.

**Eelgrass:**

As indicated in the Eelgrass Survey report by Tenera report, February 1, 2019, for the new pile work done May 2019, the eelgrass patches found at the site are described as follows: The closest eelgrass to the north (upcoast) from where the new pile needs to be installed was a small patch (1/4 square meter, 0.25 m<sup>2</sup>); it was approximately 3 meters to the north. Another small patch (1/16 square meter, 0.0625 m<sup>2</sup>) was present 4 meters to the west (offshore). Two meters to the south (downcoast) was a 3 square meter patch (3 m<sup>2</sup>)... The sand flat immediately offshore of the revetment was populated with other widely scattered patches of eelgrass ranging from 1/16 square meter (0.0625 m<sup>2</sup>) to approximately 4 square meters (4 m<sup>2</sup>) in cover; the eelgrass was not a solid continuous bed of eelgrass immediately offshore of the revetment and restaurant.

In conclusion it is proposed that the project include the following to address the eelgrass:

1. A pre-construction survey will be performed prior to construction in accordance with the CEMP, if necessary and required by ACOE.
2. The findings will further determine the nature of eelgrass in the project area and whether eelgrass could be affected by the new decking, demolition of the existing wharf area and pile sleeving.
3. If the eelgrass is present, measures such as deployment of the buoys, if feasible, prior to construction to delineate the eelgrass patches may be proposed to avoid the patches.
4. If the eelgrass is present in the area where the work is proposed, at least one post-construction survey will be done if required by Army Corps of Engineers permit.

**Project construction work and timing:**

The project will require the temporary closure of the Harborwalk area during certain construction times. An unobtrusive fence or equivalent measure will delineate the construction areas. Since there is no alternative route for the public pedestrian access along the water side during construction, the public will only be allowed to walk up to the construction fence and then will need to exit via the same path they walked in. Appropriate signage informing the public that the access way is temporary closed for construction will be placed at the northern, southern and eastern entry points.

**Project construction method:** The project as proposed will utilize a spud barge or mobile barge as the platform for the wharf demolition and pile sleeving work. A vibratory hammer will be used for the pile installation to minimize underwater noise impacts to the greatest extent feasible.

**Project construction documents and coordinator:** A copy of the construction documents will be maintained in a conspicuous place on the job site at all times and available for public review on request.

## Exhibit B

Should any questions arise during construction, an address and phone number (available 24 hours a day) will be posted at the job site so that the contact information is readily visible from a public area. The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.

**Project construction BMP's:** The project as proposed includes the following safeguards, mitigation measures, actions, and procedures for the protection of the marine environment:

1. **Material Containment:** Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering harbor or other state waters. Where additional wood preservatives must be applied to cut-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into harbor or other state waters. A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. Also, for any work on or beneath fixed decks, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other materials could fall into the water. The containment boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.
2. **Construction Plan:** All erosion control/water quality best management practices to be implemented during construction and their location shall be noted on the plan. Silt fences, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean to the maximum extent feasible. The Construction Plan shall, at a minimum, include the following required criteria specified via written notes on the Plan:
  - a. All work shall take place during daylight hours. Lighting of the beach and water area is prohibited.
  - b. All construction materials and equipment placed on the land during daylight construction hours shall be stored beyond the reach of tidal waters. The only exceptions shall be for: (1) erosion and sediment controls (e.g., a silt fence at the base of the piles) as necessary to contain runoff and/or sediments at the construction site, where such controls are placed as close to work area as possible, and minimized in their extent; and (2) storage of larger materials beyond the reach of tidal waters for which moving the materials each day would be extremely difficult.
  - c. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
  - d. Equipment washing, refueling, and/or servicing shall not take place on the beach or pier.
  - e. All materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
  - f. Equipment washing, refueling, and/or servicing shall not take place over the water.
  - g. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash

## Exhibit B

receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach).

h. The Coastal Commission's Central Coast District Office shall be notified at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.

3. Contractors shall insure that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills.

Construction contracts shall contain appropriate penalty provisions, sufficient to offset the cost of retrieving or cleaning up improperly contained foreign materials.

4. All construction shall be undertaken in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Coastal Commission Executive Director. No changes to the approved Construction Plan shall occur without a coastal development permit or waiver unless the Executive Director determines that no coastal development permit or waiver is necessary.

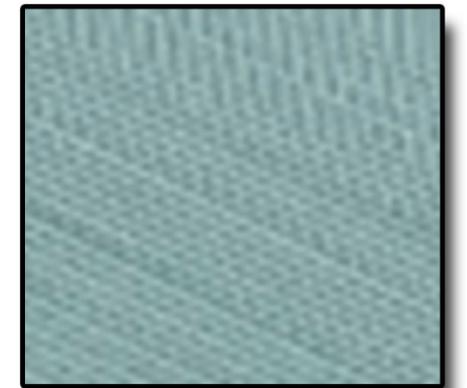
**Project pile driving and wildlife:** The project pile driving activities shall be monitored by a qualified monitor that has sufficient experience and qualifications of the U.S. Fish and Wildlife Service and National Marine Fisheries Service to ensure that impacts to marine mammals are avoided. The approved biological monitor shall be present onsite during piling sleeving construction (activity that requires monitoring with the exception of the epoxy jacket system), will keep a constant watch, and shall have the authority to stop the piling construction if any individuals of southern sea otter are seen within 100 feet of the project area and considered distressed.



**PROPOSED FACADE**



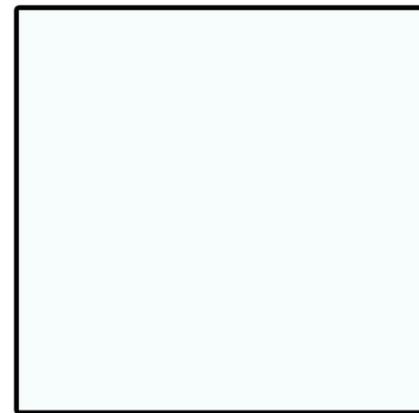
**ROYAL BLUE ACCENTS**



**GALV. METAL ROOFING**



**EXISTING FACADE**



**WHITE WINDOWS & TRIM**



**LT. GRAY BOARD & BAT.**



**MED. GRAY SHINGLES**

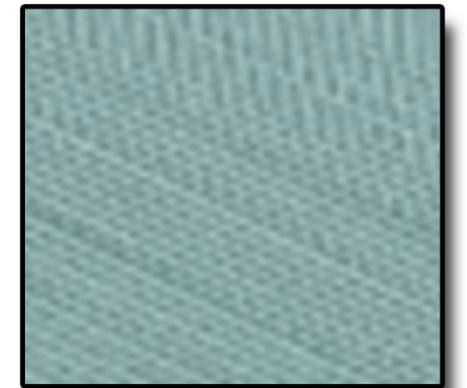
**DUTCHMAN HARBORWALK MODIFICATIONS & FACADE UPDATE**  
701 EMBARCADERO - MORRO BAY, CALIFORNIA



**PROPOSED FACADE**



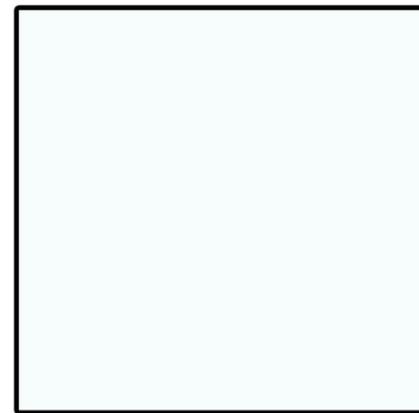
**ROYAL BLUE ACCENTS**



**GALV. METAL ROOFING**



**EXISTING FACADE**



**WHITE WINDOWS & TRIM**



**LT. GRAY BOARD & BAT.**



**MED. GRAY SHINGLES**

# **DUTCHMAN HARBORWALK MODIFICATIONS & FACADE UPDATE**

**701 EMBARCADERO - MORRO BAY, CALIFORNIA**

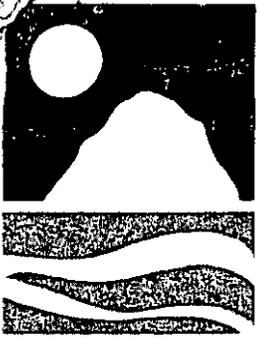


Exhibit D  
**City of Morro Bay**

595 Harbor St. • Morro Bay, CA 93442-1900 • 805-772-1214

*File*

September 22, 1992

Leon VanBurden  
Flying Dutchman Enterprises  
701 Embarcadero  
Morro Bay CA 93442

RE: Case No. CUP 07-91 Precise Plan

Dear Mr. VanBurden:

At its regular meeting on September 22, 1992 the Planning Commission reviewed and approved your Conditional Use Permit Precise Plan for a phased expansion of an existing commercial property located at 701-715 Embarcadero, with conditions.

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

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 no processing fee for appeals.

Sincerely,

Donald J. Funk, Director  
Community Development Department

Enclosures: Permit and conditions

cc: Marshall Ochylski, 54 Higuera, SLO CA 93401

CITY HALL  
595 Harbor Street

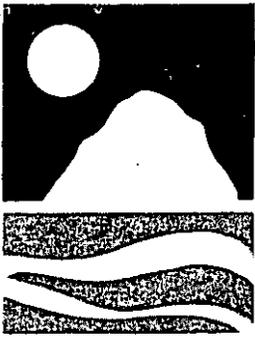
FIRE DEPARTMENT  
715 Harbor Street

PUBLIC WORKS  
695 Harbor Street

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Blvd.

RECREATION AND PARKS  
1001 Kennedy Way



# City of Morro Bay

Exhibit D

595 Harbor St. • Morro Bay, CA 93442-1900 • 805-772-1214

## P E R M I T

### CONDITIONAL USE PERMIT PRECISE PLAN

CASE NO: CUP 07-91

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 701-715 EMBARCADERO

APPLICANT: FLYING DUTCHMAN ENTERPRISES

APN/LEGAL LEASE SITES 78-79/78-79W AND 80-81/80-81W

DATE APPROVED: SEPTEMBER 21, 1992

APPROVED BY: PLANNING COMMISSION

APPROVED BASED UPON FINDINGS CONTAINED IN THE STAFF REPORT  
DATED: 9/21/92

CEQA DETERMINATION: NEGATIVE DECLARATION APPROVED 5/28/91

#### DESCRIPTION OF APPROVAL:

PHASED EXPANSION, BOARDWALK, PLAZA AREA AND REMODEL OF EXISTING RESTAURANT  
FISH MARKET AND RETAIL STORE WITH REDUCTION OF EXISTING FISH PROCESSING.

APPROVED SQUARE FOOTAGE: RESTAURANT & SEAFOOD BAR: 3480 SQ.FT.

GIFT STORES : 3910 SQ.FT.

FISH PROCESS/FISH MKT : 515 SQ.FT.

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

DATE PERMIT IS EFFECTIVE (FOLLOWING APPEAL PERIOD): OCTOBER 1, 1992

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

DATE: \_\_\_\_\_

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

CITY HALL  
595 Harbor Street

FIRE DEPARTMENT  
715 Harbor Street

PUBLIC WORKS  
695 Harbor Street

HARBOR DEPARTMENT  
1275 Embarcadero

POLICE DEPARTMENT  
850 Morro Bay Blvd.

RECREATION AND PARKS  
1001 Kennedy Way

CONDITIONS OF APPROVAL  
CASE NO. CUP 07-91  
PRECISE PLAN

A. General Standard Conditions:

1. Exhibits: This request is granted for the land described in the application and any attachments thereto, and as shown on Exhibit A, and on file with the Community Development Department. The locations of all buildings and other features shall be located and designed substantially as shown on the aforementioned exhibit, unless otherwise specified herein.
2. Inaugurate Within One Year: Unless the construction or operation of Phase I of the structure or facility is commenced not later than one year after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void. Phase II shall be inaugurated within two (2) years of the date of approval of this permit. Upon the written request of the applicant, prior to the expiration of this approval, an extension for not more than one additional year may be granted by the Community development Director, upon findings that the project complies with all applicable provisions of the Morro bay Municipal Code in effect at the time of the extension request.
3. 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 to be considered by the Subdivision Review Board.
4. Compliance with 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 Clause: The applicant, as a condition of approval, hereby agrees to defend, indemnify or hold harmless the City, its agents, officers and employees from any claim, action or proceeding against the City as a result of the action or inaction by the city, or from any claim to attack, set aside, void or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with 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 community Development Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement null and void. Continuation of the

Conditions of Approval  
Case No. CUP 07-91  
Page Two

use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

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

B. BUILDING & SITE CONDITIONS

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

Conditions of Approval  
Case No. CUP 07-91  
Page Three

7. Signage: The total signing program shall conform to Chapter 17.68. A sign permit is required prior to the issuance of a building permit for occupancy. A sign program shall be approved to the Director prior to issuance of Building Permit.
8. Water Equivalencies:
  - a. Prior to issuance of a Building Permit, the Community Development Director shall verify that the necessary water equivalencies have been met for the size of the project and the nature of proposed occupancy.
  - b. If a water equivalency has been allocated to the project by the City of Morro Bay, the applicant shall abide by MBMC Section 13.20 pertaining to Water Equivalencies. Following the issuance of a building permit and just prior to Final Occupancy, applicant shall submit a Title Report to the Building Official, for verification of ownership.
9. Dust Control: That prior to issuance of a grading permit or zone clearance, a method of control to prevent dust and wind blow earth problems shall be submitted to and approved by the Building Official.
10. Lease Amendment: The applicant shall obtain approval of an amendment of the lease agreements for the entire property prior to issuance of a Building Permit. Uses in the lease shall be limited to:
  - a. Gift shops and retail stores which cater primarily to visitors and tourists.
  - b. Restaurants and deli's.
  - c. Fish Processing (deleting this use from the property will require an amendment to the Conditional Use Permit and the provision of a public broadwalk extending across the northern part of the property).
  - d. Fish market.
  - e. Public broadwalk and public observation decks.
  - f. Wharfs, docks and hoists for fishing industry and for pleasure boats.
11. Restrooms: The restrooms shall be made available to the public during business hours. There shall be clear signage both on the exterior of the building, and on the interior identifying that the restrooms are available to the general public.

Conditions of Approval  
 Case No. CUP 07-91  
 Page Four

12. Boardwalk and Observation Deck: The boardwalk shall provide the lateral public access around the west side of the restaurant. The public boardwalk shall be a minimum of 8 feet in width. The observation deck shall be for the general public use and may not be used for any commercial purposes. Access easements consistent with the Waterfront Zone and with the general access provisions in Section 17.48.280 shall be recorded prior to issuance of any Building Permits. The boardwalk widening and the observation deck shall be constructed with the first phase.

If the fish processing use ceases, the applicant shall obtain a separate Conditional Use Permit which shall provide for the completion of the boardwalk across the west side of the fish market and retail use. Said stipulation shall be included in the new lease.

13. Coastal Permit: Prior to issuance of the building Permit, the applicant shall provide written verification of the issuance of a Coastal Permit.
14. Army Corps Permits: Prior to issuance of a Building Permit, the applicant shall obtain Army Corps of Engineer permits and other State or Federal permits required for the project.
15. Off-Street Loading: The applicant shall provide plans for off-street loading parking space as provided by the Zoning Ordinance.
16. Health Dept.: Food service shall require the approval of the Health Department.

C. LANDSCAPING CONDITIONS

1. Landscape and Irrigation Plan: Prior to the issuance of a Building Permit, a landscaping plan shall be submitted to include details of the number, size, location and type of species for all plant materials. In addition, the landscaping plan shall include the proposed method and location of irrigation. The plan shall also include fencing details and screening of the trash enclosure. A variety of native and drought resistant plant and tree species shall be used wherever possible. The landscaping plan shall be approved by the Director.
2. Landscaping Protection: All landscaping and planting within paved areas shall be contained within raised planters surrounded by six (6) inch concrete curbs.

3. Protection of Existing Trees: The developer shall protect and preserve existing trees on project site to the extent practicable. The developer shall consult with the Community Development Director to achieve the following goals: eliminate crowding; eliminate dead, dying or diseased trees; protect root structures from grading; top trees for the safety of persons and property and the continued health of the remaining trees; provide sufficient irrigation, pruning, fertilization, weed control, pest and animal control and disease control to insure continued health. The loss or removal of the healthy existing trees is described as constituting an irreversible loss of a valuable resource or other environmental value shall be replaced by the developer as a mitigation measure with new tree(s) to be approved by the Community Development Director.
4. Timing of Landscaping: All required plantings shall be in place prior to establishment of a use or issuance of a Certificate of Occupancy.
5. Maintenance of Landscaping: All required plant materials shall be maintained in a clean and neat condition. All landscaping shall be cared for, maintained, watered, fertilized, fumigated, pruned and kept in a healthy growing condition. Where a required planting has not survived, it shall be promptly replaced with new plant materials having similar functional characteristics and a size either equivalent to or exceeding the original size.

D. PUBLIC WORKS CONDITIONS

1. Off-Site Public Improvements: The applicant shall submit engineering drawings and cost estimates for all proposed off-site improvements for review by the City Engineer and cost estimates. Upon approval of the design drawings, the applicant shall deposit a financial security with the City in the amount of 150% of the estimated construction cost prior to the issuance of a building permit.
2. Grading & Drainage Plan: The applicant shall submit a grading and drainage plan with calculations to demonstrate the proposed on-site drainage facilities will handle the peak runoff from a 25-year storm. Surface disposal of drainage over sidewalks or driveways is prohibited. The applicant shall construct on-site inlets and through-curb drainage facilities in accordance with City standards.
3. Encroachment Permit: An Encroachment Permit issued by Department of Public Works is required for all work within the public right-of-way prior to issuance of a building permit or recordation of a final map.

Conditions of Approval  
 Case No. CUP 07-91  
 Page Six

4. Non-Protest Agreement: The applicant shall enter into a binding agreement with the city to not protest the inclusion in any future improvement assessment district which includes the property that may be formed for the purpose of constructing public improvements benefitting the property.
5. Phase I Requirements: Prior to development on either lease sites 78-79/78W-79W or 80-81/80W-81W, the following improvements or conditions shall be completed:

Lease Site 78/79 - Flying Dutchman Restaurant:

- a. Correct Sewage Discharges: The restaurant operator is discharging untreated wastewater into the Bay through the site drain behind the building. This is in direct violation of several agencies strict prohibitions, and shall cease immediately.
- b. Repair of Unsafe Conditions: The repair and maintenance of the dock and gangway shall be identified per the requirements of the City Engineer and the Harbor Director. Repairs and renovations shall be completed within two years.
- c. Electrical Service Box: The PG&E service box in the sidewalk shall be repaired.
6. Public Improvement Requirements:

Lease Site 80/81 - Former Qualman Oyster Company: Prior to development of Lease Site 80/81, the following improvements will be completed:

- a. Site Drain Repair: The site drain discharge between the two lease sites shall be repaired.
- b. Wharf Deck Hazards: The wharf deck shall be repaired as directed by the city Engineer and Harbor Director.
- c. Hoist Repair: The hoist on the wharf shall be repaired to avoid injury.
- d. Parking Lot Site Drains: The parking lot site drain inlets shall be cleaned out.
- e. Hose Bib: The hose bib on the wharf shall have a spring-loaded device as required by the City's water conservation ordinance.

Conditions of Approval  
Case No. CUP 07-91  
Page Seven

f. Frontage Improvements:

i. The existing sidewalk shall be widened to 8 feet as required by the Circulation Element of the General Plan except in the area of the existing popout bay windows. The widening shall incorporate the existing exposed aggregate finish.

ii. The existing drive approach shall conform with City standards.

g. Docks and Revetment: Prior to issuance of a building permit for any work on or over the revetment, including revetment modifications or repairs, wharfs, piers, floating docks, gangways, etc., the plans for said work shall be approved by the City Engineer. Prior to issuance of a building permit, the applicant shall obtain all required permits for said work from the California Coastal Commission and the U.S. Army Corps of Engineers.

7. Public Improvement Requirements Lease Site 78/79: Prior to development of lease site 78/79, the following improvements shall be completed:

a. Frontage Improvements: The existing sidewalk across lease site 78/79 shall be widened to 8 feet as required by the Circulation Element of the General Plan except in the area of the existing popout bay windows. The widening shall incorporate the existing exposed aggregate finish.

b. Docks & Revetment: Prior to issuance of a building permit for any work on or over the revetment, including revetment modifications or repairs, wharfs, piers, floating docks, gangways, etc., the plans for said work shall be approved by the City Engineer. Prior to issuance of a building permit, the applicant shall obtain all required permits for said work from the California Coastal Commission and the U.S. Army Corps of Engineers.

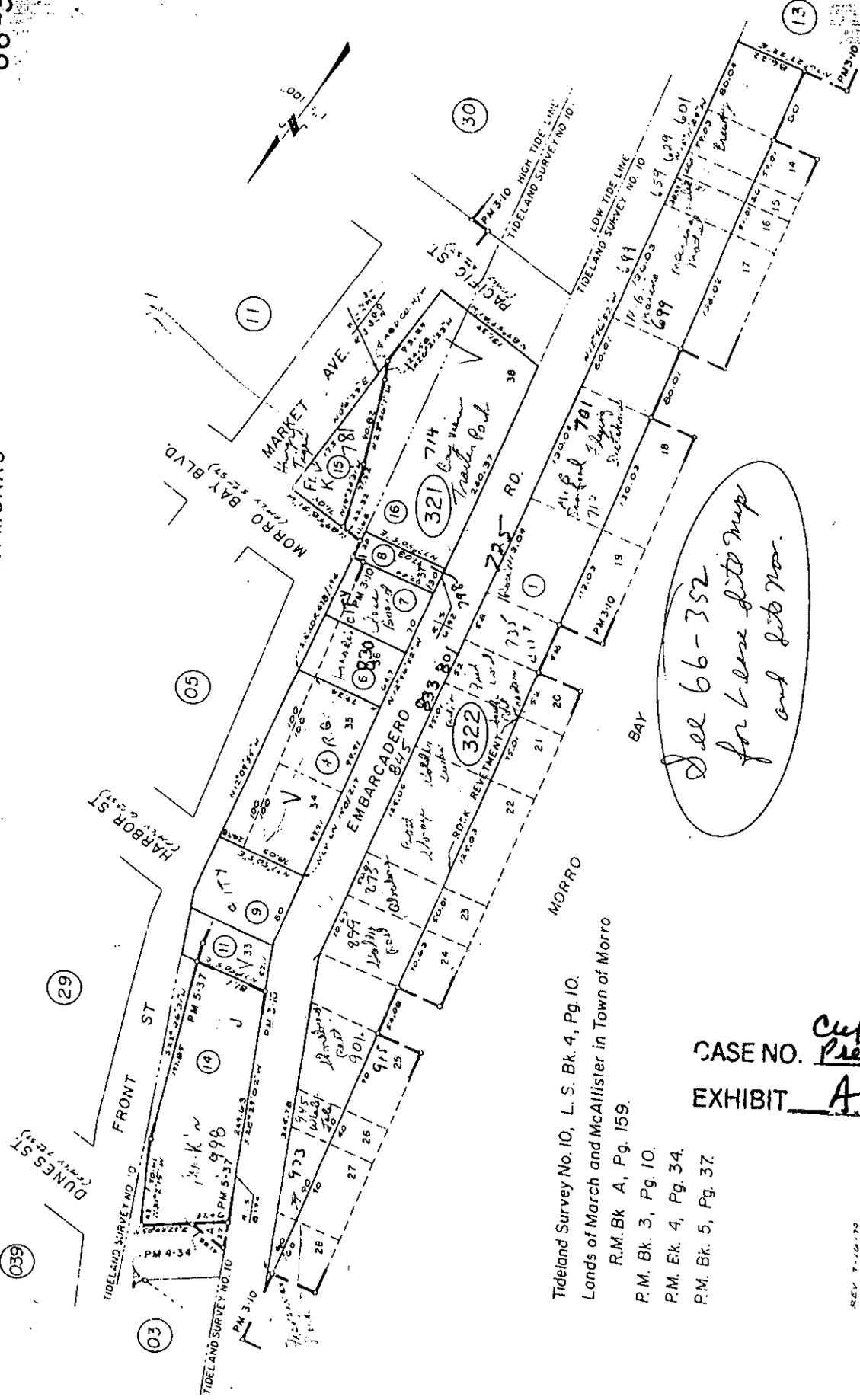
c. Deck Encroachment: A portion of the existing wood deck over the revetment lies within the right-of-way of Pacific Street. If one has not already been approved, the Lessee shall obtain a Special Encroachment Permit from the Department of Public Works for the ownership of this private facility within the public right-of-way.

Conditions of Approval  
Case No. CUP 07-91  
Page Eight

E. FIRE DEPARTMENT

1. Fire Suppression: All provisions for fire suppression shall be in accordance with the Uniform Fire Code of the City of Morro Bay. Upgrading of fire suppressing systems may be required by the Fire Chief prior to issuance of a Building Permit.
2. Fire Hydrants: Prior to issuance of a zone clearance (or recordation of the final tract map) the permittee shall submit plans to the Fire Department for approval of the size and location of on-site fire hydrants. New fire hydrants or upgrading of existing hydrants may be required if fire flows are not adequate.
3. Address Numbers: Address numbers shall be of contrasting color to the background and shall be readily visible at night. The numbers shall be subject to approval of the Director of Community Development and the Fire Chief.
4. Fire Extinguishers: All fire extinguishers shall be installed in accordance with National Fire Protection Association Standard #10.

Lands of MARCH and McALLISTER in TOWN of MORRO

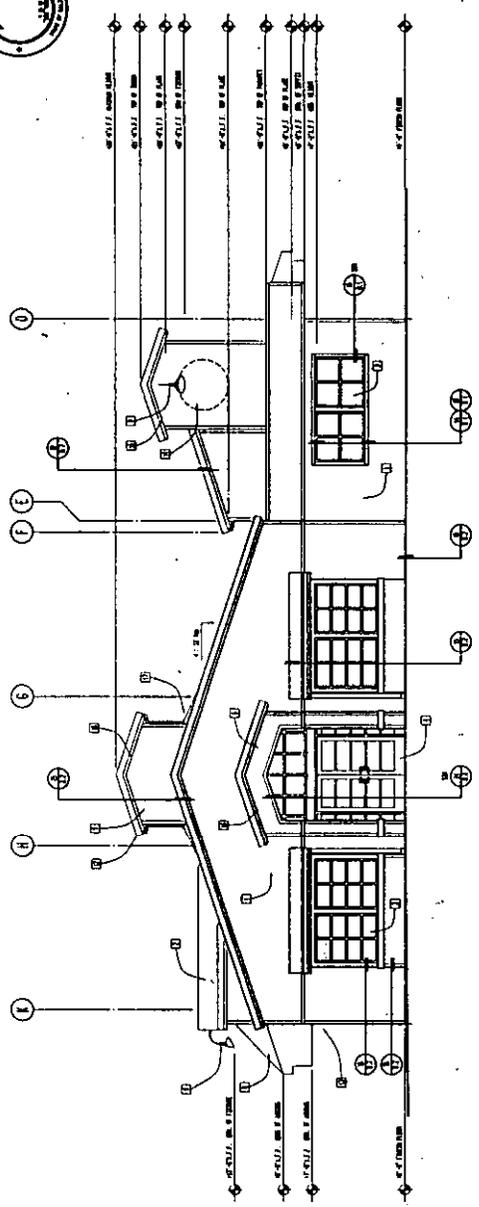


Tideland Survey No. 10, L. S. Bk. 4, Pg. 10.  
 Lands of March and McAllister in Town of Morro  
 R.M. Bk. A, Pg. 159.  
 P.M. Bk. 3, Pg. 10.  
 P.M. Ek. 4, Pg. 34.  
 P.M. Bk. 5, Pg. 37.

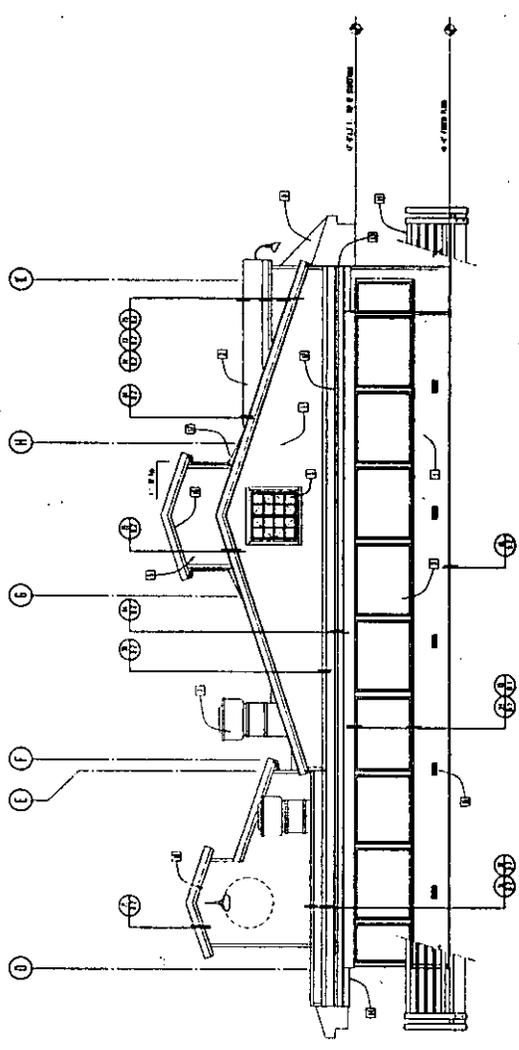
CASE NO. Cup07 Precise  
 EXHIBIT A

CITY OF MORRO BAY  
 Assessor's Map Bk. 66 - Pg. 32  
 County of San Luis Obispo, Calif.





BUILDING "A" - EAST ELEVATION



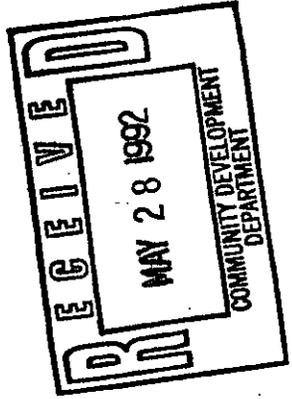
WEST ELEVATION

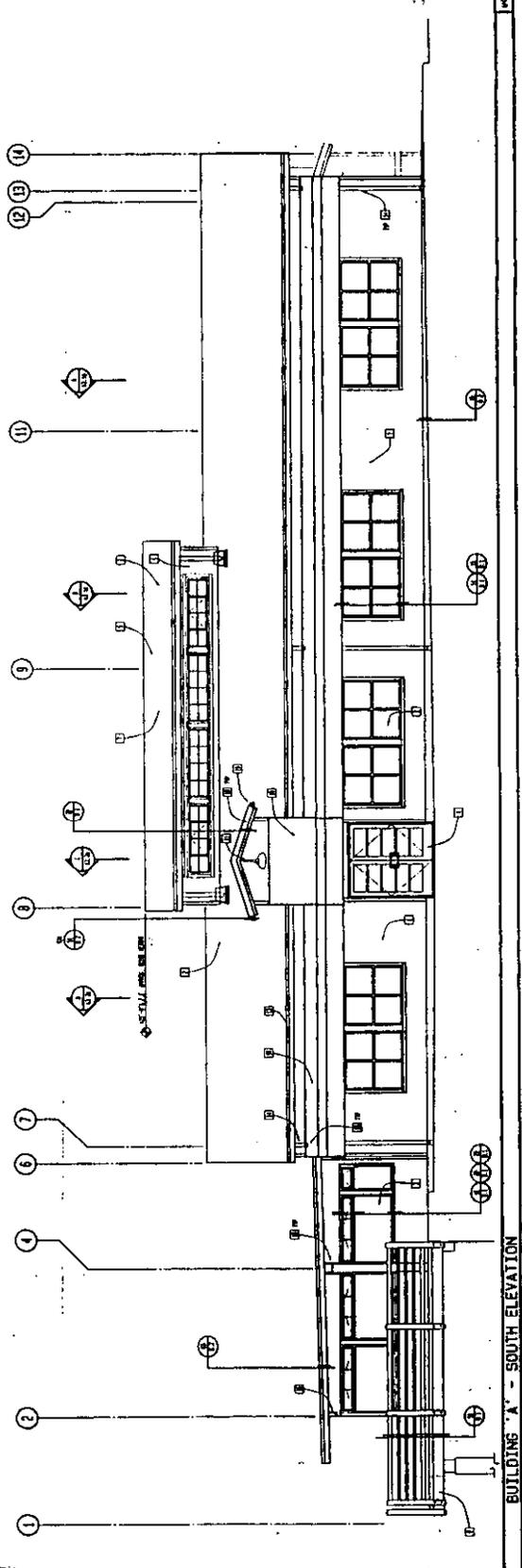
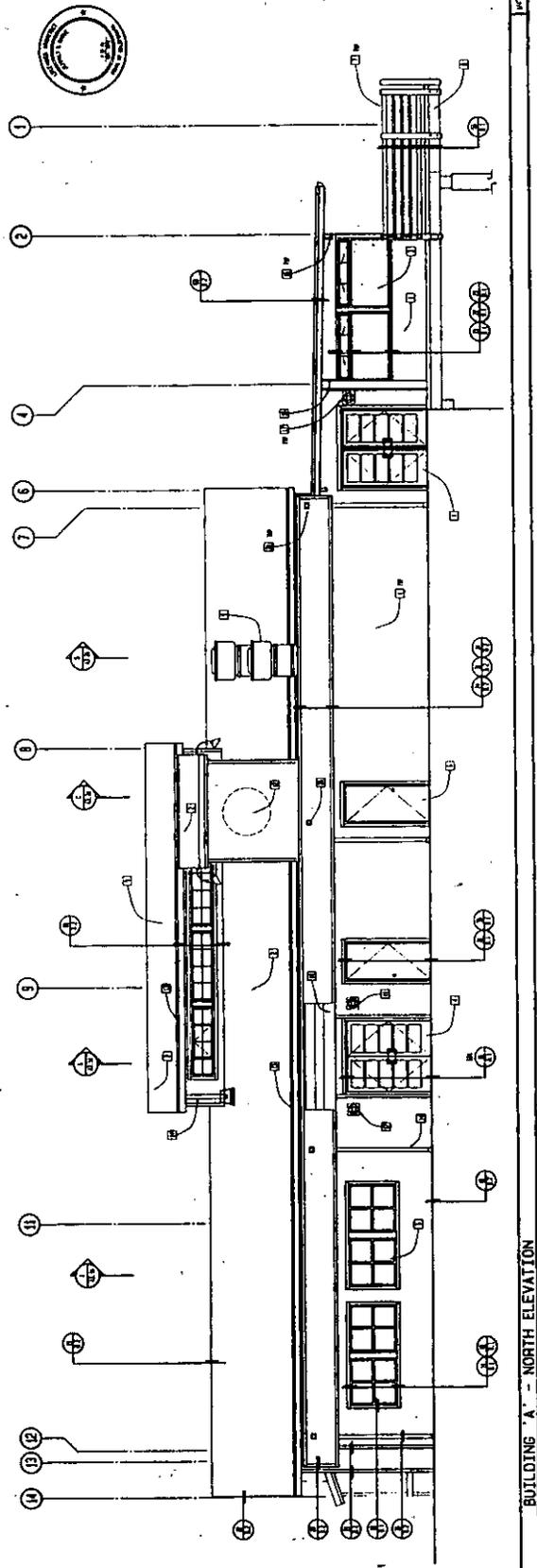
REFERENCE NOTES

1. See attached floor plan, to confirm window and door locations.
2. See attached floor plan, to confirm window and door locations.
3. See attached floor plan, to confirm window and door locations.
4. See attached floor plan, to confirm window and door locations.
5. See attached floor plan, to confirm window and door locations.
6. See attached floor plan, to confirm window and door locations.
7. See attached floor plan, to confirm window and door locations.
8. See attached floor plan, to confirm window and door locations.
9. See attached floor plan, to confirm window and door locations.
10. See attached floor plan, to confirm window and door locations.
11. See attached floor plan, to confirm window and door locations.

**APPROVED**  
 COMMUNITY DEVEL. DEPT.  
 SRB:  
 P.C. 9/21/92 RESO. NO. \_\_\_\_\_  
 C.C. \_\_\_\_\_ RESO. NO. \_\_\_\_\_

CUP07  
 CASE NO. Precise  
 EXHIBIT C





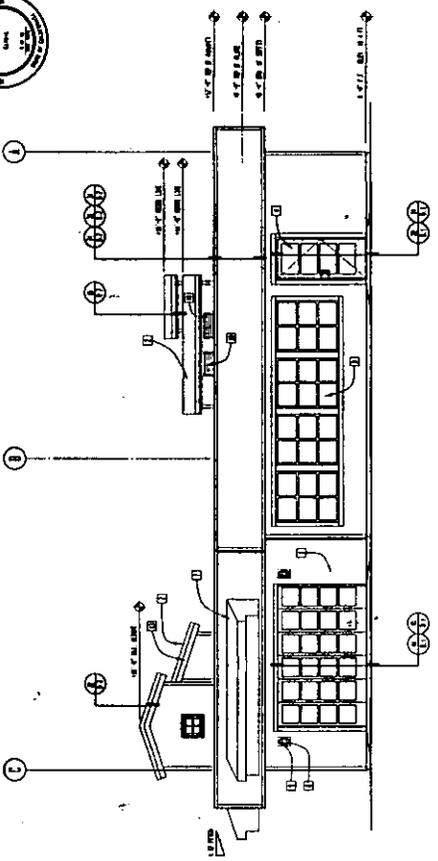
**REFERENCE NOTES**

1. See Schedule of Work for details of materials and workmanship.
2. All work shall be in accordance with the latest editions of the Building Code of the City of San Jose.
3. All work shall be in accordance with the latest editions of the Building Code of the State of California.
4. All work shall be in accordance with the latest editions of the Building Code of the State of California.
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14. All work shall be in accordance with the latest editions of the Building Code of the State of California.

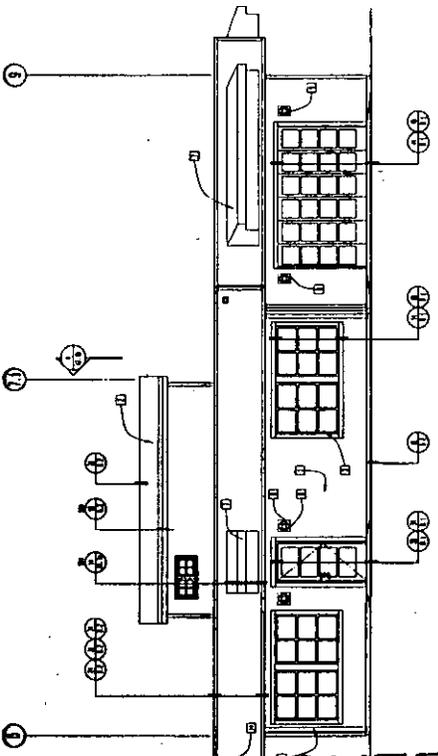
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 COMMUNITY DEVEL. DEPT.  
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 CASE NO. \_\_\_\_\_  
 EXHIBIT D

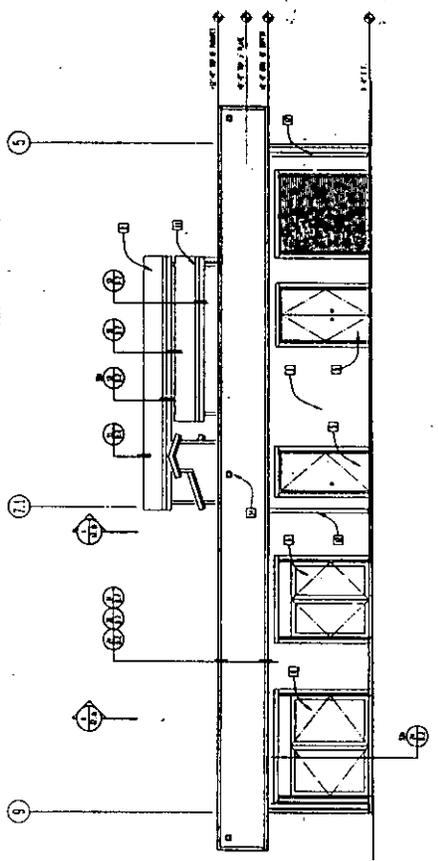
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 MAY 28 1992  
 COMMUNITY DEVELOPMENT  
 DEPARTMENT



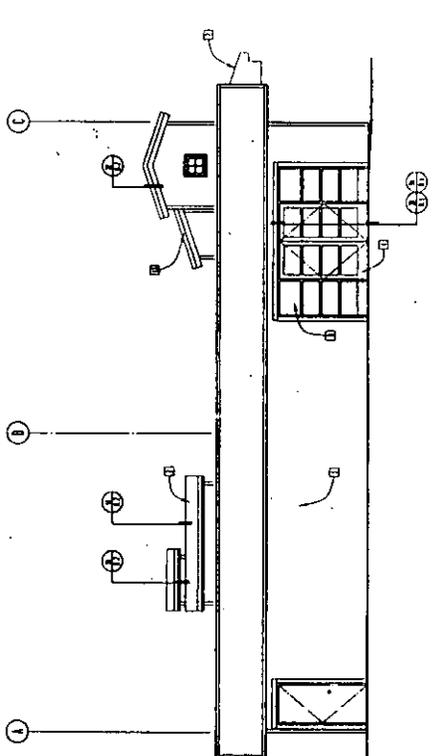
BUILDING 'B' - EAST ELEVATION



BUILDING 'B' - SOUTH ELEVATION



BUILDING 'B' - NORTH ELEVATION



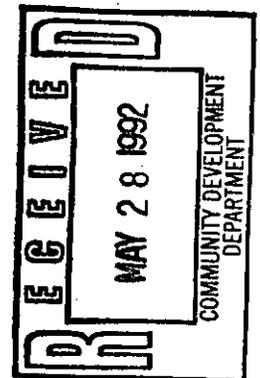
BUILDING 'B' - WEST ELEVATION

REFERENCE NOTES

1. See attached floor plan for 2' grid spacing.
2. All materials shall comply with the requirements of the International Building Code, 1990 Edition, unless otherwise specified.
3. All windows shall be double-hung, wood-frame, with storm windows.
4. All doors shall be solid-core, wood-frame, with storm doors.
5. All exterior walls shall be finished with stucco over concrete block.
6. All exterior walls shall be finished with stucco over concrete block.
7. All exterior walls shall be finished with stucco over concrete block.
8. All exterior walls shall be finished with stucco over concrete block.
9. All exterior walls shall be finished with stucco over concrete block.
10. All exterior walls shall be finished with stucco over concrete block.
11. All exterior walls shall be finished with stucco over concrete block.

**APPROVED**  
COMMUNITY DEVEL. DEPT.  
SRB:  
P.C. 9/21/92 RESO. NO. \_\_\_\_\_  
C.C. \_\_\_\_\_ RESO. NO. \_\_\_\_\_

CASE NO. cup07  
EXHIBIT Précise  
R



# DUTCHMAN LANDING

FOR: MORRIS BAY COMMUNITY DEVELOPMENT DEPARTMENT

Site Specs & Info.  
For Site Review Meeting

## Local Elevations

- 1- 4'x4' Sign Mounted Above Entrance of South side of The Building - Sign Elevation 11'
- 3- 4'x4' Signs Mounted on East West & North Sides of Center Copola - Signs elevation 14'
- 1- Double face 4'x4' Sign hung on east side over Entrance of Embarcadero - Sign Elevation 12' and 3' from curb face.

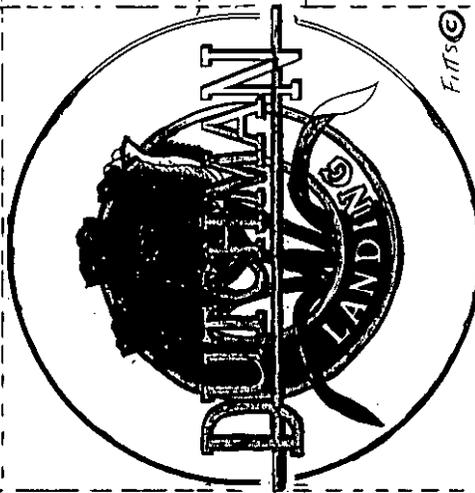
## Materials

Signs will be painted with Acrylic Cell Vinyl Paints on 1/8" Masonite. Attached to 3/4" Marine Plywood Mounted Flush to the Building with the Exception of the Double-Faced Sign which will be Hung.

## DIMENSIONS

Color

- Black
- White
- Red
- Green
- Turquoise
- Gold



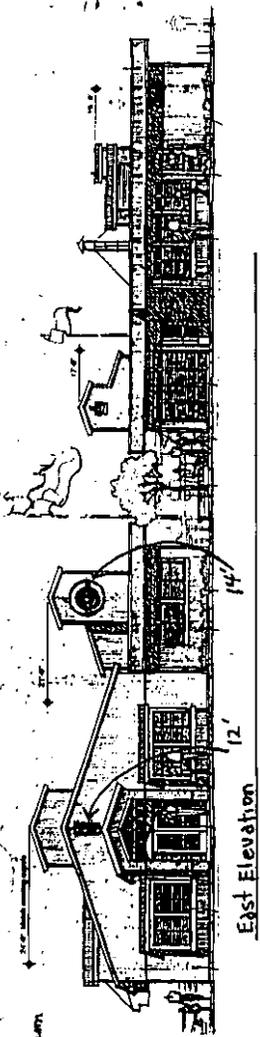
4'

4'

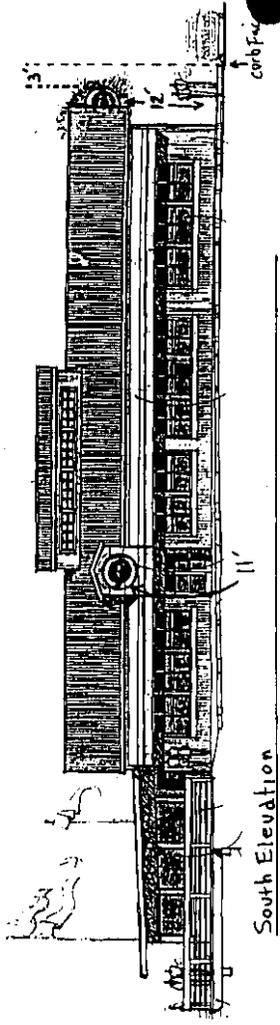
Letters

11"

FITS © 92

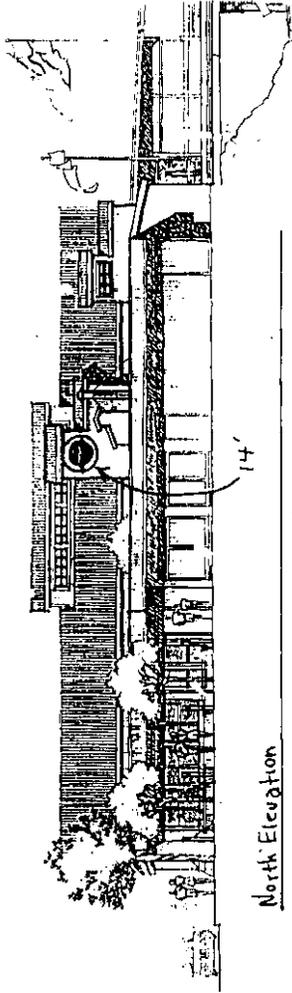


East Elevation

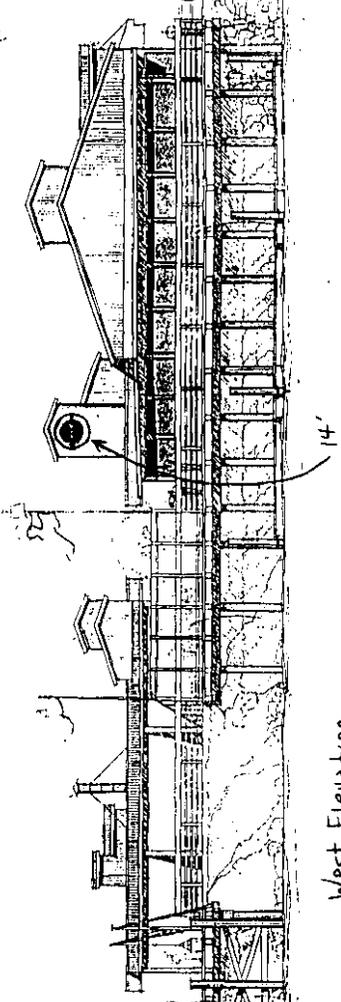


South Elevation

Exhibit D



North Elevation



West Elevation

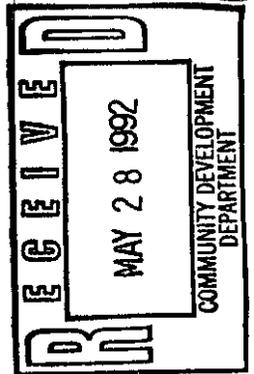
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EXHIBIT F

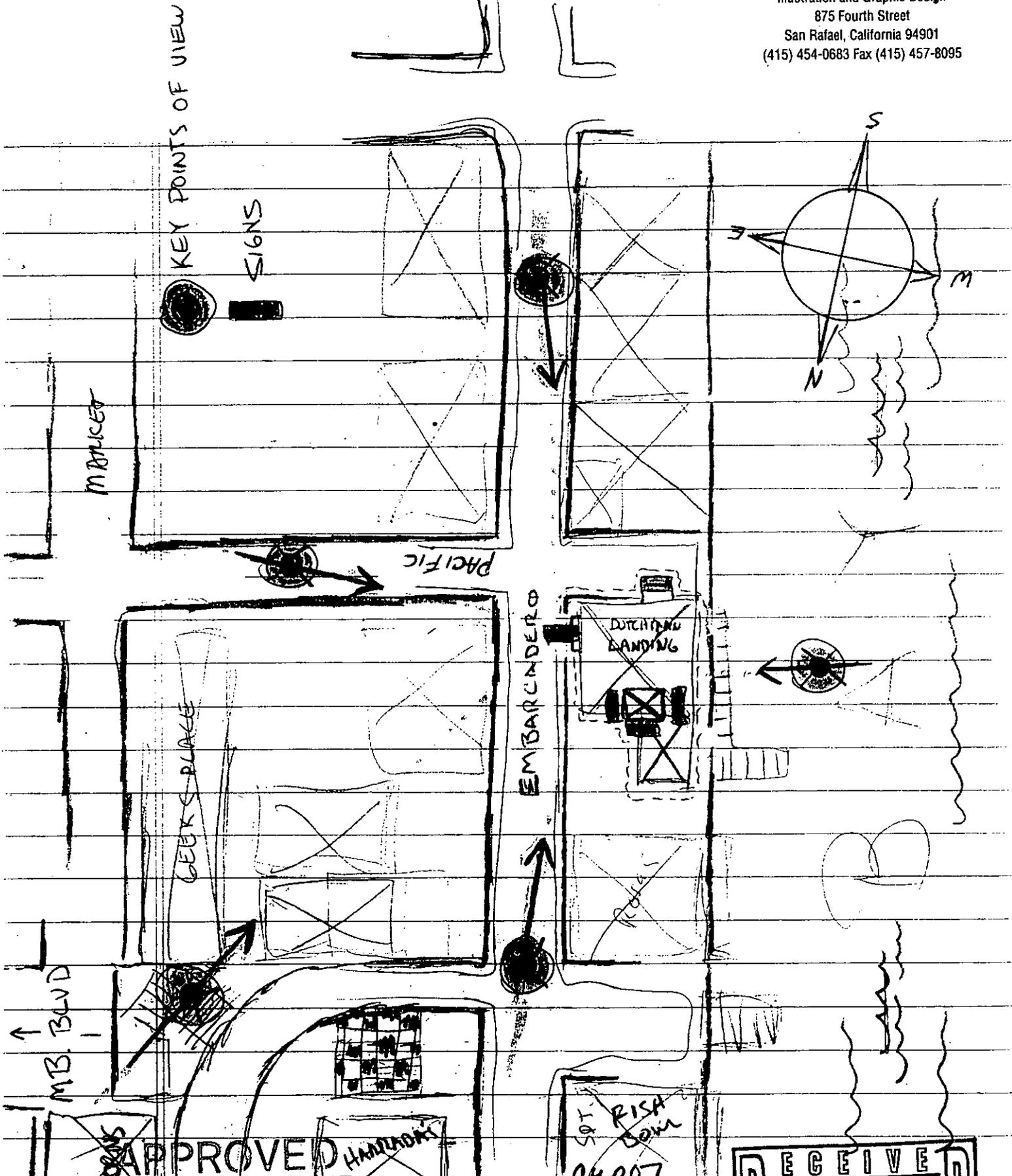
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Cup of  
Precise

9/21/92  
NO. NO.  
NO. NO.



Paul Fitts  
Illustration and Graphic Design  
875 Fourth Street  
San Rafael, California 94901  
(415) 454-0683 Fax (415) 457-8095



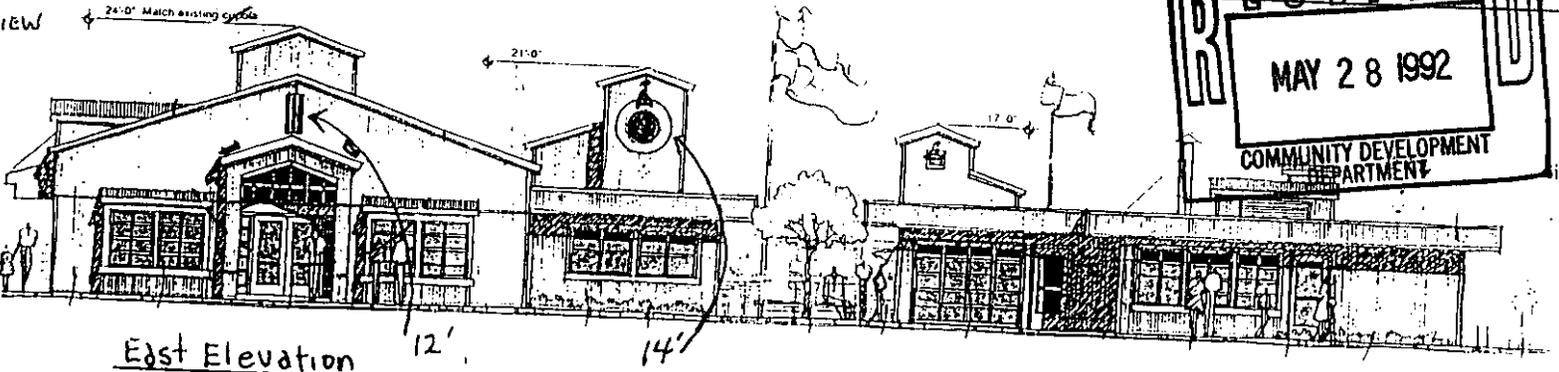
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COMMUNITY DEVEL. DEPT.

DATE: 9/21/92  
REQ. NO. \_\_\_\_\_  
INTSO. NO. \_\_\_\_\_

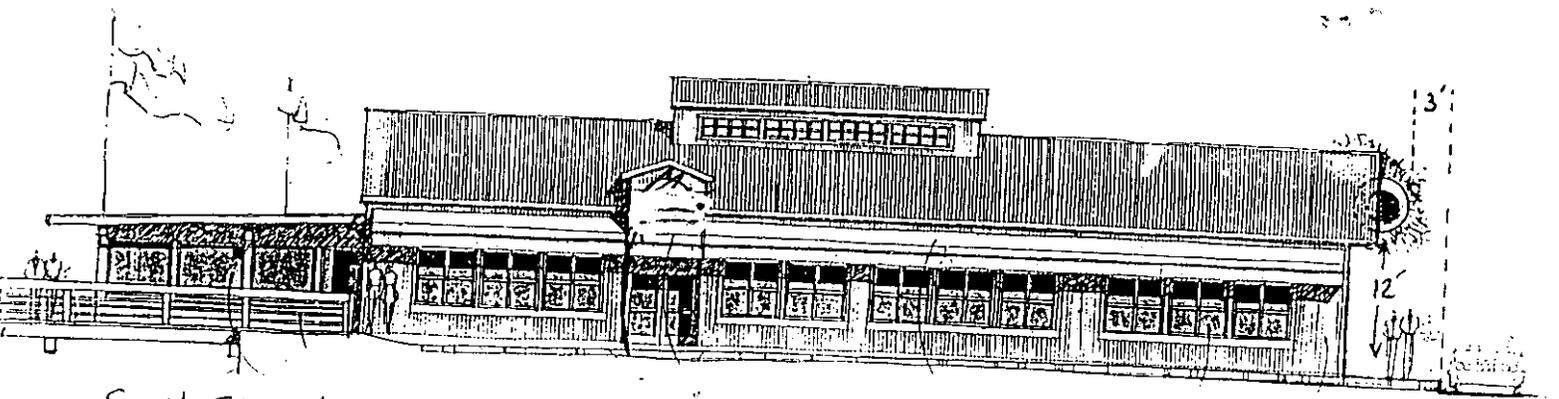
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EXHIBIT 6

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MAY 28 1992  
COMMUNITY DEVELOPMENT  
DEPARTMENT

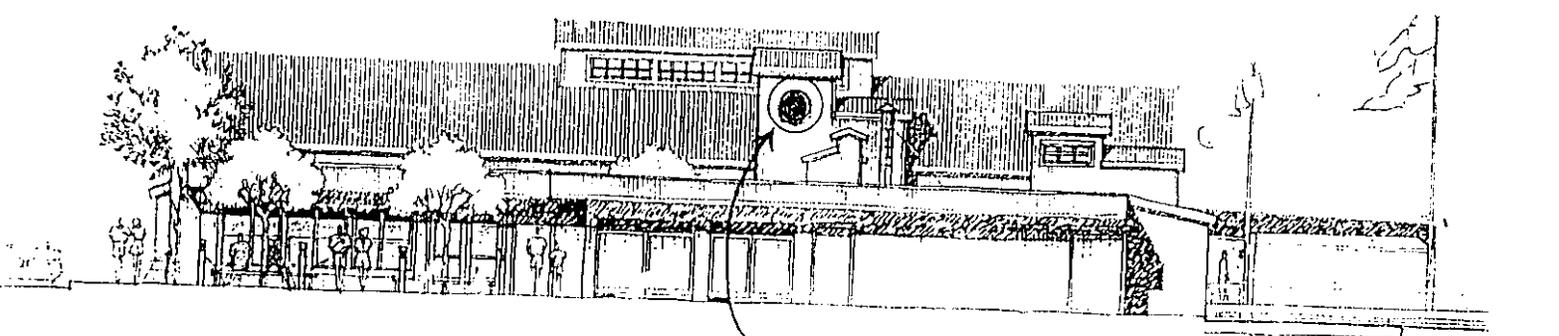
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COMMUNITY DEVELOPMENT  
DEPARTMENT



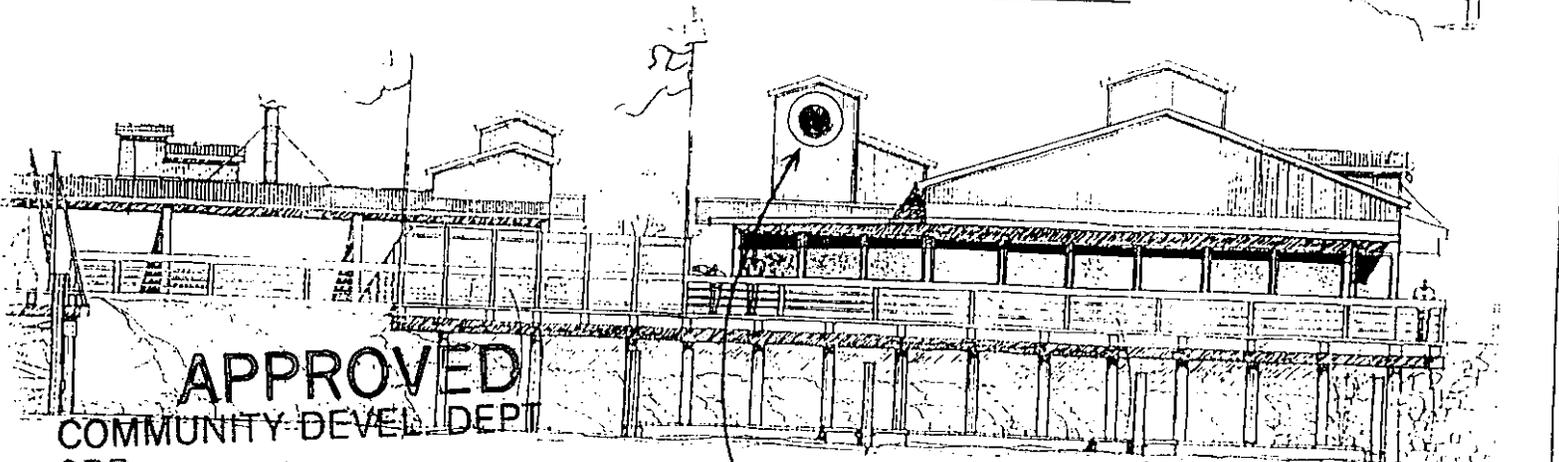
East Elevation 12' 14'



South Elevation 12' 14'



North Elevation 14'



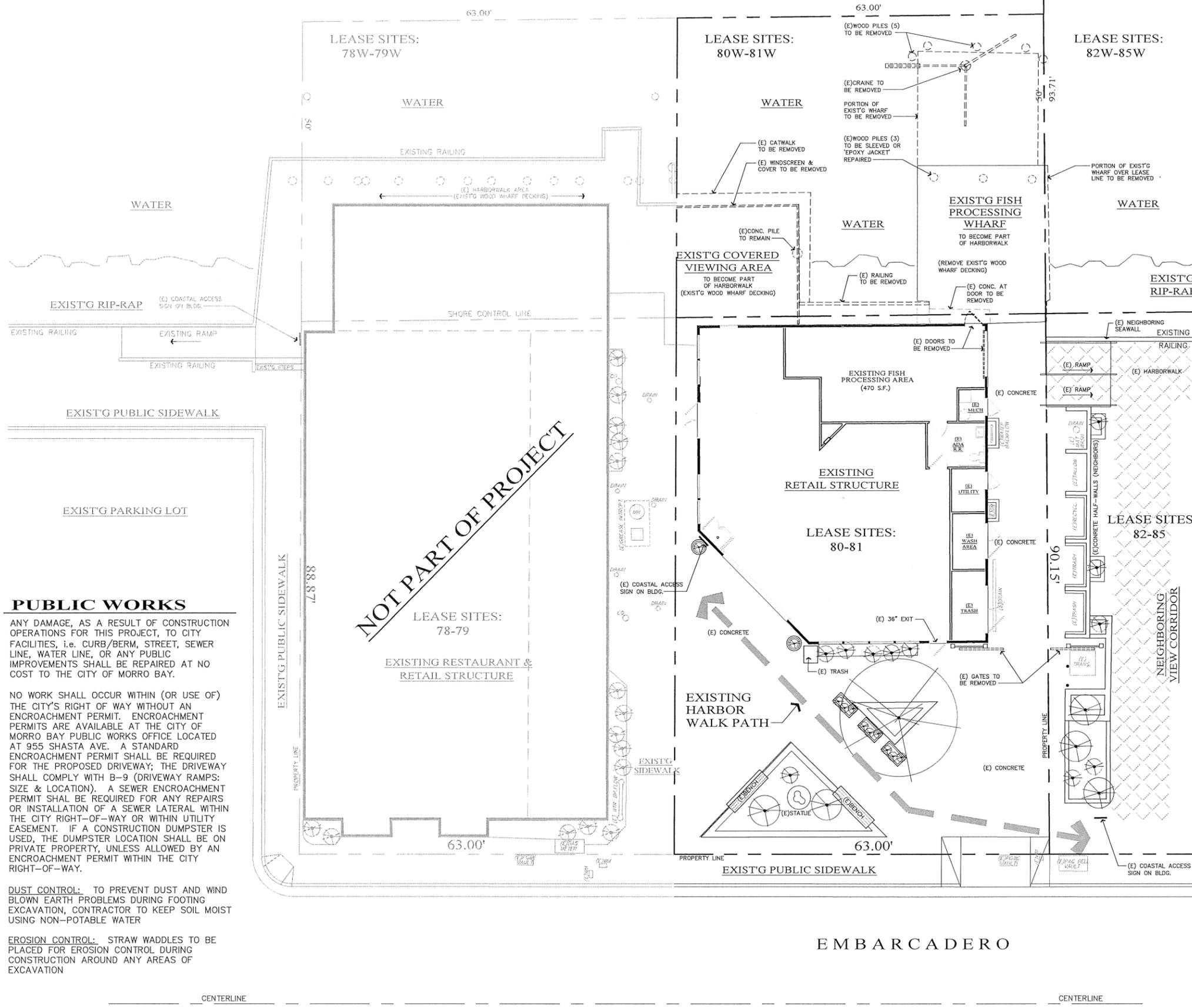
14'

APPROVED  
COMMUNITY DEVEL. DEPT.

SUB: WEST 9/21/92 RESO. NO. \_\_\_\_\_  
ACTION RESO. NO. \_\_\_\_\_

CASE NO. Cup 07 Preuse

EXHIBIT H



**NOT PART OF PROJECT**

**PUBLIC WORKS**

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.

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. A STANDARD ENCROACHMENT PERMIT SHALL BE REQUIRED FOR THE PROPOSED DRIVEWAY; 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 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.

**DUST CONTROL:** TO PREVENT DUST AND WIND BLOWN EARTH PROBLEMS DURING FOOTING EXCAVATION, CONTRACTOR TO KEEP SOIL MOIST USING NON-POTABLE WATER

**EROSION CONTROL:** STRAW WADDLES TO BE PLACED FOR EROSION CONTROL DURING CONSTRUCTION AROUND ANY AREAS OF EXCAVATION

**PROJECT DESC.**

THIS PERMIT WOULD ALLOW FOR MODIFICATIONS TO THE EXISTING WHARF AREA BY REMOVING THE EXISTING COVERED WINDSCREEN AREA, REMOVING A PORTION OF THE EXISTING FISH PROCESSING WHARF THAT IS IN NEED OF REPAIR, CONVERSION OF THE INTERIOR FISH PROCESSING AREA INTO RETAIL SPACE, AND ADDING A NEW PORTION OF WHARF TO CREATE A CONTINUOUS ACCESSIBLE SECTION OF THE MORRO BAY HARBORWALK. THE NEW SECTION OF HARBORWALK WOULD CONNECT WITH EXISTING PORTIONS TO THE NORTH AND SOUTH. THE PERMIT WILL ALSO ALLOW AN UPDATE TO THE EXISTING FACADE WITH NEW VERTICAL BOARD AND BATTEN SIDING WITH SHINGLE AND CORRUGATED METAL ACCENTS.

**PROJECT AREAS**

EXIST'G COVERED WINDSCREEN AREA: (WINDSCREEN TO BE REMOVED)	580 SF
EXIST'G FISH PROCESSING WHARF:	1,025 SF
<b>TOTAL:</b>	<b>1,605 SF</b>

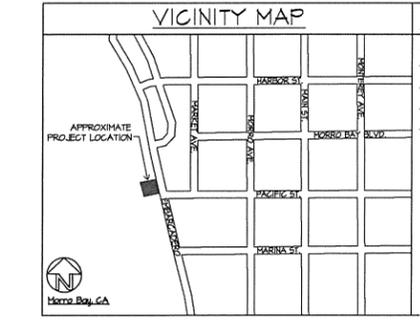
PORTION OF FISH PROCESSING WHARF TO REMOVE:	-445 SF
NEW WHARF AREA TO BE INSTALLED: (BETWEEN PATIO & WHARF, AND ANGLE AT HARBORWALK)	+395 SF
FIN. COMBINED WHARF/PATIO AREA:	1,555 SF
NEW OUTDOOR DINING (PUBLIC): (ADJACENT TO EMBARCADERO)	+461 SF
EXISTING RETAIL STRUCTURE:	2,422 SF
AREA TO BE CONVERTED FROM FISH PROCESSING TO ADDITIONAL RETAIL:	470 SF

**BLDG. CODES**

- 2019 CALIFORNIA BUILDING CODE
- 2019 CALIFORNIA PLUMBING CODE
- 2019 CALIFORNIA MECHANICAL CODE
- 2019 CALIFORNIA ELECTRIC CODE
- 2019 CALIFORNIA ENERGY CODE
- CALIFORNIA GREEN BUILDING CODE
- 2019 CALIFORNIA FIRE CODE
- CALIFORNIA REFERENCE STANDARDS CODE

**CONST. HOURS**

PURSUANT TO MBMC SUBSECTION 9.28.030.1, 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 PUBLIC SERVICES DEPT., 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.



**SHEET INDEX**

- A1.1 EXIST'G SITE PLAN / PROJ. INFO.
- A1.2 LAND SURVEY
- A1.3 PROPOSED SITE PLAN
- A1.4 EXTERIOR LIGHTING
- A2.1 ELEVATIONS

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**C. P. PARKER ARCHITECT**

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MORRO BAY, CA 93442-1962  
(805) 772-9700

STAMPS



PROJECT

**VAN BEURDEN HARBORWALK MODIFICATION & FACADE UPDATE**

715 EMBARCADERO MORRO BAY, CALIF. 93442

DRAWING PHASE  
**COASTAL DEVELOPMENT PERMIT**

Project No.	19-109
Drawn By	CPP
Dwg. Date	09/08/21
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE  
**EXISTING SITE PLAN**

SHEET NO.

**A1.1**

EMBARCADERO

**EXISTING OVERALL SITE PLAN**

SCALE: 1/8" = 1'-0"

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STAMPS



PROJECT

**VAN BEURDEN HARBORWALK MODIFICATION & FACADE UPDATE**

715 EMBARCADERO  
MORRO BAY, CALIF. 93442

DRAWING PHASE

**COASTAL DEVELOPMENT PERMIT**

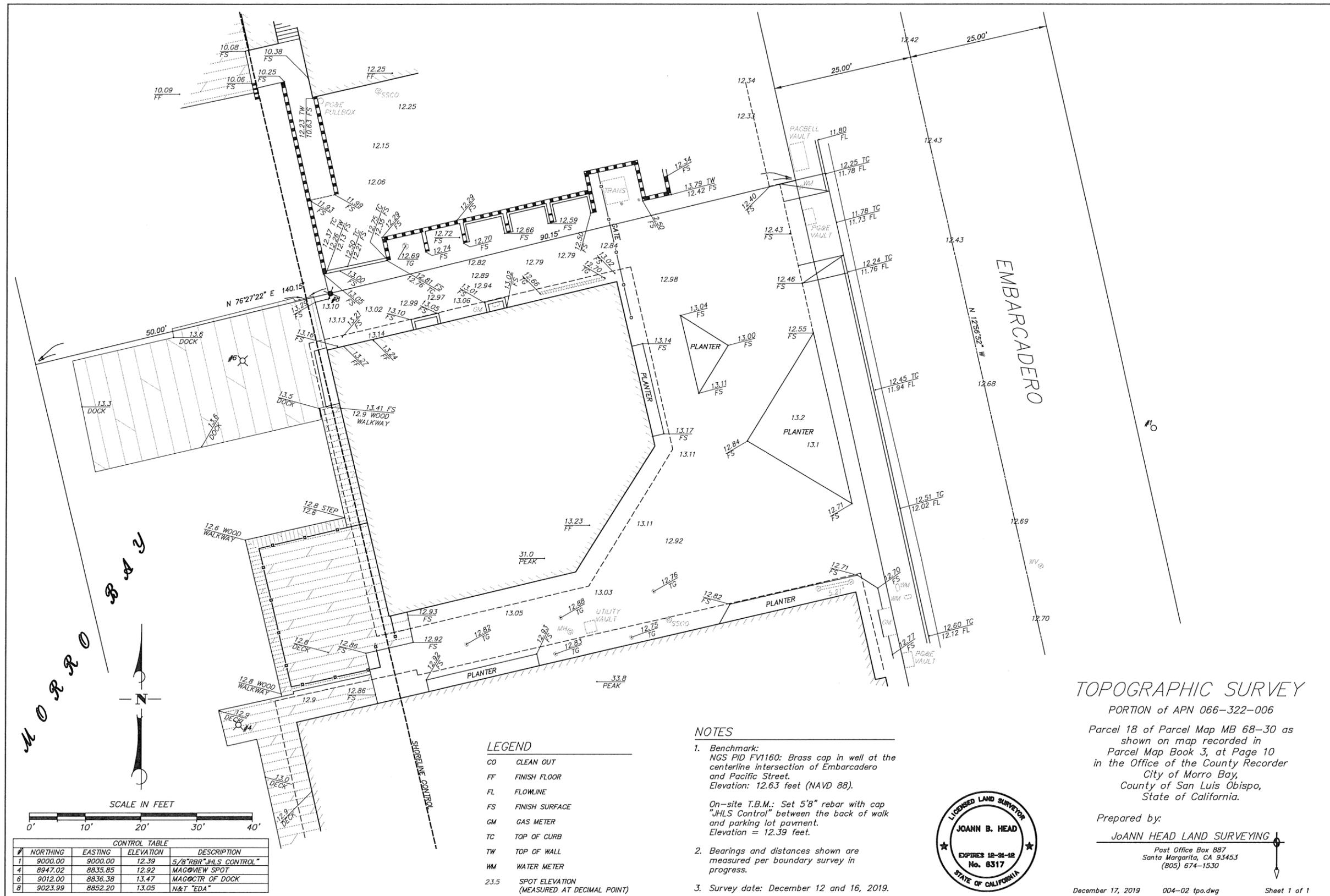
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Drawn By	CPP
Dwg. Date	08/25/21
Updated	-
Scale	1/8" = 1'-0"

REVISIONS

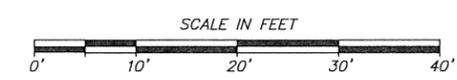
SHEET TITLE

**LAND SURVEY**

SHEET NO.



MORRO BAY



#	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	9000.00	9000.00	12.39	5/8"RBR "JHLS CONTROL"
4	8947.02	8835.85	12.92	MAG@VIEW SPOT
6	9012.00	8836.38	13.47	MAG@CTR OF DOCK
8	9023.99	8852.20	13.05	N&T "EDA"

**LEGEND**

CO	CLEAN OUT
FF	FINISH FLOOR
FL	FLOWLINE
FS	FINISH SURFACE
GM	GAS METER
TC	TOP OF CURB
TW	TOP OF WALL
WM	WATER METER
23.5	SPOT ELEVATION (MEASURED AT DECIMAL POINT)

**NOTES**

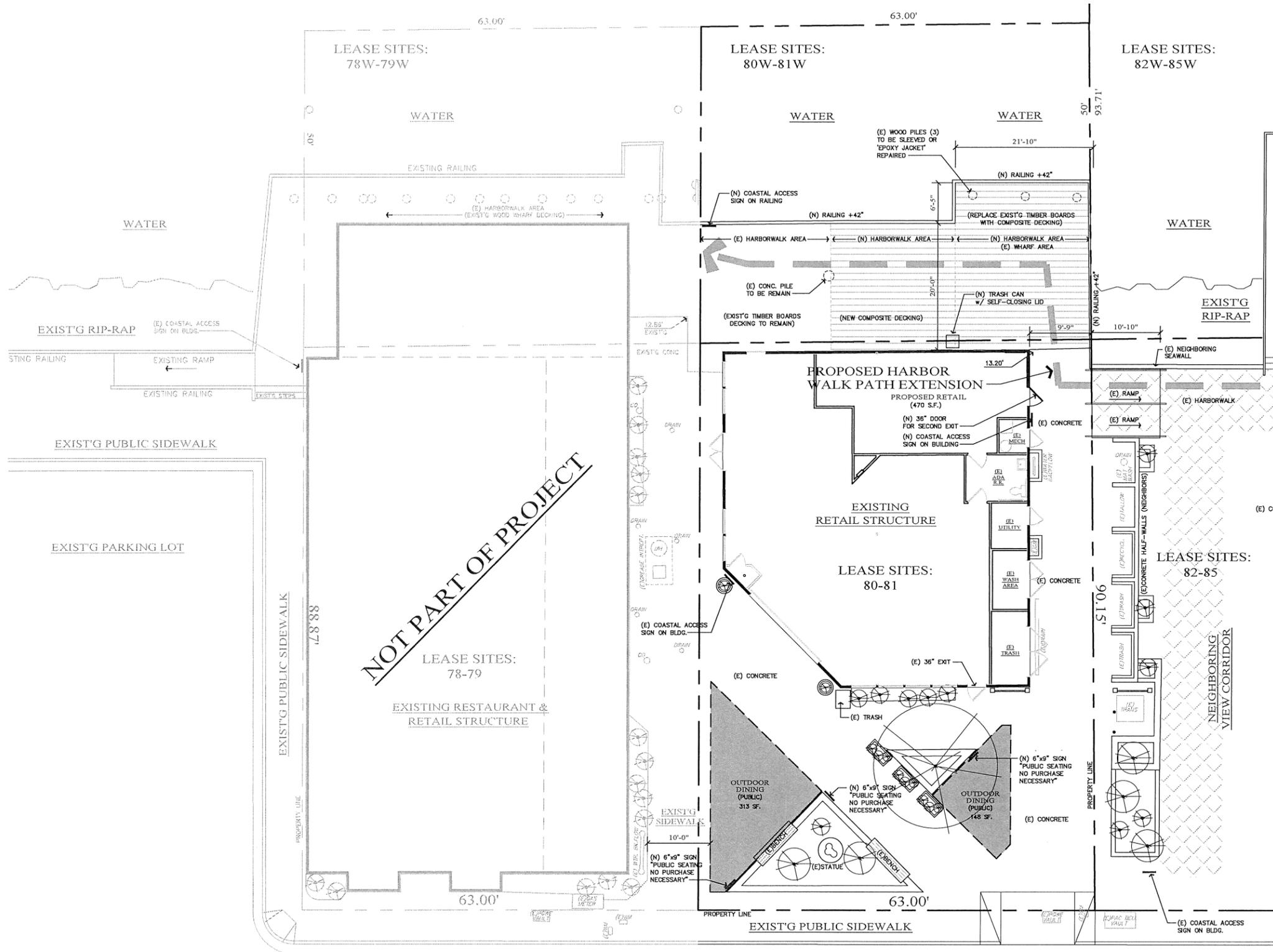
- Benchmark: NGS PID FV1160: Brass cap in well at the centerline intersection of Embarcadero and Pacific Street. Elevation: 12.63 feet (NAVD 88).  
On-site T.B.M.: Set 5'8" rebar with cap "JHLS Control" between the back of walk and parking lot pavement. Elevation = 12.39 feet.
- Bearings and distances shown are measured per boundary survey in progress.
- Survey date: December 12 and 16, 2019.



**TOPOGRAPHIC SURVEY**

PORTION of APN 066-322-006  
Parcel 18 of Parcel Map MB 68-30 as shown on map recorded in Parcel Map Book 3, at Page 10 in the Office of the County Recorder City of Morro Bay, County of San Luis Obispo, State of California.

Prepared by:  
**JoANN HEAD LAND SURVEYING**  
Post Office Box 887  
Santa Margarita, CA 93453  
(805) 674-1530



TRASH CAN w/ LID

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 (805) 772-5700



PROJECT

**VAN BEURDEN HARBORWALK MODIFICATION & FACADE UPDATE**

715 EMBARCADERO MORRO BAY, CALIF. 93442

**McNICHOLS CO.** FIBERGLASS GRATING

DESCRIPTION	QUANTITY	UNIT	NOTES
1/2\"			
3/4\"			
1\"			
1 1/2\"			
2\"			
3\"			
4\"			
6\"			
8\"			
12\"			

FIBERGLASS GRATING



COASTAL ACCESS SIGNAGE

SIGNAGE SHALL BE 24" WIDE x 18" HIGH METAL SIGN WITH IMAGES, MOUNTED FLAT TO HARBORWALK RAILING. WHITE BACKGROUND WITH BLUE LETTERING.

**PROPOSED OVERALL SITE PLAN**  
 SCALE: 1/8" = 1'-0"

DRAWING PHASE

**COASTAL DEVELOPMENT PERMIT**

Project No.	19-109
Drawn By	CPP
Dwg. Date	08/25/21
Updated	-
Scale	AS NOTED

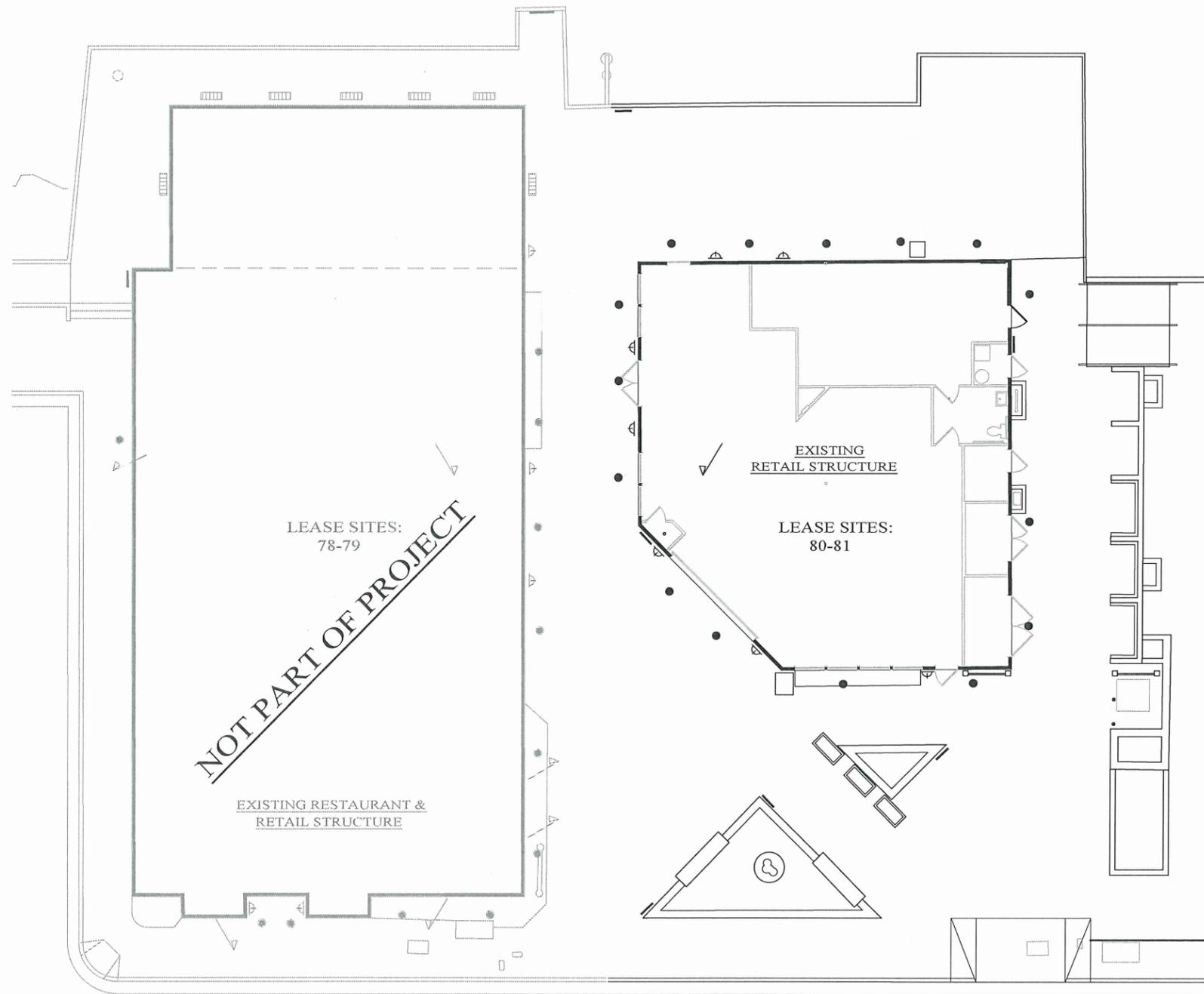
REVISIONS


SHEET TITLE

**PROPOSED SITE PLAN**

SHEET NO.

**A1.3**



EMBARCADERO

**EXTERIOR LIGHTING PLAN**  
SCALE: 1/8" = 1'-0"

**LIGHTING LEGEND**

- EXISTING RECESSED CAN LIGHTING IN EAVES.
- ▲ WALL MOUNTED SCUNCES TO BE REPLACED WITH SPEC'D SCUNCES BELOW
- ▣ EXISTING LOW PATHWAY WALL MOUNTED LIGHTS AT 20" ABOVE WALKWAY
- ↙ EXISTING SIGN LIGHTING



EXISTING CAN LIGHTING

**Westinghouse SPECIFICATION SHEET**

Item Number 6360500 Orson  
1 Light LED Wall Fixture Weathered Steel Finish with Clear Prismatic Lens

Specifications

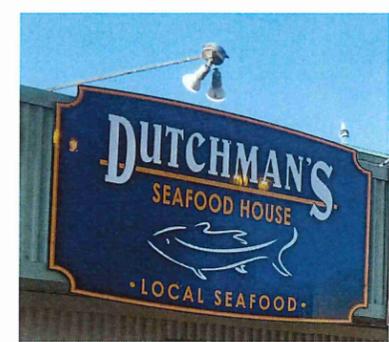
- Height: 11.61"
- Width: 10.63"
- Extends: 11.61"
- Height from Center of Outlet Box: 5.08"
- Back Plate: D: 6.18"
- Hours: 20000
- Life (years): 18.2
- Fixture Lumens: 550
- Light Source Lumens: 640
- Kelvin: 2700
- Equivalent Incandescent Wattage: 40W
- Includes 9 Watt Integrated LED



PROPOSED WALL SCENCE



EXISTING PATH LIGHTING



EXISTING SIGN LIGHTING

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PROJECT

**VAN BEURDEN HARBORWALK MODIFICATION & FACADE UPDATE**

715 EMBARCADERO MORRO BAY, CALIF. 93442

DRAWING PHASE  
**COASTAL DEVELOPMENT PERMIT**

Project No.	19-109
Drawn By	CPP
Dwg. Date	08/25/21
Updated	-
Scale	AS NOTED

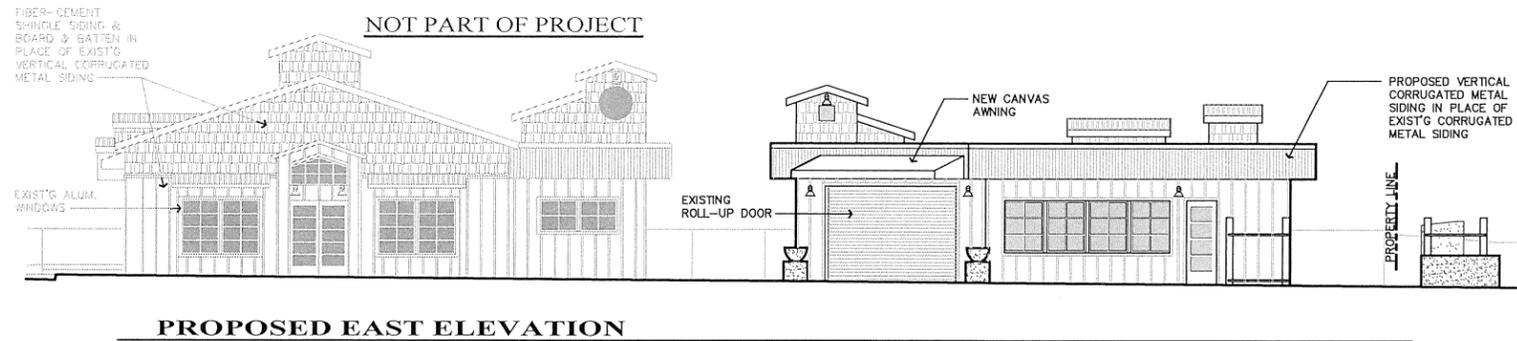
REVISIONS

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SHEET TITLE  
**EXTERIOR LIGHTING**

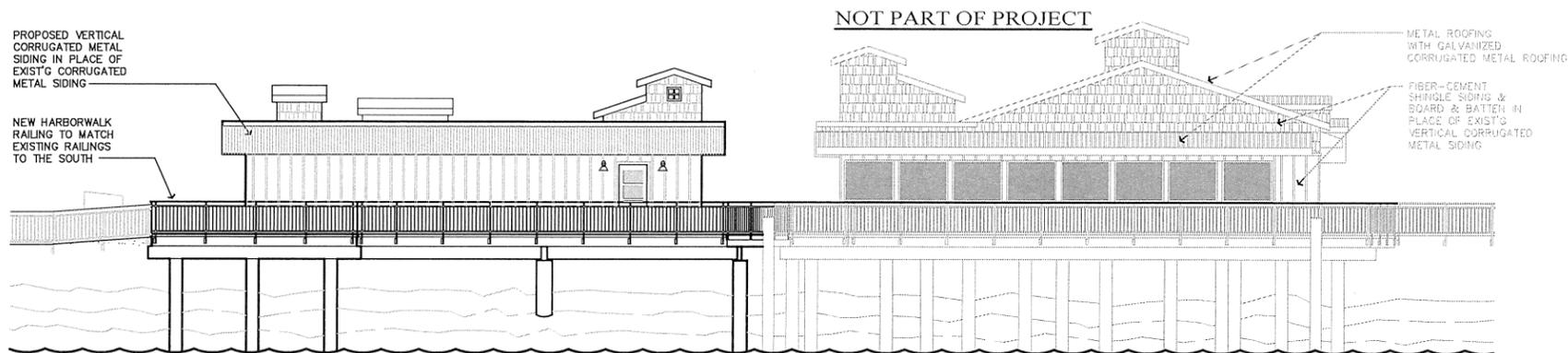
SHEET NO.

**A1.4**



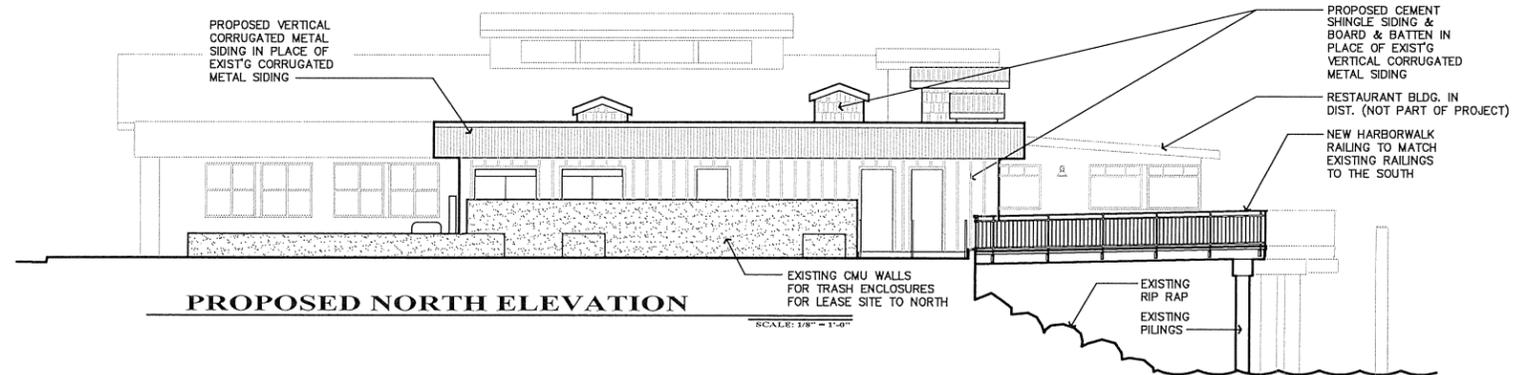
PROPOSED EAST ELEVATION

SCALE: 1/8" = 1'-0"



PROPOSED WEST ELEVATION

SCALE: 1/8" = 1'-0"



PROPOSED NORTH ELEVATION

SCALE: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

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**OUTSIDE FURNITURE**



**MARINE GRADE POLYMER TOP TABLE**  
 42" ROUND DINING HEIGHT TABLE W/ HOLE



Table Top	
Item Number	T12KPGS
Frame Type	Tubular Aluminum / MGP
Retail Warranty	3 years
Contract Warranty	3 years
Packaged Weight	30 lbs
Carton Cube	4.9 f3
UPS-able	No
Assembly Required	Yes
Pack Count	1

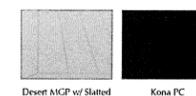


Table Base	
Item Number	2WSKLEG
Frame Type	Not Applicable / None
Retail Warranty	15 years
Contract Warranty	3 years
Overall Height	28.5 in
Packaged Weight	17 lbs
Carton Cube	2.6 f3
UPS-able	Yes
Assembly Required	Yes
Pack Count	1

FOR DIRECT PURCHASE by members based in states not shown or as listed as possible, but please understand the actual color may vary from your monitor. To ensure accuracy, please refer to actual name and color swatches.

www.TelescopeCasual.com

PROJECT

**VAN BEURDEN HARBORWALK MODIFICATION & FACADE UPDATE**

715 EMBARCADERO  
 MORRO BAY, CALIF. 93442

DRAWING PHASE  
**COASTAL DEVELOPMENT PERMIT**

Project No.	19-109
Drawn By	CPP
Dwg. Date	08/25/21
Updated	-
Scale	AS NOTED

REVISIONS

SHEET TITLE  
**HARBORWALK ELEVATIONS**

SHEET NO.

**RATANA Sun Valley Stacking Arm Chair Aluminum**  
 FN23212SJA

Safari Java (SJA)



Dimensions:	
Overall Height: 31.5", Seat Height: 17.5"	
Depth: 23"	
Width: 24"	
Arm Height: 26"	
Weight: 13 LBS	

Colors Available:



- Aluminum frame
- Stackable
- Table and chairs with adjustable legs
- Max Weight Load 350 LBS

Living the Dream  
 www.ratanacontract.com

1.866.919.1881  
 sales@ratana.com

**A2.1**



# City of Morro Bay Planning Commission

CONDITIONAL USE PERMIT  
MAJOR MODIFICATION  
(MAJ20-004)

715 EMBARCADERO RD

CONVERSION OF FISHING WHARF TO NEW HARBORWALK,  
PUBLIC ACCESS IMPROVEMENTS,  
470SF RETAIL SPACE,  
NEW 461SF PUBLIC OUTDOOR DINING,  
AND RELATED FAÇADE IMPROVEMENTS

APPLICANT: VAN BUERDEN

AGENT: CATHY NOVAK CONSULTING

SEPTEMBER 21, 2021



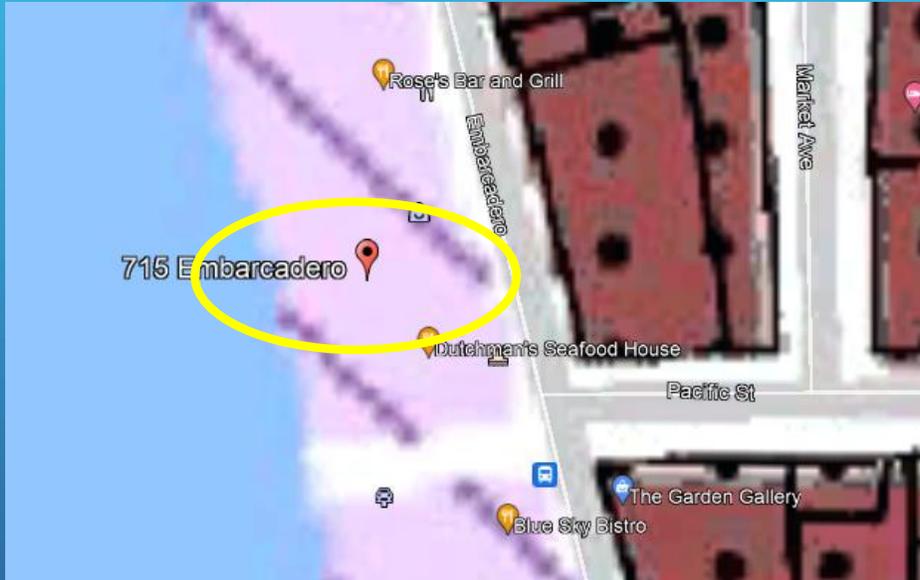
**MORRO BAY**  
PUT LIFE ON COAST



# Existing Building-Location of Dolphin Shirt Co.



**MORRO BAY**  
PUT LIFE ON COAST



▶ 715 Embarcadero Rd

▶ 2021 Land Use Designation is Waterfront Commercial / Industrial

▶ 1997 Zoning: WF/ PD /S.4 overlay

▶ Waterfront Master Plan

▶ Downtown Waterfront Strategic Plan (DWSP)



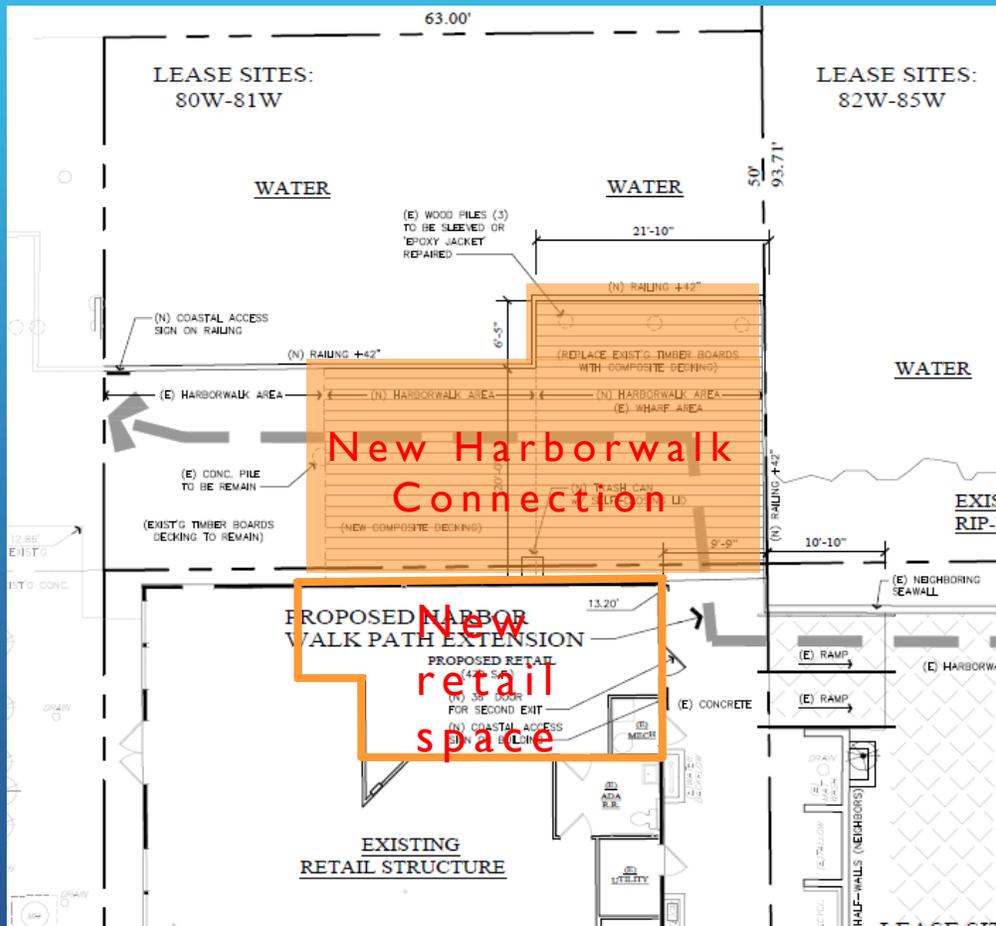
# PROPOSED DEVELOPMENT

1. Commercial Fishing Wharf: Demolish 445sf of the existing 1,025sf fish processing wharf including removal of 5 existing wood pilings.
2. Public Access: Install new 10 foot Harborwalk coastal public access and additional 10 foot wide fiberglass deck, removal of a 580sf outdoor covered patio and windscreen, removal of 5 existing wood pilings and repair of 3 existing piling to support the new Harborwalk;
3. Interior Changes: Conversion of 470sf fish processing area to retail space within the existing building;
4. Public Outdoor Dining Area: New 461sf of street-facing public outdoor dining as two separate areas of 313sf and 148sf

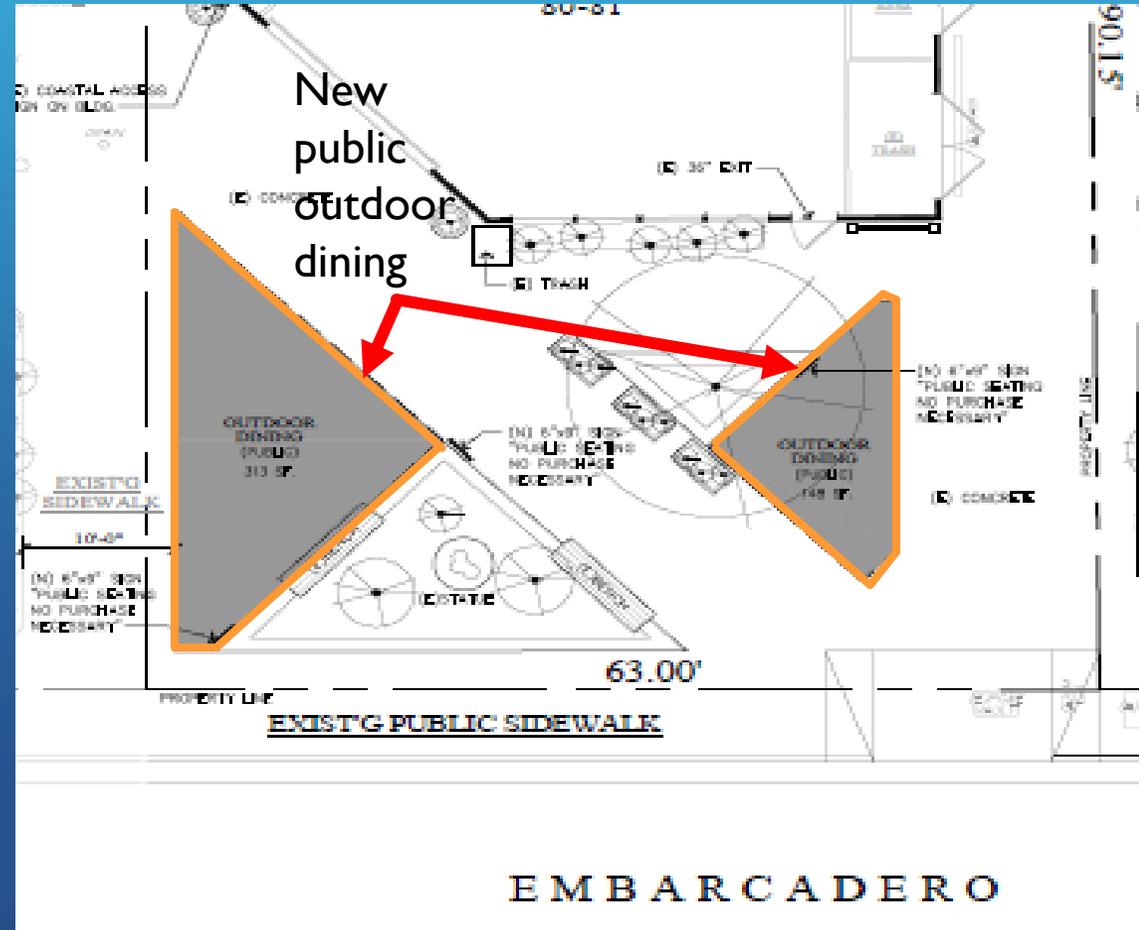


**MORRO BAY**  
PUT LIFE ON COAST

# Proposed Site Plan

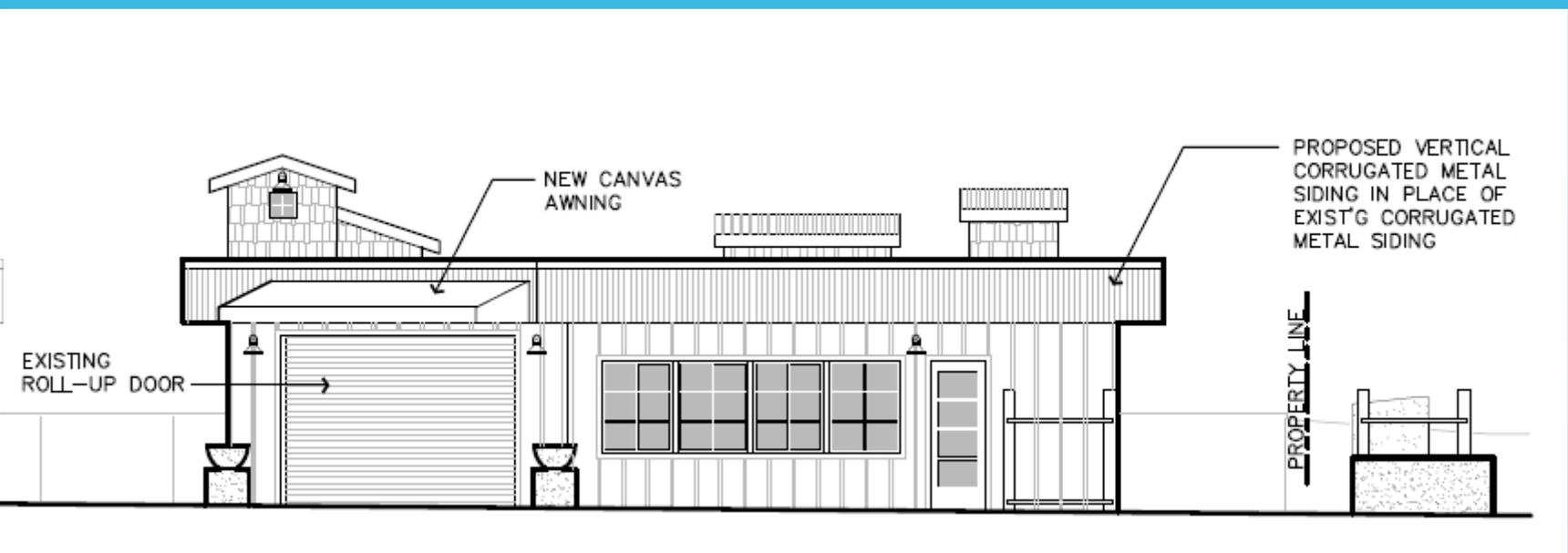


West side (bay) of lease site

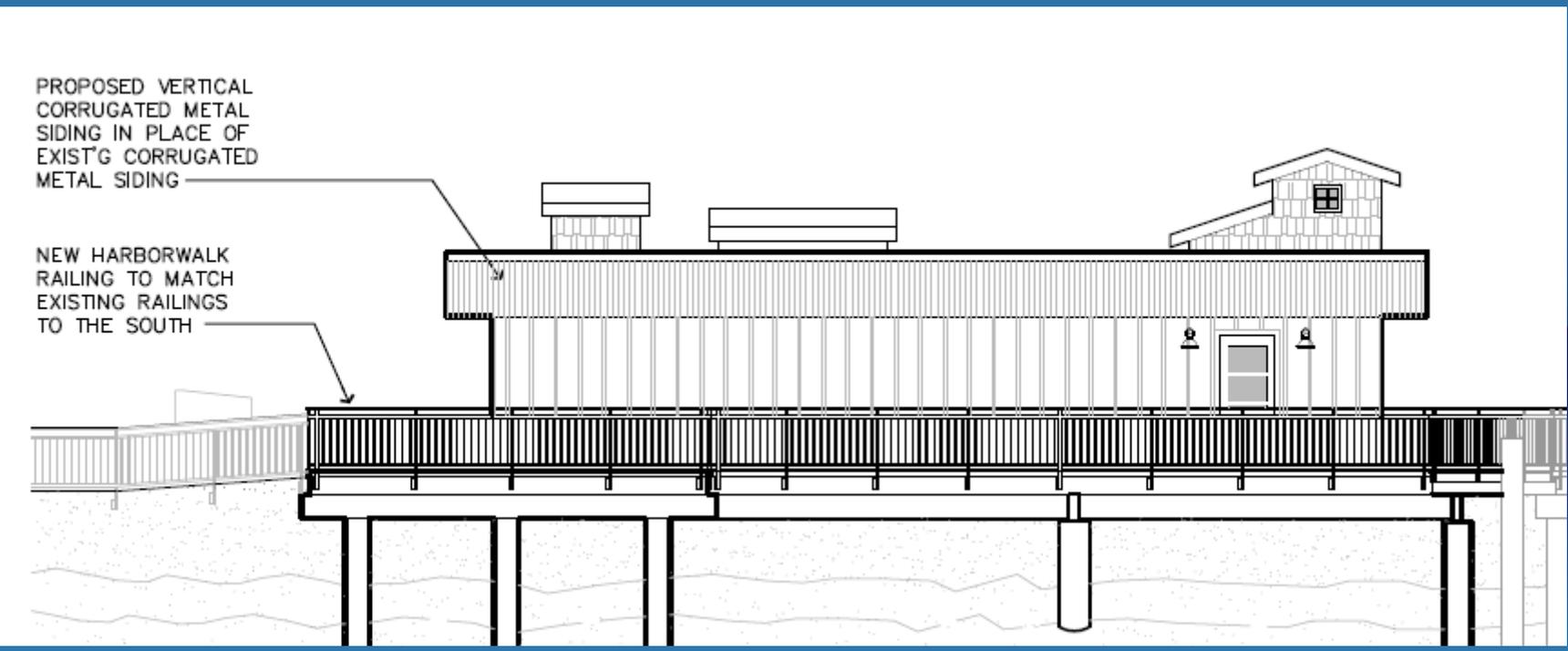


East side (street) of lease site





# Proposed Elevations, East and West





**EXISTING FACADE**

# Visual Simulations – Existing Street view



**MORRO BAY**  
PUT LIFE ON COAST



**PROPOSED FACADE**

# Visual Simulations – Proposed Street view



**MORRO BAY**  
PUT LIFE ON COAST



Previous  
outdoor  
dining  
setup



# Visual Simulation – Existing & Proposed Bayside with new Harborwalk



**PROPOSED FACADE**



**EXISTING FACADE**

Planning Condition #6 recommended to address proposed railing design

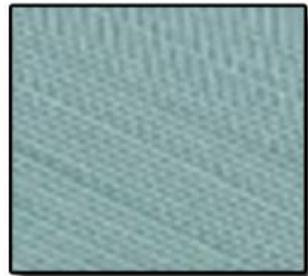


**MORRO BAY**  
PUT LIFE ON COAST

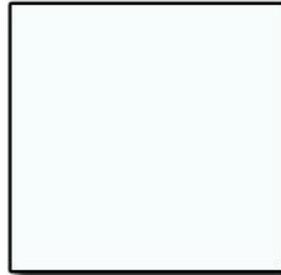
# Color, Materials, Lighting, & Proposed Seating



ROYAL BLUE ACCENTS



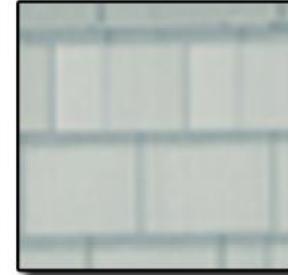
GALV. METAL ROOFING



WHITE WINDOWS & TRIM



LT. GRAY BOARD & BAT.



MED. GRAY SHINGLES

**OUTSIDE FURNITURE**

*Telescope*  
CASUAL FURNITURE USA 1988

**MARINE GRADE POLYMER TOP TABLE**  
42" ROUND DINING HEIGHT TABLE W/ HOLE



Table Top	
Item Number	1024FNS
Frame Type	Tubular Aluminum / WCP
Retail Warranty	3 years
Contract Warranty	3 years
Packaged Weight	30 lbs
Carton Cube	4.0 83
UPS-able	No
Assembly Required	Yes
Pack Count	1

Table Base	
Item Number	2007KLEGG
Frame Type	Not Applicable / None
Retail Warranty	15 years
Contract Warranty	3 years
Overall Height	28.5 in
Packaged Weight	17 lbs
Carton Cube	2.0 83
UPS-able	Yes
Assembly Required	Yes
Pack Count	1

Direct WCP or Staked      Base PC

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www.TelescopeCasual.com

**RATANA** Sun Valley Stacking  
Arm Chair Aluminum  
FN23212SJA

Safari Java (SJA)



Dimensions:

- Overall Height: 31.5"
- Seat Height: 17.5"
- Depth: 23"
- Width: 24"
- Arm Height: 26"
- Weight: 13 LBS

Colors Available:



Safari Java

- Aluminum frame
- Stackable
- Table and chairs with adjustable legs
- Max Weight Load 350 LBS

Living the Dream  
 www.ratanacontract.com

1.866.919.1881  
 sales@ratana.com

**Westinghouse** SPECIFICATION SHEET

Item Number: 6360500 Orson

1 Light LED Wall Fixture Weathered Steel Finish with Clear Polycarbonate Lens



Specifications:

- Height: 11.61"
- Width: 10.43"
- Extension: 11.61"
- Height from Center of Outlet Box: 5.08"
- Back Plate: D: 8.99"
- Hours: 30000
- Life (years): 8.2
- Fixture Lumens: 890
- Light Source Lumens: 840
- Kelvin: 2700
- Equivalent Incandescent Wattage: 40W
- Includes: 9 Volt Integrated LED

**PROPOSED WALL SCONCE**

Planning Condition #13 & 14 recommended to address table setups & view corridor height limits.



# Signage



Planning Condition #7 recommended to address non-conforming window signage. Current sign ordinance requirements limit window signs to no more than 25% of window surface area

# Staff Recommendation:

Forward a favorable recommendation to City Council to conditionally approve the project (#MAJ20-004) as a combined Concept/Precise approval by adopting Resolution 18-21 which includes the Finding and Conditions of Approval for the CUP major modification depicted on plans received September 8, 2021.





AGENDA NO: C-1

MEETING DATE: September 21, 2021

# Staff Report

**TO:** Planning Commission

**DATE:** September 15, 2021

**FROM:** Scott Collins, City Manager

**SUBJECT:** Planning Commission Review, General Input and Recommended Next Steps on the April 26, 2021 Morro Bay Public Parking Management Study by Walker Consultants

## RECOMMENDATION

Staff recommend the Planning Commission (PC) review the Walker parking study, provide general comment and input, and recommend next steps, if any.

## BACKGROUND

City Council has made pursuit of parking management study a top action item for its goals since 2017. Given staffing and resource challenges, the City was unable to pursue such a study until 2020. In the summer of 2020, the City partnered with Walker Consultants to conduct a comprehensive parking study of the Embarcadero, Morro Rock parking area and Downtown. The purpose of this study was to understand existing parking needs, how parking is currently being used and how to best plan for parking needs in the future. The study presents an analysis of existing parking conditions and recommendations for parking management strategies, and evaluated both summer and off-season periods. In general, the study found that there are parking challenges, particularly in the waterfront area, that could be addressed with several potential approaches, including paid parking.

The Walker study is included with this staff report as Attachment 1, and a summary of the Key Findings and Recommendations of the Walker study are included in a flyer as Attachment 2.

## DISCUSSION

It is anticipated the Council will review the Walker study and staff input and recommendations in October 2021, including input from the City's advisory boards and bodies and community members and groups, including the Chamber of Commerce and Embarcadero Master Leaseholders. Because the Council has yet to review the study and provide staff direction, staff recommend the PC:

- A. Review the Walker parking study and provide general input on the study itself, key findings and recommendations as they pertain to the waterfront.
- B. Make a recommendation to the Council for next steps, which could be (but not limited to):
  - i. Conduct further study or research before proceeding
  - ii. Begin the process to implement all or certain recommendations in the study
  - iii. Shelve the study

Prepared By: EE

Dept Review: EE

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

## **CONCLUSION**

Input and recommendations from PC, in addition to the same from the Harbor Advisory Board, Public Works Advisory Board and aforementioned groups, will be used to inform the City Council review of parking management strategies as they pertain to the Embarcadero and waterfront. If the Council elects to move all or portions of the Walker study's recommendations forward, it is expected that the PC and other advisory boards and bodies will be tasked with periodic review and input throughout the process.

## **ATTACHMENTS**

1. April 26, 2021 Morro Bay Public Parking Management Study by Walker Consultants
2. Walker Study's Key Findings and Recommendations flyer



**WALKER**  
CONSULTANTS

# City of Morro Bay

## Embarcadero & Downtown Parking Study

# Presentation Agenda

**01 Study Area & Data Collection**

**02 Existing Conditions**

**03 Recommendations**



# 01 | Study Area & Data Collection



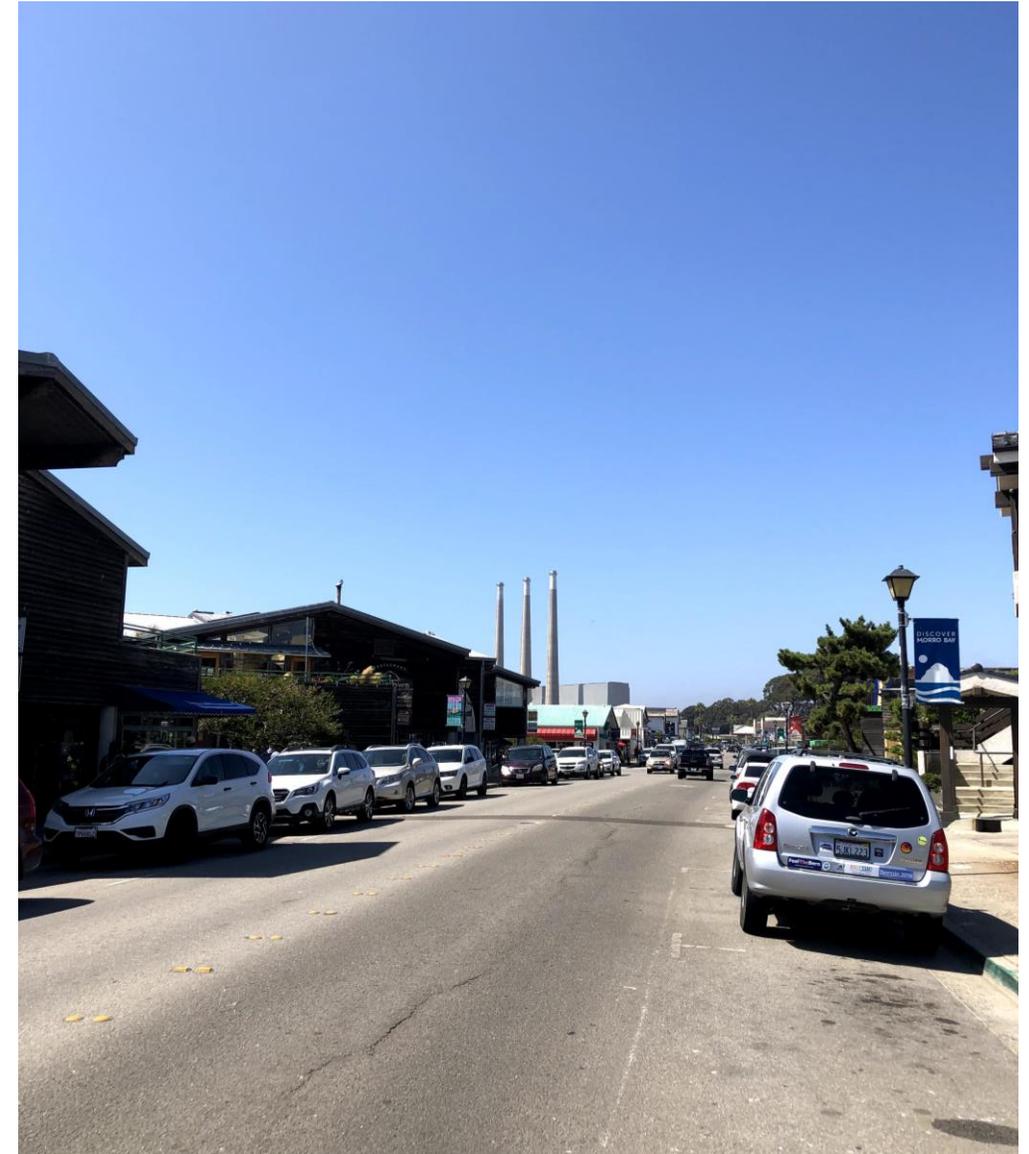
# STUDY AREAS

- Embarcadero, public on- & off-street
- Morro Rock parking areas
- Downtown, public on- & off-street
- Private off-street with 20+ spaces (excluding dedicated private parking for hotels)



# DATA COLLECTION

- Summer Data Collection
  - Thursday, August 6, 2020
  - Saturday, August 8, 2020
- Off-Season Data Collection
  - Thursday, November 19, 2020
  - Saturday, November 21, 2020
- On-Street counts collected from 10 a.m. to 8 p.m. every 2 hours
- Off-Street counts collected at noon, 2 pm. & 6 p.m.
- Parking turnover (how long people park) collected hourly Friday, August 7 & November 20, 2020, from 9 a.m. to 5 p.m.



# 02 | Existing Conditions



# EXISTING PARKING SUPPLY (SPACES)

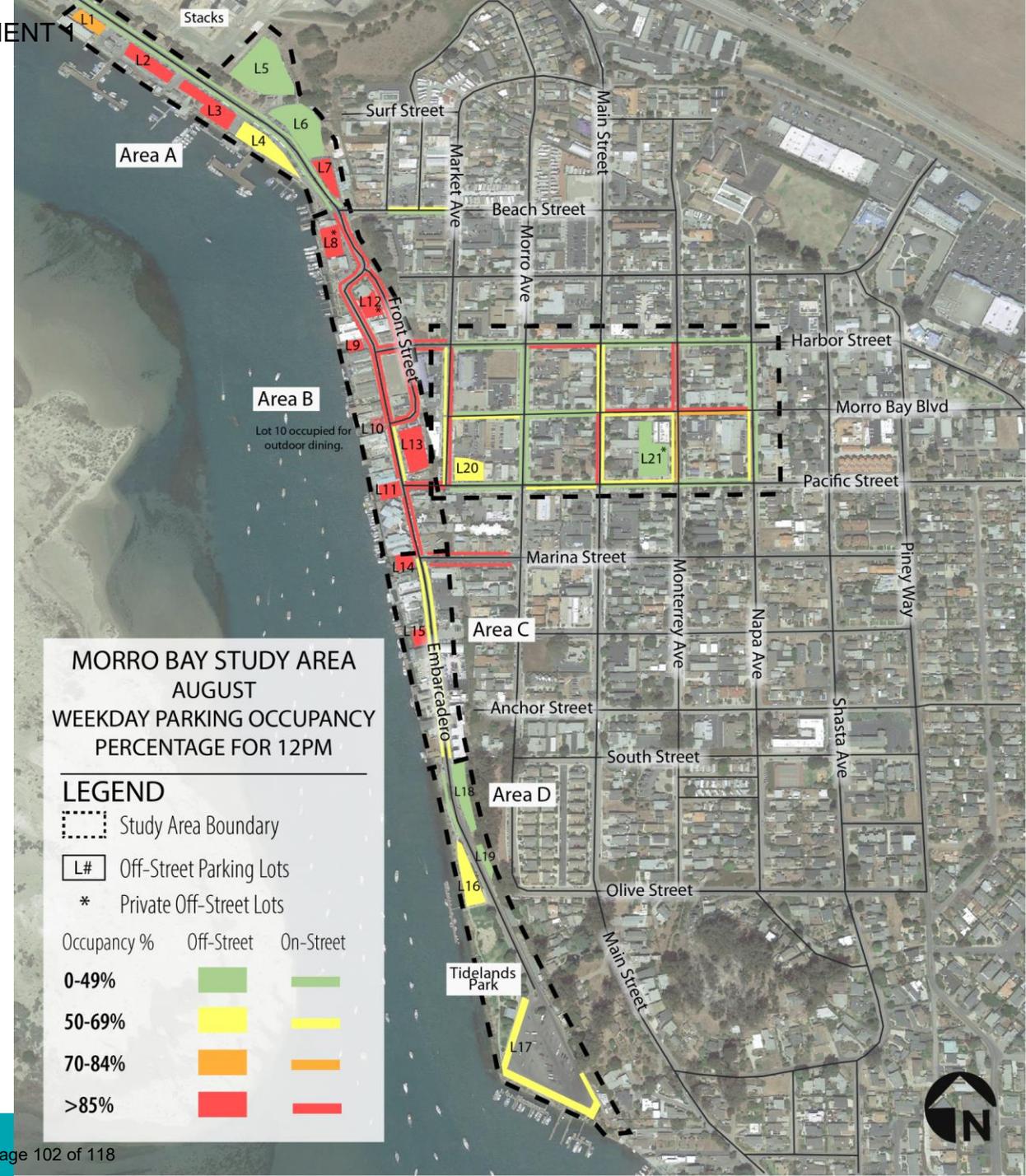
## Number of Parking Spaces

Study Area	Embarcadero	Downtown	Morro Rock
On-Street Spaces	383	369	-
Off-Street Spaces	753	88	384
<b>Total</b>	<b>1,136</b>	<b>457</b>	<b>384</b>



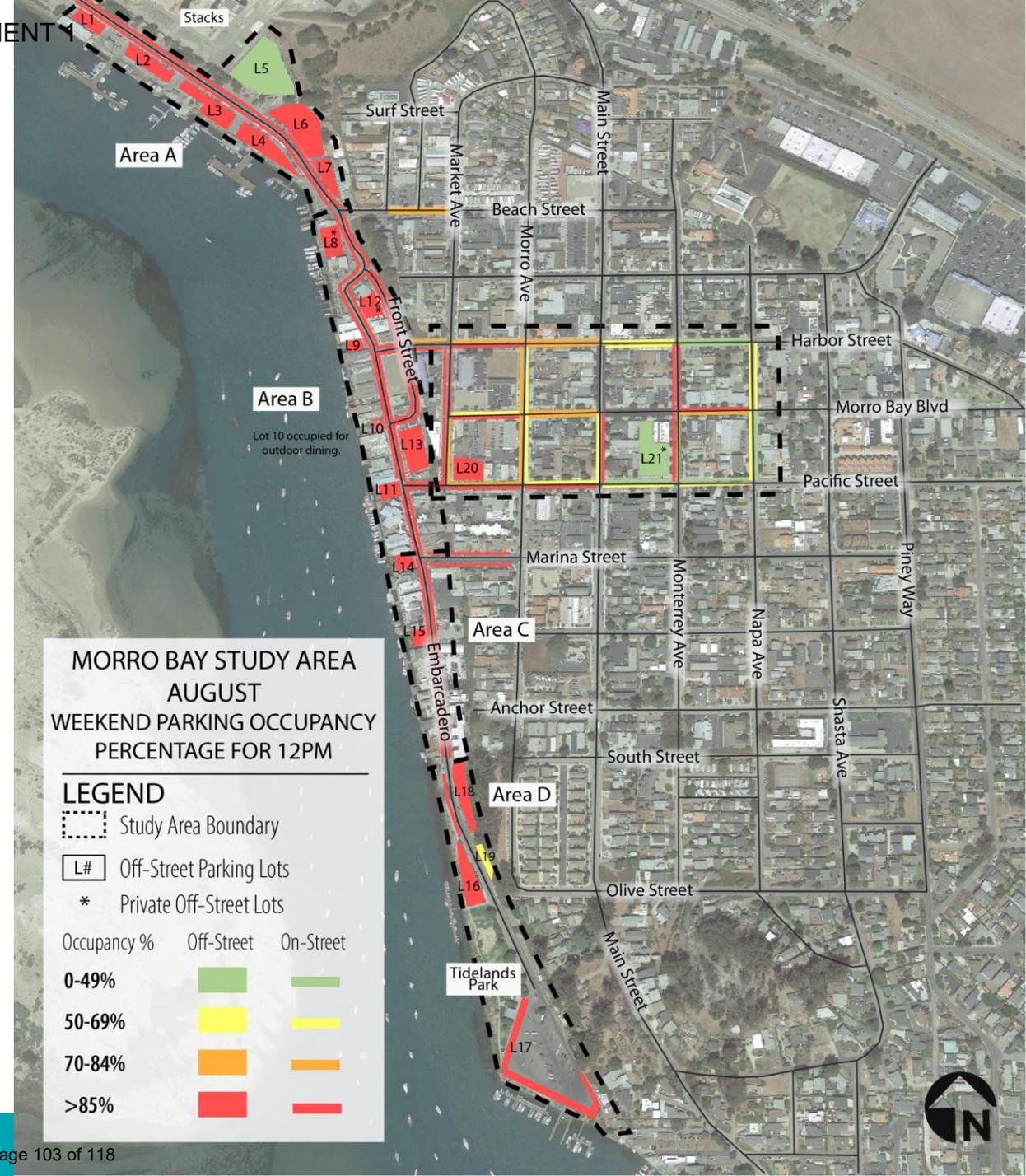
# SUMMER - WEEKDAY

- **Peak demand:** lunchtime
- **Embarcadero**
  - 67% of spaces utilized
  - Most highly utilized areas:
    - On- and off-street parking between Beach Street and Marina Street
    - Off-Street lots north of Beach St, west side of Embarcadero (shown as L2 & L3 on map)
- **Downtown**
  - 47% of spaces utilized
  - Segments of high utilization on some blocks



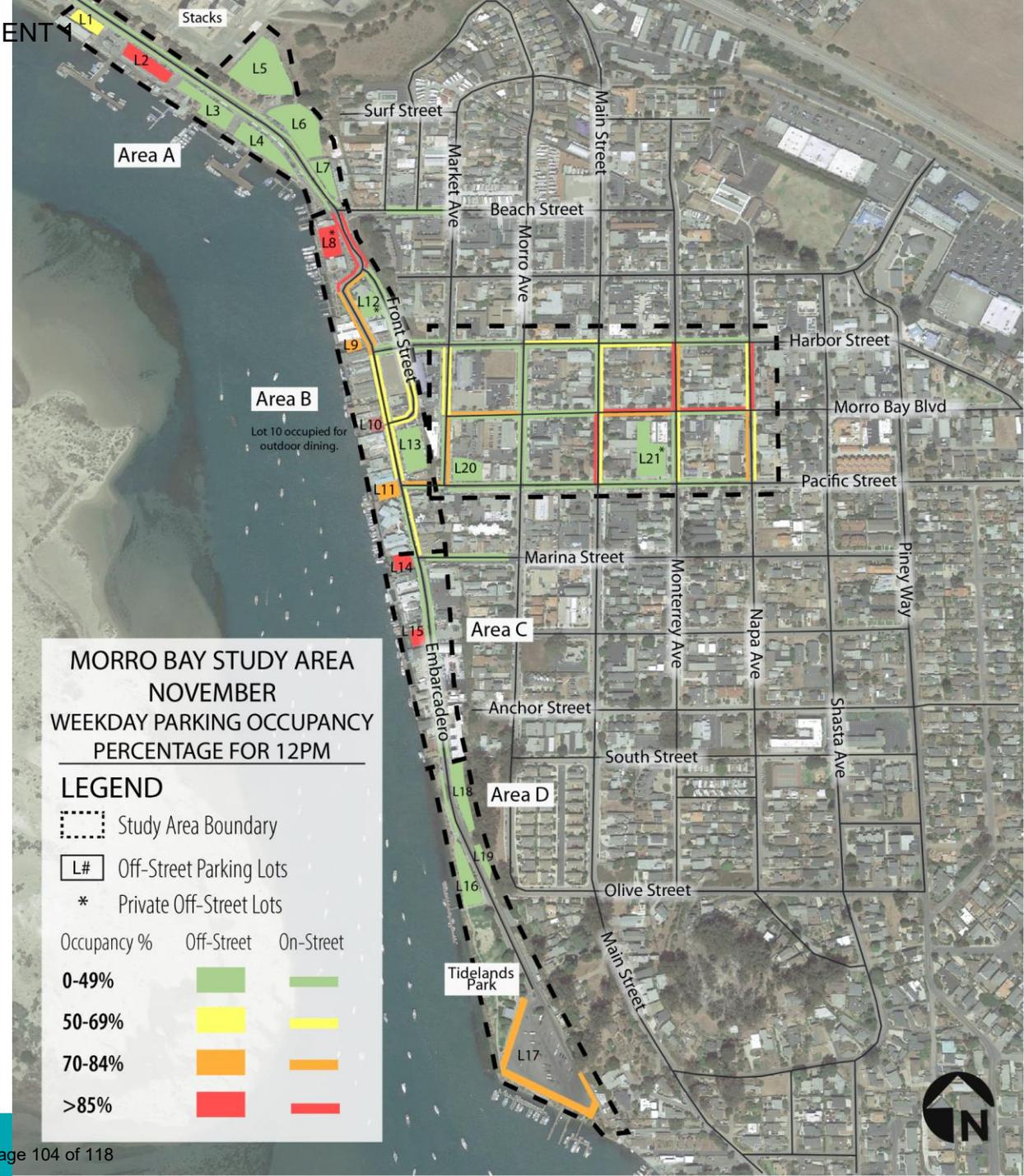
# SUMMER - WEEKEND

- **Peak demand:** lunchtime
- **Embarcadero**
  - 86% of spaces utilized
  - Most highly utilized areas:
    - All public and private parking along the Embarcadero was highly utilized during a busy summer weekend
    - The unpaved just south of “the Stacks” is the only parking area that always experiences low occupancies
- **Downtown**
  - 72% of spaces utilized
  - Segments of high utilization on some blocks; generally higher utilization overall



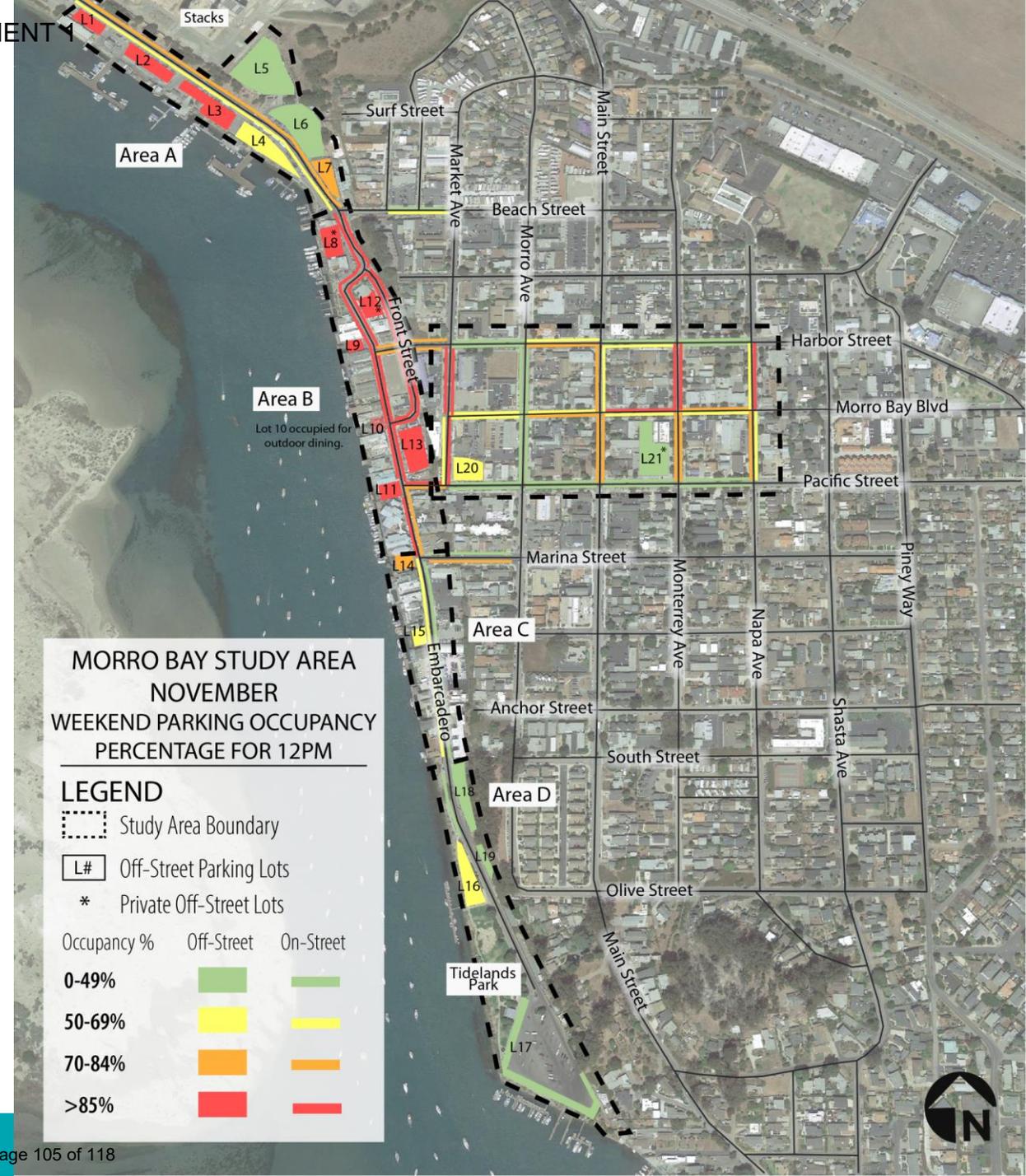
# OFF-SEASON - WEEKDAY

- **Peak demand:** lunchtime
- **Embarcadero**
  - 42% of spaces utilized
  - Significantly more availability than during the summer
  - Core area between Beach St & Marina St continue to be the busiest & some lots north of Beach St (L2 on map)
- **Downtown**
  - 38% of spaces utilized
  - Segments of high utilization on some blocks
  - Overall lower utilization than summer



# OFF-SEASON - WEEKEND

- **Peak demand:** lunchtime
- **Embarcadero**
  - 67% of spaces utilized
  - Significantly more availability than during the summer
  - Most highly utilized areas:
    - Core area between Beach St & Marina St experience the highest utilization
    - Lots north of Beach St, west side of Embarcadero (L1, 2, & 3 o the map)
- **Downtown**
  - 38% of spaces utilized
  - Segments of high utilization on some blocks
  - Overall lower utilization than summer



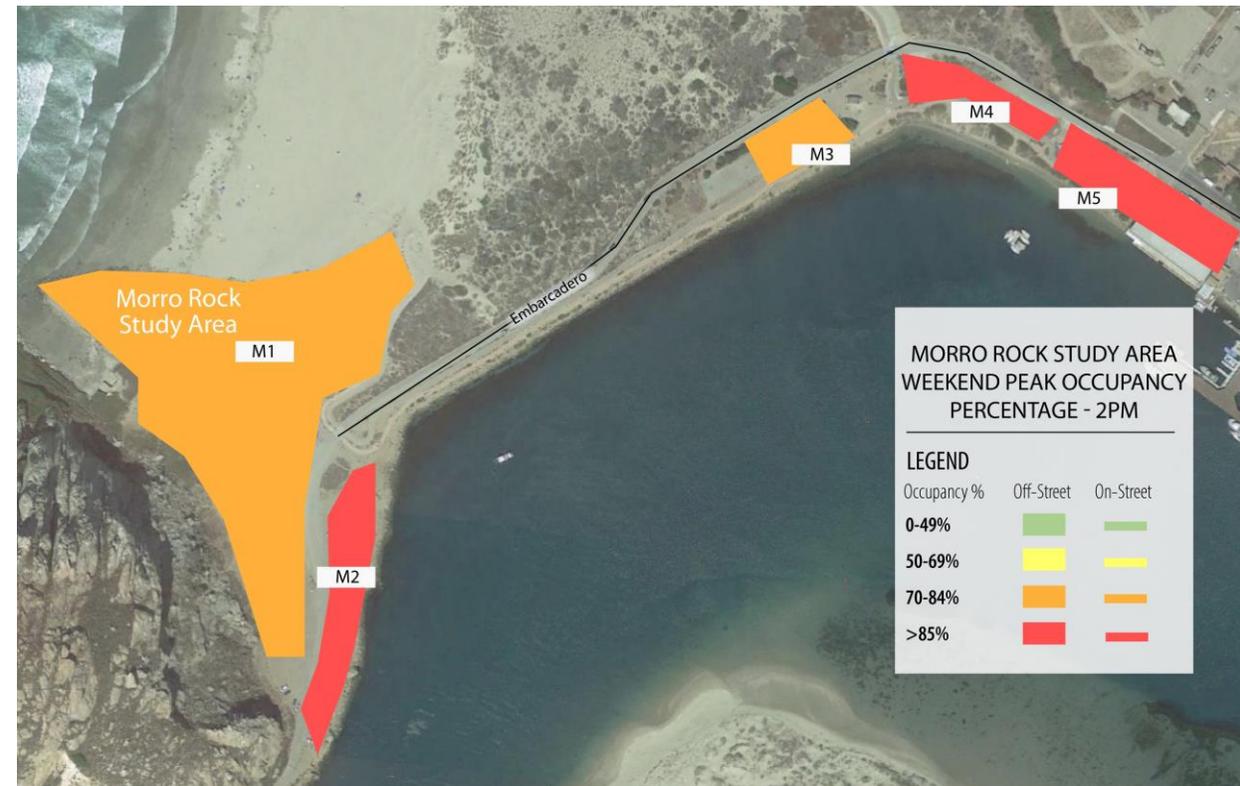
# MORRO ROCK - SUMMMER

## Weekday

- Peak: lunchtime
- 52% of spaces utilized

## Weekend

- Peak: 2 p.m.
- 89% of spaces utilized



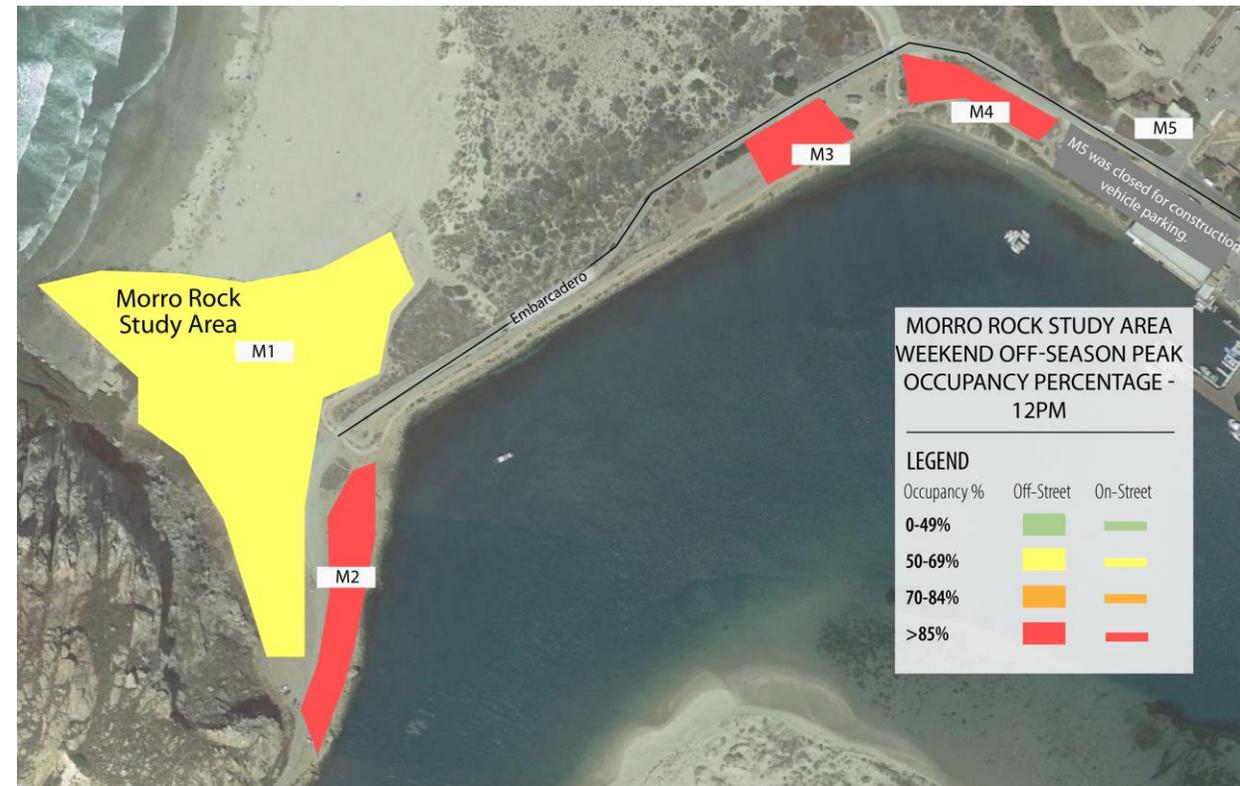
# MORRO ROCK – OFF-SEASON

## Weekday

- Peak: lunchtime
- 25% of spaces utilized

## Weekend

- Peak: lunchtime
- 67% of spaces utilized



# HOW LONG DO PEOPLE PARK?

- Similar trends in parking turnover were observed during both the summer and off-season
- **Embarcadero**
  - Majority park for 1 – 2 hours
  - Of vehicles collected, ~50 were parked for 3+ hours\*
- **Downtown**
  - Majority of vehicles abide by the posted 2-hour time limits



\*If 50% of these cars represent owners or employees of businesses that could park elsewhere, 25 spaces could have parked customers. With a turnover of approximately every two hours, this could mean a capacity of 75 to 100 or more customer cars on busy days which could equal 150 or more customers

## Key Findings:

- Summer was significantly busier than off-season
- Lunchtime was the busiest period – restaurants & coastal access are key drivers of parking demand
- Embarcadero parking demand was much higher than Downtown
- Busiest areas of the Embarcadero are between Beach St & Marina St & the off-street lots north of Beach St on the west side of the Embarcadero
- Majority of people park for 1-2 hours though there are a significant number of vehicles parked long-term on the Embarcadero, likely employees
- Morro Rock parking demand was significantly higher during the summer



# 03 | Recommendations



# THE EMBARCADERO

## 1. Parking time limits (e.g., 3-hrs, 9 a.m. – 6 p.m.)

## 2. Paid parking

- Begin with pilot program in core areas & then expand
- Pricing may be dynamic – based on time of day, time of year, area, etc.
- Pay-by-cell capabilities
- Option to have longer or no time limits & allow people to pay for more time instead

## 3. Enforcement

- Adopt a Parking Ambassador model of enforcement that is hospitality & customer-service driven



# MORRO ROCK

## 3. Paid parking at Morro Rock

- Fee to park at Morro Rock
  - May be based on time of day, year, etc.
- Fees may go toward lot improvements, maintenance, amenities (e.g., bathrooms, bike & walking trails)
- Roadway maintenance in/out of the Morro Rock area
  - Area experiences heavy traffic during peak times



# BENEFITS OF ACTIVELY MANAGING PARKING & PARKING REGULATIONS

- More frequent turnover of prime parking spaces
- Increased access to parking
- Parking is easier to find for visitors (less time circling & searching for space)
- Increased coastal access
- Bring more visitors to shop, dine, & recreate in Morro Bay



# THE EMBARCADERO

## 4. Improved pedestrian access

- Morro Bay is incredibly scenic & walkable
- Consider removing some on-street spaces on the Embarcadero to create wider sidewalks & devote more space to pedestrian access

## 5. Maintain free parking area

- If paid parking is implemented, maintain a free parking area in the unpaved lot south of the Stacks
- This would increase utilization of an underutilized lot & provide a free parking option to those who don't mind the longer walk to the core of the Embarcadero



# DOWNTOWN

**6. Maintain existing 2-hr time limits**

**7. Actively enforce 2-hr limit should utilization of the Embarcadero increase & significant spillover occur**



# Thank you!

Questions?

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**WALKER**  
CONSULTANTS



# Planning for the future

## Morro Bay Parking Study

The City partnered with Walker Consultants to conduct a comprehensive parking study of the City's Embarcadero and Downtown. The purpose of this study is to understand existing parking needs, how parking is currently being used, and how to best plan for parking needs in the future. The study presents an analysis of existing parking conditions and recommendations for parking management strategies. The study evaluated both summer and off-season periods.

### CURRENT PARKING CONDITIONS

**1.** There are 1,136 parking spaces on the Embarcadero, 457 in Downtown, and 384 at Morro Rock

**2.** During peak parking occupancy parking spaces are used as follows:

#### Summer - Lunchtime

##### Weekday

Embarcadero - 67% of spaces utilized  
Downtown - 47% of spaces utilized  
Morro Rock - 54% of spaces utilized

##### Weekend

Embarcadero - 86% of spaces utilized  
Downtown - 72% of spaces utilized  
Morro Rock - 89% of spaces utilized

#### November (Off-Season) - Lunchtime

##### Weekday

Embarcadero - 42% of spaces utilized  
Downtown - 38% of spaces utilized  
Morro Rock - 25% of spaces utilized

##### Weekend

Embarcadero - 67% of spaces utilized  
Downtown - 52% of spaces utilized  
Morro Rock - 67% of spaces utilized



### 3. How long do people park?

Majority parked for 1-2 hours. About 50 vehicles were parked for 3+ hours during the peak - if 50% of these cars represent owners or employees of businesses that could park elsewhere, 25 spaces could have parked customers. With a turnover of ~2 hours, this could mean a capacity of 75 to 100 or more customer cars which could = 150+ customers

### KEY FINDINGS

- ▶ Summer was significantly busier than the off-season
- ▶ Lunchtime was the busiest period - restaurants & coastal access key drivers
- ▶ Embarcadero parking demand was much higher than Downtown
- ▶ Busiest areas of Embarcadero - between Beach St & Marina St & lots north of Beach
- ▶ Most people parked for 1-2 hours, but a sizeable number of vehicles parked long-term, likely employees and recreational fishermen/women
- ▶ Morro Rock parking demand was significantly higher during the summer



# Planning for the future

## Morro Bay Parking Study

Based on the existing conditions analysis, Walker in partnership with the City, developed a series of recommendations to help plan and manage parking both now and into the future.

### RECOMMENDATIONS

#### EMBARCADERO

1. Parking time limits (e.g. 3-hrs, 9 a.m. - 6 p.m.)
2. Paid parking
  - Begin with pilot program in core areas & then expand
  - Pricing may be dynamic - based on time of day, time of year, area, etc.
  - Option to have longer or no time limits & allow people to pay for more time instead
3. Enforcement
  - Adopt a Parking Ambassador model of enforcement that is hospitality & customer-service driven
4. Improved pedestrian access
  - Morro Bay is incredibly scenic & walkable
  - Consider removing some on-street spaces on the Embarcadero to create wider sidewalks & devote more space to pedestrian access
5. Maintain a free parking area
  - If paid parking is implemented, maintain a free parking area in the unpaved lot south of the Stacks
  - This would increase utilization of an underutilized lot & provide a free parking option to those who don't mind the longer walk to the core of the Embarcadero

#### MORRO ROCK

6. Paid parking at Morro Rock
  - Fee to park at Morro Rock
    - ~ May be based on time of day, year, etc.
  - Fees may go toward lot improvements, maintenance, amenities (e.g., bathrooms, bike & walking trails)
  - Roadway maintenance in/out of the Morro Rock area
    - ~ Area experiences heavy traffic during peak times

#### DOWNTOWN

- Maintain existing 2-hr time limits
- Actively enforce 2-hr limit should utilization of the Embarcadero increase & significant spillover occurs

#### BENEFITS OF PARKING MANAGEMENT & REGULATIONS

- ▶ More frequent turnover of prime parking spaces
- ▶ Increased access to parking
- ▶ Parking is easier to find for visitors (less time circling & searching for space)
- ▶ Increased coastal access
- ▶ Bring more visitors to shop, dine, & recreate in Morro Bay