



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, August 16, 2022
Veteran's Memorial Building – 6:00 P.M.
209 Surf Street, Morro Bay, CA**

Chairperson – Susan Stewart

Vice-Chairperson William Roschen
Commissioner Asia King

Commissioner Joseph Ingraffia
Commissioner Mike Rodriguez

Pursuant to Assembly Bill 361 (2021-22) and Government Code section 54953 this Meeting will be conducted telephonically through Zoom. Ways to participate, watch, and submit public comment for this meeting are provided below.

Public Participation:

Remote public participation is allowed in the following ways:

- *Members of the public may watch the meeting and speak during the 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.*

Please click the link below to join the webinar:

- <https://us02web.zoom.us/j/82722747698?pwd=aWZpTzdwTHlRTk9xaTlmWVNWRWFUQT09>

Password: 135692

- *Or Telephone Attendee: 1 (408) 638-0968 or 1 (669) 900 6833 or 1 (346) 248 7799; Webinar ID: 827 2274 7698; Password: 135692; Press * 9 to "Raise Hand" for Public Comment*
- *Alternatively, members of the public may watch the meeting either on cable Channel 20 or as streamed on the City [website](#).*
- *Community members are encouraged to submit agenda correspondence in advance of the meeting via email to the Planning Commission at planningcommission@morrobayca.gov prior to the meeting. Agenda correspondence received at planningcommission@morrobayca.gov by 10 a.m. on the meeting day will be posted on the City website.*

ESTABLISH QUORUM AND CALL TO ORDER
MOMENT OF SILENCE
PLANNING COMMISSIONER ANNOUNCEMENTS
<https://youtu.be/6MbbsKcTbsk?t=126>

PUBLIC COMMENT

Members of the audience wishing to address the Planning Commission on City business matters not on the agenda may do so at this time. For those desiring to speak on items on the agenda, but unable to stay for the item, may also address the Planning Commission at this time.

PRESENTATIONS

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 17, 2022.
Staff Recommendation: Approve minutes as submitted.
- A-3** Approval of minutes from the Planning Commission meeting of June 7, 2022.
Staff Recommendation: Approve minutes as submitted.

B. PUBLIC HEARINGS

- B-1** **Case No.:** *Plan Morro Bay: Zoning Code Update / Coastal Implementation Plan (IP)*
Site Location: Citywide
Applicant/Project Sponsor: City of Morro Bay
Proposed Project: The Plan Morro Bay update project includes a comprehensive update to the City's Zoning Code/Implementation Plan (Title 17 of the Morro Bay Municipal Code). The draft Zoning Code was released for public review in 2018 and was reviewed by the General Plan Advisory Committee (GPAC) and Planning Commission. The Public Hearing Draft of the Zoning Code was last reviewed by Planning Commission on December 7, 2021 and has been updated to reflect Planning Commission input, public comment, State law changes, and Coastal Commission input on Coastal Implementation Plan (IP) policies. The draft Zoning Code/ IP is online at www.morrobayca.gov/planmb.
CEQA Determination: Environmental Impact Report (SCH #2021111026)
Staff Recommendation: Review Adoption Hearing Draft of the Zoning Code/Implementation Plan (IP), take public comment and forward a favorable recommendation for adoption of the Zoning Code to City Council with finding that no further environmental review is required pursuant to State CEQA Guidelines Section 15162.
Staff Contact: Scot Graham, Community Development Director (805) 772-6291

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

G. ADJOURNMENT

Adjourn to the next regular Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on September 6, 2022 at 6:00 p.m.

PLANNING COMMISSION MEETING PROCEDURES

This Agenda is subject to amendment up to 72 hours prior to the date and time set for the meeting. Please refer to the Agenda posted at the Community Development Department, 955 Shasta Avenue, for any revisions, or call the Department at 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 or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to www.morrobayca.gov/notifyme and follow the instructions.

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

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

Commission meetings are conducted under the authority of the Chair who may modify the procedures outlined below. The Chair will announce each item. Thereafter, the hearing will be conducted as follows:

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to 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

Planning Commission Meeting of August 16, 2022

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 August 16, 2022

#	Applicant/ Property Owner			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
Hearing or Action Ready Projects:											
1	City of Morro Bay		Citywide			Plan Morro Bay: General Plan / Local Coastal Program / Zoning Code Update project - Zoning Code/ Coastal Implementation Update - Amendment of Title 17 of Morro Bay Municipal Code	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. Coastal Commission LCP certified Coastal Land Use Plan (LUP) on August 12, 2021. Zoning Code Update in progress, reviewed by PC in 12/2021 and Adoption Hearing Draft to be reviewed on August 16, 2022				
2	2900 Alder LLC/Knanna	2900	Alder Ave	10/7/21	CUP21-14/ CDP21-042	CDP/CUP request for proposed 4200 sf, 6 unit hotel	Planning comment letter sent 11/6/21. Requires resubmittal. Resubmittal received 12/8/21, planning approved, building disapproved. Applicant is working with building to resolve issues. Project resolved building issues and will resubmit with revisions for review. Resubmittal received March 17, 2022, required corrections and resubmittal. Resubmittal received 4/7/22. Minor changes required, comment letter sent 4/12/22. Project Deemed complete 5/10/22, schedule for PC hearing June 21, 2022. Hearing continued to July 19, 2022. PC reviewed the project and continued the hearing to a date uncertain in order to get additional plans and information from the applicant. Proposed next hearing date has not been set.				nh
30 -Day Review, Incomplete or Additional Submittal Review Projects:											
3	Kersten	1358	Prescott	7/27/2022	CDP22-024	Partial conversion of an existing (522sf) attached garage into a single story 276sf ADU.	Incomplete letter sent on 08/09/22				gc
4	Orgill	3009	Beachcomber	7/19/22	CDP22-023	Demo of existing home that is structurally unsound, and rebuild new 3335 sf home with a 715 sf garage/trash area . Existing home was the Jim Maul residence.	Under review. Will require updated Architectural Historic Resource review based on the new plan and the structural report.				nh
5	Becher	2230	Greenwood Ave.	7/5/22	CDP22-022	Converting a portion of an existing space in a 1,485sf single family home into an 458sf ADU.	Incomplete letter sent 7/26/22, resubmittal on 8/3/22, Under review				gc
6	California Coastal Investments, LLC	801	Embarcadero	6/28/2022	CUP22-09	Concept/Precise Plan CUP for mixed-use redevelopment of the Libertine Brewing Co. building to convert existing second floor to 7 hotel units and first floor as mix of restaurant, coffee shop, outdoor dining, provision of new public access improvements including extension of Harborwalk	Under review. Incomplete letter sent.				cj
7	Sotelo	2990	Ironwood Ave	6/28/22	CDP22-021	New construction of 3 story 2,749sf single family home on a vacant lot.	Incomplete letter sent 7/26/22, resubmittal on 08/09/22, under review				gc
8	Gene	240	Bali St.	6/2/22	CDP22-020	CDP to develop a 477sf attached ADU with a roof deck	Under Review, incomplete letter sent on 6/23, Resubmittal on 8/8/22, under review				gc
9	McDonald	471	Panay	6/1/2022	CDP22-019	CDP for the new construction of a two story residence	Incomplete Letter Sent 6/14				gc
10	Birchell	2030	Main	5/4/2022	MIN22-005	Minor Mod to Convert existing 1478sf of 2nd story area from office space to living area.	Incomplete letter sent 5/17/2022				gc
11	Kimoto	560	Olive St	4/27/22	CUP22-08/ PKG 22-03	Conditional Use Permit and Parking Exception Request for addition of greater than 25% to nonconforming single story home with no garage and new guest house. Parking Exception request is provide for parking in driveway.	Correction Letter sent 5/12/22				am
12	Tarcon	350	Sicily St	5/4/22	CDP22-016	240 sf addition to existing home. Conversion of first floor to ADU.	Correction Letter sent 5/19/22. Resubmittal received on July 13, 2022, planning disapproved and sent comment letter on July 22, 2022. Requires resubmittal.				nh
13	Vanderbyl	531	Yerba Buena	4/20/22	CDP22-015	Shed Conversion into 468 sf ADU	Correction Letter sent 5/12/22. Resubmittal received 7/21/22 - under review.				nh
14	Hartman	320	Orcas St	4/14/22	CUP22-07/ CDP22-010	New SFR with attached garage to replace home destroyed in fire	Correction letter sent 5/1/22.				nh
15	Stephenson	153	Rennell	3/14/22	CDP22-009	New single story 1,483sf SFR on a vacant lot.	Incomplete letter sent 4/8/22, resubmittal received on 7/25/22, under review, requested minor edit on 08/04/22				gc

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16	Maritime Museum	1210	Embarcadero	3/7/22	MIN22-002	Amendment of previous Minor Use Permit approval for expansion of Maritime Museum including new outdoor displays.	Under Review. Correction letter sent 4/6/22.				cj
17	Luhr	1195	Monterey	4/19/2022	CDP22-013	Admin CDP for the new construction of a two story 670sf ADU	Incomplete letter sent 5/10/22, Resubmittal received 7/7/22 (Currently Under Review), second incomplete letter sent 7/26				gc
18	Jasso	2515	Greenwood	2/22/22	CDP22-006	Admin CDP for new SFR with 2 car garage and detached ADU	Comment Letter Sent 3/17/22				nh
19	Luhr	1140	Allesandro Ave	1/20/22	CUP22-06 / CDP22-004	Live/work mixed use, new construction of 5 residential units and 2 commercial units	Comment letter provided 2/13/22. Project deemed complete - processing will continue once Vesting Tentative Map submittal is complete. Vesting map submittal received May 12, 2022. Planning sent comment letter on 5/28/22, requires resubmittal.				nh
20	Morro 94 LLC	3300	Panorama	1/18/22	CUP 22-05/CDP22-003/TTM22-02	Submittal of combined concept and precise plan review for 61 unit subdivision.	Received and under review. Notify Me account set up to provide information and publically available documents on the project. Subdivision Review committee meeting scheduled. Project comment letter sent 2/18/22, requires resubmittal and environmental review. Planning consultant team is preparing to hold a neighborhood meeting April 20, 2022 at Del Mar Elementary School at 6pm. City reviewing environmental study proposals in response to RFP.				nh
21	Novell & Johnston	273	Main St.	1/9/22	MUP22-01/PKG22-02	Addition of 73 sf to the front of existing SFR to provide interior staircase access to the second floor and parking exception.	Under review. Correction letter sent 2/4/22.				cj
22	Romero	563	Zanzbar	12/6/21	CDP21-048	Admin CDP for new 1978sf 2 story SFR with 533 sf garage and 2nd level 128sf deck	Incomplete letter sent 12/22/2021, Resubmittal 7/28, under review				gc
23	Morro Bay LLC (Keller)	1108	Front Steet	11/8/21	MAJ21-007	Expansion and extensive remodel of second floor short term rental unit.	Planning comments sent 11/23/21, requires resubmittal. Applicant may put this application on hold until the adoption of the new zoning code (i.e. includes street setbacks closer to the actual placement of the building).				nh
24	T-Mobile/ Siegel	545	Shasta	10/12/21	CUP21-13/ CDP21-039	T-Mobile modification to existing facility approved under UP0-162/CP0-229. T-Mobile proposes to remove/replace and relocate existing wireless facility screened within existing church steeple and request height exception to construct new 29'0" faux bell tower for relocated wireless facility.	Under review. Project deemed incomplete 11-8-21. No recent activity.				cj
25	Guesno	220	Atascadero Rd	10/4/21	MIN21-012	Minor Amendment - Change temporary outdoor dining area to permanent outdoor dining	Application will apply for a TUP for outdoor dining. This application is on hold until 2022.				nh
26	Morgan	101	Fig St	8/9/21	CDP21-035/CUP21-12/ VAR21-003	New construction of 1676sf single family home, 465sf garage, roof deck and patio area and request for variance to front setback for property subject to bluff development standards. New home will also require a variance for bluff face development per LCP.	Under review and incomplete letter sent 9/7/21. Resubmittal received 1/19/22. Spoke with agent 2/18/22. Requested revised geological report and plans to delineate bluff face prior to hearing. Revised plans emailed with updated geological information. Under review. Consulting with Coastal Commission staff regarding bluff development policies.				cj
27	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 and environmental analysis. Provided applicant estimate for environmental report on September 24, 2021. January 2022 - project is for sale. Applicant inactivity letter sent 7/22/25, no response from applicant yet.				nh
28	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. Discussed project with applicant, expected to have resubmittal ready in November 2021. Applicant is reviewing alternative designs for the project, staff provided input on 2/14/22.				nh
29	Perry	3230	Beachcomber	6/24/21	CDP21-024/ CUP/ 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. Resubmittal received 11/24/21, under review. Planning disapproved, comments sent 12/10/21. Resubmittal received 12/20/21, under review. Planning comment letter sent 1/6/22, requires resubmittal. Resubmittal received Feb 1, 2022 - project deemed complete 2/16/22, but cannot be presented to PC until LTM21-01 has been approved (lot line adjustment and lot merger).				nh
30	SR Development	545	Atascadero	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. Applicant inactivity letter sent 7/22/22, applicant responded that they would like to keep the application active.				nh
31	Perry	3202	Beachcomber	4/14/21	CDP21-014/ CUP/ VAR21-001 and LTM21-01	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. Project requires lot line adjustment and lot merger to create 2 parcels from the three underlying parcels.	Submittal received, but not complete. Balance of submittal received 4/14/21, under review. Incomplete letter comments sent for LTM on 4/30/33 and CDP on 5/4/21. Resubmittal received 6/24/21 with VAR request, under review. Review comments sent 7/20/21. Resubmittal received 11/24/21, under review. Planning disapproved, comments sent 12/14/21, requires resubmittal. Resubmittal received 12/20/21, under review. Planning comments sent 1/11/22, requires resubmittal. Resubmittal received on March 10, 2022 - did not include resubmittal of LTM21-01 required to determine completeness. Comment letter sent 4/8/22, requires minor changes. Project not complete until resubmittal and approval of LTM. Partial submittal received June 7, 2022, is on hold until complete submittal documents and related submittal fees are received. Resubmittal July 11, 2022 with parcel map, under review.				nh

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32	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
33	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. NOP released and two scoping meetings held on 6/21/22 and 6/29/22.				cj
Projects Appealed to Planning Commission or PC Continued projects - none											
Projects Appealed or Forwarded to City Council - none											
34	Bean	197	Main Street (formerly known as 199 Sandpiper)	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. Resubmittal received September 14, 2021, under review. Incomplete letter sent on Oct 4, 2021. Resubmittal received 10/29/21. Planning comment letter sent November 10, 2021, requires resubmittal. Project deemed complete and scheduled for planning commission on May 17, 2022. Planning Commission denied the project, and the owner has appealed. Scheduled for City Council, August 23, 2022 at the request of the applicant.				nh
35	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-4 designation / low density to high density	Under review. Response letter/ incomplete letter sent 5-6-21. Resubmittal received. Environmental review in process. MND document complete and routed to State Clearinghouse - public comment period closes May 4th. PC reviewed on June 7th, and voted to not forward a favorable recommendation to Council but instead that land use change request should be associated with a project. Applicant is determining next steps.				cj
Environmental Review:											
36	City of Morro Bay		N/A		UP0-423	MND for Chorro Creek Stream Gauges	Applicant requesting meeting for week of 9/9/13, SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj
Final Map Under Review Projects: - none											
Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:											
37	Allen Property Group	1260	Main St.	10/4/21	MAJ21-006	Land Use & Zoning Map Amendment to change C2 zoning to C1 zoning	Application received. October 28, 2021, applicant approved moving forward with consultant contract for environmental review. Environmental Consultant engaged with notice to proceed 12/1/21. Consultant provided review documents for GP/CLUP amendment. Final review draft of LUP amendment documents received 3/2/22 -under review. Project deemed complete and scheduled for PC hearing on April 19, 2022. Project received positive recommendation to City Council. Scheduled for City Council May 24, 2022. This project was continued to City Council on June 14, 2022. LUP amendment approved by CC. Forwarded to CCC for review and certification July 16, 2022..				nh
Grants											
38	California Coastal Commission, California Ocean Protection Council		City-wide	4/6/16		\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation. Round 6 funding of \$65,000 received Mar 2020.	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
39	City of Morro Bay		City-wide			Community Development Block Grant/HOME Program - Urban County Consortium	Staff has ongoing responsibilities for contract management in coordination with County staff administration. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting. Notice of Funding Availability for 2022 Program Year released 9/27/21. Application funding deadline is 11/1/2021. Council public hearing to consider final funding recommendations to be on 3-8-2022. cj	No review performed.	N/R		cj
40	City of Morro Bay		City-wide			Climate Action Plan - Implementation	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
Projects in Building Plan Check:											

#	Applicant/ Property Owner			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
41	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 8/4/22			sg
42	Castillo	1055	Allesandro St.	7/25/2022	B22-0158	Jr. Accessory Dwelling Unit (JADU) - Existing bedroom in primary dwelling will be converted to JADU.		Bldg. - Disapproved 8/5/225			gc
43	Patel	295	Atascadero Rd.	7/18/2022	B22-0154	Installation of (2) illuminated wall signs & (1) branded directional (ground sign).		Bldg. - Approved 8/9/22			co
44	Goldstein	186	Bayshore Dr.	11/4/20	B20-0190	Remodel kitchen, dining & living area.	Planning disapproved 11-6-20	Bldg. - Approved 11/09/20			sg
45	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.	Disapproved 8-26-21. am	Bldg. Disapproved 9/21/21			ci
46	Crandell	2995-A	Beachcomber Dr.	6/2/22	B22-0118	Scope of work includes a new 1 bedroom/1bath, attached accessory dwelling unit 568sf in size. Additional improvements include low outdoor decking 96sf in size, including new concrete flatwork pathway to ADU entry.	Approved June 9, 2022	Bldg. - Plancheck			nh
47	Crandell	2995	Beachcomber Dr.	6/2/22	B22-0117	Remodel/Addition of an existing 2,237 sf single family, 1-story residence w/attached 2-car garage. Scope of work includes 260sf of residential addition of existing residence, including new low outdoor decking and concrete flatwork improvements. The project will also include a new covered breezeway entry. No major grading proposed for this project.	Approved June 9, 2022	Bldg. - Disapproved 7/20/22			nh
48	Vachon	3093	Beachcomber	4/11/22	B22-0075	New SFR; Construction of a new 3 bedroom plus flex room, 3 bath single family residence with an attached 2 car garage.	Disapproved 4/202/22. Reviewed resubmittal and approved. Cj	Bldg. - Approved 6/30/22			ci
49	Baker	1288	Berwick Dr.	5/12/22	B22-0101	147 sf dining room addition and 147 sf walk-in closet addition.	Planning disapproved 5-13-22.	Bldg. - Approved 8/9/22			nh
50	Segovia	2824	Birch Ave.	3/21/22	B22-0057	Cover patio, conversion to sunroom.	Disapproved 4/1/22	Bldg. - Approved 3/24/22			am
51	Dillard	1256	Bolton	3/30/22	B22-0072	Convert Unfinished Underfloor Space in 986 sf of conditioned livable space	Disapproved 4/722/	Ready to issue			am
52	Humphrey	2228	Coral	12/1/21	B22-0024	Expand a portion of the first floor and remove 2nd floor pantry and 1/2 bathroom to create a new bathroom on the 2n floor	Planning Disapprove 03/03/2022,needs to apply for a Minor Use Permit, Approved on 6/28	Ready to issue			gc
53	Robinson	2940	Dogwood Ave.	7/12/22	B22-0148	Install (2) bay windows, replacing (2) windows of smaller dimension on W facing front of house. Living Room: replace 5'x5' window w/ 50"x81" bay window. Bedroom: replace 32"x44" window w/ 50"x81" window.		Bldg. Conditionally Approved 7/18/22			ci
54	Pena	690	Elena St.	7/27/22	B22-0161	Demolition and removal of 658 sf detached secondary structure, deck and retaining wall.		Bldg. - Approved 8/3/22			sg
55	Bastoh	561	Embarcadero	3/17/22	B22-0051	Phase 2 New 8' sidewalk, New ADA entrance, repave & restripe parking. Disapproved 4-7-21.	Disapproved 4-7-21. Disapproved resubmittal 7-8-22.	Bldg. Approved 3/22/22			ci
56	Gambrill	571	Embarcadero	2/22/22	B22-0035	Convert office space to commercial vacation rental.	Disapproved 3-8-21. Disapproved resubmittal 6-2-22.	Bldg. - Approved 6/14/22			ci

#	Applicant/ Property Owner			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
57	Redican	725	Embarcadero	3/14/22	B22-0049	The project consists of a 608 SF interior remodel of the existing arcade retail space into an extension of the commercial kitchen prep area. All work is exclusive to the interior of the lower level with no impacts to the site, exterior elevation or occupant circulation of the existing building.	Disapproved 3-17-22. Resubmittal received 6-23-22 and under review	Bldg. - Conditionally Approved 3/29/22			ci
58	TLC Family Enterprises	833	Embarcadero	3/16/22	B22-0052	Addendum #1 to B20-0220 - Removal of parapet wall which requires removing steel post below and show railing on upper level. Revert back to cantilevered floor joists for hotel access walkway upstairs.	Disapproved 3-21-22	Bldg. - Disapproved 4/18/22			ci
59	Tallman	610-A	Fresno Ave.	7/7/22	B22-0143	Addition of a 901.6 sf accessory dwelling unit on a lot with an existing 1,572 sf 2-story, SFR.		Bldg. - Disapproved 8/8/22			nh
60	McLain	2678-A	Greenwood Ave.	6/27/22	B22-0134	n interior remodel of an existing 480 sf detached garage into a detached ADU with a kitchen, laundry, & bathroom renovation.	Planning Disapproved 6/1/22	Bldg. - Disapproved 6/30/22			gc
61	Hsiao	205	Harbor St.	4/20/22	B22-0084	Demolition of three existing structures and their accessory structures. Construct new 6-room, 5042 sf hotel with 7 onsite parking spaces on a .40 acre lot, the hotel is designed as two story on the east elevation and steps down the bluff with single story on the west elevation.	Planning disapproved 4-28-22	Bldg. - Disapproved 6/28/22			ci
62	Wikie	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 4/8/22			nh
63	MacDonald	341	Jamaica	7/5/22	B22-0137	269 sf addition to existing 686 sf lower floor. Demo existing garage, construct new 239 sf garage.	Under Review	Bldg. - Disapproved 8/4/22			gc
64	Garcia	341-A	Jamaica St.	7/6/22	B22-0138	Convert 179 sf existing second floor into ADU, 289 sf addition to upper floor for a total of 468 sf ADU, 72 sf of deck.		Bldg. - Disapproved 8/4/22			sg
65	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.	Planning approved 7-20-21.	Ready to issue			sg
66	Cia	2551	Koa Ave.	2/23/22	B22-0038	New 3 bed 2.5 bath SFR w/attached 2-car garage.	Planning Approved 6/28	Ready to issue			gc
67	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	Planning approved 5-12-22	Bldg. - Approved 5/16/21			sg
68	Mertens	1185	Las Tunas St.	6/16/22	B22-0127	Repairing existing deck on home. No structural or footprint changes.		Bldg. - Approved 6/20/22			sg
69	Drenick	2530	Laurel Ave.	9/22/21	B21-0174	Reconstruction of 560 sf two-car garage, garage foundation and 560 sf rooftop deck over garage. See permit B21-0141 for separate demolition permit for these structures.	Disapproved and Correction Letter sent 10/5/21	Bldg. - Approved 8/4/22			am
70	Elliott	2620	Laurel Ave.	4/14/22	B22-0082	New SFR 2.5 story with attached garage.	Planning disapproved 4/16/22. Resubmittal disapproved 6/25/22. Planning approved 7/21/22	Bldg. - Approved 6/30/22			nh
71	Meisterlin	840	Main St.	4/14/22	B22-0080	Convert an existing 284 sf commercial storage/office structure to a 284 sf long-term residential dwelling unit which will be secondary to existing commercial uses on the site.	Planning approved 4-16-22	Bldg. - Approved 4/25/22			nh
72	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
73	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 4-6-18. 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. No recent activity	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB Permit extended to 4/18/23	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	ci
74	Twins Bay Inc.	2460	Main St.	5/4/22	B22-0097	Addendum #2 to B20-0114 - Relocate walkway between sidewalk and bldg. Move backflow preventer 40' south along building face, add 4' long 4" high parallel curb ramp at north corner of bldg. Add concrete pedestrian crossing to main DW, increase area of asphalt replacement at north end of gutter to improve drainage, increase area of asphalt replacement along frontage so sawcut is not in bike lane.	Planning approved	Ready to issue			nh

#	Applicant/ Property Owner			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	Central Coast Renewables	3250	Main St.	5/27/22	B22-0108	Commercial T.I. to existing office/retail building into new general office. Portion of existing non-permitted 1050 sf building (880 sf permitted) removed, for project totaling 994 sf (114 sf added). New accessible parking space, with a portion of space within existing ROW on Panay St., existing non-conforming spaces to remain.		Bldg. - Disapproved 7/14/22			sg
76	Allen	310	Morro Bay Blvd.	2/23/22	B22-0040	Adaptive reuse design and development of an existing bank bldg structure for conversion into two-suite office complex. Proposed scope of work does not include an increase in the bldg footprint. Proposed exterior improvements include the removal of the car port awning and barrier removal for site accessibility requirements.		Bldg. - Approved 7/6/22			sg
77	Meisterlin	315	Morro Bay Blvd.	4/14/22	B22-0081	Install new ADA restroom in existing commercial unit, install exterior service door to separate the retail from storage/office space and add new window to the storage/office space	Planning approved 4/16/22	Bldg. - Approved 4/25/22			nh
78	Peterson	390	Morro Bay Blvd.	2/2/22	B22-0022	ADDENDUM TO B21-0151 - Adding to scope of work - Demo existing exterior mansard roof, exterior drive thru structure (including structural columns) and demo of interior concrete.		Ready to issue			sg
79	Peterson	390	Morro Bay Blvd.	8/8/22	B22-0171	Commercial T.I., Former BoFA office building converted to coffee roasting facility, bakery and coffee shop. Includes indoor guest seating areas, four restrooms, outdoor seating, parking lot refinishing/stripping with four additional stalls, new ADA parking stalls & path of travel, new storefront doors and steele awnings at each entry.		Bldg. - Plancheck			sg
80	JP Morgan Chase Bank	595	Morro Bay Blvd.	3/31/22	B22-0060	Installation of one solar carport, 99' 3 1/16" X 16' 7 3/8", with 15 modules, wall mounted PV equipment and four carport mounted lights, located in the existing Chase Bank parking lot.	disapproved 4/7/22	Bldg. - Disapproved 5/17/22			am
81	Fletcher	435	Napa Ave.	3/21/22	B22-0055	Install 7x14 ft above round modular swim spa. Concrete slab for spa & access. Electrical for spa.	Planning Disapproved 4/11	Bldg. - Disapproved 4/11/22			gc
82	Kennedy	500-A	Napa Ave.	3/23/22	B22-0065	Convert a 576 sf 2-car garage to a 2-story 914 sf ADU. 326 sf garage converted to a bedroom w/bathroom & a 588 sf 2nd floor bedroom, bathroom & kitchen/living area added. A 126 sf 2nd floor deck is also proposed.	Approved	Ready to issue			gc
83	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.	Disapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal.	Bldg. - Approved 3/27/19			wu
84	Mollaghaffari & Hawes	427	Oahu St.	5/5/22	B22-0087	New 2nd floor single family residence, 1048 sf living, with a 258 sf 2nd story deck, and 255 sf single car garage. (The garage and an ADU make up the 1st floor level, see permit B22-0088 for attached ADU).	Planning disapproved 5-12-22	Bldg. - Disapproved 6/16/22			nh
85	Mollaghaffari & Hawes	427-A	Oahu St.	5/5/22	B22-0088	Attached ADU - 702 sf Accessory Dwelling Unit.	Planning disapproved 5-12-22	Bldg. - Plancheck			nh
86	Currey	154	Orcas St.	3/23/22	B22-0062	Remodel & additions to kitchen, entry, & masterbedroom.	Disapproved 4/11/22	Bldg. - Diapproved 4/4/22			gc
87	Sepulveda	340	Olive St.	6/23/22	B22-0132	Adding stair way access to side yard.		Bldg. - Approved 6/30/22			sg
88	Dorfman	570	Olive St.	6/8/22	B22-0122	Construction of new detached ADU.	Under review	Bldg. - Disapproved 7/1/22			cj
89	Currey	154-A	Orcas St	3/23/22	B22-0063	171 sf addition as an ADU	Disapproved 4-11-22	Bldg. - Disapproved 4/4/22			sg
90	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

#	Applicant/ Property Owner			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
91	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
92	Giannini	750	Radcliff Ave.	7/22/19	B19-0156	Remove three existing panel antennas, three radio and replace with three radio intergrated antennas and associated 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
93	Crumpler	3013	Sandalwood Ave	6/22/22	B22-0131	288 sf single story residential bathroom addition.	Dissaproved 7/6	Bldg. - Disapproved 8/4/22			gc
94	Eisemann	599	San Jacinto Street	1/20/22	B22-0014	Demolish of an existing 522 sf one story single family home. Building a new 1498 sf primary residence with 522sf garage and covered 125sf porche.	Approved 5/10/22	Bldg. - Approved 5/11/22			gc
95	Nagy	646	Sequoia Ct.	4/20/22	B22-0085	New 2-story SFR, 3513 sf living, 1220 attached basement level garage, and 1156 sf covered patio.	Planning disapproved - project needs resubmittal to include conditions of approval and more detailed lanscape plan. Planning approved July 5, 2022.	Bldg. - Approved 7/6/22			nh
96	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
97	Morro Rock LLC	311	Tahiti St.	6/14/22	B22-0125	Convert existing detached 638 sf garage into 638 sf ADU. Add 30 sf covered porch.	Disapproved on 6/22	Bldg. - Disapproved 7/6/22			gc
98	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 aplication expired	Bldg. - Approved 3/27/19			wu
99	George	370	Tulare Ave.	7/25/22	B22-0157	Removal of one set of stairs & installation of residential elevator.		Bldg. - Approved 8/10/22			sg
100	Regan	429	Tulare Ave.	5/27/22	B22-0106	531 sf second floor additiion that includes a study and bathroom, stairwell and a 200 sf second story deck.	Planning Approved 6/27	Bldg. - Disapproved 7/14/22			gc
101	Phillips	454	Tulare Ave.	5/23/22	B22-0110	Demo of an existing 440 sf garage carport & breezeway: construction all new 440 sf garage & new 52 asf breezeway.	Dispproved 6/7/22.	Bldg. - Disapproved 6/30/22			sg
102	Phillips	454-A	Tulare Ave.	5/23/22	B22-0111	New 380 sf ADU with a 220 sf roof deck at the 2nd floor.		Bldg. - Disapproved 6/30/22			sg
103	Leonard	550	Zanzibar St.	1/12/22	B22-0008	New 1855 SFR w/482 sf garage and 144 sf balcony deck.	Planning approved 4/21/22.	Bldg. - Approved 4/25/22			nh
Planning Projects & Permits with Final Action:											
1	Struckman	3081	Sandalwood Ave	5/4/2022	CDP22-017	Admin CDP for construction of an attached 643sf ADU to an existing 1,504sf SFR.	Incomplete letter sent 5/17/2022, Resubmittal on 6/13, Under Review, requested minor correction on 6/27, Resubmittal 7/14, deemed complete letter sent on 7/20/22. Issued permit on 08/08/22 active on 8/23/22.				gc
Staff Directory: Scot Graham - sg Chad Ouimet - co Cindy Jacinth - cj Pam Newman - pn Nancy Hubbard - nh Gabby Cortez - gc Alison MacCarley - am											

AGENDA ITEM: A-2
DATE: AUGUST 16, 2022
ACTION: DRAFT

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – MAY 17, 2022
HELD VIA TELECONFERENCE – 6:00 PM

Planning Commission conducted this meeting in accordance with Assembly Bill 361

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

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

PLANNING COMMISSIONER ANNOUNCEMENTS

<https://youtu.be/6MbbsKcTbsk?t=126>

Chairperson Stewart acknowledged and appreciated city worker Gina Arias for the Planning Commission packets and the work she does in the Community Development, Building, and Code Enforcement departments.

PUBLIC COMMENT PERIOD

<https://youtu.be/6MbbsKcTbsk?t=2684>

Cherise Hannson, Master lease holder on the Harbor Walk Plaza, noted her business was next to the Libertine. Hannson provide her concerns regarding the project and the affects it will have on her business, the Embarcadero, and the cohesive connection between the properties.

Terry Simons, Morro Bay, commented on the potential use for a boat haul out/repair and maintenance facility on the Vistra property. Simon noted he was not in favor of the project but is looking forward to hearing more about the project.

Betty Winholtz, Morro Bay, asked if the Planning Commission is considering a moratorium for new building projects due to the water shortage.

Chairperson Stewart asked if there was anyone in the que who had to make a public comment.

AGP Video verified there were no hands raised in the que for public comment.

Chairperson Stewart closed the Public Comment period.
<https://youtu.be/6MbbsKcTbsk?t=3175>

Graham responded to Winholtz's question.

Commissioner Rodriguez presented his questions to staff.

Graham responded.

Public Participation:

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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=aWZpTzcwTHlRTk9xaTlmWVNWRFWFUQT09>
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

<https://youtu.be/6MbbsKcTbsk?t=188>

- **Vistra Presentation**

A. **CONSENT CALENDAR**

<https://youtu.be/6MbbsKcTbsk?t=3282>

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 1, 2022.
Staff Recommendation: Approve minutes as submitted.

Chairperson Stewart opened the Public Comment period
<https://youtu.be/6MbbsKcTbsk?t=3299>

Chairperson Stewart closed the Public Comment period once she verified with AGP Video there was no one in the queue with a comment.
<https://youtu.be/6MbbsKcTbsk?t=3311>

MOTION: Commissioner Rodriguez moved to approve. Commissioner Ingraffia seconded, and the motion passes 4-0, with King, Rodriguez, Ingraffia, and Stewart voting yes with Vice-Chairperson Roschen abstaining from voting.

<https://youtu.be/6MbbsKcTbsk?t=3318>

B. PUBLIC HEARING

<https://youtu.be/6MbbsKcTbsk?t=3355>

B-1 Case No.: CDP21-044 (**Continued from the 2/15/22 meeting**)

Site Location: 2995 Beachcomber Drive, Morro Bay, CA

Proposal: Request for Planning Commission approval of a Coastal Development Permit for the addition of small spaces totaling 354 square feet, plus an extensive interior remodel to the existing home. The completed project will result in a 2590 sf conditioned living space and a 648-sf garage. The scope of work includes roof line changes to accommodate the additions. The home is conforming to the zoning district development standards. *The project also includes a new 570 sf detached ADU. In accordance with Gov. Code Section 65852.2, the approval of the ADU will be ministerial and will not be reviewed by the Planning Commission.*

CEQA Determination: Exempt under 15301, Class 1a, for alterations to existing facilities

Staff Recommendation: Continue the project to a date uncertain.

Staff Contact: Nancy Hubbard, Contract Planner, nhubbard@morrobayca.gov

Hubbard provided the Commissioners with materials on the agenda for Item B-1.

Hubbard presented the staff report.

The Commissioner's presented their questions.

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/6MbbsKcTbsk?t=3778>

Eddie Herrera, Architect, responded to the Commissioner's questions.

Betty Winholtz, Morro Bay, presented her questions and concerns regarding the project.

Chairperson Stewart confirmed there were no callers in the que with questions.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/6MbbsKcTbsk?t=4057>

The Commissioner's presented their questions to staff and the applicant.

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

B-2 Case No.: CUP19-20/CPO19-047/VAR20-001

Site Location: 197 Main Street, Morro Bay, CA

Proposal: Request for Planning Commission approval of a new home on irregularly shaped parcel with frontage on a city owned access easement. The proposed home is 2 stories with a total of 459 square feet and a proposed maximum height of 17 feet above average natural grade. The site is approximately 2500 square feet in size and the project is subject to the Coastal Bluff setback requirements. Due to the unusual site constraints, the applicant is asking for variances for the following: Surface parking for one car, reduced north and south setbacks and roof height in the 20–50-foot bluff setback. The site is located in an R-1/PD zoning district with a portion below the bluff in a WF/PD zoning district. The property is within the Coastal Appeals Jurisdiction.

CEQA: Exempt under Section 15303, Class 3a for new residential developments in a residential zone.

Staff Recommendation: Conditional approval granting the variance requests to allow construction of this small house on this residentially zoned parcel.

Staff Contact: Nancy Hubbard, Contract Planner, nhubbard@morrobayca.gov

Hubbard presented the staff report.

The Commissioner's presented their questions to staff.

Chairperson Stewart opened the Public Comment period.

<https://youtu.be/6MbbsKcTbsk?t=5301>

Bob Crizer, Crizer Construction stated he was not a licensed architect, but he uses a design company engineer to stamp their work. Crizer went on to provide information about the project.

Bruce Foster, owner of the property below the project and Bayfront Marina, stated he is against the project and stated his reasons.

Dean Marchant, co-owner of Bay Front Marina stated his concerns regarding the project.

Gene Doughty, Morro Bay, stated he rents a workshop located below the project. Doughty stated his concerns regarding the project.

Betty Winholtz, Morro Bay, stated her concerns regarding the project & noted she is also against the project.

Terry Simons, Local developer/contractor, and tenant in the marina, provided information which was beneficial to the project.

Chairperson Stewart confirmed there were no callers in the que with questions.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/6MbbsKcTbsk?t=6816>

The Commissioner's presented their questions to staff and applicant.

Comments and discussion from the Commissioner's.
Chairperson Stewart opened the Public Comment period.
<https://youtu.be/6MbbsKcTbsk?t=8277>

Sandy Bean, applicant, made comments regarding the issues and challenges with the project.

Chairperson Stewart closed the Public Comment period.
<https://youtu.be/6MbbsKcTbsk?t=8446>

Chairperson Stewart commented the Commissioner's received numerous email comments from the public.

Comment and discussion from the Commissioner's.

MOTION: Vice- Chairperson Roschen moved to deny the approval for variances with the intent there would be an understanding for the integrity of development in Morro Bay. Commissioner Ingraffia seconded.

Comments from Commissioner Rodrigues and Chairperson Stewart.

The motion passes 3-1, with Rodriguez, Ingraffia, and Roschen, voting yes and Stewart voting no. Commissioner King abstained.
<https://youtu.be/6MbbsKcTbsk?t=9852>

C. NEW BUSINESS – NONE

D. UNFINISHED BUSINESS – NONE

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS
<https://youtu.be/6MbbsKcTbsk?t=10064>

Chairperson Stewart commented she and Vice-Chairperson Roschen met with Cherise Hansson regarding concerns and issues regarding the Libertine. Stewart asked staff if it was all right to hold another meeting.

Graham responded he would set up a meeting.

Commissioner Rodriguez requested the Commissioners submit their comments for the public benefits by end of week.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS
<https://youtu.be/6MbbsKcTbsk?t=10335>

Graham provided the Commissioners with an update on the zoning code.

G. ADJOURNMENT

The meeting adjourned at 8:53 p.m. to the next scheduled Planning Commission meeting at the Veteran’s Memorial Building, 209 Surf Street, on June 7, 2022 at 6:00 p.m.

Susan Stewart, Chairperson

ATTEST:

Scot Graham, Secretary

AGENDA ITEM: <u> A-3 </u>
DATE: <u> AUGUST 16, 2022 </u>
ACTION: <u> DRAFT </u>

ACTION MINUTES – MORRO BAY PLANNING COMMISSION
REGULAR MEETING – JUNE 7, 2022
HELD VIA TELECONFERENCE – 6:00 PM

Planning Commission conducted this meeting in accordance with Assembly Bill 361

PRESENT:	Susan Stewart Bill Roschen Joe Ingraffia Mike Rodriguez Asia King	Chairperson Vice-Chairperson Commissioner Commissioner Commissioner
STAFF:	Scot Graham Cindy Jacinth	Community Development Director Senior Planner

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLANNING COMMISSIONER ANNOUNCEMENTS - NONE

PUBLIC COMMENT PERIOD

<https://youtu.be/BEaddwCXqsw?t=154>

Betty Winholtz, Morro Bay, commented on city meetings being held on Zoom while a celebration for Dawn Addis' campaign will be in person. Winholtz feels this is contradicting and would like this issue to be examined at the staff and City Council level.

Chairperson Stewart closed the Public Comment period.

<https://youtu.be/BEaddwCXqsw?t=274>

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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=aWZpTzcwTHlRTk9xaTlmWVNWRFWFUQT09>
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

A. CONSENT CALENDAR

<https://youtu.be/BEaddwCXqsw?t=84>

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 15, 2022.
Staff Recommendation: Approve minutes as submitted.

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

<https://youtu.be/BEaddwCXqsw?t=109>

B. PUBLIC HEARING

<https://youtu.be/BEaddwCXqsw?t=276>

B-1 **Case No.:** MAJ21-002

Site Location: 301-390 Sea Shell Cove, Morro Bay, CA

Project Description: Request for a Land Use Map Amendment to the 2021 General Plan / Local Coastal Program (LCP) Coastal Land Use Plan Map from low density residential to high density residential. The project site includes 10 existing vacant parcels for a total project site size of 4.7 gross acres. No development has been proposed at this time.

CEQA Determination: Mitigated Negative Declaration

Staff Recommendation: Adopt PC Resolution 06-22 forwarding a favorable recommendation to City Council for adoption of the Mitigated Negative Declaration and approval of an amendment to the Land Use designation from Low Density Residential to High Density Residential.

Staff Contact: Cindy Jacinth, Senior Planner, (805) 772-6577,
cjacinth@morrobayca.gov.

Jacinth presented the staff report.

The Commissioners' presented their questions to staff.

Chairperson Stewart opened the Public Comment period.
<https://youtu.be/BEaddwCXqsw?t=3664>

John Hinchey, representative for Steiner Development provided information on what he proposes on the site. Hinchey answered the Commissioners' questions regarding affordable housing.

Betty Winholtz, Morro Bay, stated her concerns regarding the project and provided comments.

Barbara Doerr, Morro Bay, requested the Planning Commission deny the request for the high density until the owner submits his project. By doing this, the Planning Commission will know what they are voting for.

Kristen Headland, Morro Bay, stated her concerns regarding the zoning change. Headland would like the Planning Commission to deny the request.

The Commissioners presented their questions to staff.

Comments from the Commissioners regarding need for housing and the typical planning process on projects requesting a change to land use.

Chairperson Stewart closed the Public Comment period.
<https://youtu.be/BEaddwCXqsw?t=4647>

Chairperson Stewart opened the Public Comment period.
<https://youtu.be/BEaddwCXqsw?t=6233>

Hinchey assured the Commissioners he would work closely with the Planning staff when they do decide to proceed with the project.

Chairperson Stewart closed the Public Comment period.
<https://youtu.be/BEaddwCXqsw?t=6331>

Discussion between the Commissioners and staff.

Chairperson Stewart opened the Public Comment period.
<https://youtu.be/BEaddwCXqsw?t=8536>

Commissioners discussed importance of having a project associated with a request for a land use change.

Chairperson Stewart closed the Public Comment period.
<https://youtu.be/BEaddwCXqsw?t=8583>

MOTION: Vice-Chairperson Roschen moved to not make a recommendation for a land use change at this time. The preference by the Planning Commission is that it return with a project associated with in. In general, the Planning Commission supports a land use change but predicated on receiving a project that is the right size and fit including community benefit and infrastructure use so it could be

determined a good fit for the site. Commissioner King seconded, and the motion passes 4-1, with Ingraffia, King, Rodriguez, and Roschen, voting yes, and Stewart voting no.

<https://youtu.be/BEaddwCXqsw?t=8767>

C. NEW BUSINESS

D. UNFINISHED BUSINESS

E. PLANNING COMMISSIONER COMMENTS/FUTURE AGENDA ITEMS

<https://youtu.be/BEaddwCXqsw?t=9123>

Commissioner Rodriguez notified the Commissioners and staff he was a delegate for the (CA) American Planning Association. Rodriguez noted there would be a national meeting scheduled on June 23rd to discuss the equity and zoning policy guide. Rodriguez will be reaching out to the other Commissioners for their input.

F. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS - NONE

G. ADJOURNMENT

The meeting adjourned at 8:35 p.m. to the next scheduled Planning Commission meeting at the Veteran's Memorial Building, 209 Surf Street, on June 21, 2022 at 6:00 p.m.

Susan Stewart, Chairperson

ATTEST:

Scot Graham, Secretary



AGENDA NO: B-1

MEETING DATE: August 16, 2022

Staff Report

TO: Planning Commissioners

DATE: August 8, 2022

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

SUBJECT: Review and Recommendation to Council on the Adoption Hearing Draft of the Zoning Code / Implementation Plan for Plan Morro Bay: General Plan/Local Coastal Program Update

RECOMMENDATION:

Staff recommends the Planning Commission review the hearing draft of the Zoning Code/ Implementation Plan of Plan Morro Bay and adopt PC Resolution 08-22 forwarding a favorable recommendation to City Council for adoption of the Zoning Code / Coastal Implementation Plan (Title 17 of the MBMC) with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162.

Plan Morro Bay - Zoning Code:

The Plan Morro Bay project is a comprehensive update of the City's General Plan, Local Coastal Program, and Zoning Code. The Local Coastal Program includes the Coastal Land Use Plan (LUP), Coastal Land Use Map, and Implementing Ordinance which a portion of is the City's Zoning Code. The General Plan, LUP, and Coastal Land Use Map were adopted by City Council in May 2021 and certified by the Coastal Commission in August 2021. The update of the Zoning Code/ Implementation Plan (IP) is the last and final step in the Plan Morro Bay update project.

Since 2017, there have been twelve Planning Commission meetings iteratively developing a Zoning Code that implements the General Plan and Coastal Land Use Plan and is consistent with the adopted General Plan/LCP. The public meetings held included input by the General Plan Advisory Committee (GPAC) and the Planning Commission as well as community outreach, focus groups, and stakeholder meetings including the Chamber of Commerce Government Affairs Committee (GAC) and the Embarcadero Master Leaseholders group (EML). The Zoning Code was first drafted in the format of four separate Modules which was reviewed and then combined into the draft Zoning Code. Given the nature of the comprehensive re-write, a red line change of the document was not made based on

Prepared By: ___CJ___

Department Review: ___SG___

agreement by GPAC and PC. However, general descriptions of the revisions made are included in Modules 2 through 4 (Online link #7 below).

The most recent Planning Commission review was at its December 7, 2021 meeting. At that time, the Planning Commission reviewed the draft code and requested that staff come back with a top 10 list of key changes to the Zoning Code. In addition, since December staff has continued to consult with Coastal Commission staff on key Coastal Act priority issues and ensure the Coastal Implementation Plan portion of the Zoning Code reflects the City's 2021 certified Coastal Land Use Plan (Plan Morro Bay). This has culminated in the Adoption Hearing draft before the Planning Commission now. The document has been updated to reflect prior PC direction, Coastal Commission staff comments received, updates to State law, and Chamber of Commerce Government Affairs Committee (GAC) and EML stakeholder input along with other miscellaneous document refinements for clarity.

Organization of Zoning Code / Coastal Implementation Plan (IP):

The Zoning Code is comprised of five divisions which include: Introductory Provisions, District Regulations, Citywide Regulations, Administration and Permits, and Term and Definitions. The Zoning Code has been reorganized to separate out the Coastal Implementation Plan (IP) where currently the entire 1995 Zoning Code is also the City's IP and thus currently requires Coastal Commission approval to change any portion of the document. The portions of the Zoning Code which comprise the IP are indicated with an (IP) following the chapter or section name.

Top 10 List of Key Changes:

As directed by Planning Commission, staff has prepared a list of the top 10 key changes from the Zoning Code. These are noted below with the coastal resources chapter listed first and then ordered by chapter and issue area.

1. **Coastal Resources (Chapter 17.14):** The Zoning Code has been reformatted to separate and clearly identify those policies that comprise the Coastal Implementation Plan (IP) from other Zoning Code policies that are not a part of the IP. This will allow more flexibility to update the Zoning Code in cases where coastal resources protection issues are not impacted.
2. **Development Standards (Chapter 17.07 and 17.08):** Development standards have been updated for residential and commercial districts. Setbacks updated in residential districts based on lot size. In the RL district this is reflected as RS-A and RS-B standards. Building design standards are now included for multi-unit and commercial development.

3. **Commercial heights (Chapter 17.08):** Planning Commission previously reviewed increased height allowances in the core downtown area up to 37 feet (where 30 feet is the current limit) to provide for more housing in downtown and more commercial flexibility consistent with new General Plan/LCP policies and Downtown Waterfront Strategic Plan (DWSP) goals as shown in Figure 17.08.030 along Morro Bay Blvd and Main Street. The initial zoning draft had a larger boundary area which extended further west on Morro Bay Blvd and further north on Main Street all the way to Surf Street as well as included several lots on Scott and West Streets. Although the PC supported increased height as a way to provide more housing in the downtown, and facilitate commercial investment in the downtown area, the boundary area was reduced from approximately 126 parcels to about 75 affected parcels in order to limit large scale impacts. Staff requests that PC review and consider whether the proposed boundary in the current draft is of a sufficient area to achieve the momentum of implementing City goals of providing increased housing and commercial opportunities.
4. **Citywide Regulations (Chapter 17.23):** Citywide Regulations includes more defined standards such as for increased fence height, accessory structures, etc.
5. **Nonconforming (Chapter 17.26):** Nonconforming structures; a CUP would no longer be required for additions and alterations, which means it would not require Planning Commission review. Nonconforming setback can be maintained and extended. The intent of this is to incentivize re-use of existing housing stock, utilizing “affordable by design” principles, instead of the historic pattern of demo/reconstruct a small home with a new and much bigger home.
6. **Parking (Chapter 17.27):** Reduced parking requirements are included for both residential and nonresidential uses: Garage or covered parking not required for residential uses, on-site parking can be open and uncovered. For commercial uses, requirements decreased to facilitate commercial re-use of buildings, encourage outdoor dining. Parking not required in waterfront district. The goal of these changes is to facilitate property re-use in commercial areas and for residential property owners.
7. **Signs (Chapter 17.29):** Sign Ordinance updated to reflect standards by four main business districts in town and adds standards for when a master sign program is required.
8. **Design (Chapter 17.38 and 17.42):** Design Review Chapter 17.38 is a new section that establishes review authority for design review among single-unit, multi-unit, and

- non-residential development. The Planned Development overlay requirement in the current Zoning Code that specifies a Concept and Precise Plan approval process (17.40.030) is deleted and replaced with Design Review and Modification (Chapter 17.42) chapters.. Although there is still a PD overlay district in Chapter 17.18, the standards set a minimum area of ½ acre and requires a Zoning Amendment which would be approved as a -PD plan. This PD overlay in the draft Zoning Code is different in its application in that it is not proactively applied and generally reserved for larger, coordinated development projects.
9. **Housing (Chapter 17.24)**: Inclusionary housing/Density Bonus section updated. This chapter includes new requirements that affordable units be provided or in lieu fees paid on larger commercial development, multi-family and condo conversions. It also requires new development of large homes to pay in lieu or provide an ADU. The code is updated to allow housing in more zones, encourage housing and mixed use in downtown area, allow housing in DC (C-2) zone where currently it would not be allowed unless permitted as a security unit.
10. **State law updates**: Zoning Code has been updated to be consistent with State law. This include new standards for:
- Accessory Dwelling Units (ADU)s at 17.30.040. Frequent legislative updates have superseded the City's previous attempts to update ADU regulations. Current Zoning Code draft is updated accordingly and includes standards for both ADUs and junior accessory dwelling units (JADU).
 - Density bonus provisions at 17.24.040. This includes updates to applicability and calculation of density bonuses; and
 - SB 9 policies at 17.07.030 regarding urban lot splits in single family zones that meet certain criteria consistent with State law. These policies are incorporated as additional development standards at 17.07.030.A.

Public Comment Input and Coastal Commission Coordination

Exhibit B of the staff report includes a catalogued summary of public comment received including from key local stakeholders such as the Chamber of Commerce Government Affairs Committee (GAC) and the Embarcadero Master Leaseholders (EML) group. Recent updates to the spreadsheet are noted in bold font. The comments are summarized, with the code section referenced with a staff response noting if a change was made if possible, or in some case if it conflicted with prior PC direction or Coastal Commission requirements, then that is noted or clarified with updated code section numbers. Staff would like to acknowledge the help and assistance from both the GAC and EML groups for their careful review which highlighted areas of the Zoning Code that led to edits as noted in Exhibit B and has improved

the document now presented for Adoption.

Coastal Commission staff have also provided review comments on the Implementation Plan related to hazards and shoreline protection and bluff development (17.14), environmental justice (17.14.070, 17.39.050) and low cost visitor-serving accommodation policies (17.14.040).

California Environmental Quality Act (CEQA)

Pursuant to State CEQA guidelines, a Program EIR for the Plan Morro Bay project was prepared, released for a 45 day public review process on October 19, 2020 to December 4, 2020 and certified by the City Council on May 25, 2021 (State Clearinghouse number 2021111026).

The proposed Zoning Code / Coastal Implementation Plan update project implements the General Plan/ LCP which was considered through the programmatic EIR review referenced above. That document provides a programmatic review of the potential impacts associated with implementation of the overall Plan Morro Bay project. State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed Zoning Code/ IP Update Amendment are consistent with the analysis presented in the EIR and therefore, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

CONCLUSION:

Staff recommends the Planning Commission review the adoption hearing draft and forward a favorable recommendation for Adoption of the Zoning Code to City Council by adopting Resolution 08-22 which includes a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162.

Exhibits:

- Exhibit A – PC Resolution 08-22
- Exhibit B – Public Comment Summary Matrix
- Exhibit C – PowerPoint Presentation

Online Exhibit Links:

1. Zoning Code Adoption Hearing Draft Online links:
[Adoption Hearing Draft of Zoning Code/ Implementation Plan, July 2022](#) (clean)
2. Zoning Code Adoption Hearing Draft with edits:

[Adoption Hearing Draft of Zoning Code/Implementation Plan, July 2022 with track changes](#)

3. Master Use Table:
<http://www.morro-bay.ca.us/DocumentCenter/View/17031/Master-Use-Table-Draft-Zoning-Code-2022>
4. Draft Zoning Map:
<http://www.morro-bay.ca.us/DocumentCenter/View/17002/Proposed-Zoning-Map-Update>
5. Previous Staff Report: [December 7, 2021 PC staff report link](#)
6. [Link to Environmental Impact Report](#)
7. [Zoning Code Modules 1 through 4 developed 2017-2018](#)

*More project information is available on the Plan Morro Bay website at:
www.morrobayca.gov/planmb

EXHIBIT A

RESOLUTION NO. PC 08-22

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION FORWARDING A FAVORABLE RECOMMENDATION TO THE MORRO BAY CITY COUNCIL FOR ADOPTION OF THE ZONING CODE / COASTAL IMPLEMENTATION PLAN FOR THE PLAN MORRO BAY: GENERAL PLAN/LOCAL COASTAL PROGRAM UPDATE PROJECT AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED PURSUANT TO STATE CEQA GUIDELINES SECTION 15162 AND ADOPT THE PROPOSED ZONING AMENDMENT OF TITLE 17 OF THE MORRO BAY MUNICIPAL CODE

WHEREAS, California Government Code Section 65300 requires the City adopt a comprehensive, long-term general plan for the physical development of the City; and

WHEREAS, Government Code Section 65860 requires that the city's zoning regulations be consistent with the General Plan and that in the event that zoning regulations become inconsistent with the general plan by reason of amendment to the General Plan, the zoning shall be amended so that it is consistent with the General Plan as amended; and

WHEREAS, in May 2021 the City adopted a comprehensive update to its General Plan and Local Coastal Program Coastal Land Use Plan (LCP) known as Plan Morro Bay; and

WHEREAS, amendments to the Morro Bay Municipal Code (MBMC), including its zoning regulations, are necessary to provide consistency with the 2021 General Plan/LCP Update; and

WHEREAS, the City determined that the General Plan /LCP Update, including the Plan Morro Bay's Zoning Code/ Coastal Implementation Plan (IP) Update (also referred to herein as "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that an Environmental Impact Report (EIR) should be prepared to evaluate the potential environmental effects of the Project; and

WHEREAS, on May 26, 2021, the City Council adopted Resolution 20-21, certifying the EIR for the General Plan Update (State Clearinghouse Number SCH#2021111026), adopting Findings of Fact and Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, amendments to the MBMC are necessary in order to provide consistency between the General Plan/LCP and MBMC;

EXHIBIT A

WHEREAS, duly noticed public hearings for the Public Draft of the Zoning Code/ Coastal Implementation Plan Update were held by Planning Commission on December 7, 2021, and August 16, 2022; and

WHEREAS, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing on August 16, 2022 conducted in a hybrid format with both an in-person meeting at the Morro Bay Veterans Memorial Building, 209 Surf Street, Morro Bay, CA 93442 as well as through virtual public participation provided telephonically through Zoom, for the purpose of considering a favorable recommendation to the Morro Bay City Council for adoption of the Zoning Code / Coastal Implementation Plan for the Plan Morro Bay: General Plan/Local Coastal Program Update project which is Title 17 of the Morro Bay Municipal Code (“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, notice of the public hearing was provided at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the written and oral staff report, presentation, public testimony on the Project, and whether the Project should be adopted; and

WHEREAS, the written staff report regarding the Project are found to be true and accurate in all respects and is incorporated herein by this reference;

WHEREAS, prior to the final consideration and any possible approval of any and all physical aspects of the proposed Project, the Planning Commission and all City legislative bodies involved with the proposed Project will consider the Project and the Planning Commission recommends all other governmental agencies and legislative bodies that must review or approve, if at all, the proposed Project do the same; and

WHEREAS, the Planning Commission has completed review of the Project and related materials.

EXHIBIT A

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Morro Bay recommends that the City Council find adopts the Zoning Code / Coastal Implementation Plan Update Amendment based upon the follow findings:

Section 1: California Environmental Quality Act

Finding: No further environmental review is required pursuant to State CEQA Guidelines Section 15162.

Evidence: The proposed Zoning Code Update implements the General Plan/LCP, which was considered through the General Plan /LCP Update Environmental Impact Report (EIR) (SCH No. 2021111026). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan/LCP. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on October 19, 2020 and certified by the City Council on May 25, 2021.

The proposed MBMC Zoning Code Update amendment is consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required.

Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required.

Section 2: The Local Coastal Plan Implementation Program Amendments are intended to further the goals of the California Coastal Act, as set forth in Section 30001.5 of the Public Resources Code, to:

Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.

Assure priority for coastal-dependent and coastal-related development over other development on the coast.

EXHIBIT A

Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Pursuant to Morro Bay Municipal Code Section 17.64.080, no amendment to the Zoning Ordinance shall be legally effective in the coastal zone until the amendment is certified by the Coastal Commission. If the Coastal Commission certifies this Ordinance conditioned on substantive changes being made, then the Council will introduce and adopt another ordinance to incorporate those substantive changes. If the Coastal Commission certifies this Ordinance conditioned on non-substantive changes being made to this Ordinance, then the City Clerk is authorized to amend this Ordinance to reflect those non-substantive changes.

Section 3: Municipal Code (Zoning Code /Coastal Implementation Plan Update) Amendment

Finding: The proposed municipal code amendments (text and map) are consistent with the General Plan/LCP goals, policies, and implementation programs and are necessary in order to provide consistency with the 2021 General Plan / LCP.

ACTION. The Planning Commission does hereby forward a favorable recommendation to the City Council to adopt the MBMC Zoning Code/ Coastal Implementation Plan Amendment for the Plan Morro Bay Update Project.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 16th day of August, 2022 on the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Susan Stewart, Chairperson

ATTEST

Scot Graham, Planning Secretary

The foregoing resolution was passed and adopted this 16th day of August, 2022.

Draft Section No. Topic
Plan Morro Bay Zoning Code / IP Update Project

Commenter Comment

Edits Made? Staff Comments/Response and Updated Section No.

Public Comments received at Planning Commission Meetings/submitted for Planning Commission Meetings

1		Parking	Government Affairs Committee (GAC)	Streamlining process is good. Fewer required hearings and discretionary reviews	Noted
2		Parking	GAC	Implement paid parking where designated.	Noted
3		Parking	GAC	Reduce parking requirements in the downtown.	Noted. Parking requirements have been reduced, including for example change of uses and required restaurant parking.
4		Use Matrix	GAC	There needs to be a use matrix that shows which zones permit which uses, and under what types of permits.	This is included in the use tables for each district
5	17.06.30	Development Standards; Max Height	GAC	Maximum building heights seem arbitrary and unrelated to actual building height increments. Height standards should apply on all four commercial corners of the same intersection for consistency.	PC reviewed and concurs with current policy language
6	17.06.30	Development Standards; Setback adjacent to residential	GAC	Setback adjacent to residential should be a function of commercial building height and the permitted height of permitted or existing structures next door.	These setbacks are brought forward from current code language. PC reviewed and concurs with current policy language.
7	17.06.30	Development Standards; Required Building Location in CC Zone	GAC	Having a "set-to" line in the CC district is good. Most existing structures are. The regulations appear to allow 60 percent of the building within 10 or less. A better "set-to" line may be better.	PC reviewed and concurs with current policy language
8		Minor Use Permits	GAC	Minor Use Permits (those permits that can be approved by the CD Director) should have standard conditions of approval so that they become more routine and cookie cutter. Explain the rationale for making them "use permits" at all.	Standard conditions of permits are included on all permits. Use permits are required to allow the use to fit into the zone.
9			GAC	Develop an open site plan review process to provide feedback to applicants within a week after application, with all departments participating.	City already encourages applicants to submit preliminary plans prior to full application to receive early staff comments.
10		Land Use Regulations; Residential in Commercial Zones	GAC	Mixed Use Residential uses should be a minor use permit in commercial zones, and subject to some sort of administrative design review. Delete requirement for conditional use permit and hearing. Or make them subject to administrative hearing. Or, develop design guidelines, and if the structure complies, it is approved.	PC reviewed and prefers discretionary review process for this.
11		Land Use Regulations; Residential in Commercial Zones	GAC	Requirement for residential to be "above or behind" is often impractical. There needs to be an outlet to a public way, and a "presence" on the main street. See units with "vestibules", "elevator lobbies", etc. If necessary, limit the amount of street frontage for these access points, or that an Hcap unit can be located on the ground floor. Agree with the necessity for a "retail street frontage".	PC reviewed and concurs with current policy language
12		Land Use Regulations; Drive Throughs	GAC	Why no drive throughs in DC Zone. Seems like a natural. Only in North Morro Bay?	PC discussed this issue as part of their review and directed that drive-throughs only be allowed in the Quintana area.
13	17.29.030	Minor Use Permits	GAC	"Generate substantial public controversy" should not be a reason to refer to PC. This is too open-ended and arbitrary. Some explanation of the rationale for minor use permit would be useful such as "to confirm conformance with existing city regulations, polices and design guidelines". Consider an administrative hearing for some items that can be appealed. Can a minor use permit be appealed otherwise? What are the required/expected approval time lines for a Minor Use Permit?	Staff ability to refer to PC as needed is important. Minor Use Permit are appealable. Approval timeline is approximately 4-8 weeks which includes noticing timing.
14	17.29.030	Conditional Use Permits	GAC	This section should include an explanation of why some items need to go to the PC and why some may not. Overall size and impact of the project? Desire to make it "discretionary". If projects are otherwise in conformance with zoning, LCP and GP, why would they need to go to the PC. Explain, otherwise everything goes to PC.	CUP section is in 17.40 and describes the use permit process and what they are used for. PC reviewed the allowed use tables under each district.
15	17.29.030	Required Conditions/Conditions of Approval	GAC	If the required conditions of approval are the same for a Minor Use Permit and a Conditional Use Permit, why can't they all be Minor Use Permits?	Conditions of approval are not always the same. Refer to Chap. 17.40 for difference between MUP and CUP.
16	17.29.090	Appeals	GAC	Does anyone have standing to appeal? Resident? Non-resident? City property owner? Per the definition an "aggrieved person" has to have lodged an objection or made known their objection prior to the hearing. See comments on Minor Use Permit.	The Appeals process is 17.36.140. Aggrieved person is defined in the definition section.
17	17.27.040	Non-Conforming Structures	GAC	Applaud the change so that there can be additions to non-conforming structures as long as the new construction does not increase the degree/severity of non-conformity.	Noted.
18	17.10.90	Drive Through Facilities	GAC	The setback of the drive through entrance seems arbitrary. The normal requirement is for a minimum about of vehicle stacking, and the stacking area does not conflict with parking lot.	The setback requirements are from intersections and other driveways related to safety. Circulation plan required to ensure safety.
19	17.10.160	Outdoor Dining	GAC	Are there design guidelines for outdoor dining?	Not yet
20	17.28.040	Parking: Commercial Uses	GAC	Parking at 1/300 SF appears to be adequate, but there should be a varying requirement for CC and waterfront. CC has many pedestrian oriented trips, and joint trips.	No parking is required in the WF district. Refer to 17.27.040.A1
21	17.28.040	Parking: Eating and Drinking	GAC	Parking at 1/100 SF appears to be excessive. This probably applies to a freestanding fast food or other high volume free standing use, but not to restaurants that are part of commercial districts or shopping centers.	Yes Parking has been revised. Refer to revision in Table 17.27.040
22	17.28.040	Parking; Waterfront District	GAC	If no onsite parking is required in the Waterfront District, how is that parking need to be met?	Waterfront is mostly built out. City previously utilized historic parking credits. Removing requirement for parking will have negligible impact. Public parking spaces are provided at various City lots in the vicinity
23	17.28.040	Parking: CC, DC zones and Shopping Centers	GAC	Why not have just one parking ratio for CC, DC and shopping centers. Then, there is no fuss about use changes over time.	There is no parking requirement for use changes over time.
24	17.28.050 (F)	Parking Reductions	GAC	The parking reductions cited here should be formulaic and not arbitrary as they appear to be written.	Staff disagrees that these are arbitrary reductions. PC has reviewed this policy and concurs.
25	17.28.060	Parking Management Plan Area	GAC	Please provide this map. It is important. It also should not be up to the PC to allow in lieu payments or not. In lieu payments would also be for all or some of the required parking. Should the parking requirement be the same for all uses (waterfront, downtown, etc.) as can be justified, but uses in specific zones may satisfy that requirement by payment of fees for offsite parking lots. All commercial uses create a need for parking. Is the City obligating itself to provide the parking where it is being waived?	This map will be included. PC has expressed desire to maintain control over inlieu fee payments.
26	17.29.080	Glare	GAC	Glare should be defined in terms of lumens, foot-candles or the visibility of the luminaire light source across a property line. "Significant" and "direct" are not definable terms.	17.14.090 Visual Resource Protection includes exterior lighting requirements
27	17.38.030	Design Review Authority	GAC	Is design review considered subject to CEQA? See recent court case.	Design review itself is not subject to CEQA. CEQA does not apply to ministerial projects.
28	17.38.030	Design Review Authority	GAC	Non-residential design review for PC seems very low. If a 4,000 SF existing building, that means a 400 SF addition has to go.	PC reviewed this and discussed in detail. And agreed with this policy.

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29	17.38.030	Design Review Authority	In areas with adopted architectural or Specific Plan guidelines, should PC approval be required? See adopted Waterfront/Downtown Plan.		This could be the case, but current specific/master plan design guidelines are too general.
30	17.38.080	Design Review: Sustainable Design	What are sustainable design features. Are these LEED features, or CalGreen features already required by the building code? Is there a performance standard for this?		Sustainable design features could be all of these things. PC has previously asked for sustainable design features to be incorporated.
31	17.38.080	Design Review: Dark Sky Principles	"Dark Sky Principles" need to be defined, especially how they relate in commercial districts with commercial signage, required street and parking lot lighting, etc. This seems noble, but too vague.		PC asked for Dark Sky principles to be added. Will review options to add definition.
32	17.53.030	Clinics/Medical-Dental Definition	What is the difference between a "medical office" and a "clinic". Do we care?		They are referenced separately in the Code.
34	17.18.030	Mixed Use District	Residential appears to be allowed in all commercial districts per Table 17.08.030, but the VSC and NC zones are the only specified in the Mixed Use District section. Please reconcile. Prefer residential in all districts as stated in Table 17.08.030.		We will look to resolve this conflict with Table 17.08.020 between MUP and CUP requirements. Chapter 17.16 as an MUR overlay should say that a MUP is required in order to allow residential development.
35		CG Zone District	There does not appear to be a CG (Measure D) Zone District. "Uses allowed in Measure D are included in the zoning code" according to the GP. Policy LU-4.2 refers to the zoning ordinance defining "clearly incidental".		The permitted uses in the CF district are noted at 17.11.030.
36		CG Zone District	What are the prospects for growth beyond current development footprint in the rest of the CG Zone?		Unclear what's being requested.
37		Residential Development	City allocation under the new Regional Housing Needs Allocation (2020-2030) is 390, or about 40 per year. New residents with disposable income are important to the business community both as customers and employees/workforce. City should prioritize residential development for economic, business and social reasons. What level of mixed use/multi-unit residential is permitted by right?		We are working on by-right housing policies and objective design standards.
38	17.08.20	Uses not allowed on MB Blvd	Uses not allowed on MB Blvd - unclear what is not allowed, mixed use?		Refer to bottom of table for specific limitations. Footnote #3 identifies what uses are not allowed on Morro Bay Blvd.
39	17.09.20	Colleges and Trades Schools in ICD Zone	Colleges and Trade Schools and Instructional Services are not permitted in Land Use Classification ICD - is this detrimental to the development of a wind turbine training ground or future Cuesta/Cal Poly wind energy learning institution?		ICD zoning only applies the Cayucos Sanitary District parcel near Toro Creek which is in process of being detached from the City.
40	17.09.20	Recycling in ICD Zone	Recycling facilities not permitted - venture that removes plastics from ocean recycled into some other material .		ICD zoning only applies the Cayucos Sanitary District parcel near Toro Creek which is in process of being detached from the City.
41	17.09.20	Food preparation ICD Zone.	Food Preparation not permitted, would this prevent development of some sort of commercial canning or industrial seafood venture? Or, is Food Preparation for a restaurant use?		ICD zoning only applies the Cayucos Sanitary District parcel near Toro Creek which is in process of being detached from the City.
42	17.11.20	CF Zone Permitted Uses	The conundrum of Measure D. Is this an attempt to apply prescriptive language and to what end? Inability to enlarge or expand existing operations (restaurant retail and commercial recreational fishing) on a Tidelands Lease diminishes drive to maintain a structure or operation and grow a business. ED unfriendly		Policies have been revised to allow existing non-conforming to be reconstructed and relocated. Refer to 17.11.030.A.2b. This was reviewed by joint committee of HAB and PC.
43	17.11.20	CF Zone Permitted Uses	Uses which clearly support "Ocean to Table" retailing and restaurants would appear to support the commercial fishing industry, as much as the industrial and support facilities. How can we allow those uses to expand, rather than whither?		No consensus between HAB and PC. Findings previously have been determined on a case by case basis.
44	17.11.20	CF Zone Permitted Uses	Is there an understanding of the terms "incidental" and "primarily". Is this the actual text of Measure D, or what has been added and refined.		Clearly incidental and primarily are words that are included in the text of Measure D.
45	17.11.20	CF Zone Permitted Uses	If restaurant and retail uses are going to be displaced longer term, should there be a similar prohibition on commercial fishing support facilities south of Beach Street or outside the Measure D area on the Waterfront to encourage these uses to relocate and uses to sort themselves out?		No desire by HAB or PC to ban commercial fishing facilities south of Beach Street.
46	17.11.20	Houseboats	Non-seafaring vessels not allowed by muni code per Harbor Dept? Why is this in the document. Are they permitted if with CUP. Why PC approval?		They are allowed with CUP approval.
47	17.11.20	Seafood processing and retail uses in WF Zone.	Seafood processing and retail and wholesale seafood markets feels like a good fit for CF area		Agreed
48	17.11.20	Expansion of Commercial Fishing	There is a reference to "reasonable expansion" of commercial fishing industry. This sounds like an appropriate GP policy but probably does not belong in the zoning code. What are the prospects for expansion of the commercial fishing facilities? Adequacy of existing CF area.		Identifying prospects for expansion is outside of the scope of the Zoning Code.
49	17.24.030	In Lieu Housing Fees	How do these line up with region?		It's being looked at as part of the update of the fee structure.
50	17.24.030	In Lieu Housing Fees	Suggest that there be a re-look at fee structure and effectiveness. Why should this not apply to all development projects? Residential projects do not create the demand for affordable housing and the nexus here is weak. Consider applying across the board at a more manageable level for all uses. The current approach seems like a completely ineffective one.		It's being looked at as part of the update of the fee structure.
51	17.28.040	WF Parking	Waterfront District - On site not required. Predating this document did or did not pay in lieu? Is this a complete change in policy and how interacts with projects underway? Coastal Commission demanding parking on "managed retreat" for projects like Rose's use change (hotel rooms requiring parking up the bluff)		The use change by Rose's did not trigger an increase in required parking. Parking provided was desired by the Applicant.
52	17.31.140	Nonpermanent Vendors	Food Trucks? Can take up to 3 parking spaces provided that's not more than 25% of total parking spaces available?		Correct. Updated section number is 17.30.140.
53	17.31.160	Outdoor Dining	Attempt at encouraging development of outdoor dining areas. Support.		Noted. Updated section number is 17.30.160.
54	17.31.170	Outdoor Displays and Sales	Approximate cost to display outside is special use permit \$1500-2000 and does not expire? (How) Will this be enforced?		Correct, these permits do not expire. Enforcement matters would be handled the same as any other permit. Updated section number is 17.30.170.
55	17.36.40	Review of Applications	30 days to determine completeness, is state maximum. Suggest that this be reduced locally to provide better responsiveness, or at least such a policy be established. Also suggest a shorter site plan review process.		Will consider.

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56	17.36.40 Review of Appeals	GAC	Appeals should be heard at the soonest possible date unless waived by the applicant. Appeals should be on the next available hearing date that is available with the hearing notices. Ordinance specifies 60 days for appeal determination. Suggest 30 days.		Timing is predicated by existing Council agendas for available hearing space. Also, appeals typically include issues that require a response from Applicant which dictates allowing time for a response prior to appeal hearing.
57	17.36.110 Permit Expiration and Extension	GAC	Permits and approvals. Building permit issued or city business license pulled = permit or approval is inaugurated and have 2 years before expires if not inaugurated or extended. Is 2 years too long? Why would a project take this long, Coastal?		We regularly get requests for permit extension based on Applicant's ability to carry forward the project and coordinate with hired architect/engineering services.
58	17.38.030 Review Authority	GAC	How does this relate to PC wish to do commercial design guidelines. Would that effort be redundant/superfluous, and add review time? B 2. Director discretion on what appears before commission outside of criteria in section A		Unclear what's being asked. PC is interested in commercial design guidelines as guidance for commercial development not as a method for by-right development.
59	17.11.020 Land Use Regulations - Permitted Uses	Embarcadero Master Leaseholders group (EML)	"or moved" language added - EML concerned with limitations for projects with including this language. See section 17.28 - parking concerning calculations.	Yes	PC specifically requested that "or moved" be added. Removed parking requirement. Refer to 17.11.030.A2b
60	17.11.020 Land Use Regulations - Conditionally Permitted Uses	EML	Add aquaculture?	Yes	Aquaculture added. Refer to 17.11.030.B2a
61	17.11.020 Land Use Regulations - WF District Conditionally Permitted Uses	EML	Does this need to be here with the CF District in place? Does not seem appropriate for areas south of Beach Street. Reference to section that says "ensure new recreational boating facilities will not preclude reasonable expansion of commercial fishing facilities and other coastal dependent uses"		No change. Carry forward from current Zoning code.
62	17.11.030 Development Standards - Conformance with Harbor Master Plan	EML	Why is this Conformance with Harbor Master Plan section in here? What purpose does it serve in this section? Would it be better to put in the WMP?	Yes	Deleted this section. This was also requested deleted by Coastal staff. Refer to 17.11.040.B
63	17.11.040 Supplemental Regulations - Architectural Treatment	EML	This section on Architectural Treatment seems as though this should be in the WMP instead.		No change. It's appropriately located here since the WMP is outdated; and will need to update Waterfront Master Plan in the future.
64	17.11.040 Supplemental Regulations - Development Priorities, WF District	EML	Paragraph C Development Priorities: What are the constraints and priorities that could be determined by the City?	Yes	This section deleted. Refer to 17.11.050.
65	17.14.060 Development Within Coastal Commission Permit Jurisdiction - Concept Plans	EML	No more Precise Plan?	Yes	No. This section was deleted because of the goal to minimize the number of hearings previously. A minor or major modification process is added that would capture projects where big changes are made by Coastal Commission on their CDP. Refer to deleted 17.14.070
66	17.14.060 Development Within Coastal Commission Permit Jurisdiction - Conformance Review	EML	Why the requirements for another hearing? What if there are no changes or minor modifications done by Coastal Commission? Why not have an exception for minor or no changes?	Yes	This section deleted. Refer to 17.11.070.
67	Chapter 17.19 Waterfront Master Plan (-WMP) Overlay District (IP)	EML	What will be in this section? When will we see it? his section is likely to have more comments when we see the complete version.		Chapter 17.17 is the WMP Overlay district. This section directs one to refer to the Waterfront Master Plan for proposed development.
68	17.25.020 Applicability	EML	Includes Embarcadero? LCP - replacement of shoreline protective devices should not apply to Embarcadero. Target Rock to Tideland's Park	Yes	This is now in 17.14.100. Applicability section revised to state this does not apply to Embarcadero. 17.14.100.C.2
69	17.25.040 Shoreline Development - Applicability	EML	Embarcadero included?	Yes	This is now in 17.14.100. Applicability section revised to state this does not apply to Embarcadero. 17.14.100.C.2
70	17.25.040 Shoreline Development - Geologic Report	EML	Same comment		Same as above. Does not apply to Embarcadero.
71	17.25.040 Shoreline Development - Shoreline Development - Non-bluff Coastal Setbacks	EML	Non-bluff Coastline setback section?. Any impact to waterfront projects?		Does not apply here.
72	17.25.040 Shoreline Protection Restrictions	EML	How does this impact redevelopment on the Embarcadero? This doesn't include Visitors Serving Uses - Embarcadero	Yes	A portion of this section deleted and edited to refer back to the LUP Hazards policies (which exempts the Embarcadero area). Refer to 17.14.100.
73	17.28.040 REQUIRED NUMBER OF PARKING SPACES	EML	Eating & Drinking Establishments. This is not consistent with 17.31.160(e). That section has 350 sq. ft. What about historic parking credits?	Yes	Edit to clarify parking requirement for outdoor seating is in excess of 350 square feet. Table found at 17.27.040. Regarding historic parking credit, parking would not be required on the waterfront.
74	17.28.040 Calculation of Required Spaces - Floor Area	EML	See parking calculations for sample projects.	Yes	17.27.040 Gross floor area changed to total floor area. Our understanding of this issue relates to seating for restaurants. One option for PC to consider would be to just require parking for restaurant seating area which is current practice. We will make edit since calculation inadvertently didn't consider current code practice of seating area only.
75	17.28.040 Calculation of Required Spaces - Employees	EML	Explain this? Where is the code section where this would apply?		This refers to uses which are parked by # of employees (Refer to 17.27.040) such as family day care or emergency shelters.

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76	17.28.050 Parking Reductions - Harbor, Port, Marina Facilities	EML	Should "Waterfront" be included here?		Updated section number reference is 17.27.050. Waterfront not included because it is not a use but items in this definition are uses that are found on the waterfront.
77	17.28.050 Parking Reductions - Intensity of Use	EML	How does this work with parking calculations and requirements? Parking calculations are based upon square footage?		Updated section number is 17.27.050. No conflict. This is just a definition. Does not equate to parking requirements.
78	17.28.050 Parking Reductions - Lot Width	EML	Doesn't seem to address seawalls		We can keep this as is. Definition of seawalls is in the coastal exemption section and allows one to maintain them without needing a CUP from the City.
79	17.23.060 Fences and Freestanding Walls	Betonte	Resident doesn't agree with limiting side fences to less than 6 feet. Add: Height may be allowed up to two feet for residential corner side and as long as there is no posing safety hazard.		Noted. PC listened to public comment and directed no change.
80	17.23.020/ 17.23.150 Storage units	Garcia	Would like Accessory structures (storage) to be smaller than the 120-sf storage space.		Noted. PC listened to public comment and directed no change.
81	17.30.040 ADU	Garcia	Would like the new zoning ordinance to limit ADU's in certain areas of the city (North Morro Bay).		Noted. PC listened to public comment and directed no change.
82	17.38.080 Design- stormwater run-off	Garcia	Add more detail regarding stormwater run off design.		Structures less than 120sf do not require a building or planning permit.
83	17.24.030 In-Lieu Fees for Affordable Housing	Ingraffia	Language change: Wants the document to state that funds will be used for "for Morro Bay" instead of "in Morro Bay." Commissioner also wants all major developments to have an attached fee.	Yes	Chapter 17.24 includes edits with updates to inclusionary housing, fees, density bonus provisions, and applicability. This was work done with Housing Element Implementation grant funding.
84	17.25.060 Irrigation Specifications	Ingraffia	Wants to ban of installations of spray irrigation in "Commercial and residential areas"		The Landscape Ordinance (17.25) contains significant water conservation requirements as well as is compliant with State law , Water Efficient Landscape Ordinance (WELO).
85	17.30.160 Design Guidelines	Ingraffia	Wants to see design guidelines for dark sky and outdoor dining features.		The zoning code contains guidelines for lighting in and around ESHA as well as visual resource protection policies. Refer to 17.14.090.B. Lighting and illumination standards are also under 17.23.080 and in the Parking Ordinance at 17.27.
86	17.23.020 Accessory Units (Storage)	Ingraffia	Wants to decrease the size of Accessory units (that are used for storage) and require PC approval for storage units up to 120sf at the property line.		generated based on the number of small lots in town. Cost recovery to process this would be between \$2500-\$3000 for an application and would therefore be cost prohibitive for applicants.
87	17.14.090/17.23.060 Fences and Freestanding Walls	Ingraffia	Comment Fencing height: Does not support gates in front and gates at side setback could be effective. Low front yard fences provide a more welcoming atmosphere.		Noted.
88	17.30.220 Housing	Ingraffia	Wants the document to address agricultural employee housing and balance competing interests		Farmworker housing allowed pursuant in 17.30.110 consistent with State law.
89	17.53.050 Telecommunication Facilities.	Ingraffia	Agrees with requirement for co-location and third party technical study.		Noted. This section is now in 17.30.250
90	17.23.020 Accessory Structures	Ingraffia	Language Comment: Zoning Ordinance only mentions one ADU per lot. However, law states that two ADU's per lot are allowed. Shouldn't the new Zoning ordinance reflect this change.		Language is included for junior accessory dwelling units. Refer to Chapter 17.53.
91	17.14.080 Environmentally Sensitive Habitat	Novak	Clarify or Include: Steps that would warn marine wildlife with low noises before full-power noise levels/Constuction projects start. Requests that section be modified to add "with appropriate type of equipment"	Yes	We can edit this.
92	17.14.080 Environmentally Sensitive Habitat	Novak	Commenter describes what should be included in a Wildlife Contingency Plan. And states that not all construction should be necessarily monitored and should only apply to noise generating construction. Requests word "all construction " be deleted or reference monitoring required for "noise-generating construction"	Yes	We can edit this.
93	17.14.080 Environmentally Sensitive Habitat	Novak	Add: construction can resume when otters (wildlife) are 100 feet from the project area.	Yes	We can edit this to reflect biological monitor authority to modify the radius on a case by case basis if animal deemed not in distress.
94	17.14.080 Environmentally Sensitive Habitat	Novak	Change the language: Add (CEMP) pre -construction survey to be completed 30-60 days period to issuance unless modified by Army Corps.	Yes	We agree with this edit and can modify this.
95	17.11.020 Waterfront and Habor Area District	Winholtz	Comment: Measure D of the new guideline does not reflect current guideline language (17.24.180)		Both the PC and HAB felt that the Measure D language needed some additional clarification.
96	17.16.040 ESHA Buffer	Winholtz	Buffer is cut in half in new zoning ordinance.		Buffers have not been reduced and the most recent draft version includes the wetlands buffer width requirement of 100 feet.
97	17.23.060 Fences and Freestanding Walls	Winholtz	Buffer is cut in half in new zoning ordinance.		PC discussed this. The change was made in response to PC direction and based on security concerns
Chamber/GAC Comments updated since 2019			Comment with Updated Remarks in bold:		Staff comments and Updated Section No.
98	17.08.030 Development Standards; Max Height	GAC	Max height in CC Zone seems overly prescriptive and restrictive. ZO has been substantially reformatted so that section references no longer apply. Now 17.08.030. Max height of 37' in some portions of CC seems odd. Height should allow for one lower (retail/office) floor and up to two upper floors. Special standards to apply adjacent to existing residential).		PC vetted this at multiple meetings where this was discussed and this was the maximum height they were willing to accept.

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99	17.08.030	Development Standards; Required Building Location in CC Zone	GAC	Front "set-to" line in the CC district is good. Most existing structures are. The regulations appear to allow 60 percent of the building within 10 or less. Use a required 0' Set-To Line for Main Street and Morro Bay Blvd.		Same as above, PC discussed this at multiple meetings and this was their direction.
100	17.080.030	Commercial Zone Development Standards	GAC	Is a minimum residential density of 15.1 units per acre in the CC (downtown) Zone practical? Does it apply to the size of the entire parcel, including areas used by non-residential uses. A large parcel with an existing building could not comply. What does "N/A" mean? No minimum? How is the density here both conducive to maximizing housing development and informed of current large commercial structures occupying lots?		Doing the math this should not be a hard threshold to meet. For a lot 4,250sf or less, that equates to minimum density of 1 unit. For lots between 4,250 and 7,100 the minimum density would be 2 units. 1 more unit is required for about every, 3,000sf of lot area over 4,250. The PC goal was to encourage more housing.
101	17.080.030	Open Space Standards	GAC	Please show options about how the open space standards can be achieved, especially in mixed use settings.	Yes	Staff is looking at revisions to this to require minimum of 50sf per unit (such as deck or balcony) otherwise as written it might discourage 2 bedroom units and encourages studios. Edits made at 17.08.030.
102	17.080.030; Zoning Map	Power Plant/Treatment Plant Properties	GAC	These properties are shown for Visitor Serving Commercial and for "Mixed Use Residential". Residential uses are not permitted per the environmental use restrictions per DTSC and/or the use restrictions in the PGE CCRs. Battery site should be modified now to show an industrial use. The City has more than adequate VSC land without the power plant site. See Chamber comments on the GP/LCP on this matter. How can this conflict between the designated land us here on the certified GP/LCP and the draft zoning code be resolved?		We are pursuing language revisions to allow the Battery project use on a limited portion of the site. Residential is not permitted in the tank farm area but would be allowed in other portions. It is possible to pursue removing the PG&E deed restriction.
103	17.080.040	Limitations on Location of Parking	GAC	It is unclear what this regulation means or is meant to achieve.		Objective is to not have parking spaces directly adjacent to the sidewalk. Exceptions allowed through Design Review process (Ch 17.38) where not feasible.
104	17.080.040	Rooftop Decks	GAC	Rooftop decks may be necessary to meet the open space requirements for mixed use projects. These should be subject to standard conditions, and approval allowed with a Minor Use Permit if not part of a Conditional Use Permit or other entitlement.		This is a very limited area that has residential uses above commercial uses and therefore justifying the CUP requirement.
105	17.080.08	Location of Residential Uses in Commercial Zones	GAC	The location of residential uses "above or behind" commercial uses may be impractical and unwarranted. Residential uses in commercial zones need to exit to a public way and can't exit through a business. Could it be more effective to specify a certain max percentage of parcel frontage as non-commercial or as residential?		This was reviewed by the PC and they supported this to ensure residential is above or behind consistent with our current zoning code. This would require that the residential use has a path out to the public way, and would not exit through a business.
106	17.080.08	Use Matrix	GAC	Is the use matrix in the commercial zones a complete listing of all possible uses, including specific uses in 17.30? What uses are not listed that are listed elsewhere in the ZO. Need a combined list of uses and zones similar to that used by other cities in the County. Are the uses provided in the various commercial and industrial zones consistent with those specified in the General Plan and EDSP.	Yes	Jurisdictions are moving away from the catch-all style of all possible uses. The new zoning code has been re-formatted to use a classification system which groups broader groups of uses based on common function or physical characteristics. We have created a master use table which has a complete list of all land uses regulated by the code and all districts where they are allowed. The master use table is on the Plan Morro Bay website.
107	17.08	DC Zone Permitted and Condition Uses.	GAC	Allow housing. Mixed use projects that place customers in vicinity of commercial spaces. Especially for South Quintana which will soon be done with the pipeline conveyance project disruption. Foster growth for existing retail businesses, some of which are new and recognize that there are existing residences among the commercial uses currently. How could this existing condition be expanded rather than curtailed.	Yes	In recent times, we have received complaints about noise in this Quintana area. Edits made to allow residential uses in DC zone. Refer to 17.08.020.
108	17.08	DC Zone Permitted and Conditional Uses.	GAC	Allow Drive Throughs with Minor Use Permit		PC reviewed this and expressed heightened concern for drive throughs in relation to community character and avoiding over-commercialization of chain restaurants. Drive through are allowed in Quintana area. Refer to 17.30.090.
109	17.08	NC Zone Permitted and Conditional Uses	GAC	Allow Drive Throughs. EDSP talks about pulling travelers off HWY1 into this district. Could spark Spencer's lot redevelopment. Drive through windows account for 35%-50% of volume for such uses.		PC reviewed this and expressed heightened concern for drive throughs in relation to community character and avoiding over-commercialization of chain restaurants. Standards are at 17.30.090
110	17.08	VSC Zone Permitted and Conditional Uses	GAC	Allow Drive Throughs with Minor Use Permit. Preserve existing uses (ex. What if Taco Bell burns down? Could rebuild as nonconforming structure and not expanded?) and definition in 17.30.240 beyond solar energy systems alone - add battery storage, something that would support offshore wind industry development.		Non-conforming non-residential uses would be required to permanently cease. The Taco Bell could re-build without the drive-through feature. Regarding battery storage, we are working on clarifying this.
111	17.08	RH Zone Permitted and Conditional Uses	GAC	Expand to allow commercial uses and mixed use development. Allow Food and Beverage Sales and General Retail, General Personal Services, Food and Beverage Tasting and Restaurants. Give people services that are in walking distance to their residence.		The RH zones are in areas adjacent to commercial areas that would provide services. The RH zone is intended to provide more housing opportunities and meet Housing Element goals. PC and GPAC had lengthy discussions related to this.
112	17.08	ICD Zone Permitted and Conditional Uses	GAC	The Zoning Ordinance includes the Industrial Coastal Dependent Zone, but none is shown on the Zoning Map. If it is a derelict zone, could it be deleted?		The ICD zone is in the north end of town near City limit line.
113		PD Zoning	GAC	The Zoning Ordinance includes the PD Zone, but none is shown on the Zoning Map. If it is a derelict zone, could it be deleted? The Zoning Code states that any properties designed PD shall be shown on the Zoning Map by the designation "PD," followed by the number of the Planned Development based on order of adoption. If there are parcels in the community with approved PD zoning, these should be shown. If there are parcels that need to have PD zoning, they should be shown.	Yes	The PD process is a new feature in the Zoning Code and requires a minimum size of 1/2 acre or within the Waterfront Master Plan area. A traditional PD development would be for the type of rare project that doesn't quite fit within the Zoning Code. Not expected to have very many PD projects. We are looking into making this more clear. Design Review (Ch. 17.38) and Modifications (Ch. 17.42) chapters in new code address what is in the current PD overlay info at 17.40.030. It is not shown on the map until and upon approval of a "PD Plan" which is a type of permit and would require a Zoning LCP amendment to add the approved PD plan to the map. Refer to 17.18.050.

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114	17.080.08	Use Matrix "Waterfront Zone"	GAC	List the "Waterfront" WF zone as a commercial zone. Permitted and conditional uses should be similar to those in the VSC Zone on the other side of the Embarcadero.	Yes	This area is subject to the Waterfront Master Plan and overlay which requires compliance with the WMP. The Waterfront and Harbor Area Districts Chapter 17.11 was updated to include Land Use Regulations and Development Standards. These are also now in table format versus the paragraph format that is in the current code. Refer to 17.11.030 and 17.11.040.
115	17.080.080	Use Matrix; Medical Dental Uses	GAC	What would it look like if Medical and Dental business could be permitted on MB Blvd? More people on the streets, medical staff patroning businesses, expanded lunch options in the downtown? What was the PC discussion on discouraging such uses in the City's main commercial district, and is it still relevant?		PC discussed this at length and didn't want these uses on Morro Bay Blvd or Main St. going north.
116	17.09.030	Development Regulations for Industrial Uses	GAC	What industrial operations would require more than 30 feet that we would not be able to recruit. There is already very little industrial use designated in the city limits. What would a 50 foot height limitation rather than 30' look like?		PC discussed this at length especially in regards to community character. 37 feet was the tallest they were comfortable with and that was only for core downtown commercial area.
117	17.11.010	"Uses supportive of fishing industry"	GAC	There should be a definition provided of this important term/phrase. It should also address whether ALL of the businesses in a particular building must meet this definition, or whether the predominant share should be. Also see comments relating to uses that are "Clearly Incidental".		We formed a subcommittee with the HAB and PC to discuss this and review all components of Measure D. The language in the Zoning Code is the resulting effort of that subcommittee.
118	17.11.020	"Coastal Priority Uses and Embarcadero policies"	GAC	Where are these defined in the ZO? They appear to be random references to unknown documents or regulations.		We are looking into this to add a definition for coastal priority uses consistent with the language in Plan Morro Bay. This language came from Coastal Commission staff. Coastal staff asked that this section be clarified. Edits made to 17.14.040.A.
119	17.11.020	CF Uses	GAC	Are "fishing" and "swimming" uses within the CF zone a use that need to be controlled in the ZO?	Yes	We updated this to include a use table to clarify for the CF, H, and WF districts. Refer to Table 17.11.030.
120	17.11.020	CF Zone Permitted Uses	GAC	The conundrum of Measure D. Is this an attempt to apply prescriptive language and to what end? Inability to enlarge or expand existing operations (restaurant retail and commercial recreational fishing) on a Tidelands Lease diminishes drive to maintain a structure or operation and grow a business. ED unfriendly. Continue to advocate for needed flexibility to expand existing uses. Existing commercial uses should be found to "support the fishing industry" because they provide most of the funding for the Harbor Department, and GF that allows the waterfront to exist. Acknowledge that the fishing industry itself cannot feasibly carry the burden to improve and maintain the waterfront and to provide all of the needed operational revenue for the Harbor Department.		This was discussed by the PC/HAB subcommittee. Concurrence on this specific issue could not be reached.
121	17.11.040	"Waterfront Master Plan"	GAC	Reference is made to the "regulations and standards" in the "Waterfront Master Plan". There are few, if any, specific development regulations in the Waterfront Master Plan. This plan was adopted in the mid-90s and has many archaic development policies and concepts. The specific "regulations and standards" that need to be included in the Zoning Ordinance should be extracted and the reference to the Waterfront Master Plan deleted in the ZO.	Yes	We do have an implementation action from the GP/LCP to update the Waterfront Master Plan. We updated the Zoning Code to create a use table for the CF, H, and WF zone districts so that is included. Refer to Development Standards updated at 17.11.040.
122	17.26.050	Non-Conforming Uses and Structures	GAC	The proposed Zoning Ordinance and Zoning Map are creating a significant number of non-conforming uses and structures. Under 17.26.050 these uses could not be rebuilt. The City should identify these uses and parcels and provide notice to the property owners. Recommend that the City provide the broadest list of uses on a particular parcel within the guidance provided by the General Plan, and restrict uses only where there is a clear health and safety issue. Also recommend that all existing uses be grandfathered in, subject to documented and objective health, safety and neighborhood compatibility criteria.		Staff disagrees that the proposing Zoning Code will create a significant number of non-conforming uses and structures. Some uses and structure will be now made conforming. Also, existing uses will be grandfathered in.
123	17.40.100; 17.40.110	Other Master Plan Areas	GAC	The MC includes special regulations for the Beach Street Area and North Main. Like the Waterfront Master Plan, these are older plans that have few real development regulations. The applicable development regulations should be extracted and included in the ZO. At a minimum, the Zoning Map should show all of the special overlay districts. The special regulations should be integrated as a "special treatment area" or "overlay zone". All of the defined master plan areas, overlay areas, sign ordinance areas, etc. where special regulations should apply should be shown on the Zoning Map.		The specific plans have been removed and applicable development standards have been incorporated into the proposed zoning code.
124	17.11.050	Midway Marina Area	GAC	Where is the Midway Marina Area? Is it on the Zoning Map?	Yes	Midway Marina Area is what's known as the State Park Marina now. This has been deleted since it's outdated.
125	17.14.040	Land Use Plan	GAC	Is this a reference to the Land Use Element of the General Plan? Clarify reference.		Unclear what the issue is here. The LUP is part of the City's LCP. Plan Morro Bay is a combined General Plan/ Coastal Land Use Plan. The language is accurate.
126	17.14.050	Community Design	GAC	Are the "LUP Community Design Guidelines" referenced in the this section consistent with the ZO. ZO should provide a single reference for design regulations and standards and not create ambiguity or conflicting standards. 17.14.050 does not provide any material, substantive or quantitative guidance. Consider deleting this section as it does not provide any real guidance.		Because this section of the proposed Zoning Code is the City's Implementation Plan, this section could not be deleted as it relates to Coastal Act issues.
127	17.14.100	Define Embarcadero	GAC	Reference is made to certain regulations not applying "...in the Embarcadero". What geographic area does that include? Water side of Embarcadero Road?		This is a generalized term to differentiate area that are subject to shoreline protective standards.
128	17.14.100	Reference to 1.5 Safety Factor.	GAC	"New development must be set back equal to a sufficient setback to maintain a minimum factor of safety of at least 1.5 for a minimum of 100 years based on a site-specific geological or geotechnical engineering study." Please clarify the meaning.	Yes	This is Coastal Commission language regarding bluff setback analysis. It applies to minimal areas in the City. The edits made in 17.14.100 Hazards and Shoreline Protection were in response to Coastal Commission review and edits.
129	17.17.00	Waterfront Master Plan	GAC	Section 17.17 states that "All development within the Waterfront Master Plan (-WMP) Overlay District shall be in accordance with the Waterfront Master Plan." This master plan includes many derelict development concepts and many that the city has chosen to not implement (connection the Embarcadero to Atascadero Road, converting Embarcadero to one-way traffic, new boat/launch ramp in Measure D area, development of the dunes west of the power plant site). There are some design specifications Chapter 5-Design Guidelines in the Waterfront Master Plan that are appropriate for a ZO. However, most of the narrative is plan-level. Time to clean up and clarify what specific code-level references still apply, and how they are consistent or inconsistent other design regulations.		This is part of the LCP. It won't be changed until we update the Waterfront Master Plan.
130	17.29.00	Signs	GAC	Needs review by subcommittee. Also the various sign ordinance districts needs to be shown on the Zoning Ordinance Map, or in the Sign Ordinance itself.	Yes	The Chamber did review the sign ordinance previously. The map of the various districts in the Sign Ordinance chapter is shown at 17.29.040.
131	17.29.050	Embarcadero District	GAC	This is not shown on the Zoning Map. Where is it? Same as Waterfront Master Plan?	Yes	We created a map of the different districts in the Sign Ordinance. Refer to 17.29.040.
132	17.29.050	Sign Regulations	GAC	There is reference to the policies and guidelines in the Waterfront Master Plan and Downtown Waterfront Specific Plan. The ZO also includes quantitative standards for signs. Do the standards in the ZO fully represent the standards in the WMP and the DWSP? Are they overlapping? Are they inconsistent?		No inconsistency. We are unaware of any conflicts.

Draft Section No. Topic
Plan Morro Bay Zoning Code / IP Update Project

Commenter Comment

Edits Made? Staff Comments/Response and Updated Section No.

Public Comments received at Planning Commission Meetings/submitted for Planning Commission Meetings

	Draft Section No.	Topic	Commenter	Comment	Edits Made?	Staff Comments/Response and Updated Section No.
133	17.29.070	Sign Regulations	GAC	Reference to the "Quintana Road District". Is this the DC Use Zone. This is not shown on the ZO map.	Yes	We created a map of the different districts in the Sign Ordinance. Refer to 17.29.040.
134	17.30.220	Vacation Rentals	GAC	Hasn't the vacation rental ordinance already been adopted. How to these modifications and regulations fit with the recent amendment?		No substantive changes made. The edits shown were for cleanup and consistency with the Zoning Code document.
135	17.30.240	Morro Bay Power Plant	GAC	17.30.240 B is vague and may apply to any time of industrial scale renewable energy system. This section should be limited to performance standards for solar and wind appliances used for individual businesses and households.	Yes	This section does not apply to stand alone renewable energy projects. It refers to projects that are incidental to a primary use. For example, solar facilities or other smaller accessory facilities. This would also apply to residential and commercial uses by allowing property owners an ability to supplement an existing use or incorporate such facilities into their property.
136		North Main; Beach Street Specific Plans	GAC	There does not appear to be any reference to these documents that are in 17.40.10 and 17.40.11 of the MC. Are they proposed to be deleted in their entirety?		Yes we deleted them and incorporated the relevant policies.
137		Zoning Map	GAC	The Zoning Map includes the land use districts, and several Overlay Districts including the Coastal Zone, Cultural Resources, Cloisters, ESH (boundary and fill), mixed use residential, and Waterfront Master Plan. However it does not include other special overlay zones and special design districts including "Midway Marina", Beach Street, North Main Street, Downtown Waterfront Specific Plan, and others that are listed in the Zoning Ordinance. The Zoning Map should be used as the single initial source to inform the reader about applicable design regulations. As required by ZO, it does not include approved PDs.		We removed the Specific Plans. We cannot add the DWSP to the zoning map as that document is not part of the LCP or Implementation Plan.
138		Chevron RH Property	GAC	There are limited commercial offerings in northernmost part of North Main St. EDSP talks about pulling travelers off HWY1 into this district. Housing development is critical for the city and this is a large opportunity. Keep as RH, but allow and encourage mixed use and limited retail uses in RH zone, or change from RH to TMU or NC with MUR overlay. Prefer the former rather the latter to continue emphasis on housing for this parcel. City should more actively participate with the owner and developers to remove constraints to development.		GPAC and PC discussed this specifically the intent to have commercial "nodes" or aggregate commercial uses instead of dispersing throughout the length of North Main St. They wanted to maintain this area with high density residential as a critical need for the community.
139		Morro Elementary Site	GAC	Similar recommendation to Chevron parcel. Adding in retail to RH could allow for more flexibility in redevelopment. Placing customers in the vicinity of customer-facing businesses. This site has many opportunities and challenges which should be addressed by a City-led and initiated planning process that includes and physical development plan, utility (water, sewer, storm drainage and streets) assessment and solutions, an environmental document, and potentially a residential specific plan.		The GPAC and PC reviewed this and wanted this as high density residential. This is in an area that is surrounded by commercial. Residential is a critical need for the City and this supplies residential uses to the commercial.

Exhibit C

Planning Commission

August 16, 2022



Presentation Agenda

Overview of the Zoning Code/ Coastal Implementation Plan Update

- Purpose, Objectives, Process

Summary of Draft Zoning Code/ Coastal Implementation Plan

Top 10 Changes

Public Input / Coastal Commission Review

Recommendation to City Council for Adoption



Project Objectives

To craft an updated Zoning Code/ Coastal Implementation Plan that:

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

Process Overview

- ✓ Research and reconnaissance
- ✓ Consultant assessment
- ✓ Zoning Code Diagnosis Memo
- ✓ GPAC, PC, and Public Review of Draft Regulations:
 - ✓ Administration and Permits
 - ✓ Interpretation Provisions, District Regulations, General Site Regulations
 - ✓ **Use Regulations**
 - ✓ Citywide Regulations
- ✓ Public Review Draft Zoning Code (2018)

Coastal Commission Review of Coastal Land Use Plan

- ✓ Revisions to reflect Certified Coastal Land Use Plan, Coastal staff input

- Hearings and Adoption

Zoning Code/ IP Components

Zoning Code/ IP Update

The new Zoning Code is comprised of five divisions:

- Division I – Introductory Provisions
- Division II – District Regulations
- Division III – Citywide Regulations
- Division IV – Administration and Permits
- Division V – Terms and Definitions

Portions of the new Zoning Code make up the Coastal Implementation Plan (IP):

- Section 17.01.050, Local Coastal Program Coastal Implementation Plan (IP)
- District Development Standards
- Chapter 17.11, Waterfront and Harbor Area Districts (IP)
- Chapter 17.14, Coastal Resource Protection (CRP) Overlay District (IP)
- Chapter 17.36, Coastal Development Permits (IP)
- Section 17.30.220, Short-term Vacation Rentals (IP)

Division I – Introductory Provisions

Division I establishes the authority and applicability of the Zoning Code/IP, and its relationship to the General Plan and Coastal Land Use Plan.

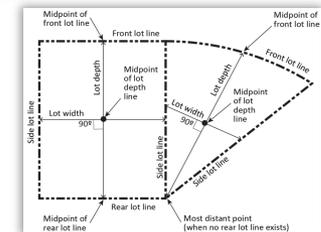
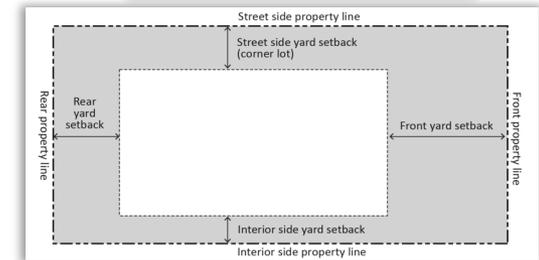
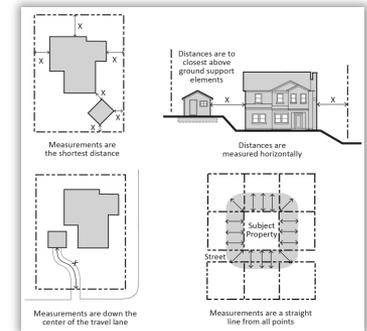
It also provides rules of interpretation and measurement.

- **Rules of Interpretation**

- Relation of text to figures/illustrations/diagrams
- Mandatory vs. permissive words
- Past, present, and future tenses
- “And”, “and/or”, “or”, “either... or”

- **Rules of Measurement**

- Fractions and rounding
- Measuring Distance, Height, Stories, Lot Width and Depth
- Determining Floor Area, FAR, Lot Coverage, Lot Frontage, and Setbacks



Division II - District Regulations

Base and Overlay Districts implement General Plan/ Coastal Land Use Plan Land Use Designations. Division II establishes land use and development standards for each district.

- **Base Districts**

- Agriculture District
- Residential Districts
- Commercial and Mixed Use Districts
- Industrial Districts
- Public and Semi-Public Districts
- Waterfront and Harbor Area Districts

- **Overlay Districts**

- Coastal Resource Protection (CRP) Overlay District (IP)
- Cloisters (-CL) Overlay District
- Mixed Use Residential (-MUR) Overlay District
- Waterfront Master Plan (-WMP) Overlay District
- Planned Development (-PD) Overlay District

Organization of District Regulations

Purpose Statements

- Explains purpose and intent of each district and how it fits into the City's General Plan land use policy
- Serve as a guide for administering regulations

Development Standards

- Dimensional requirements for lot and density standards, building form and location, and open space
- Supplemental standards

Land Use Regulations

- Utilizes modern **use classification** system
- Use allowances are presented in tables as the following:
 - *Permitted (P)*
 - *Minor Use Permit Required (M)*
 - *Conditional Use Permit Required (C)*
 - *Use not allowed (-)*

Division III - Citywide Regulations

Division III includes regulations which apply across all districts.

- General Site Regulations
- Affordable Housing, Density Bonuses, and Other Incentives
- Landscaping
- Nonconforming Uses, Structures, and Lots
- Parking and Loading
- Performance Standards
- Signs
- Standards for Specific Uses

Division IV- Administration and Permits

Provisions for the administration of the Zoning Code/ IP

- Explains who is responsible for making zoning decisions
- Establishes standard procedures

Provisions Include:

- Common Procedures
- Zoning Clearance
- Design Review
- Coastal Development Permits
- Use Permits
- Temporary Use Permits
- Modifications
- Reasonable Accommodation
- Variances
- Development Agreements
- Amendments
- Zoning Upon Annexation
- Enforcement

Division V– Terms and Definitions

Use Classifications

- Modern classification system places land uses and activities into categories based on common function, product, and physical characteristics
- Consolidates long lists of use allowances zone-by-zone
- Broad use groups allow for future amendments and addition of new, unanticipated uses

Terms and Definitions

- Defines specific terms related to zoning and land use that are found throughout the code

Top 10 Changes

Top 10 Changes

1. Coastal Resources (Chapter 17.14)

- The Coastal Implementation Plan (IP) consists of discrete sections of the Zoning Code, clearly identifying which regulations protect coastal resources and are subject to Coastal Commission review.

2. Development Standards (17.07 and 17.08)

- Updated residential and commercial district standards
- Setbacks updated in residential districts based on lot size
- Building design standards are now included for multi-unit and non-residential development. Supplemental regulations provide additional detail and illustration to improve user-friendliness of Code.

Top 10 Changes

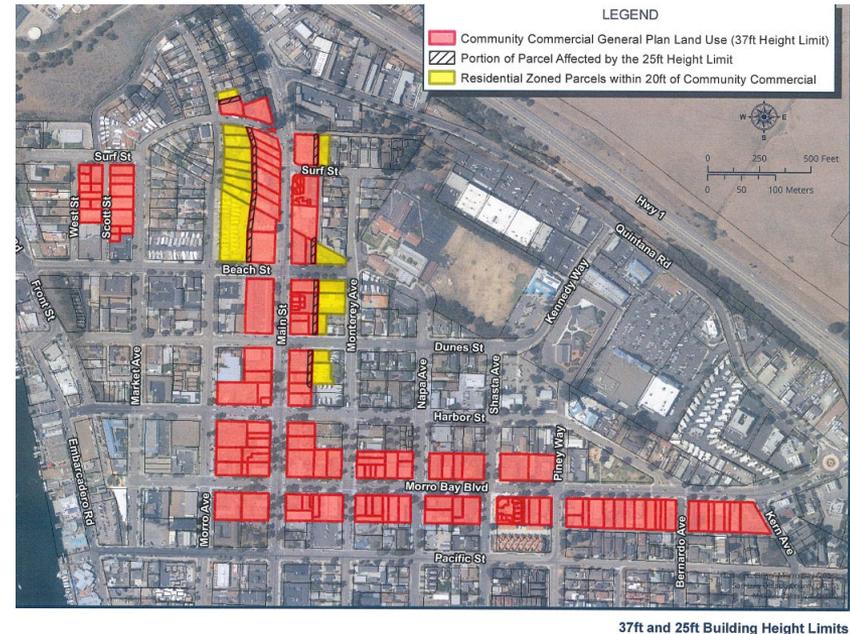
3. Commercial heights (17.08)

- Planning Commission previously reviewed increased height in the downtown area up to 37 feet (where 30 feet is the limit otherwise) to provide for more housing in downtown and more commercial flexibility consistent with the General Plan/LCP and Downtown Waterfront Strategic Plan (DWSP) goals. The original draft had a larger boundary area along Morro Bay Blvd and Main Street but was reduced in area in the current Adoption Draft. Planning Commission should consider if the proposed boundary area is of sufficient size to implement the desired goals.

Top 10 Changes

3. Commercial heights (17.08) – continued

- A comparison of downtown area properties that would be allowed increased height up to 37 feet in the CC zone district.



37ft and 25ft Building Height Limits

Draft Zoning Code illustration – approx. 75 parcels

Deleted original increased height boundary area – approx. 126 parcels

Top 10 Changes

4. Citywide Regulations (Chapter 17.23)

- Citywide regulations includes more defined standards, such as for increased fence heights in front and street side setbacks, updated regulations for accessory structures. Updated standards provide more clarity on regulations.

5. Nonconforming (17.26)

- Additions to nonconforming structures would no longer require a CUP by Planning Commission but would allow a nonconforming setback to be maintained or extended. The intent of this is to incentivize re-use of existing housing stock, utilizing “affordable by design” principles, instead of the historic pattern of demolishing and reconstructing a small homes with a new and much bigger home. This also serves to shorten and streamline permitting process.

Top 10 Changes

6. Parking (17.27)

- Reduced parking requirements are included for both residential and nonresidential uses. This includes no garage or covered parking requirements for residential uses (on-site parking still applies). For commercial uses, requirements decreased to facilitate commercial re-use of buildings, encourage outdoor dining. Parking not required in waterfront district.

7. Signs (17.29)

- Sign Ordinance updated to reflect standards by four main business districts in town and adds standards for when a master sign program is required.

8. Design (17.38 and 17.42)

- Design Review is a new chapter that establishes review authority among single-unit, multi-unit, and non-residential development. The current Planned Development overlay chapter is replaced with standards in both Design Review (17.38) and Modifications (17.42). PD Overlay in 17.18 would be reserved for larger, coordinated development.

Top 10 Changes

9. Housing (17.24)

- Inclusion housing/Density Bonus section updated. This section requires affordable units be provided or in lieu fees paid on larger commercial development, multi-family, and condo conversions. Development of new larger homes would be required to include an ADU. Code updated to allow more housing in more zones, encourage mixed use in downtown area, and allow housing in DC zone where currently only allowed for security units.

10. State Law updates – new standards for:

- Accessory Dwelling Units at 17.30.040
- Density bonus provisions at 17.24.040
- SB 9 policies at 17.07.030 regarding urban lot splits in single family zones that meet certain criteria.

Public Input / Coastal Commission Review

Public Input / Coastal Commission Review

Zoning Code / Coastal Implementation Plan

- Since 2017, Planning Commission has held 12 public meetings on the Zoning Code which was developed iteratively with the support of the General Plan Advisory Committee (GPAC). Public comments from members of the public and from key stakeholders such as the Chamber of Commerce Government Affairs Committee (GAC) and the Embarcadero Master Leaseholders (EML) have been incorporated and is summarized in the Comment Summary Matrix (Exhibit C).
- The Public Comment Summary includes a listing of various edits made in response to public input or if not, then a staff response noting if a conflict occurred. Key edits include:
 - Commercial parking area calculation edits / clarification (17.27.040)
 - Adding a use table for the CF, W, and H districts (17.11.030 & 17.11.040)
 - Eelgrass, piling work, monitoring requirement clarification on waterfront (17.14.080)
 - Open Space standards clarification (17.08.030)
 - Residential uses allowed in DC zone (17.08.030)
 - Sign districts map included (17.29.040)

Public Input / Coastal Commission Review

Zoning Code / Coastal Implementation Plan

- Coastal Commission staff review included edits relating to Hazards and Shoreline Protection at Chapter 17.14, inclusion of Environmental Justice in the CDP process (Chapter 17.39) and new Low-Cost Visitor-Serving Accommodation Policies (Chapter 17.14)

Zoning Code / Implementation Plan Adoption

Zoning Code / Implementation Plan Adoption

Staff recommends the Planning Commission review the Adoption Hearing Draft and adopt PC Resolution 08-22 forwarding a favorable recommendation to City Council for Adoption of the Zoning Code/ Coastal Implementation Plan (Title 17 of the MBMC) with a finding that no further environmental review is required pursuant to State CEQA Guidelines section 15162