



# CITY OF MORRO BAY PLANNING COMMISSION AGENDA

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

**Regular Meeting -Tuesday, September 6, 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=aWZpTzcuTHlRTk9xaTlmVVNWRFUQT09>

*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](mailto:planningcommission@morrobayca.gov) prior to the meeting. Agenda correspondence received at [planningcommission@morrobayca.gov](mailto: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.

### B. PUBLIC HEARINGS

- B-1** **Case No:** CUP21-014/CDP21-042 / PKG22-04  
**(Continued from the July 19, 2022 hearing)**  
**Site Location:** 2900 Alder Ave, Morro Bay, CA  
**Proposal:** Continuation of the Planning Commission review for consideration of approval of a new 6-room self-service hotel totaling 4,117 square feet of interior building space, 6 parking spaces, two motorcycle spaces, and a bike rack. One parking space is on the west side of the covered parking area, which required a parking exception submittal. All parking is on the south side of the property with access via a one-way driveway between Alder Ave. and Birch Ave. The project will be 2 stories, 22 feet to the highest roof line and will include an ADA hotel room on each floor. The project zoning is R-4/SP and is not located within the coastal appeals jurisdiction.  
**CEQA Determination:** Exempt under Section 15303, Class 3c for commercial use buildings up to 10,000 sf on sites zoned for such uses.  
**Staff Recommendation:** Recommend Planning Commission conditionally approve the requested Conditional Use Permit / Coastal Development Permit / Parking Exception to allow this project on the subject site.  
**Staff Contact:** Nancy Hubbard, Contract Planner, [nhubbard@morrobayca.gov](mailto:nhubbard@morrobayca.gov)
- B-2** **Case No.:** *Plan Morro Bay: Zoning Code Update / Coastal Implementation Plan (IP)*  
**(Continued from the August 16, 2022 Hearing)**  
**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, state law changes, and Coastal Commission input on Coastal Implementation Plan (IP) policies. The draft Zoning Code is online at [www.morrobayca.gov/planmb](http://www.morrobayca.gov/planmb).  
**CEQA Determination:** Environmental Impact Report  
**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.  
**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 20, 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](http://www.morrobayca.gov/planningcommission) or you can subscribe to Notify Me for email notification when the Agenda is posted on the City's website. To subscribe, go to [www.morrobayca.gov/notifyme](http://www.morrobayca.gov/notifyme) and follow the instructions.

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

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

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

1. The Planning Division staff will present the staff report and recommendation on the proposal being heard and respond to questions from Commissioners.
2. The Chair will open the public hearing by first asking the project applicant/agent to present any points necessary for the Commission, as well as the public, to fully understand the proposal.
3. The Chair will then ask other interested persons to present testimony either in support of or in opposition to the proposal.
4. Finally, the Chair will invite the applicant/agent to respond to the public testimony. Thereafter, the Chair will close the public testimony portion of the hearing and limit further discussion to the Commission and staff prior to the Commission taking action on a decision.

**APPEALS**

If you are dissatisfied with an approval or denial of a project, you have the right to appeal this decision to the City Council up to 10 calendar days after the date of action. Pursuant to Government Code §65009, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission, at, or prior to, the public hearing. The appeal form is available at the Community Development Department and on the City's web site. If legitimate coastal resource issues related to our Local Coastal Program are raised in the appeal, there is no fee if the subject property is located within the Coastal Appeal Area. If the property is located outside the Coastal Appeal Area, the fee is a \$277 flat fee. If a fee is required, the appeal will not be considered complete if the fee is not paid. If the City decides in the appellant's favor then the fee will be refunded.

City Council decisions may also be appealed to the California Coastal Commission pursuant to the Coastal Act Section 30603 for those projects that are in their appeals jurisdiction. Exhaustion of appeals at the City is required prior to appealing the matter to the California Coastal Commission. The appeal to

the City Council must be made to the City and the appeal to the California Coastal Commission must be made directly to the California Coastal Commission Office. These regulations provide the California Coastal Commission 10 working days following the expiration of the City appeal period to appeal the decision. This means that no construction permit shall be issued until both the City and Coastal Commission appeal period have expired without an appeal being filed. The Coastal Commission's Santa Cruz Office at (831) 427-4863 may be contacted for further information on appeal procedures.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (805) 772-6264. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



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

Agenda No: A-1  
 Meeting Date September 6, 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
<b>Hearing or Action Ready Projects:</b>											
1	City of Morro Bay		Citywide		-	<b>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</b>	Comprehensive overall update to the City's 1988 General Plan, 1984 Local Coastal Program, and 1997 Zoning Code. Public draft of combined General Plan/ LCP released May 2018 for review. Worked with Coastal staff on CCC input received during 2019. Adoption Draft to be reviewed by Planning Commission at 10/20/20 hearing. Admin Draft of EIR received and to be circulated. Reviewed by PC at the 11/4/2020 & 11/17/20, 12/1/20, & 12/15/20 PC meetings. 3-16-2021 meeting is for review of the EIR and make recommendations to City Council for adoption. Council review of adoption draft held on 4/27/21. Hearing continued to the 5/11 and then 5/25/21 Council meetings. Plan adopted by Council on 5/25/21. LCP Amendment application submitted to Coastal Commission for certification. <b>Coastal Commission LCP 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.</b> Hearing Continued to the September 6, 2022 PC Meeting				
2	2900 Alder LLC/Knanna	2900	Alder Ave	10/7/21	CUP21-14/ CDP21-042	<b>CDP/CUP request for proposed 4200 sf, 6 unit hotel</b>	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
3	Stephenson	153	Rennell	3/14/22	CDP22-009	<b>New single story 1,483sf SFR on a vacant lot.</b>	Incomplete letter sent 4/8/22, resubmittal received on 7/25/22, under review, requested minor edit on 08/04/22, completeness letter sent 8/23/22, Noticing board 8/25				gc
<b>30 -Day Review, Incomplete or Additional Submittal Review Projects:</b>											
4	Frojae	429	Bernardo Ave	8/10/2022	MIN22-006	<b>Minor Modification MIN22-006 of a Coastal Development Permit CDP 22-014 for an Accessory Dwelling Unit (ADU). The Minor Modification permit to add 35sf to the ADU (Total 742sf),</b>	Under review, Incomplete letter sent 8/11, resub 8/18, minor edits request sent 8/17.				gc
5	Hayes Castro	979	Las Tunas St.	8/22/2022	CDP22-028	<b>Admin CDP to convert 642sf garage to an ADU</b>	Under review				gc
6	MSA Architects	2417	Greenwood Ave.	8/24/2022	CDP22-030	<b>CDP to develop a new 562 detached ADU</b>	Under review				gc
7	Shepler	2181	Sumset Ave	8/24/2022	CDP22-029	<b>CDP Application for a new third dwelling and one ADU on a property with two existing homes</b>	Under review				nh
8	Kersten	1358	Prescott	7/27/2022	CDP22-024	<b>Partial conversion of an exiting (522sf) attached garage into a single story 276sf ADU.</b>	Incomplete letter sent on 08/09/22				gc
9	Orgill	3009	Beachcomber	7/19/22	CDP22-023	<b>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.</b>	Comments sent August 6, 2022, requires resubmittal and will require updated Architectural Historic Resource review based on the new plan and the structural report.				nh
10	Becher	2230	Greenwood Ave.	7/5/22	CDP22-022	<b>Converting a portion of an existing space in a 1,485sf single family home into an 458sf ADU.</b>	Incomplete letter sent 7/26/22, resubmittal on 8/3/22, Under review, incomplete letter sent 8/12.				gc
11	California Coastal Investments, LLC	801	Embarcadero	6/28/2022	CUP22-09	<b>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</b>	Under review. Incomplete letter sent.				cj
12	Sotelo	2990	Ironwood Ave	6/28/22	CDP22-021	<b>New construction of 3 story 2,749sf single family home on a vacant lot.</b>	Incomplete letter sent 7/26/22, resubmittal on 08/09/22, under review, resub 8/25, under review				gc
13	Gene	240	Bali St.	6/2/22	CDP22-020	<b>CDP to develop a 477sf attached ADU with a roof deck</b>	Under Review, incomplete letter sent on 6/23, Resubmittal on 8/8/22, under review, request minor edits on 8/17				gc

#	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
14	McDonald	471	Panay	6/1/2022	CDP22-019	CDP for the new construction of a two story residence	Incomplete Letter Sent 6/14				gc
15	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 send 5/17/2022				gc
16	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
17	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. Project architect has submitted a draft plan for informal review comments before submittal. Plan reflects significant changes and will require new review by all departments.				nh
18	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 - review comments sent on August 6, 2022, requires resubmittal.				nh
19	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
20	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
21	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 recieved 7/7/22 (Currently Under Review ), second incomplete letter sent 7/26				gc
22	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
23	Luhr	1140	Allesandro Ave	1/20/22	CUP22-06 / CDP22-004/ TTM22-04	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. Resubmittal received with tentative tract map submittal on August 9, 2022, under review.				nh
24	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
25	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
26	Romero	563	Zanzibar	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
27	Morro Bay LLC (Keller)	1108	Front Steet	11/8/21	MAJ21-007	Major Modification permit for 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
28	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. Resubmitted 8/25/22. Under review				cj
29	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

#	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
30	Morgan	101	Fig St	8/9/21	CDP21-035/CUP21-12/ VAR21-003	<b>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.</b>	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
31	Eisemann	541	Atascadero Road (at Hill St.)	7/9/21	CUP21-09/ CDP21-029	<b>Four unit apartment complex with attached garages</b>	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. Applicant wants to keep project file open.				nh
32	Green	1175	Scott Street	6/28/21	CDP21-025 CUP21-07	<b>New construction of 3 hotel units including one ADA unit and a residential security unit</b>	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
33	Perry	3230	Beachcomber	6/24/21	CDP21-024/ CUP/ VAR21-002	<b>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</b>	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
34	SR Development	545	Atascadero	Initial partial submittal on 3/31/2021. Submittal complete on 4/26/21	CDP21-013 / CUP21-04	<b>New construction of 15 unit townhomes project</b>	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
35	Perry	3202	Beachcomber	4/14/21	CDP21-014/ CUP/ VAR21-001 and PAR22-02	<b>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.</b>	Submittal received, but not complete. Balance of submittal received 4/14/21, under review. Incomplete letter comments sent for LTM on 4/30/21 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, review comments sent on August 6, 2022, requires a resubmittal..				nh
36	Tullis	404	Estero	3/17/21	CDP21-011	<b>CDP to demo existing improvements &amp; construct new SFR and site improvements.</b>	Under review. Deemed incomplete, comment letter sent to applicant April 2, 2021				nh
37	Vistra	1290	Embarcadero	12/28/20	CDP20-026 & CUP20-14	<b>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.</b>	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. Master Plan community workshop scheduled for 9/14/22				cj
<b>Projects Appealed to Planning Commission or PC Continued projects - none</b>											
<b>Projects Appealed or Forwarded to City Council - none</b>											
2	Steiner	301-390	Seashell Cove	4/19/21	MAJ21-02	<b>General Plan / LCP Land Use &amp; Zoning Map Amendment application to change land use and zoning from R-A to R-4 designation / low density to high density</b>	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
<b>Environmental Review:</b>											
3	City of Morro Bay		N/A		UP0-423	<b>MND for Chorro Creek Stream Gauges</b>	Applicant requesting meeting for week of 9/9/13. SWCA performing the environmental review. Received completed MND from Water Systems Consulting (WSC) on 4/1/15. Routed to State Clearinghouse for required 30 day review period. Tentative hearing 8/4/15. No recent activity.	No review performed.	MND complete. Cut permit checks to RWQCB and CDFW on 2/27/15		cj

#	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
<b>Final Map Under Review Projects: - none</b>											
<b>Projects going forward to Coastal Commission for review (Pending LCP Amendments) / or State Department of Housing:</b>											
4	Allen Property Group	1260	Main St.	10/4/21	MAJ21-006	<b>Land Use &amp; Zoning Map Amendment to change C2 zoning to C1 zoning</b>	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.. CCC expects to have this on an October 2022 agenda for review and approval.				nh
<b>Grants</b>											
5	California Coastal Commission, California Ocean Protection Council		City-wide	4/6/16		<b>\$400,000 Grant for LCP update to address sea-level rise and climate change impacts. Round 3 Grant award of \$200,000 for Lateral Access Plan, and ESHA delineation. Round 6 funding of \$65,000 received Mar 2020.</b>	Grant agreements for both the grants are in place and grant administration has been turned over to Michael Baker International, per terms of the GP/LCP update contract. Received signed grant agreement for \$200,000 LCP Planning grant by CCC for Round 3 awards 2-27-17. Additional LCP grant funding received in 2020 under Round 6 for \$65,000 to complete LCP update.	No review performed.	N/A		sg
6	City of Morro Bay		City-wide			<b>Community Development Block Grant/HOME Program - Urban County Consortium</b>	Staff has ongoing responsibilities for contract management in coordination with County staff administration. City Council approved Cooperation Agreement for 2021-2023 CDBG Program Years at 5/26/20 Council meeting. 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
7	City of Morro Bay		City-wide			<b>Climate Action Plan - Implementation</b>	Staff has ongoing responsibilities for implementation of Climate Action Plan as adopted by City Council January 2014. Staff coordinating activities with other Cities and County of SLO via APCD.				cj
<b>Projects in Building Plan Check:</b>											
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			cj
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

#	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
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 4/20/22. Reviewed resubmittal and approved. Cj	Bldg. - Approved 6/30/22			cj
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. Resubmittal approved August 18, 2022.	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 4/7/22/	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			cj
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			cj
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			cj
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			cj
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			cj
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			cj

#	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
62	Wilkie	476-A	Hill St.	3/26/20	B20-0057	ATTACHED ADU - Convert existing attached garage to 344 sf Accessory Dwelling Unit.	Correction letter sent 4/30/20.	Bldg. - Approved 4/8/22			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
	Melen	2540	Koa Ave.	8/18/22	BB-0179	Repair of existing outdoor stairway	Under review				gc
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 4-5-18. Resubmittal received and unaddressed corrections sent back 7-19-18. Project required to underground utilities. Utility plan and coordination with public utilities in process. cj. Requested permit extension. Awaiting resubmittal. Requested Permit Extension. Planning permit extension requested and granted to allow new permit expiration of April 2021. Emailed applicant 3-19-2021 advising them of permit expiration date and extension opportunities. No recent activity	BLDG - Disapproved by California Code Check (contract building inspection services (see memo) on 7-23-18. PB <b>Permit extended</b>	Disapproved by jb on 11-21-17.	1-2-18 - Emailed BLDG (code ck) comments to architect. PB	cj
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
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

#	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
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.	Dissapproved 3/6/19. Disapproved 4/9. Variance application approved. Awaiting building permit resubmittal, resub 8/24	Bldg. - Approved 3/27/19			gc
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

#	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
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
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 assoicated cabling. Install equipment expansions to the top of existing cabinets (approx 1'2) with associated electrical wiring.	Approved 9/26/19.	Ready to issue			cj
93	Crumpler	3013	Sandalwood Ave	6/22/22	B22-0131	288 sf single story residential bathroom addition.	Dissapproved 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, Resub 8/25, under review	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 applciation 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 addition 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, resub 8/17, under review	Bldg. - Disapproved 6/30/22			gc
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

#	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
<b>Planning Projects &amp; Permits with Final Action:</b>											
1	Bean	197	Main Street (formerly known as 199 Sandpiper)	12/19/19	CUP19-20, CDP19-04, VAR20-001	<b>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</b>	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. City council upheld the appeal and approved the project.				nh
2	Struckman	3081	Sandalwood Ave	5/4/2022	CDP22-017	<b>Admin CDP for construction of an attached 643sf ADU to an existing 1,504sf SFR.</b>	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											



**AGENDA NO: B-1**

**MEETING DATE: September 6, 2022**

## Staff Report

**TO: Planning Commissioners                      DATE: September 1, 2022**

**FROM: Nancy Hubbard, Contract Planner**

**SUBJECT: PC Continuance hearing for new commercial 6-room hotel.** Coastal Development Permit (CDP21-042), Conditional Use Permit (CUP21-14) and Parking Exception (PKG22-04) to allow a new 6-room hotel project north of San Jacinto between Alder Ave and Birch Ave. The project zoning is R-4/SP, and the site is not located within the coastal appeals jurisdiction.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting Planning Commission Resolution 07-22 making the necessary findings for approval of CDP21-042, CUP21-14 and PKG22-04

**APPLICANT:** 2900 Alder LLC/Sanjay Khanna

**ADDRESS/APN:** 2900 ALDER STREET/APN 068-192-011

**SUBJECT PROJECT:** Coastal Development Permit (CDP21-042), Conditional Use Permit (CUP21-14) and Parking Exception (PKG22-04) to allow a small 6-room hotel project on a 6,000 square foot parcel located on the NE corner of Alder Ave and San Jacinto Street. The project consists of a two-story building with 4,117 square feet of conditioned space and parking for 6 cars, including an ADA van accessible space.

The project requires a parking exception for the 6<sup>th</sup> parking space, but otherwise meets all the development standards and is an allowed use in the zoning and land use district. The project zoning is R-4/SP, and the site is not located within the coastal appeals jurisdiction

**SUMMARY OF JULY 19, 2022, PLANNING COMMISSION HEARING:**

The concerns preventing a PC decision related to the lack of certain information on the plans (landscape container sizes, building sections, signage, exterior lighting and better-quality renderings and elevations). There was also discussion about operational and management aspects of a hotel that did not include full time

on-site staff. The project is an approved use within the zoning district, it is designed to meet all the development standards of the zoning district and with the approval of the parking exception allowing a 6<sup>th</sup> parking space on the site. The project is providing ample parking opportunities for guests and will provide an EV charger for guests. The sections below address each item that required more information or discussion.

### **NO HOST (SELF-SERVICE) HOTELS:**

A no-host or self-service hotel is becoming a popular option especially for smaller boutique hotels where full time on-site staff is not cost effective. These hotels provide contact information for guests or other visitors to contact management as needed. Morro Bay has other self-service hotels in operation which were approved without any special conditions related to their no-host operational program. The following is an excerpt from Hospitality Net that further explains the trend toward this type of hotel operation:

*While the concept of self-service may seem to contradict the everyday luxuries associated with the hospitality experience (having staff dote on each guest), the guest-driven demand for more control and less waiting in line, is not at all unfounded. While many guests appreciate a high-touch personal experience when they travel, many guests prefer control and complete autonomy over their experience and perceive self-service options as a luxury.*

### **PC REQUEST FOR CONTINUANCE:**

The following are responses to information requested by PC with a reference to the plan sheet in the resubmittal that addresses each item.

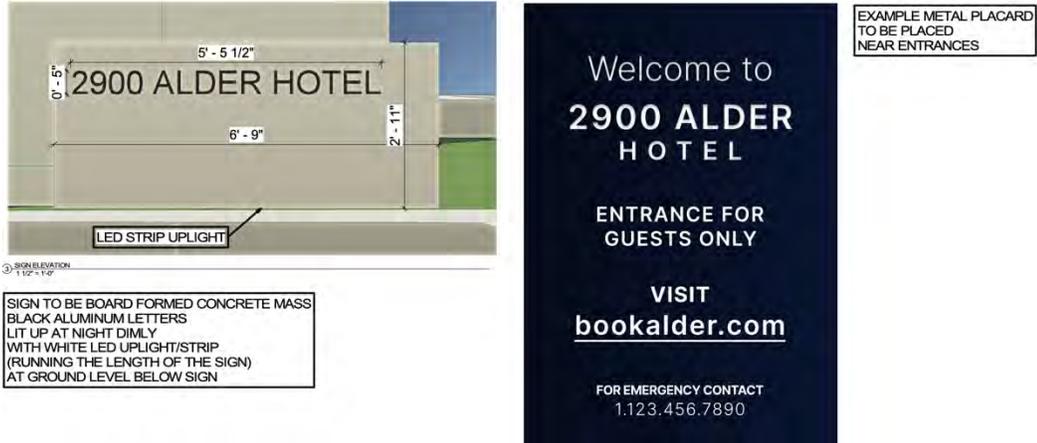
#### 1. Color and Material Board.

*The applicant provided Plan sheet A118 proposing a pallet of neutral colors and materials, including Hardie textured panels painted various shades of grey and white. To further break up the exterior façade, there are redwood exterior slates that provide depth and shadow lines, powder coated black railing at the recessed decks and black framed windows.*



2. Provide conceptual details on the proposed hotel signage, including proposed location, size and lighting.

*Applicant has provided Plan Sheet A117 with the proposed monument sign for the hotel name and address (final name TBD) and a sample sign with contact information for guests and interested parties that will be placed at the guest entrance locations.*

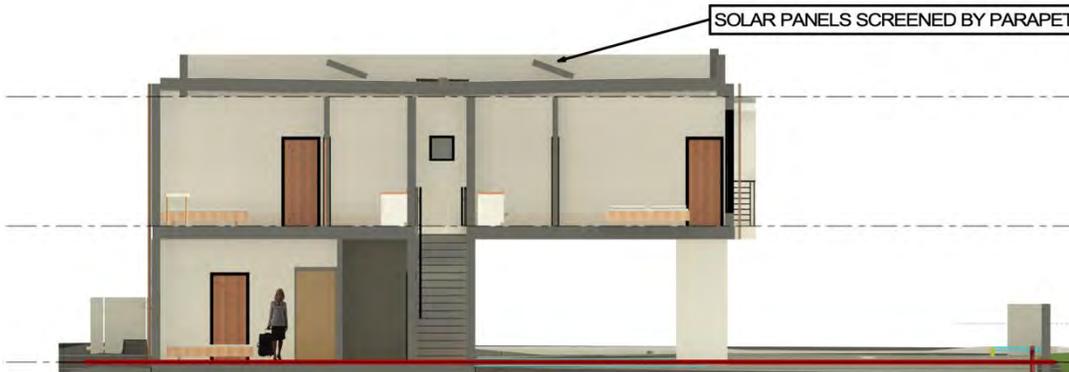


3. Revise landscaping plan to include the container sizes for the plants and trees proposed for the site. Trees should be 15-gallon size or greater.

*The applicant has provided a revised landscape plan (Plan Sheet A108) that includes the container sizes for each plant type. There are 114 plants proposed and 20 of the proposed plants will be 15-gallon container sizes.*

4. Provide a plan sheet with a building section to show the height of the parapet relative to the proposed rooftop solar.

*The applicant has revised the plans in response to the PC comments resulting in an increase the height of the parapet, which adds additional color variations and shadow lines along the top of the building façade. The requested building sections have been created (Plan Sheet A106) to show the height of the parapet (now over three feet in height) and the anticipated angle of the solar panels when installed.*



5. Provide revised exterior elevations with stronger architecture (i.e., shadow lines, articulation in the building façade, etc.).

*Plan sheet A105 provides a clean view and plan sheet A107 provides a landscaped view of each building elevation. The plans show that with the variety of colors, recessed portions of the building and use of the window placement and redwood panels create an increase in visual interest and architectural articulation on all four sides of the building. See below for previous submittal of the south facing façade and the proposed revised south facing façade:*



6. Provide photo simulations with adjacent existing buildings shown to scale.

*The applicant has provided additional photo simulations (Plan sheet A113 and A114) to show a wide view that includes the existing buildings next to the proposed project as well as those across the street from the proposed project. The photo simulations are created to be in scale with the adjacent buildings/homes, although some of the view angles appear slightly distorted. The adjacent home in the top view has a height of 22 feet 4 inches and the proposed hotel is now a height of 23 ft 9.5 inches for most of the roofline, with the center portion of the parapet extending an additional 5.5 inches.*



7. Provide exterior lighting plan showing size and type of proposed lighting. Lighting should be downcast and not create light spillage onto other adjacent properties.

The applicant has provided Plan Sheet A115 to show the exterior lighting proposed for the project. The proposed lighting meets the criteria for shielded exterior lights that provide down-cast or side-cast ambient lighting. The plans also show the carport lighting plan which will include adjustable settings to provide optimum safety lighting levels that do not cause light spill onto adjacent properties.

Lamar LED Outdoor Flushmount  
By Kuzco Lighting

LUMENS  
LIGHTING  
Call Us (877) 445-4486

Lamar LED Outdoor Flushmount  
By Kuzco Lighting

Product Options

Finish: Black  
Size: Medium

Details

Ok to use in outdoor areas  
Material: Aluminum  
Shade Material: Acrylic  
Dimmable when used with a Electronic low voltage (ELV)  
Dimmer (Not Included)  
ETL Listed Wet  
Warranty: 2 year finish, 5 year electrical  
Made in China



③ SVELTE LED WALL LIGHT

8. Project designer should be present at the continued PC hearing.

*The project designer, Bobby Khanna will attend the hearing in person.*

See Exhibit C for staff report and related plans from the July 19, 2022, hearing.

#### **ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3c. This exemption applies to new construction of up to 4 commercial buildings not exceeding 10,000 total sf, located in urban areas zoned for the specific use. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

#### **CONCLUSION:**

The project is consistent with development goals and allowed uses included in the Morro Bay Municipal Code and the North Morro Bay Specific Plan Area and is consistent with the policies of General Plan and the Local Coastal Program.

#### **PUBLIC HEARING NOTICE:**

Notice of a public hearing on this item was published in the San Luis Obispo Tribune newspaper on August 26, 2022. Noticing for the hearing also included postcards mailed to all property owners and occupants of record within 500 feet of the project site. The project site was also posted with a public notice sign.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission **CONDITIONALLY APPROVE THE PROJECT** by adopting Planning Commission Resolution 07-22 which includes findings for CDP21-042, CUP21-14 and PKG22-04 to allow the proposed

small hotel as reflected on the plans submitted to the City of Morro Bay on August 7, 2022.

**ATTACHMENTS:**

Exhibit A – Revised Resolution 07-22 – Findings and Conditions of Approval

Exhibit B – Revised plan set with additional sheets addressing PC requests

Exhibit C – Staff report from July 19, 2022, PC hearing, with plans

RESOLUTION NO. PC 07-22

A RESOLUTION OF THE MORRO BAY PLANNING COMMISSION  
APPROVING CONDITIONAL USE PERMIT CUP21-14, COASTAL  
DEVELOPMENT PERMIT CDP21-042 AND PARKING EXCEPTION PKG22-04  
FOR A NEW HOTEL PROJECT AT 2900 ALDER AVE

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing on September 6, 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 the approval of the CUP21-14, CDP21-042 and PKG 22-04 for a new 6 room hotel project in a new two story building to be located at 2900 Alder Ave; 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 testimony of the appellant, applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

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

California Environmental Quality Act (CEQA)

- A. Pursuant to the California Environmental Quality Act, the project meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3c. The exemption applies to new construction of up to 4 commercial buildings not exceeding 10,000 sf in urban areas zoned for the specific use. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

Conditional Use Permit and Coastal Development Permit findings

- A. The proposed development is consistent with the R-4/SP Zoning designation in providing for a hotel project that is compatible as a buffer between the lower density residential and the mixed use commercial. The project is also consistent with the General Plan and Local Coastal Program (GP/LCP). The project will not have any substantial adverse impacts on the environment or coastal resources.
- B. The project is in compliance with the General Plan and certified Local Coastal Program and will not be detrimental to the health, safety, and general welfare of persons residing or working in the surrounding

neighborhood.

Parking Exception Findings:

- A. The parking exception does not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the alternative parking design will be adequate to accommodate on the site all parking needs generated by this use.
- B. The exception will not adversely affect the health safety or general welfare of persons working or residing in the vicinity and not traffic safety problems will result from the proposed modification of the parking standards;
- C. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property

**Section 2: Action.** The Planning Commission does hereby approve Conditional Use Permit (CUP21-14), Coastal Development Permit (CDP21-042) and Parking Exception (PKG22-04), subject to the following conditions:

**STANDARD CONDITIONS:**

- 1. Permit: Coastal Development Permit (CDP21-042), Conditional Use Permit (CUP21-14) and Parking Exception (PKG22-04) to allow a new 6-room hotel project totaling 4,117 square feet on the NE corner of Alder Ave and San Jacinto Street. The project is providing 6 parking spaces on the site, including a van accessible space, two motorcycle parking spaces and a bicycle rack. The project zoning is R-4/SP, and the site is not located within the coastal appeals jurisdiction.
- 2. Inaugurate Within Two Year: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided, however, that upon the written request of the applicant, prior to the expiration of this approval, the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
- 3. Changes: Any minor change may be approved by the Community Development Director. Any substantial change will require the filing of an application for an amendment.
- 4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
- 5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and

employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

6. Compliance with Conditions: Compliance with and execution of all conditions listed here on shall be necessary, unless otherwise specified, prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Community Development Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
7. Archaeology: In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall immediately cease in the immediate area, and the find should be left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.
8. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

#### **PLANNING CONDITIONS:**

9. Architecture/Material Board: Building color and materials shall be as shown on the plans included in this permit approval. Any changes to materials or colors shall be submitted to the Community Development Director for review and approval.
10. Parking: A parking exception was approved to allow the 6<sup>th</sup> parking space on the west side of the covered parking garage. Any change to the location of this parking space and/or the landscape screening proposed on the west side of this space will require review and approval by the Community Development Director.
11. Landscaping: Landscaping shall be installed in accordance with the container sizes and the plant/tree types identified in the permit plan set. Any changes required due to plant availability shall be submitted to the Community Development Director for review and approval.

12. EV charging Station: One or more of the parking spaces shall have access to an EV charging facility.
13. HVAC/Mechanical equipment: Mechanical equipment shall be installed allowing adequate clearance for emergency personal to access all sides of the building from the ground level. If the mechanical equipment (ground level or roof top) is visible from the public right of way, it shall be screened to the satisfaction of the Community Development Director.
14. Signage: Conceptual signage is included in this permit. Final signage designs shall be submitted to the Community Development Department for review and approval prior to installation. Material deviation from the conceptual signage approved as part of this permit may require application for a signage permit. On-site directional signage does not require a signage permit from the City of Morro Bay.
15. Accessibility: If the laundry/staff storage area becomes available for use by the hotel occupants, access to the area must be modified to be ADA accessible.
16. Exterior Lighting: Lighting shall be installed as shown on the approved plans included with this permit and in conformance with building code. Light levels will be reviewed at final building inspection and programming adjustments may be requested to keep the lighting from disturbing adjacent residential homes.

### **BUILDING DIVISION CONDITIONS**

#### **A. CONDITIONS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:**

1. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
2. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
3. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed

## Exhibit A

deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.

4. The owner shall comply with the City Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
5. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided. Alternatively, submit a completed City of Morro Bay soils report waiver request.
6. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
7. **BUILDING PERMIT APPLICATION:** To apply for building permits, submit three (3) sets of construction plans, fire sprinkler plans, if applicable, and supplemental documents to the Building Division.
8. The Title sheet of the plans shall include, but not limited to:
  - Street address, lot, block, track, and Assessor Parcel Number
  - Occupancy Classification(s)
  - Construction Type
  - Maximum height of the building allowed and proposed
  - Floor area of the building(s)
  - Fire sprinklers proposed or existing
  - Minimum building setback allowed and proposed

All construction will conform to the 2019 California Building Code (CBC), 2019 California Residential Code (CRC), 2019 California Fire Code (IFC), 2019 California Mechanical Code (CMC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Energy Code, 2019 California Green Building Code (CGBC), Title 14 and 17 of the Morro Bay Municipal Code.

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

**B. CONDITIONS TO BE MET DURING CONSTRUCTION:**

1. **SITE MAINTENANCE:** During construction, the site shall be maintained to not infringe on neighboring property, such as debris and dust. A storm water management plan shall be maintained through the duration of the project. The storm water management measures such as fiber rolls, silt fencing, etc. will be enforced by City staff by random site visits.
2. **ARCHAEOLOGICAL MATERIALS:** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. **FOUNDATION SETBACK VERIFICATION:** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some lot types.
4. **BUILDING HEIGHT VERIFICATION:** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC. The Building Official shall have discretion on a case-by-case basis for some site-specific projects.

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

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

1. Prior to building division final approval and request for final inspection, all required inspections from the other various divisions and departments must be completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card. This permit card shall then be turned into the building division for scheduling of the final building inspection.
2. Any as-built drawings that were required by the building inspector or plans examiner must be submitted for approval prior to the request for final inspection.
3. If structural observations were required, the final structural observation report shall be submitted to the building division prior to issuance of the certificate of occupancy or final inspection approval.
4. If special inspections were required, the final special inspection report shall be submitted to the building division prior to the issuance of the certificate of occupancy or final inspection approval.
5. Final soils summary report from the geotechnical representative indicating compliance with the required conditions set forth in the soils report.
6. Final T-24 energy reports (Certificates of Installation).

**PUBLIC WORKS CONDITIONS:**

1. **Stormwater Management:** The City has adopted Low Impact Development (LID) and Post Construction requirements. All proposed projects must complete the "Performance Requirement Determination Form" to determine if any requirements should be submitted. Submit The requirements can be found in the Stormwater management guidance manual on the City's website [www.morro-bay.ca.us/mainmanual](http://www.morro-bay.ca.us/mainmanual) (MBMC 14.48.140)
2. **Frontage Improvements:** The installation of frontage improvements is required. Show the installation of a city standard driveway approach per detail B-6, sidewalk per detail B-5, curb and gutter per detail B-1, curb

ramps on San Jacinto corners per Caltrans Detail a88a and street tree (one per every 50' frontage) along all the street frontages of the proposed project. (MBMC 14.44.020)

3. North Main Street Specific Plan: The proposed project is located in Sub-area B of the North Main Street Specific Plan and subject to those conditions in addition to the standard frontage improvements. San Jacinto is classified as a collector street and shall be developed to its full width on the north side along the property per City Standard Detail A-2, except that a 5-foot wide bike lane shall be marked and a "NO PARKING BIKE LANE" (R7-9) shall be installed. Alder Avenue and Birch Avenue are classified as local streets and shall be developed per City Standard Detail A-1.
4. Sewer Lateral: Indicate and label new sewer lateral pipe.
5. Sewer Backwater Valve: Indicate and label sewer backwater valve on plan. A backwater valve, extended to and accessible from grade for maintenance, shall be installed on every Building sewer. Exception: Installation of backwater valve shall not be required when, to the satisfaction of Building Official, it is determined that the intent and purpose of this section is otherwise met. (MBMC 14.07.010.C).
6. Erosion and Sediment Control Plan: For small projects less than one acre and less than 15% slope, provide a standard erosion and sediment control plan. Show on plans the control measures to provide protection against erosion of adjacent property and prevent sediment or debris from entering the City right of way, adjacent properties, any harbor, waterway, or ecologically sensitive area.
7. Water Meter: Indicate and label water meter on plans and include size of meter(s).
8. Water Backflow Prevention Device: Verify and label all new or existing water backflow preventers. Water backflow preventer devices are required for fire water systems, irrigation systems (on a dedicated water meter), systems which may change in character of use (commercial rentals, etc.), gray water systems, or any plumbing system which has cross-connections or the ability to allow water of deteriorated sanitary quality to enter the public water supply. Add note to plan that device is required to be an approved domestic water backflow prevention device. (MBMC 13.08.040)
9. Water: The City's "OneWater Plan" which is available at the following link; <https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final> identifies a deficiency due to low residual fire hydrant pressures occurring under MDD fire flow conditions that will affect the this future

## Exhibit A

development. To mitigate the deficiency, the OneWater plan requires the installation of a 10" diameter pipeline along San Jacinto between Alder Avenue and Cedar Avenue to create a loop.

10. Grading and Drainage: Indicate on plans the existing and updated contours, drainage patterns, spot elevations, finish floor elevation and all existing and proposed drainage pipes and structures.
11. Utilities: Show all existing and proposed locations of the sewer lateral, water service, and water and sewer mains on the building plans. Include sizes where appropriate. Note the location of all overhead utilities and construction underground service entrances per the CBC.
12. Underground Utilities: Per MBMC 17.48.050, All utility service lines to all new development, except single-family residences, on vacant lands (including the demolition and replacement of individual structures), and to major redevelopment projects, shall be undergrounded.
13. Retaining Wall within City Right-of-way: All retaining walls and structures within the City's right-of-way require City approval. Per City Municipal Code 8.14.020, Encroachments on the public right-of-way are not allowed without City approval. Proposed retaining wall in or extending into the right-of-way will need to be relocated on plans or requires a Special Encroachment Permit Agreement be obtained and recorded with the County. Requirements for Special Encroachment Permit Agreement requirements can be located on the City's website at the following location: <https://www.morro-bay.ca.us/DocumentCenter/View/15119/Special-encroachment-instructions>

Add the following Notes to the Plans:

1. Any damage, as a result of construction operations for this project, to City facilities, i.e., curb/berm, street, sewer line, water line, or any public improvements shall be repaired at no cost to the City of Morro Bay.
2. No work shall occur within (or use of) the City's Right of Way without an encroachment permit. Encroachment permit application and requirements are available on the City's website at the following location: <https://www.morro-bay.ca.us/197/Public-Works>.
  - A standard encroachment permit shall be required for the proposed driveway; the driveway shall comply with B-9 (Driveway Ramps: Size & Location).
  - A sewer encroachment permit shall be required for any repairs or installation of a sewer lateral within the City right-of-way or within a utility easement.
  - If a construction dumpster is used, the dumpster location shall be on private property, unless allowed by a temporary encroachment permit within the City right-of-way.

### **FIRE DEPARTMENT CONDITIONS:**

## Exhibit A

1. Demolition Site Plan, General Notes. Provide the following notation: Fire Safety During Construction and Demolition shall be in accordance with 2019 California Fire Code, Chapter 33. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire during such operations.
2. Fire Protection Systems and Equipment. An approved automatic fire sprinkler system shall be provided throughout this project, pursuant to Morro Bay Municipal Code, Section 14.60.200. Submit all plans and specification sheets for the required automatic fire sprinkler system to the Building Department for review and approval prior to installation. Sprinkler plans shall be submitted prior to issuance of a Building Permit. The sprinkler system shall be in accordance with NFPA Standard 13.
3. Fire Alarms. Plans and specifications for the automatic fire sprinkler system and fire alarm system shall be submitted to Public Services Division for review and approval. (CFC 1001.3 and 1001.4) The fire sprinkler and alarm systems shall be supervised by a central station and constructed in accordance with NFPA 72.
4. Fire Department access to equipment. Rooms or areas containing controls for Electrical, FAU, Alarm and Fire Sprinkler Systems shall be identified by approved and appropriate signage for Fire Department use. (CFC 1001.8)
5. Fire Extinguishers. A minimum of one 2A-10-BC extinguisher shall be provided for each floor area, so that travel distance does not exceed 75 feet. Extinguishers shall be serviced annually and shall have a current service tag attached. (CCR, Title 19, Sec. 3.29)
6. Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction (CFC 507.1).
7. Fire hydrant where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. (CFC 507.5.1)
8. Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall not be less than the minimum specified in Table C102.1. (CFC C102.1)

Exhibit A

9. Elevator Car to Accommodate Ambulance Stretcher. Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretched 24-inches by 84-inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3-inches high and shall be placed inside on both sides of the hoist way door frame. (MBMC 14.08.090)
10. Dumpsters and containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings, or combustible roof eave lines.
11. Key Boxes. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, the fire code official. Provide a Knox Key Box for installation to the exterior of the structure. Obtain a Knox Application from Morro Bay Fire Department during business hours.
12. Provide location of the sprinkler riser, backflow double check device, fire hydrants and fire protection equipment at site.
13. Fire Lanes. Access roads and fire lanes shall be provided and identified by approved signage to read: "Fire Lane, No Parking" stenciled over red-painted curbs and signage.

PASSED AND ADOPTED by the Morro Bay Planning Commission at a regular meeting thereof held on this 6th day of September 2022 on the following vote :

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairperson Stewart

ATTEST

\_\_\_\_\_  
Scot Graham, Planning Secretary

Exhibit A

Planning Commission Resolution 07-22  
CUP21-14/CDP21-042/PKG22-04, 2900 Alder Ave  
Page 12

The foregoing resolution was passed and adopted on this 6th day of September 2022.











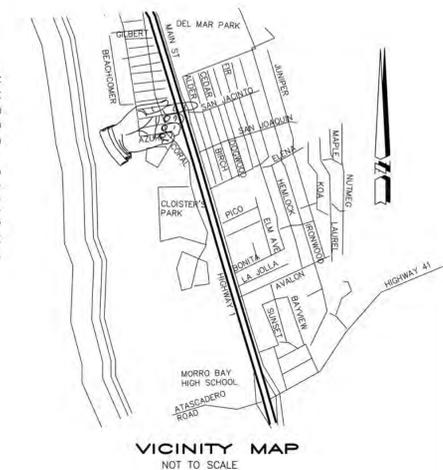
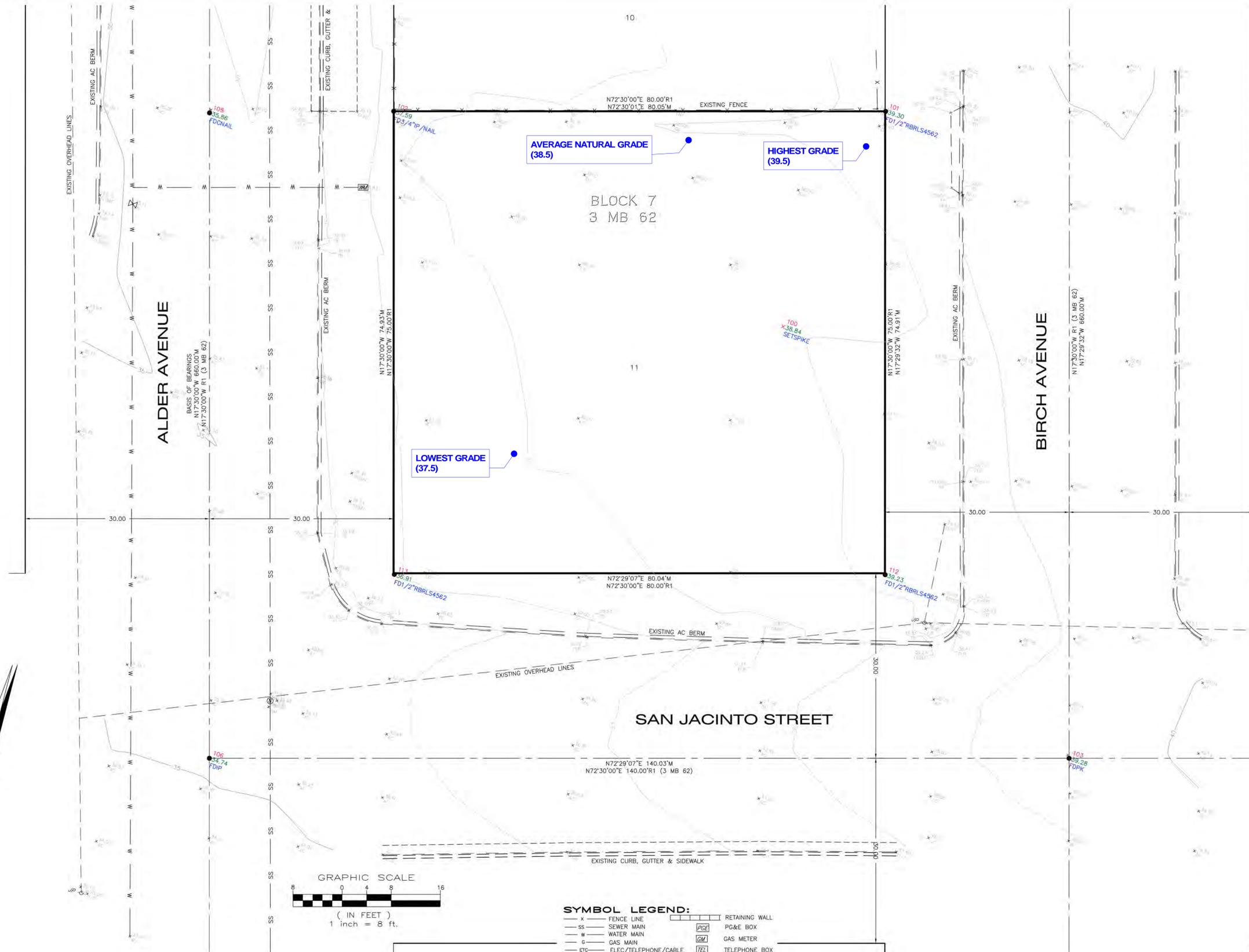








M:\14-215\_2900 Alder Street - Morro Box\C3D-2013\2900 Alder Street-Topo.dwg, 24X36, Sep 30, 2014, 2:10pm, jBlackwell



**ABBREVIATIONS**

AC ASPHALT CONCRETE	IP IRON PIPE
AP ANGLE POINT	GB GRADE BREAK
BM BENCH MARK	GM GAS METER
BLDG BUILDING	HP HIGH POINT
BOW BACK OF WALK	LT LIGHT
CB CATCH BASIN	MH MANHOLE
CF CURB FACE	PP POWER POLE
CD CLEAN OUT	PVC POLYVINYL PIPE
COL COLLUM	REB REBAR
COR CORNER	RCP REINFORCED CONCRETE PIPE
CONC CONCRETE	R10 CANOPY RADIUS
CMP CORRUGATED METAL PIPE	SD STORM DRAIN
CMU CONCRETE MASONRY UNITS	SL POINT ON SLOPE
CRN CROWN OF STREET	SS SEWER
DI DROP INLET	STP STEP
EG EXISTING GRADE	STR STAIRS
EP EDGE OF PAVEMENT	TOP TOP OF SLOPE
FD FOUND	TOE TOE OF SLOPE
FL FLOW LINE	TW TOP OF WALL
FF FINISH FLOOR	W WATER
FOW FACE OF WALL	WL WALL
HSE HOUSE COR	WM WATER METER
GR GRASS	WV WATER VALVE
GM GAS METER	
IP IRON PIPE	DI-1.5FL TOP OF GRATE -1.5' FLOW LINE

**SURVEYOR'S NOTES:**

- NO TITLE SEARCH (TITLE REPORT) WAS PROVIDED TO THE SURVEYOR. EASEMENTS WHICH MAY AFFECT THE SUBJECT PROPERTY HAVE NOT BEEN PLOTTED.
- ONLY THE SURFACE EVIDENCE OF UNDERGROUND UTILITIES HAVE BEEN MEASURED IN THE FIELD ON THIS SURVEY. IF APPROXIMATE UNDERGROUND ALIGNMENTS ARE SHOWN, I MAKE NO WARRANTY AS TO THE ACTUAL LOCATION, TYPE OR DEPTH OF THOSE UNDERGROUND UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-847-2444 TO VERIFY THE ACTUAL LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION. THE SURVEYOR ALSO HAS MADE NO INVESTIGATION AS TO SUBSURFACE ENVIRONMENTAL CONDITIONS THAT WOULD AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- IT WILL BE THE ARCHITECT'S RESPONSIBILITY TO VERIFY SETBACK AND HEIGHT RESTRICTIONS WITH THE LOCAL GOVERNING AGENCY.
- THE SIGNED AND SEALED ORIGINAL DRAWING OF THIS MAP CONSTITUTES THE FINAL WORK PRODUCT. MBS LAND SURVEYS WILL NOT BE LIABLE FOR ELECTRONIC VERSIONS OF THIS MAP PROVIDED TO OTHER PARTIES.
- THE BOUNDARY LINES SHOWN HEREON WERE COMPILED FROM RECORD INFORMATION (I.E. RECORDED MAPS OR DEEDS) AND ARE NOT INTENDED TO REPRESENT THE TRUE OR ACTUAL BOUNDARY LINES OF THE SUBJECT PROPERTY. TO DETERMINE THE ACTUAL BOUNDARIES OF THE PARCEL WILL REQUIRE A COMPLETE BOUNDARY SURVEY. THE SETTING OF PROPERTY MONUMENTS AND THE PLACING OF A CORNER RECORD OR RECORD OF SURVEY IN CONFORMANCE WITH STATE LAW (LS ACT SEC. 8762), APPROXIMATE DIMENSIONAL TIES FROM THE BOUNDARY LINES SHOWN TO PHYSICAL FEATURES (E.G. BUILDINGS, FENCES, WALLS OR TREES, ETC.) SHOWN ON THIS MAP CAN BE DERIVED BY SCALING THE FINISHED WORK PRODUCT WHICH IS PLOTTED AT THE SCALE INDICATED. HOWEVER, DIMENSIONAL TIES DERIVED DIRECTLY FROM THE DIGITAL PRODUCT (AUTOCAD DRAWING) ARE NOT ACCURATE AND CANNOT BE RELIED UPON FOR DETERMINING BUILDING SETBACKS OR THE PLACEMENT OF ANY PROPOSED NEW CONSTRUCTION. THE LOCATION OF NEW CONSTRUCTION CAN ONLY BE PROPERLY DESIGNED WHEN IT IS BASED ON AN ACTUAL BOUNDARY SURVEY OF THE PARCEL. OTHERWISE, MODIFICATIONS TO THE STRUCTURE MAY BE NECESSARY DURING CONSTRUCTION TO COMPLY WITH AGENCY SETBACK REQUIREMENTS.

**SITE DATA:**  
 ADDRESS: 2900 ALDER AVENUE, MORRO BAY  
 ASSESSOR'S PARCEL NO. APN 068-192-011

**TOPOGRAPHIC MAP**  
 LOT 11 OF BLOCK 7 OF OCEAN HEIGHTS NO. 1 AS SHOWN ON MAP FILED IN BOOK 3 AT PAGE 62, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, CALIFORNIA  
 AT THE REQUEST OF PHYLISS & ROBERT FRANK  
 SEPTEMBER 2014 SCALE: 1"=8'  
**MBS LAND SURVEYS** MICHAEL B. STANTON, PLS 5702  
 3563 SUELDO ST. UNIT Q  
 SAN LUIS OBISPO, CA 93401  
 805-594-1960  
 JOB No. 14-215

AVERAGE NATURAL GRADE (38.5)  
 HIGHEST GRADE (39.5)

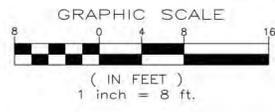
LOWEST GRADE (37.5)

BLOCK 7  
 3 MB 62

ALDER AVENUE

BIRCH AVENUE

SAN JACINTO STREET



**SYMBOL LEGEND:**

x	FENCE LINE	PG&E	PG&E BOX
SS	SEWER MAIN	GM	GAS METER
W	WATER MAIN	TL	TELEPHONE BOX
G	GAS MAIN	SB	SIGNAL BOX
ETC	ELEC/TELEPHONE/CABLE	CTV	CABLE T.V. BOX
OHE	OVERHEAD ELECTRIC	EB	ELECTRIC BOX
DI	DROP INLET AT CURB	TM	TELEPHONE MANHOLE
DI	DROP INLET	SL	STREET LIGHT
MD	STORM DRAIN MANHOLE	JP	JOINT POLE
FH	FIRE HYDRANT	PP	POWER POLE
WV	WATER WELL	GW	GUY WIRE
WV	WATER VALVE		
WM	WATER METER		
SM	SEWER MANHOLE		
SC	SEWER CLEANOUT		

**SURVEYOR'S STATEMENT:**  
 THIS MAP REPRESENTS A FIELD SURVEY OF SURFACE FEATURES AND ELEVATIONS PERFORMED ON SEPTEMBER 25, 2014.



MICHAEL B. STANTON, PLS 5702 DATE

DATE	REVISION
-	-

**BENCH MARK:**  
 THE BENCH MARK FOR THIS PROJECT IS A FOUND NGS BENCH MARK FV1104, BEING A 2" BRASS DISK STAMPED "BM A 114 CITY OF MORRO BAY" IN THE TOP OF CATCH BASIN AT MAIN STREET AND NASSAU STREET.  
 ELEVATION = 38.84' (NAVD88)

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS PROJECT IS BASED ON FOUND MONUMENTS ALONG THE CENTERLINE OF ALDER AVENUE BEARING N 17° 30' 00" W PER 3 MB 62.

2900 ALDER AVE, MORRO BAY, CA 93442

TOPO

A110  
 8/7/2022 3:34:11 PM





















**AGENDA NO: B-1**

**MEETING DATE: July 19, 2022**

## Staff Report

**TO:** Planning Commissioners **DATE: July 19, 2022**

**FROM:** Nancy Hubbard, Contract Planner

**SUBJECT:** **New commercial 6-room hotel.** Coastal Development Permit (CDP21-042), Conditional Use Permit (CUP21-14) and Parking Exception (PKG22-04) to allow a new 6-room hotel project totaling 4,117 square feet north of San Jacinto between Alder Ave and Birch Ave. With approval of the parking exception, the project complies with the development standards of the zone. The project zoning is R-4/SP, and the site is not located within the coastal appeals jurisdiction.

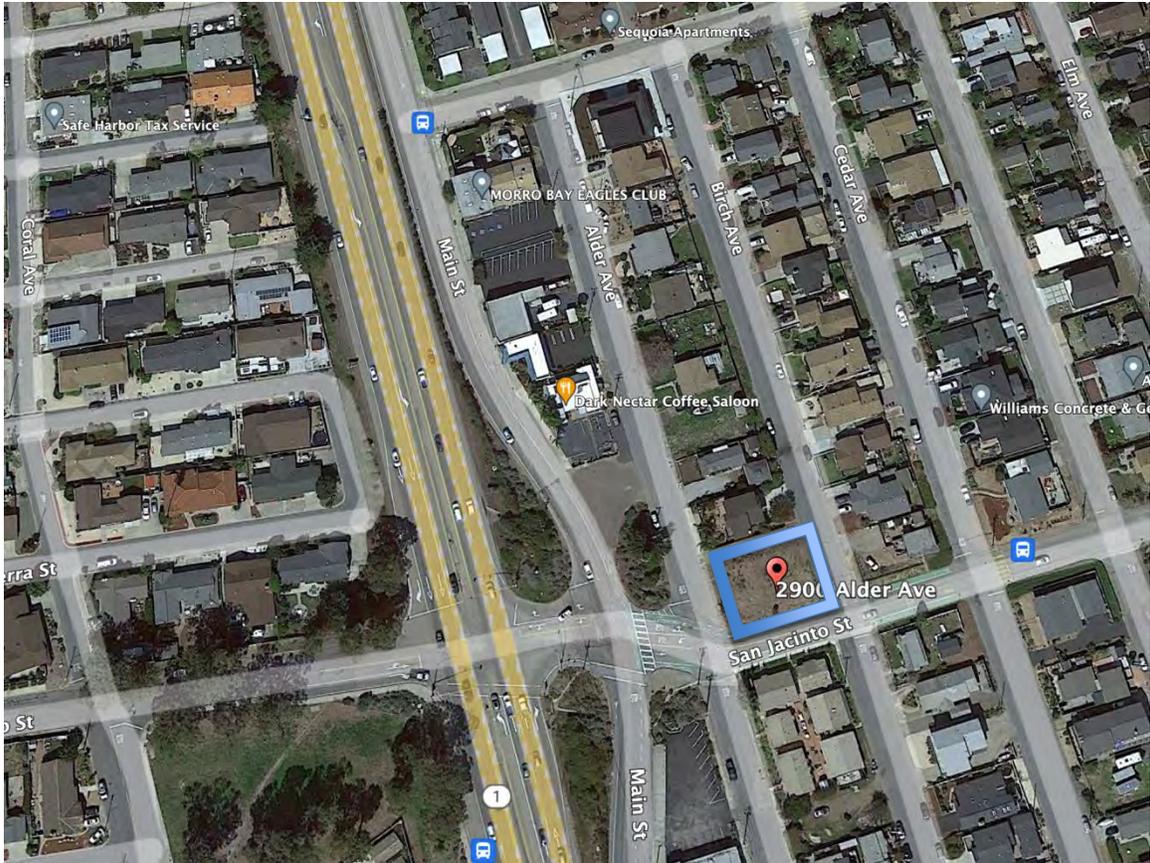
**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting Planning Commission Resolution 07-22 making the necessary findings for approval of CDP21-042, CUP21-14 and PKG22-04

**APPLICANT:** 2900 Alder LLC/Sanjay Khanna

**ADDRESS/APN:** 2900 ALDER STREET/APN 068-192-011

**SUBJECT:** Coastal Development Permit (CDP21-042), Conditional Use Permit (CUP21-14) and Parking Exception (PKG22-04) to allow a small 6-room hotel project on a 6,000 square foot parcel located on the NE corner of Alder Ave and San Jacinto Street. The project consists of a two-story building with 4,117 square feet of conditioned space and parking for 6 cars, including an ADA van accessible space. The proposed building has a maximum height of 22 feet and will be positioned on the northly portion of the site with vehicular access and parking along San Jacinto Street. The project also includes a bike rack and uncovered parking for 2 motorcycles. The project includes 2 ADA rooms and a service/laundry area for housekeeping/maintenance staff. The project will have a one-way driveway between Alder Ave and Birch Ave. The project zoning is R-4/SP, and the site is not located within the coastal appeals jurisdiction



**ZONING:** R-4/SP (Multifamily residential/hotel/professional in a North Main Street Specific Plan area). This zone allows professional offices and hotels/motels where appropriate as well as high density multifamily housing. Hotels/Motel uses require a land area of 750 sf per unit (for this project 6 units X 750sf =4500 sf) and the 6,000-sf parcel would allow up to 8 hotel units.

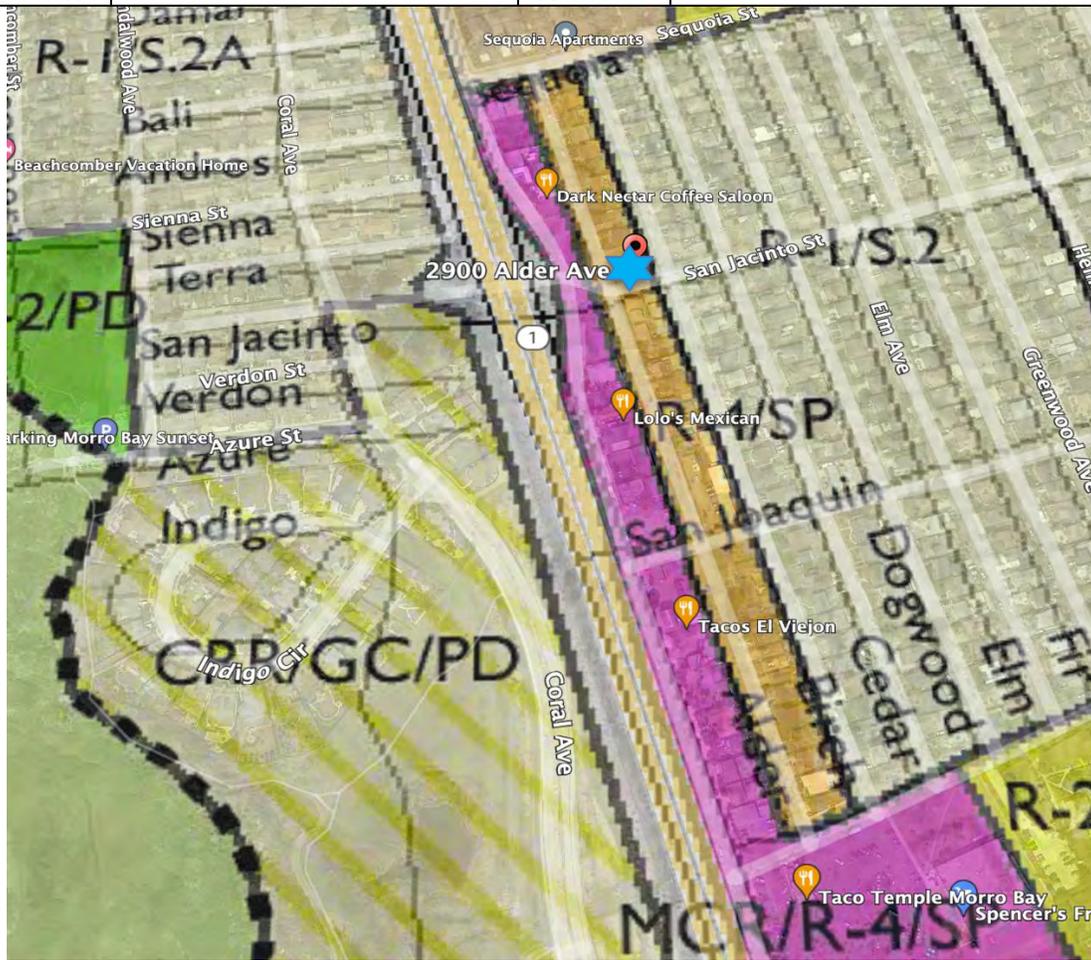
The project is in the North Main Specific Plan (SP) area, which encourages heights of no more than 25 feet (whereas the R-4 zoning district allows heights up to 30 feet) and requires certain public improvements, such as frontage improvements, undergrounding utilities, and street trees (See Public Works Conditions of Approval). The North Main SP area, as defined in the current zoning code, also requires consideration of the effect on the view corridor from the easterly residential neighborhood. Reviewing the view from east to west down San Jacinto Street (see photo below), the view does not appear impacted because of the relative height of the nearby existing homes, the lower elevation of the subject site, the higher elevation of Highway 1 and the trees on the west side of Highway 1. Additionally, the project is setback 25 feet from the public right-of-way along San Jacinto, where 15 feet is required, putting it just about out of view from a few blocks east. Assuming a view perspective from a pedestrian level, there is only a distant view of the ocean looking west along San Jacinto and that will not be impacted by this project. The current Local Coastal Program, Land Use Plan does not identify San Jacinto Street east of Highway 1 as a street providing scenic views. As a

practical matter, San Jacinto does provide views of the ocean as it gains elevation to the east.



View from Dogwood Ave. and San Jacinto St. looking west – Blue line indicates approximate roof height of proposed

Adjacent Zoning			
North	R-4/SP	East	R-1/S.2
South	R-4/SP	West	MCR/R-4/SP



Site Characteristics	
Site Area	6,000 square feet
Existing Use	Vacant
Terrain	Level – slight downhill slope from east to west
Vegetation/Wildlife	Vacant parcel, weeds
Archaeological Resources	N/A
Access	The site borders Alder Ave, Birch Ave and San Jacinto Street

General Plan, Zoning Ordinance, & Local Coastal Plan Designations	
General Plan/Coastal Plan Land Use Designation	Medium Density Residential
Base Zone District	R-4
Zoning Overlay District	None
Special Treatment Area	n/a
Combining District	n/a
Specific Plan Area	North Morro Bay Specific Plan area
Coastal Zone	Not within the Coastal Commission Appeal Jurisdiction

Current View of Site from the corner of Alder Ave and San Jacinto Street (looking northeast)

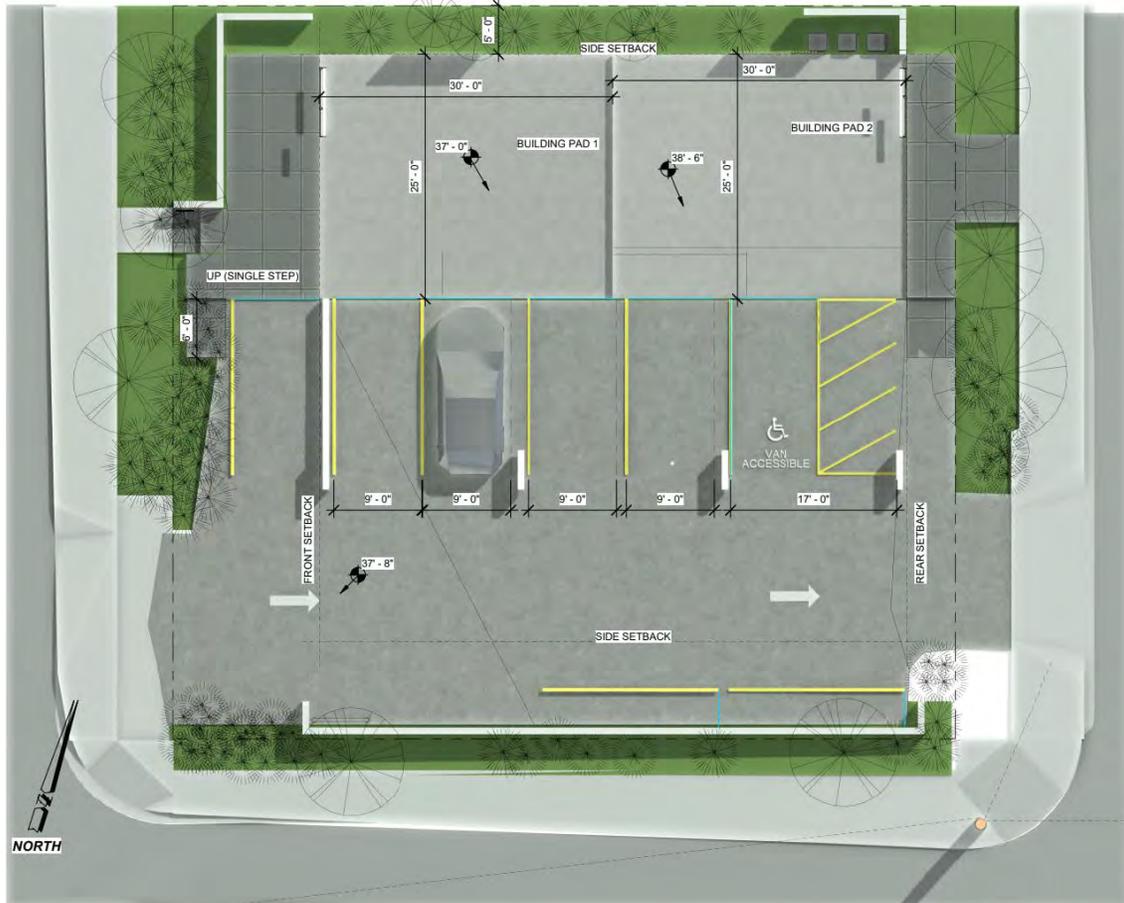


**SITE HISTORY:**

- Vacant Site
- Parcel is approximately 6,000 sf in size
- Technical frontage is on Alder Ave

**PROJECT ANALYSIS:**

The proposed project is a small 2 story hotel with 6 self-serve rooms (i.e., there is no lobby or full-time on-site staffing). The building will have 1,491 square feet on the lower level comprised of 2 hotel rooms, a staff supply/laundry area plus covered parking (under the cantilevered second floor). The second floor, accessible by an interior stairway, is 2,626 square feet with 4 hotel rooms. There is an ADA equipped hotel room on each level, the ground floor room has access via a fully ADA accessible pathway from the street or parking lot. The second level ADA equipped room is accessible from the interior stairway. This project has been reviewed by a Certified Accessibility Specialist and meets the criteria for a range of disabilities, not all of which are motion impairment. Each of the second-floor rooms have an outdoor deck area. The hotel rooms range in size from approximately 384 sf to 562 sf and each has a full bath, sleeping area and closets. Five of the rooms are designed as suites, with the sleeping area in a separate room from the living room area. The proposed project includes approximately 1,500 sf of landscaped area. The project includes 6 parking spaces, including a van accessible space, two outdoor motorcycle spaces and a bike rack. The building design is a contemporary architectural style with a flat roof.



**DEVELOPMENT STANDARDS:**

The project is surrounded by public streets on three sides. Alder Ave is the frontage street (narrowest lot dimension on a public street), Birch Ave is the rear yard area and San Jacinto Street is an exterior side yard for determination of required building setbacks. The adjacent use on the north side (interior side yard setback area) is a 2-story single family home, approximately 5-6 feet from the shared property line. The table below shows the standards for the zoning district and the development standards met by the project.

	<b>R-4/SP Standards</b>	<b>Proposed Project</b>
<b>Front Setback (Alder Ave)</b>	15 feet	15 feet
<b>Exterior side setback (San Jacinto)</b>	20% of lot width/ 15 max/10 minimum	25 feet
<b>Interior side Setback</b>	5 feet	5 feet
<b>Rear Setback (Birch Ave)</b>	5 feet	5 feet
<b>Height (from ANG)</b>	30 Feet (25 recommended in the SP area)	22 feet
<b>Lot Coverage</b>	60%	44%
<b>Parking</b>	6 spaces required	6 vehicle spaces, 2 motorcycle, and bike rack provided



Photo simulation of the project

**Public Improvements**

The project will underground utilities on the site and will provide for frontage improvements on all three surrounding streets. The frontage improvements include new sidewalks along Alder Ave, Birch Ave and San Jacinto Street as

necessary to meet the requirements for curb ramps, driveways on Alder and Birch and street trees consistent with Public Works Condition 2 and 3 found in the attached Resolution.

**DENSITY:**

The density for this project is the following: Hotel rooms require 750 sf of land area per room resulting in a site area requirement for this 6-room hotel of 4,500 sf. The site, which is 6,000 sf in size, would meet the criteria for 8 hotel rooms, however, in order to meet the development standards, provide adequate parking and ample landscaped outdoor areas, and keep the height to 2 stories, the proposal is for only 6 rooms.

**PARKING EXCEPTION:**

Parking requirements for Hotel Rooms required one parking space for each room (6 hotel rooms = 6 parking spaces). The original design included 6 standard size covered parking spaces, two between each supporting column for the cantilevered second level. However, to accommodate a covered van accessible ADA space, the parking was reconfigured and can only accommodate 5 covered vehicle spaces (including the ADA space). Through a request for a parking exception, they are requesting a 6<sup>th</sup> vehicle parking space in the setback along the side of the building (Alder Ave side). This 6<sup>th</sup> space matches the setback of the other hardscape improvements providing access to the building and allows a landscaped area between the parking space and the street. The project added 2 motorcycle spaces and a bike rack to provide alternate parking options. There is also approximately 44 feet of public street parking on both Alder and Birch Ave, which would accommodate 4 cars parked on the street. A parking exception can be granted based on the following findings:

- A. The parking exception does not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity and the alternative parking design will be adequate to accommodate on the site all parking needs generated by this use.

*The extra parking space designed along the side of the garage parking area will function just as well as the other spaces. The location of this parking space is the same as was allowed on another project and will not interfere in the function or the look of the project.*

- B. The exception will not adversely affect the health safety or general welfare of persons working or residing in the vicinity and not traffic safety problems will result from the proposed modification of the parking standards.

*Allowing this additional parking space will allow for more street parking for the neighborhood. The project will have public street parking along Alder Ave and Birch Ave.*

- C. The exception is reasonably necessary for the applicant's full enjoyment of uses similar to those upon the adjoining real property.

*This is a modest project that meets all the development standards of the zoning district, with approval of this 6<sup>th</sup> parking space. The project and the neighborhood will benefit from more availability of street parking.*



**ENVIRONMENTAL DETERMINATION:**

Environmental review was performed for this project and staff determined it meets the requirements for a Categorical Exemption under CEQA Guidelines Section 15303 Class 3c. This exemption applies to new construction of up to 4 commercial buildings not exceeding 10,000 total sf, located in urban areas zoned for the specific use. Additionally, none of the Categorical Exemption exceptions, noted under Section 15300.2, apply to the project.

**CONCLUSION:**

The project is consistent with development goals and allowed uses included in the Morro Bay Municipal Code and the North Morro Bay Specific Plan Area and is consistent with the policies of General Plan and the Local Coastal Program.

**PUBLIC HEARING NOTICE:**

Notice of a public hearing on this item was published in the San Luis Obispo Tribune newspaper on June 10, 2022 (for the previous public hearing on June 21, 2022, that was continued) and was noticed again on July 8, 2022, for the July 19, 2022, hearing. Noticing also included postcards mailed to all property owners and occupants of record within 500 feet of the project site. The project site was also posted with a public notice sign.

**RECOMMENDATION:**

Staff recommends that the Planning Commission **CONDITIONALLY APPROVE THE PROJECT** by adopting Planning Commission Resolution 07-22 which includes findings for CDP21-042, CUP21-14 and PKG22-04 to allow the proposed small hotel as reflected on the plans submitted to the City of Morro Bay on June 19, 2022.

**ATTACHMENTS:**

- Exhibit A – Resolution 07-20 – Findings and Conditions of Approval
- Exhibit B – Plans
- Exhibit C – Public comment Q&A





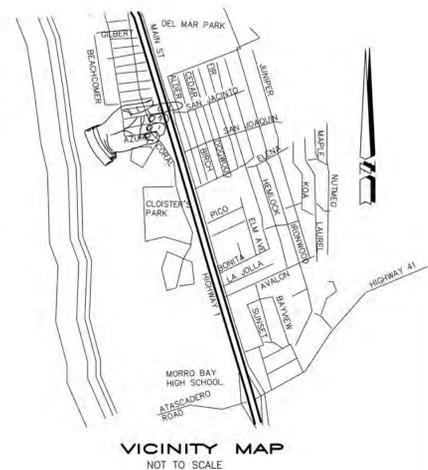
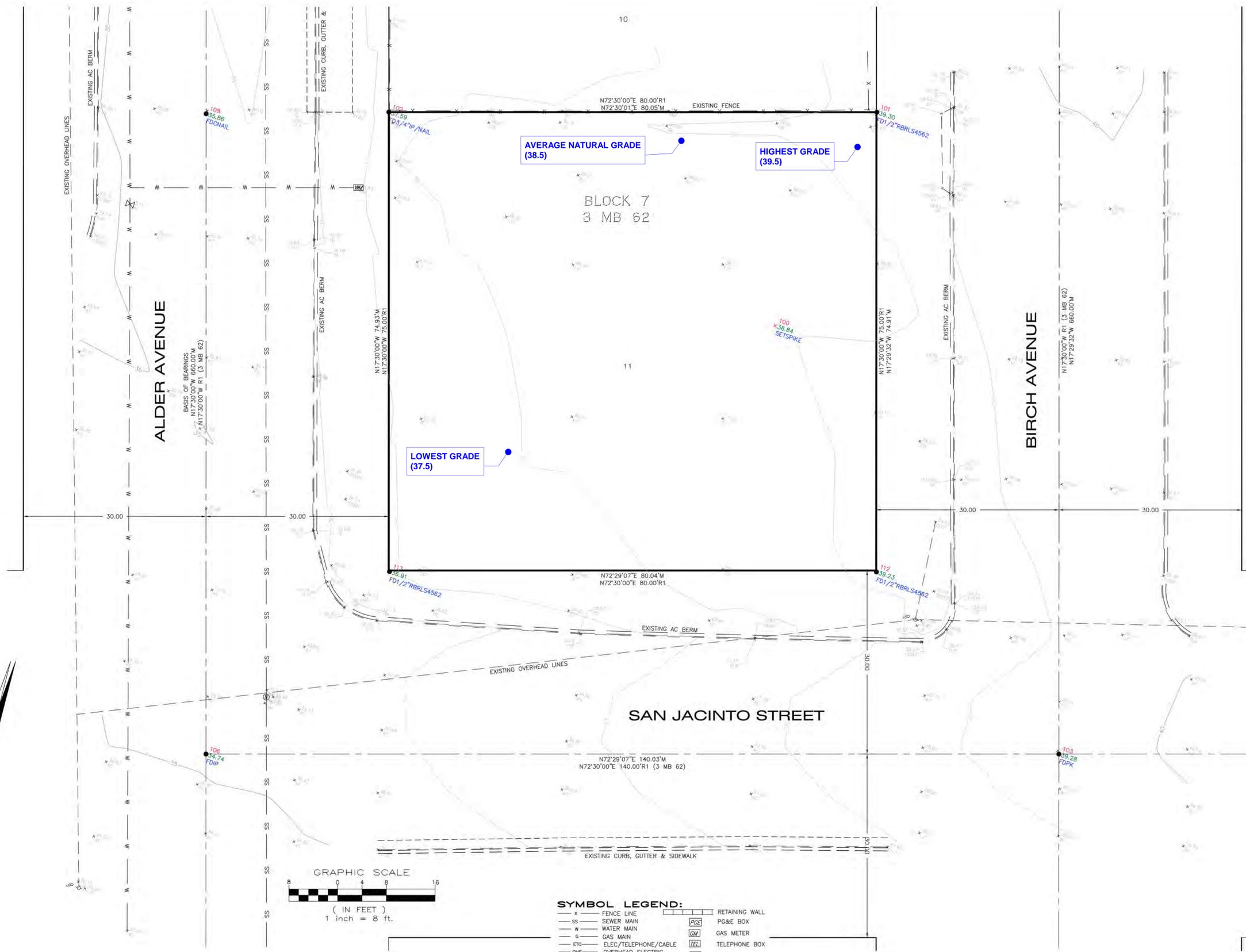








M:\14-215\_2900 Alder Street - Morro Box\C30-2013\2900 Alder Street-Topo.dwg, 24X36, Sep 30, 2014, 2:10pm, jBlackwell



**ABBREVIATIONS**

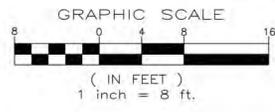
AC ASPHALT CONCRETE	IP IRON PIPE
AP ANGLE POINT	GB GRADE BREAK
BM BENCH MARK	GM GAS METER
BLDG BUILDING	HP HIGH POINT
BOW BACK OF WALK	LT LIGHT
CB CATCH BASIN	MH MANHOLE
CF CURB FACE	PP POWER POLE
CD CLEAN OUT	PVC POLYVINYL PIPE
COL COLUMN	RB REBAR
COR CORNER	RCP REINFORCED CONCRETE PIPE
CONC CONCRETE	R10 CANOPY RADIUS
CMP CORRUGATED METAL PIPE	SD STORM DRAIN
CMU CONCRETE MASONRY UNITS	SL POINT ON SLOPE
CRN CROWN OF STREET	SS SEWER
DI DROP INLET	STP STEP
EG EXISTING GRADE	STR STAIRS
EP EDGE OF PAVEMENT	TOP TOP OF SLOPE
FD FOUND	TOE TOE OF SLOPE
FL FLOW LINE	TW TOP OF WALL
FF FINISH FLOOR	W WATER
FOW FACE OF WALL	WL WALL
HSE HOUSE COR	WM WATER METER
GR GRASS	WV WATER VALVE
GM GAS METER	
IP IRON PIPE	DI-1.5FL TOP OF GRATE -1.5' FLOW LINE

**SURVEYOR'S NOTES:**

- NO TITLE SEARCH (TITLE REPORT) WAS PROVIDED TO THE SURVEYOR. EASEMENTS WHICH MAY AFFECT THE SUBJECT PROPERTY HAVE NOT BEEN PLOTTED.
- ONLY THE SURFACE EVIDENCE OF UNDERGROUND UTILITIES HAVE BEEN MEASURED IN THE FIELD ON THIS SURVEY. IF APPROXIMATE UNDERGROUND ALIGNMENTS ARE SHOWN, I MAKE NO WARRANTY AS TO THE ACTUAL LOCATION, TYPE OR DEPTH OF THOSE UNDERGROUND UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-847-2444 TO VERIFY THE ACTUAL LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION. THE SURVEYOR ALSO HAS MADE NO INVESTIGATION AS TO SUBSURFACE ENVIRONMENTAL CONDITIONS THAT WOULD AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- IT WILL BE THE ARCHITECT'S RESPONSIBILITY TO VERIFY SETBACK AND HEIGHT RESTRICTIONS WITH THE LOCAL GOVERNING AGENCY.
- THE SIGNED AND SEALED ORIGINAL DRAWING OF THIS MAP CONSTITUTES THE FINAL WORK PRODUCT. MBS LAND SURVEYS WILL NOT BE LIABLE FOR ELECTRONIC VERSIONS OF THIS MAP PROVIDED TO OTHER PARTIES.
- THE BOUNDARY LINES SHOWN HEREON WERE COMPILED FROM RECORD INFORMATION (I.E. RECORDED MAPS OR DEEDS) AND ARE NOT INTENDED TO REPRESENT THE TRUE OR ACTUAL BOUNDARY LINES OF THE SUBJECT PROPERTY. TO DETERMINE THE ACTUAL BOUNDARIES OF THE PARCEL WILL REQUIRE A COMPLETE BOUNDARY SURVEY. THE SETTING OF PROPERTY MONUMENTS AND THE PLACING OF A CORNER RECORD OR RECORD OF SURVEY IN CONFORMANCE WITH STATE LAW (LS ACT SEC. 8762), APPROXIMATE DIMENSIONAL TIES FROM THE BOUNDARY LINES SHOWN TO PHYSICAL FEATURES (E.G. BUILDINGS, FENCES, WALLS OR TREES, ETC.) SHOWN ON THIS MAP CAN BE DERIVED BY SCALING THE FINISHED WORK PRODUCT WHICH IS PLOTTED AT THE SCALE INDICATED. HOWEVER, DIMENSIONAL TIES DERIVED DIRECTLY FROM THE DIGITAL PRODUCT (AUTOCAD DRAWING) ARE NOT ACCURATE AND CANNOT BE RELIED UPON FOR DETERMINING BUILDING SETBACKS OR THE PLACEMENT OF ANY PROPOSED NEW CONSTRUCTION. THE LOCATION OF NEW CONSTRUCTION CAN ONLY BE PROPERLY DESIGNED WHEN IT IS BASED ON AN ACTUAL BOUNDARY SURVEY OF THE PARCEL. OTHERWISE, MODIFICATIONS TO THE STRUCTURE MAY BE NECESSARY DURING CONSTRUCTION TO COMPLY WITH AGENCY SETBACK REQUIREMENTS.

**SITE DATA:**  
 ADDRESS: 2900 ALDER AVENUE, MORRO BAY  
 ASSESSOR'S PARCEL NO.: APN 068-192-011

**TOPOGRAPHIC MAP**  
 LOT 11 OF BLOCK 7 OF OCEAN HEIGHTS NO. 1 AS SHOWN ON MAP FILED IN BOOK 3 AT PAGE 62, IN THE CITY OF MORRO BAY, COUNTY OF SAN LUIS OBISPO, CALIFORNIA  
 AT THE REQUEST OF PHYLISS & ROBERT FRANK  
 SEPTEMBER 2014 SCALE: 1"=8'  
 MICHAEL B. STANTON, PLS 5702  
 3563 SUELDO ST. UNIT Q  
 SAN LUIS OBISPO, CA 93401  
 805-594-1960  
 JOB No. 14-215



**SYMBOL LEGEND:**

x	FENCE LINE	PG&E	PG&E BOX
SS	SEWER MAIN	GM	GAS METER
W	WATER MAIN	TEL	TELEPHONE BOX
G	GAS MAIN	SIG	SIGNAL BOX
ETC	ELEC/TELEPHONE/CABLE	CABLE	CABLE T.V. BOX
OHE	OVERHEAD ELECTRIC	ELC	ELECTRIC BOX
DI	DROP INLET AT CURB	TMH	TELEPHONE MANHOLE
DI	DROP INLET	SL	STREET LIGHT
SDM	STORM DRAIN MANHOLE	JP	JOINT POLE
FH	FIRE HYDRANT	PP	POWER POLE
WV	WATER WELL	GW	GUY WIRE
WV	WATER VALVE		
WM	WATER METER		
SM	SEWER MANHOLE		
SC	SEWER CLEANOUT		

**SURVEYOR'S STATEMENT:**  
 THIS MAP REPRESENTS A FIELD SURVEY OF SURFACE FEATURES AND ELEVATIONS PERFORMED ON SEPTEMBER 25, 2014.  
 MICHAEL B. STANTON, PLS 5702 DATE



DATE	REVISION
-	-

**BENCH MARK:**  
 THE BENCH MARK FOR THIS PROJECT IS A FOUND NGS BENCH MARK FV1104, BEING A 2" BRASS DISK STAMPED "BM A 114 CITY OF MORRO BAY" IN THE TOP OF CATCH BASIN AT MAIN STREET AND NASSAU STREET.  
 ELEVATION = 38.84' (NAVD88)

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS PROJECT IS BASED ON FOUND MONUMENTS ALONG THE CENTERLINE OF ALDER AVENUE BEARING N 17° 30' 00" W PER 3 MB 62.

2900 ALDER AVE, MORRO BAY, CA 93442

TOPO

A107

6/23/2022 5:08:56 PM









AGENDA NO: B-2

MEETING DATE: September 6, 2022

# Staff Report

**TO:** Planning Commissioners

**DATE:** August 30, 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 (*Continued from the 8/16/2022 hearing*)

**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.

**CONTINUED DISCUSSION:**

At the August 16, 2022 meeting, the Planning Commission opened the public hearing for the Adoption Draft of the Zoning Code / Implementation Plan (Title 17 of the Morro Bay Municipal Code). At that meeting, the Planning Commission reviewed the draft code and top 10 list of key changes to the Zoning Code.

**Top 10 List of Key Changes:**

As directed by Planning Commission, staff prepared a list of the top 10 key changes from the current to the proposed Zoning Code. At the 8/16<sup>th</sup> meeting, PC completed review of 7 of the 10 items. The summary of that direction to staff is noted below with the top 10 listed followed by PC direction.

1. **Coastal Resources (Chapter 17.14):** No changes made. PC accepted this as proposed.
2. **Development Standards (Chapter 17.07 and 17.08):** No changes made. PC accepted this as proposed.

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

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

3. **Commercial heights (Chapter 17.08):** PC did not favor the proposal to include maximum building heights for a portion of the downtown CC zone (approx. 75 parcels) as proposed. Rather, the direction by the PC was to remove the increased height of 37 feet from the proposed Zoning Code and consider a Commercial Design District as a planning initiative separate from the Zoning Code Update project.
4. **Citywide Regulations (Chapter 17.23) – Fence Heights and Accessory Structures:** Two primary issue topics from Chapter 17.23 were discussed with multiple public comments received (Exhibit D). In regard to **fence heights**, PC discussed the proposed allowance to increase front yard fence heights by 1 foot and provided direction to staff to keep fence heights as is in the current 1997 Zoning code which is 3 feet tall if solid, or 4 feet if 50% open to the passage of light and air. PC discussion included that if a property owner has a justification for a higher fence height needed, then the Modifications process (Chapter 17.42) should be pursued to seek approval for a higher fence height. In regard to **accessory structures**, PC discussed the proposed draft regulations which would if approved allow accessory structures (17.23.020) up to 120sf in size and up to 8 feet in height in sideyard setbacks and against a home whereas the current Code requires structures to maintain 6 feet of building separation and be at least 3 feet from a property line. The PC direction was to continue to allow no separation between a shed and the home, but not allow accessory structures along the side of the home, so that if in a side setback area, the accessory structure would be required to be within the back yard area so that side yard access is maintained.
5. **Nonconforming (Chapter 17.26):** No changes made. PC accepted this as proposed.
6. **Parking (Chapter 17.27):** No changes made. PC accepted this as proposed.
7. **Signs (Chapter 17.29):** No changes made. PC accepted this as proposed.

Items 8-10 of the Top 10 list are re-stated below from the previous staff report. PC should review the balance of the top 10 list and provide direction to staff to accept as is or make alternate recommendations.

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 Commissioner Comment**

Exhibit B of the staff report includes an updated catalogued summary of the public comments received since the last PC meeting. These recent updates to the spreadsheet are noted with a corresponding staff comment. Exhibit C is the public comment letters or emails received on the Zoning Code since the last meeting and which are reflected in the Exhibit B spreadsheet. Lastly, Exhibit D includes comment letters received from Planning Commissioner's Ingrassia and Chairperson Stewart.

Both Commissioner's letters are summarized below in bullet format followed by staff response in bold italics.

### **Chairperson Stewart Comments -**

- Design Review language clarification: As itemized in the comment summary matrix (Exhibit B), Chair Stewart suggested that resident John Mandeville's comments be

considered to make revisions in the Design Review Criteria chapter to provide clarity in the Zoning Code to refer back to the General Plan, in order to better implement the General Plan vision for an area. **Staff response: See suggested revisions below based on Mr. Mandeville's letter.**

Suggested revisions to 17.38.080.A and 17.38.080.G are below:

- A. *The overall design of the project including its form, scale, massing, site plan, exterior design, and landscaping will implement the General Plan Vision for Community Character Areas for the particular area in which it is located as well as complement the natural and built features of surrounding properties and incorporate sustainable development features.*
  - G. *Landscaping is designed to be compatible with and enhance the vision for the Community Character Area in which the development is located as well as the architectural character and features of the building site.*
- Consider addressing resident Sean Green's comment regarding permitted uses in RH zones and whether it's appropriate for multi-family housing zones to be used as short term vacation rentals. **Staff response: High density housing or RH zoned properties are considered a transitional zone where higher densities are allowed as well as commercial uses that act as a transition (which includes hotels/motels). New State legislation (AB2011 / SB6), if signed will also serve to increase housing stock by allowing by right housing in commercial zones under certain criteria. The current Short Term Rental (STR) ordinance allows 12.5% of multifamily units located in a commercial or mixed use zone to be used as STR's if the total number of units is 8 or more. If the number of units is less than 8 then only one can be an STR. PC should review and provide direction to staff on potential RH use changes to the STVR ordinance**
  - Address resident Betty Winholtz's clarification request regarding farmworker housing. **Staff response Farmworker housing uses are included in the land use regulations and development standards section Table 17.06.020 and section 17.30.110.**
  - Respond to Ms. Winholtz's assertion that City is not responsible to promote economic growth and creation of jobs as noted in draft Zoning Code 17.01.030. **Staff response City staff regularly work on economic development initiatives and the City has adopted an Economic Development Strategic Plan and the City's General Plan also contains an Economic Development Element. Economic development is a common tool used in Zoning codes to support a community's economic development and vitality. Economic conditions are included in State Planning and Zoning Law (Gov. Code section 65030.1) and is appropriate to be included.**

**Commissioner Ingraffia Comments -**

- Letter submitted disagrees with 37 foot building height in commercial downtown. **Staff response This will be removed based on PC direction on 8/16/22**
- Residential lots less than 3500sf should not be allowed to have accessory structure in side and rear setbacks. **Staff response This regulation will be revised based on PC direction on 8/16/22.**
- Disagrees with proposed fence height increase in front yard setbacks. **Staff response This regulation will be revised based on PC direction on 8/16/22.**
- Housing in-lieu fees can only be used in Morro Bay. Recommends a multi-agency approach and that the City work with the County to address homelessness. **Staff response Noted. City staff regularly meet with County and other local agency representatives regarding homelessness.**
- Recommends ban of new installations of spray irrigation in commercial and residential areas. **Staff response Chapter 17.25 of the proposed Zoning Code is compliant with State water efficient landscape ordinance (WELO) which requires determination of maximum water allocation based on landscaping type which incentivizes low to very low water usage.**
- Recommends enforcement of Short Term Vacation Rental ordinance (STVR). **Staff response Code enforcement staff currently enforces the City's STR ordinance and the City has hired a second code enforcement officer/building inspector to assist with code enforcement on STVR compliance.**
- Prevent conversion of multifamily housing to un-hosted hotels or STVRs. **Staff response High density housing or RH zoned properties are considered a transitional zone where higher densities of up to 27 dwelling units per acre are allowed as well as commercial uses that act as a transition. The current Short Term Rental (STR) ordinance allows 12.5% of multifamily units located in a commercial or mixed use zone to be used as STR's if the total number of units is 8 or more. If the number of units is less than 8 then only one can be an STR. New State legislation (AB2011 / SB6) if signed will also serve to increase housing stock by allowing by right housing in commercial zones under certain criteria. PC should review and provide direction to staff on potential RH use changes to the STVR ordinance.**

**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 is consistent with and implements the General Plan/ LCP Coastal Land Use Plan and is 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 complete review of 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 – Updated Public Comment Summary Matrix
- Exhibit C – Planning Commissioner Correspondence Received
- Exhibit D – Public Comments Received
- Exhibit E – 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. Draft Zoning Map:  
<http://www.morro-bay.ca.us/DocumentCenter/View/17002/Proposed-Zoning-Map-Update>
4. August 16, 2022 Planning Commission staff report and attachments:  
<https://www.morrobayca.gov/ArchiveCenter/ViewFile/Item/5972>
5. Master Use Table:  
<http://www.morro-bay.ca.us/DocumentCenter/View/17031/Master-Use-Table-Draft-Zoning-Code-2022>

6. Previous Staff Report: [December 7, 2021 PC staff report link](#)
7. [Link to Environmental Impact Report](#)
8. [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](http://www.morrobayca.gov/planmb)

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;

**WHEREAS**, a duly noticed public hearing for the Public Hearing Adoption Draft of the Zoning Code/ Coastal Implementation Plan Update was held by Planning Commission on December 7, 2021; and

**WHEREAS**, duly noticed public hearings for the Adoption Hearing Draft of the Zoning Code/ Coastal Implementation Plan Update were held by Planning Commission on, August 16, 2022, and September 6, 2022; and

**WHEREAS**, the Planning Commission of the City of Morro Bay (the “City”) conducted a public hearing on September 6, 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.

**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.

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 6<sup>th</sup> day of September, 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 6<sup>th</sup> day of September, 2022.

## Public Comments &amp; Stakeholder Comments received at Planning Commission Meetings/submitted for Planning Commission Meetings

## Plan Morro Bay Zoning Code / IP Update Project

Draft Section No.	Topic	Commenter	Comment	Edits Made?	Staff Comments/Response and Updated Section No.
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.

	<b>Draft Section No.</b>	<b>Topic</b>	<b>Commenter</b>	<b>Comment</b>	<b>Edits Made?</b>	<b>Staff Comments/Response and Updated Section No.</b>
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.
29	17.38.030	Design Review Authority	GAC	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 guideines are too general.
30	17.38.080	Design Review: Sustainable Design	GAC	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	GAC	"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	GAC	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	GAC	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	GAC	There does not appear to be a CG (Measure D) Zone District. "Uses allowed in Measure D are included in the zoning code" according 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	GAC	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	GAC	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 polices and objective design standards.
38	17.08.20	Uses not allowed on MB Blvd	GAC	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	GAC	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	GAC	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.	GAC	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	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		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	GAC	Uses which clearly support "Ocean to Table" retailing and restaurants would appear to support the commercial fising 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	GAC	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	GAC	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	GAC	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.	GAC	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	GAC	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	GAC	How do these line up with region?		It's being looked at as part of the update of the fee structure.

	<b>Draft Section No.</b>	<b>Topic</b>	<b>Commenter</b>	<b>Comment</b>	<b>Edits Made?</b>	<b>Staff Comments/Response and Updated Section No.</b>
50	17.24.030	In Lieu Housing Fees	GAC	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	GAC	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	GAC	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	GAC	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	GAC	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	GAC	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.
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? This 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 Tidelands 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.

	<i>Draft Section No.</i>	<i>Topic</i>	<i>Commenter</i>	<i>Comment</i>	<i>Edits Made?</i>	<i>Staff Comments/Response and Updated Section No.</i>
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.
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	<b>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.</b>
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.		Staff capacity does not exist to process the number of applications that would be 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. <b>This section is now in 17.30.250</b>
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.

	<b>Draft Section No.</b>	<b>Topic</b>	<b>Commenter</b>	<b>Comment</b>	<b>Edits Made?</b>	<b>Staff Comments/Response and Updated Section No.</b>
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 <del>distress</del>
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
<b>Chamber/GAC Comments updated since 2019</b>				<b>Comment with Updated Remarks in bold:</b>		<b>Staff comments and Updated Section No.</b>
98	<b>17.08.030</b>	Development Standards; Max Height	GAC	<b>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).</b>		PC vetted this at multiple meetings where this was discussed and this was the maximum height they were willing to accept.
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. <b>Use a required 0' Set-To Line for Main Street and Morro Bay Blvd.</b>		Same as above, PC discussed this at multiple meetings and this was their direction.
100	<b>17.080.030</b>	<b>Commercial Zone Development Standards</b>	GAC	<b>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?</b>		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	<b>17.080.030</b>	<b>Open Space Standards</b>	GAC	<b>Please show options about how the open space standards can be achieved, especially in mixed use settings.</b>	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	<b>17.080.030; Zoning Map</b>	<b>Power Plant/Treatment Plant Properties</b>	GAC	<b>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?</b>		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	<b>17.080.040</b>	<b>Limitations on Location of Parking</b>	GAC	<b>It is unclear what this regulation means or is meant to achieve.</b>		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	<b>17.080.040</b>	<b>Rooftop Decks</b>	GAC	<b>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.</b>		This is a very limited area that has residential uses above commercial uses and therefore justifying the CUP requirement.
105	<b>17.080.08</b>	<b>Location of Residential Uses in Commercial Zones</b>	GAC	<b>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?</b>		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	<b>17.080.08</b>	<b>Use Matrix</b>	GAC	<b>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.</b>	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	<b>17.08</b>	<b>DC Zone Permitted and Condition Uses.</b>	GAC	<b>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.</b>	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.

	Draft Section No.	Topic	Commenter	Comment	Edits Made?	Staff Comments/Response and Updated Section No.
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.
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.

	Draft Section No.	Topic	Commenter	Comment	Edits Made?	Staff Comments/Response and Updated Section No.
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
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.
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.

Draft Section No.	Topic	Commenter	Comment	Edits Made?	Staff Comments/Response and Updated Section No.	
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.	
140	Public Comments received for the 8/16/2022 and 9/6/22 Adoption Hearings/ Commissioner Comments Received					
141	17.23.060.A.2 and 17.23.060	Accessory Structures	Garcia	Accessory structure requirements which allow for 8 ft high structure along a fence line should be revised and conflict with fencing height limits which are 6 1/2 feet on a side yard.	Yes	PC supported eliminating building separation, but not to allow accessory structure in side yards.
142	17.08.030(B)	Development Standards - Commercial and Mixed Use Districts	Truesdale	The 37ft height allowance would negatively impact Morro Bays' downtown area	Yes	PC direction was to remove 37 foot height allowance and initiate a separate planning effort to consider height changes after adoption of the Zoning Code
143	17.23.060	Fences and Freestanding Walls	Spare	Supports increased fence heights in front yards as proposed.	Yes	PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
144	17.30.040,	Accessory Dwelling Units	Meneice	Request that PC revise ADU development standards while still complying with State requirements in order to maintain neighborhood character and help with review of larger and taller units.	No	PC and GPAC previously reviewed and provided direction to staff to support housing
145	17.3817.54	Design Review	Mandeville	Design Review language is subjective. Design review criteria language should be better defined.	Yes	Refer to 9/6 PC staff report for suggested revisions to support General Plan implementation of community character areas
146	17.08.030(B)17.23.060	Development Standards - Commercial and Mixed Use Districts Fences and Freestanding Walls	Ryan	We are firmly opposed to Planning Commission recommendations on Zoning and Building height changes, especially fences	Yes	PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
147	17.23.060	Fences and Freestanding Walls	Hall	Request that PC and planning staff increase front yard fencing height for privacy and safety. There are more than just 20 homes in north side neighborhoods that exceed the front yard fencing height requirement. Request that PC clarify/explain "how does having a lower fencing height safer?"	Yes	PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
148	17.08.030(B)	Development Standards - Commercial and Mixed Use Districts	Hampp	Encourages PC to reconsider the 37ft height allowance and to allow a max height of 30ft.	Yes	PC direction was to remove 37 foot height allowance and initiate a separate planning effort to consider height changes after adoption of the Zoning Code
149	17.03	Zoning Districts and Zoning Map	Winholtz	Minor edits request: -please include zoning map - Dog Beach is zoned AG should be zoned PR - No Name Creek is marked ESH east of Route One, but should also be ESH east of it. - The blue line creek between the northern boundary of Morro Bay High School and the southern boundary of the Cloisters does not appear to be marked ESH all the way to Caltrans boundary Route One on the east. - The housing development west of Bayside Care Center has a creek on its west boundary and is not marked ESH. - The creek on the east side of the WRF is not marked ESH. - The RV park at Quintana and S. Bay Blvd, Bay Pines Travel Trailer Park, has a mobile home park east of it, Bay Pines Mobile Home Park. The Mobile home park is labeled VSC. This should be changed to the same designation Blue Heron Mobile Home Park is labeled; RM. - Chorro Creek is mislabeled Morro Creek.		Link to Zoning Map was included in staff report. Proposed zoning map implements the Land Use map and is consistent. Zoning map cannot be edited without corresponding changes to Land Use Map. Required corrections such as incorrect land use and zoning of Dog Beach will be assembled as a separate clean up LCP amendment to Coastal Commission

	Draft Section No.	Topic	Commenter	Comment	Edits Made?	Staff Comments/Response and Updated Section No.
150	-	Implementation Plan (IP) format	Winholtz	Disagreed with format of Zoning Code versus IP. Disagreed with content of top 10 changes and text of the Purpose statement in 17.01 and clarify review authority text in 17.0. In addition, noting that the City should not be responsible for prosperity and economic growth and creation of jobs as noted in proposed E under 17.01.030.		Draft Zoning Code format was previously reviewed by PC and direction to improve the document was to format the IP as a chapter of the Zoning Code. This was an approach also favored by the Coastal Commission . Economic development is a function included in State Planning and Zoning law
151	17.01.030	Purpose	Winholtz	Include whats in the current code into this section: "enforcement" and "penalties for violations" Definition should be included in the IP.		Noted
152	17.07.020 and 17.07.030a	Land Use Regs and Development Standards- RS Districts	Winholtz	Developers should build to maximum density to support more housing and Clarification: the document states 25ft building height; however, the max building wall height states 30ft. Concerns stated about fire risk.		This is in the current code. Single family homes are not allowed in high density zones. 25 versus 30 foot height is language in current code. Building height is 25 feet. No single wall plane can be more than 30 feet which addresses development on hillside lot when calculating average natural grades. New development or remodels/alterations are required to comply with Fire Code requirements.
153	17.07.020	Definitions	Winholtz	Include the definitions of low-income and median income.		Affordability definitions are based on State law from Dept. of Housing
154	17.07.040	Urban Lot Splits	Winholtz	Who will verify owner affidavits? Language saying a CDP may be required should be revised to shall be required.		This is language based on State law as required by SB 9.
155	17.14.070	Cultural Resource Protection	Winholtz	Add a list of of archeological resources		This is already included.
156	17.14.040(C)(3)(b) 17.14.04	Required Low Cost Accommodations	Winholtz	Clarify: why waive low-cost visitors serving accommodation?  Remove section "This is a business enterprise; it needs to be figured into their costs of doing business on site. "		Low Cost Accommodation policies were carefully reviewed by Coastal planning staff and this was based on their direction.
157	17.14.050(E)	Community Design	Winholtz	This section conflicts with chapters 17.27.040, 17.27.050, and 17.27.050 in regards to reduced parking requirements. This also impacts amount of in-lieu fees collected if no parking is required.		Noted
158	17.14.060	Agricultural Land Preservation	Winholtz	This section was shortened and should be retain to to include affordable housing for farmer workers section. Also Lanuage change should say: . "All other uses which are conditionally permitted in the AG district may be permitted on prime agricultural lands only if the following findings are made by the planning commission."		This is consistent with format of other Zoning chapters. Housing for agricultural workers is identified in the use table section.
159	17.14.080 (6) a.	Environmentally Sensitive Habitat	Winholtz	Recommends to remove current lanuage and replace with: "New roads of other land disturbance and new uses shall not adversely impact environmentally sensitive habitat areas and shall be sited and designed to minimize adverse impacts on scenic resources, the rural character of the site and adjacent agricultural operations." Disagrees with overall section; new ordinance should not enforce the removal of non-native vegetation.		This provides the required ESHA protection and is consistent with the LCP Land Use Plan ESHA policies
160	17.27.070	Location of Required Parking	Merrill	Not in favor of reducing required residential parking due to the negative impact on safety and walkability.		This was extensively addressed by GPAC and PC. Residential parking on-site is still required, it just doesn't require construction of a covered and enclosed garage.
161	17.0717.30.220 (C)	Residential High Density (RH) Short-term Vacation Rentals	Green	Short term rentals in The RH zone: The RH allows multi-family development in residential zones, however property owners are allowed to develop hotels and short term vacations rentals which impacts the city goals to protect long term housing (17.41.040 E )		Noted
162		Visitor-Serving Commercial (VSC)	Green	Request that the city not repeat the allowance of "below-buff construction above the bluff line." VSC zone max building height is 30ft; this may not be problematic for lots along East Embarcadero or Front street. However, other areas in the VSC zone going as high as 30ft could impact water views.		Noted.
162	17.23.060	Fences and Freestanding Walls	Green	Fencing height for the front setback should allow the residential home to go as high as 3-4ft solid and 4-5ft open to the passage of air and light.		PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
164	17.08.030(B)	Development Standards - Commercial and Mixed Use Districts	Green	Community Commercial (CC) Zone: Lots highlighted "light gray" are allowed a max height of 30ft; some of these lots are adjacent to RM parcels. The maximum building height for RM lots is 25ft. Request that CC parcels near RM parcels should be the same building height of 25ft.		This was previously reviewed by PC and no changes to building height are proposed which would be different than current code requirements.
165	17.08.020	District Commercial (DC)	Green	DC East of highway 1: There might be conflict in the future allowing open space and commercial development paired together.		This area of town is known as the Tri-W property and is subject to voter referendum passed in the 1980's that prescribes the zoning here and cannot be changed without a vote of the people.

	<i>Draft Section No.</i>	<i>Topic</i>	<i>Commenter</i>	<i>Comment</i>	<i>Edits Made?</i>	<i>Staff Comments/Response and Updated Section No.</i>
16	17.23.060	Fences and Freestanding Walls	Townsley	Request to increase fencing height to provide homeowners with safety, security, and privacy.		PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
167	17.08.030(B)17.23.060	Development Standards - Commercial and Mixed Use Districts Fences and Freestanding Walls	Foelker	Include code enforcement budget and recommend that no changes be made to "height zoning and fences."	Yes	PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
168	17.08.030(B)	Development Standards - Commercial and Mixed Use Districts	Anderson	37ft Height increase allowance would negatively impact Morro Bay's downtown area.	Yes	PC direction was to remove 37 foot height allowance and initiate a separate planning effort to consider height changes after adoption of the Zoning Code
169		Multiple sections	Sedley	request that PC consider comments for the record by Citizens for Affordable Living (CA) regarding zoning ordinance: Against increased commercial building heights in downtown, vacation rental ordinance needs changes, sheds should not be on lot line between neighbors, and against increased fence heights in front yards.		PC direction was to remove 37 foot height allowance and initiate a separate planning effort to consider height changes after adoption of the Zoning Code. Also, PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted. Shed requirements also changed by PC to not be allowed in side setback area.
170	17.08.030(B)	Development Standards - Commercial and Mixed Use Districts	Caldwell	Currently, downtown buildings are no more than 2-stories tall. The 37ft height increase in the downtown area would allow for more development. Is that change Morro Bay citizens would want to see?		PC direction was to remove 37 foot height allowance and initiate a separate planning effort to consider height changes after adoption of the Zoning Code
171	17.07.030 B	Development Standards-RL,RM, and RH	Headland	Not supportive of 30ft height allowance in North Morro Bay.		Building height is 25 feet. No single wall plane can be more than 30 feet which addresses development on hillside lot when calculating average natural grades.
172	17.23.110	Outdoor Storage Regulations	Headland	Not in favor of sheds being allowed in the corner and front setbacks, which could be hazardous.		PC direction was to modify shed regulations to not allow sheds in side yard setback
173	17.23.060	Fences and Freestanding Walls	Headland	Front yard fencing height should remain and be enforced. There are homes with fencing heights over 4ft, and it looks out of character.	Yes	PC direction to keep fence heights as is, and have property owners use Modification permit process to seek a higher fence height as warranted
174	17.27.070	Required Parking Spaces	Headland	Not in favor of "reducing garage and required parking spaces for residential homes." for example, on island streets, the lots are small, narrow streets with no sidewalks. Reducing required parking requirements for residential homes promotes more cars to parked on the road.		This was extensively addressed by GPAC and PC. Residential parking on-site is still required, it just doesn't require construction of a garage.

## Exhibit C

**From:** [Susan Stewart](#)  
**To:** [Scot Graham](#)  
**Cc:** [Cindy Jacinth](#)  
**Subject:** Discussion items for 9/6/22 meeting  
**Date:** Monday, August 22, 2022 9:11:24 AM

---

1. Consider discussing John Mandeville's suggestions for language change re: Design Criteria 17.38.80 (quoting from his email)

*The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site, incorporates sustainable, and surrounding natural and built environment.*

changed to:

**A. The overall design of the project including its form, scale, massing, site plan, exterior design, and landscaping will implement the General Plan Vision for Community Character Areas for the particular area in which it is located as well as complement the natural and built features of surrounding properties and incorporate sustainable development features.**

and

**B. The design of the project will integrate sustainable development features, such as . . . .**

Likewise, Community Design Criteria 17.38.080 G. vaguely relates landscape design to "the Morro Bay context" adding ambiguity to what can be found in the General Plan . General Plan Community Character Area for North Morro Bay directs attention to screening landscaping and the vision for Morro Heights includes the continued influence eucalyptus and cypress trees. Criteria G could be rephrased as:

**G. Landscaping is designed to be compatible with and enhance the vision for the Community Character Area in which the development is located as well as the architectural character and features of the building site.**

2. Address Sean Green's comments about permitted uses in RH zones re: short term vacation rentals. We may want to consider language that excludes VR's in those zones or at least applies the buffers and/or ratios that we discussed for apartment complexes. It seems like we should default to increased housing vs increased visitor lodging.

3. In Ms Winholtz' comments, she refers to 17.14.060 and farmworker housing language. Is this addressed elsewhere?

4. I am hoping that the business community will respond to comments that the City should NOT be responsible to "Promote economic growth and the creation of jobs". How viable the community is to live, work and play in has a direct relationship to city policies and zoning codes.

5. I would like to revisit #3 and #4 from the previous top ten changes in the staff report as I believe we will likely have further comment. I'd also like to discuss whether our proposed code is basically already a form-based code.

Thanks for all your patience and hard work!

Susan

**Summation:** 8/16/22 Planning Commission Meeting

\*\*\*\*

New Zoning Code Issues Discussion

August 17, 2022

Having participated in the Planning Commission held on August 16, 2022 and having reviewed various correspondence commenting on the matters before the commission on that date, these are my conclusions with respect to the revised zoning code, both concerning matters previously discussed and concerning matters as yet to be considered at the next planning commission meeting.

**17.08.030- Building Height:** a maximum height increase to 37 feet on 75 lots in the downtown commercial area should be rejected. It's too large an experiment, too blunt an approach for such an important part of the town and one that might encourage the demolition of buildings that should otherwise be preserved. I much prefer that we begin work on establishing a downtown Design District, so that careful attention can be directed at each building with respect to its historical and design significance, its location relative to other commercial buildings and dwellings, public sentiment, the likelihood of remodel vs. demolition and the myriad of other consideration that would go into a decision to raise the height maximum on any particular lot. In the event that the maximum height were raised on a parcel or parcels in the design district, I would explicitly prohibit four story structures. I would also preclude any developer who utilized the height extension to build higher than 30 feet from then renting any portion of the project as a STVR. The sacrifice of additional height should be rewarded with more long term housing, not more vacation rentals.

**17.22.050 - Storage Structure Setback:** I would remove the setback requirement for storage structures, but only on lots of 3500sf or less. I would not allow them in the narrow spaces between home and fence borders. I would require a partial survey to affirm that the structure does not intrude on a neighbor's property and I would enumerate minimal design guidelines for the structure's construction and appearance.

**17.23.060 - Front Fence Height:** I would reject any extension of the front fence height by right. I hold this position because I believe the low fences, whether solid or 50% transparent, present a welcoming impression of Morro Bay and are one of the community's core values. Raising existing fence height by one foot does not appreciably improve security. Indeed, it can reduce security by reducing scrutiny of the street. Nor has any increased security need been objectively demonstrated that would warrant increase in the fence heights. While some homeowners may desire the higher fence to provide additional privacy, all property owners have actual notice or constructive notice of the existing height limitations at the time of purchase or acquisition. As a concession to those who do not have the luxury of a private backyard, I would allow an

## Exhibit C

extension of the fence heights by one foot based on administrative discretion. However, I would make clear that such an extension is only warranted if there is literally no usable backyard and not simply that the backyard is not as large as the owner would wish or that it had been previously reduced by a decision to build an accessory dwelling or storage unit. In addition, I would provide the planning commission with authority to add up to a two foot addition to the maximum fence height following a public hearing and upon the demonstration of critical need.

**17.24.030 - Housing In Lieu Fees:** Currently and in the proposed zoning code, in lieu fees can only be used in Morro Bay. I have become increasingly convinced that the housing of the homeless requires a regional approach, i.e. countywide or inter-county alliances of private and public entities. It is unconscionable to incarcerate people for vagrancy when there is no adequate housing for them. Governments have both the carrot and the coercive authority of punishment predicated on housing actually being available for the homeless. This affordable housing solution requires location on less expensive land and access to public transportation infrastructure for trips to doctor, grocer, etc. That solution should not be obstructed by a homeless population's decision to live on expensive acreage in parks, at beaches and highway medians in view of the ocean. An individual community may not have housing resources of land, infrastructure and funds in sufficient abundance, but they can be found within a county or a region and centrally located. Morro Bay's accumulation of in lieu fees will never aggregate sufficient funds for a sizable homeless project, but it might make a significant financial contribution to homeless housing beyond its municipal boundaries. I am reminded of the adage that while people have an indisputable right to decent and affordable housing, there is no right to live at the beach

**15.25.060 - landscaping Irrigation:** I would support a complete ban on new installation of spray irrigation in commercial and residential areas. Evaporation and run-off loss are simply too great to be tolerated any longer

**17.30.220 - STVR:** An explicit enforcement provision may be inappropriate for a zoning code, but somewhere financing adequate enforcement has to be addressed. The STVR regulations are predicated on reducing the overall number of such accommodation by attrition, yet attrition will only occur if there is adequate enforcement.

In addition, unhosted hotels are permitted in multi-residential zones. I would prevent all units in multi-unit apartment buildings from being converted into unhosted hotels. The proposed code presents severe limitations on how many apartment units in a building can be converted into STVRs. Conversion of an apartment building to an unhosted hotel presents the same outcome as outright and prohibited total conversion of an apartment building to an STVR.

## Exhibit C

Finally, because we are authoring a comprehensive zoning revision, can anything be done about a curious historical anomaly before it becomes a decisive issue. I refer to the inappropriate commercial and open space zones abutting each other in the grazing land immediately east of the highway at the Morro Bay Blvd off ramp/on ramp?

Joe Ingraffia

## Exhibit D

**From:** [JOHN MANDEVILLE](#)  
**To:** [PlanningCommission](#)  
**Subject:** Zoning Code Update - Proposed Zoning Chapter 38, Design Review  
**Date:** Friday, August 19, 2022 3:17:17 PM

---

**CAUTION:** This is an external email. Please take care when clicking links or opening attachments.

Date: August 17, 2022

To: Morro Bay Planning Commission

From: John Mandeville, Morro Bay resident

RE: Zoning Code Update - Proposed Zoning Chapter 38, Design Review

---

First of all, thank you for considering my August 14 letter at your August 16th meeting. The staff/consultant response to your question, that subjectivity was a goal in the design guidelines, was perhaps a little too off-the-cuff. That response ignored the real problems of subjectivity that were stated in my letter. Two web links are attached that describe these problems.

I support your discussion to develop more detailed design documents, but until these documents are adopted the General Plan and Zoning Code will guide design decisions. For that reason the Zoning Code should be as useful as it can be made now, until additional clearer design direction can be adopted. The General Plan goals and policies on page 3-72 relate design to the Community Character Areas. Some of the design criteria proposed in the Zoning Code actually create ambiguity compared to the General Plan and should be revised to better integrate into the General Plan's direction.

For example, Design Criteria 17.38.080 A. states:

*A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site, incorporates sustainable, and surrounding natural and built environment.*

Setting aside the grammar problems, the General Plan's focus on Community Character Area's is not mentioned here when it is central to Plan's role in focusing on desired design features. Instead the reference to the "surrounding natural and built environment" does not convey that the General Plan has a particular vision for the area. A phrasing that better implements the General Plan would be:

**A. The overall design of the project including its form, scale, massing, site plan, exterior design, and landscaping will implement the General Plan Vision for Community Character Areas for the particular area in which it is located as well as complement the natural and built features of surrounding properties and incorporate sustainable development features.**

Incorporating sustainable development features is probably better made its own criteria.

**B. The design of the project will integrate sustainable development features, such as . . . .**

Likewise, Community Design Criteria 17.38.080 G. vaguely relates landscape design to “the Morro Bay context” adding ambiguity to what can be found in the General Plan . General Plan Community Character Area for North Morro Bay directs attention to screening landscaping and the vision for Morro Heights includes the continued influence eucalyptus and cypress trees. Criteria G could be rephrased as:

**G. Landscaping is designed to be compatible with and enhance the vision for the Community Character Area in which the development is located as well as the architectural character and features of the building site.**

Thank you for your continued work and dedication on behalf of Morro Bay residents.

LINKED ATTACHMENTS:

(I can provide a PDF of the attachment if desired.)

1. <https://www.useful-community-development.org/local-design-guidelines.html>
2. <https://www.casebriefs.com/blog/law/property/property-law-keyed-to-dukeminier/legislative-land-use-controls-the-law-of-zoning/anderson-v-city-of-issaquah/>

## Exhibit D

**From:** [patticake801](#)  
**To:** [PlanningCommission](#)  
**Subject:** Fw: For upcoming meeting 8-30-22  
**Date:** Thursday, August 25, 2022 9:26:26 PM

---

**CAUTION:** This is an external email. Please take care when clicking links or opening attachments.

[Sent from the all new AOL app for iOS](#)

Begin forwarded message:

On Thursday, August 25, 2022, 9:24 PM, patticake801

wrote:

Dear planning commission, I am asking once again that you do not raise the height limit on Mb Blvd and Main streets to 37 ft. It will change the entire character of our unique town, ruin the view corridor, and shade the area. If more residents are living above businesses, where will those people park???? We already fought this issue a few years if memory serves me. We do not want to be Pismo or SLO. Many people in town do not even know this is being discussed and now are upset. At the last meeting Scott said there had been 75 meetings!! That's not true There is absolutely no decent communication happening in this town. I personally have to dig to keep up with all the crazy stuff that is happening. I have been here 34 years and I do realize some things have to change but good grief we have no water. We are ignoring the states request to cut our usage 20% . We need a moritorium. Back to this particular issue of the 37 ft downtown, can you please show a 3 D simulation with 3-4 stories to show us what this would even look like!! And could you please ask Asia to speak into the microphone so she can be heard. Thank you, Patti Anderson

[Sent from the all new AOL app for iOS](#)

## Exhibit D

Morro Bay, August 28<sup>th</sup> 2022

City of Morro Bay Planning commission  
955 Shasta Avenue  
Morro Bay, CA 93442  
Cc: Scott Graham, Community Development Director

My name is Mania Bedikian. I am a licensed architect in the State of California and in Canada. Currently sharing my time between SLO County and San Francisco. I have been mandated by the owner of 1149 Market Avenue to review the draft zoning as it applies to the property mentioned above and compare it with the current zoning code in order to assess, if any restrictions or limitations are introduced in the new zoning code that would impact negatively the property value. My conclusions and recommendations are based on my analysis of the various documents that are publicly available on the City of Morro Bay Website. This report summarizes my findings and lists my recommendations going forward.

The topics I have been mandated to analyze are the following:

- 1) What is the intent of the current zoning? What are the issues (concerns) raised in the Beach Street Specific plan, and are they still relevant today?
- 2) What does the draft zoning propose? How do the new zoning designations differ from the existing? Which uses get reassigned to another classifications?
- 3) What is the impact on property use and value of applying a Community Commercial zoning and abandoning the Beach Street Specific plan?

The methodology employed is to compare the current zoning, (C-2 + Beach Street Specific plan) not only to the proposed zoning (Community Commercial), but identify within the current zoning code, if any designations exist that are comparable to what is proposed. This will provide a basis for evaluating if any changes in intensity of uses are introduced by the new code. In this specific case, I have identified that there exist many similarities between C-1 and Community Commercial. Also, the proposed zoning is compared to the Visitor Serving Commercial designation that was previously protected under the Beach Street Specific plan for the 1149 Market Avenue property, but now is assigned to adjacent properties.

### Beach Street Specific Plan: History and Considerations

Between 1982 and 1984, a series of zone change requests for individual parcels or very small areas were received. City staff recommended that instead of treating the individual cases, a more in-depth study of the entire area would be conducted. In 1986, the Beach Street specific plan was developed.

The cohabitation of what appeared to be seemingly conflicting uses made up this unique transitional neighborhood at the confluence of many significant areas of Morro Bay. According to the text of the Beach Street Specific Plan: *“The sentiment expressed at these sessions showed that the existence of diverse uses is more of an attribute than a detriment.” (...)* however, more specific guidelines would help protect the residential areas from nuisances and the businesses from unreasonable complaints and restrictions.”

The Beach Street Specific plan also includes a series of public improvements to the streetscape, measures to protect viewshed from the bluffs, as well as public access to the Embarcadero from the Surf Street stairs. These stairs have since been removed, compromising coastal access to the population. By removing the Beach Street Specific plan in the proposed zoning, this will exonerate the City from maintaining their obligation of the city to provide access to the embarcadero from the Surf Street stairs and it's view deck. This certainly negatively impacts commercial and foot traffic for tourists and residents alike.

## Exhibit D

Transitional neighborhoods are treasured in cities with historically maritime activity, especially as the city evolves over time. The eclectic nature of these locales attracts a mix of emerging / non-conventional trades, established industry of historic importance, as well as redevelopment initiatives. They are considered desirable places to occupy close to the major attractions. The scale of the buildings lends itself well to adaptive reuse of the structures, when those no longer operate as per their initial intended use. Many examples are present worldwide where the historic, heavier intensity uses cohabitate with newer lighter, pedestrian friendly ones. The irregular setbacks add to the unique character of the place. The City of Morro Bay should not shy away from maintaining the unique character of “Area D” under the Beach Street Specific plan instead of applying a blanket Community Commercial designation that waters down this area to a more generic place with uses already saturated in Morro Bay. Not reflect the unique nature of the locale. The city is trying to do what the beach street specific plan was trying to protect against. The city should protect the current more intensive zoning but allow also for 1149 Market Avenue to be able to benefit to operate under uses given to neighboring sectors. 1149 Market Avenue is entitled to maintain all the rights to do what is local, regional, highest and best use which honors the reality that this is the industrial eclectic neighborhood. A vibrant and resilient city would allow and protect the cohabitation of these functions in such unique neighborhoods.

### Zoning: Comparative Analysis

The first table (Table 1) compares definitions the C-2 and C-1 districts in the existing zoning, juxtaposing these to the proposed Community Commercial designation and Visitor Serving Commercial. The Second table (Table 2) lists the various uses under each zoning designation (existing and proposed).

Observations and conclusions are as follows:

1. The first observation is that the C-2 designation allows for a more intensive uses than the Community Commercial designation. In fact, when examining in detail the listing of uses in Table 2, the Community Commercial designation is a lot closer to C-1 designation under the current plan. This translates to a downzoning from C2 with Beach Street overlay by introducing land uses already saturated elsewhere in Morro Bay and, that do not offer any financial advantages to develop or operate.
2. The properties adjacent to 1149 Market Avenue are getting the VSC designation which includes high demand high return activities. This designation was protected for 1149 Market and is now being taken away from the owner. Furthermore, under the draft zoning, the VSC designation is granted to several residential properties currently zoned R2 and R4, south of Beach Street, east of the Embarcadero and beyond.
3. Industrial uses related to Maritime and fish transformation are being taken away from 1149 Market and being reassigned exclusively to the Waterfront and Harbor Area Districts that are entirely operated by the City giving them the monopoly of this use.
4. The main conclusion I have come to is that the proposed uses under CC does not consider the resiliency and versatility of what the location has to offer for the city of Morro Bay. Historically unique sector of town, its uniqueness and diversity are currently protected by the Beach Street Specific Plan. All of this is about to end under CC. The effects on the owner are quite significant. Not only are the uses less intensive under Community Commercial, but the protection VSC is removed. For the reasons listed above, the proposed Community Commercial designation, and the removal of the Beach Street Specific plan is causing financial prejudice to the owner of 1149 Market Avenue, potentially diminishing the value of the property.

Regards,  
Mania Bedikian, AIA

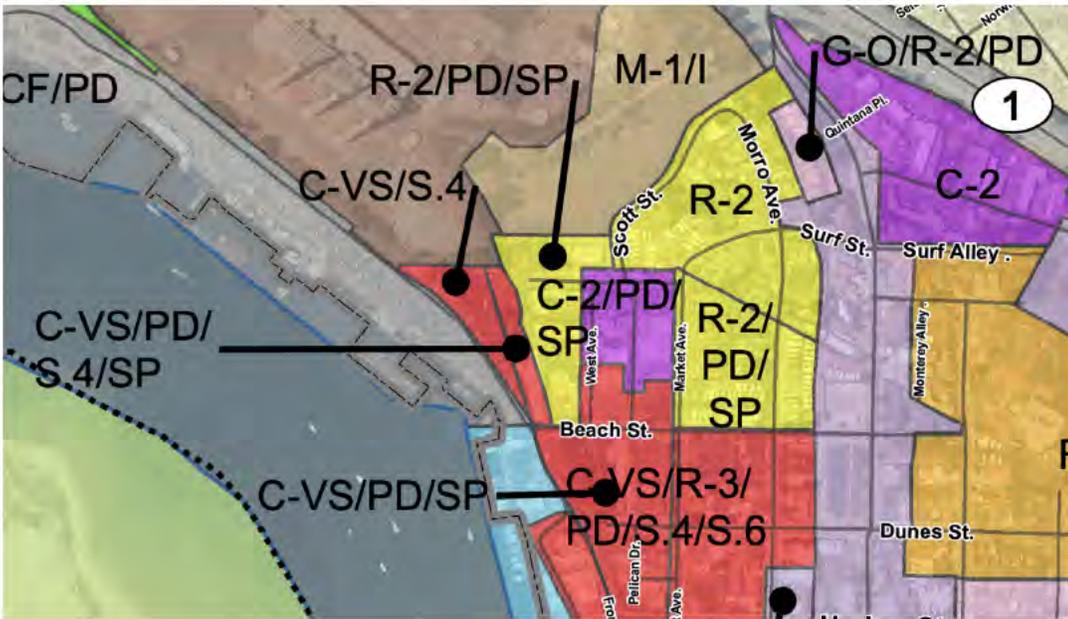
Exhibit D

Table 1

CURRENT ZONING		PROPOSED ZONING	
C2	C1	Community Commercial (CC)	Visitor Serving Commercial (VSC)
<p>The purpose of the general commercial (C-2) district is to provide <u>a district for the heavier types of commercial and semi-industrial uses</u> which do not specialize in pedestrian traffic and are more appropriately located away from the central business district and where effective measures are taken to protect any adjacent residential zones from adverse impacts of commercial uses such as noise vibration and from uses which may be visually incompatible.</p>	<p>The purpose of the central business (C-1) is to designate and promote the orderly development of the business district as a <u>central retail shopping facility for the primary market area</u>. Mixed commercial/residential uses shall be encouraged in the central business district.</p>	<p>This District is intended to create, maintain and enhance walkable community commercial areas that <u>provide a mix of community-oriented uses</u> including retail stores, restaurants, professional and medical offices, and personal services. Residential uses are allowed above and behind commercial uses and as stand-alone development in certain areas. This District implements the Community Commercial and the Mixed Use General Plan/Local Coastal Plan Land Use Designation.</p>	<p>This District is intended to <u>provide areas for visitor-oriented services and uses located at easily accessible locations and tourist destinations</u>. A range of visitor serving uses are allowed, including hotels and motels, restaurants, retail, recreation, and other uses that accommodate visitor needs and activities. Residential uses are allowed in certain areas. This District implements the Visitor-Serving Commercial General Plan/Local Coastal Plan Land Use Designation.</p>
<p><b>Beach Street Overlay – Area “D”</b></p>			
<p>“Most of the Marine-related service and commercial businesses are in this area, as well as a few homes, the newspaper office, and a restaurant. The plan designates the base zone as C-2 and contains regulations for this area designed to buffer the neighboring residential areas from commercial uses. (...) The plan recognizes the <u>existing visitor-serving commercial use as conforming provided a conditional use permit is granted.</u>”</p>			

# Exhibit D

## Current Zoning



### Primary Zoning Districts

- ESH, Environmentally Sensitive Habitat
- City Limit
- R-A, Suburban Residential
- R-1, Single Family Residential
- R-2, Duplex Residential
- R-3, Multiple-family Residential
- R-4, Multiple Residential-Hotel-Professional
- C-1, Central Business
- C-2, General Commercial
- C-VS, Visitor Serving Commercial
- MCR, Mixed Commercial/Residential
- G-O, General Office
- M-1, Light Industrial
- M-2, Coastal Dependent Industrial
- H, Harbor
- CF, Commercial/Recreation Fishing
- WF, Waterfront
- SCH, School
- AG, Agriculture
- OA-1, Open Area 1
- OA-2, Open Area 2
- CRR, Coastal Resource Residential
- MMR, Mariculture and Marine Research

### Overlay Zones, Combining Districts

- PD, Planned Development
- S.1, Special Building Site & Yard Standards
- S.2A, Special Building Site & Yard Standards
- S.2B, Special Building Site & Yard Standards
- S.2, Special Building Site & Yard Standards
- S.3, Special Mixed Use
- S.4, Design Criteria
- S.5, Precise Plan Area
- S.6, Combining Districts
- M, Mobile Home
- R, Restricted
- I, Interim Use
- SP, Specific Plan

## Draft Zoning

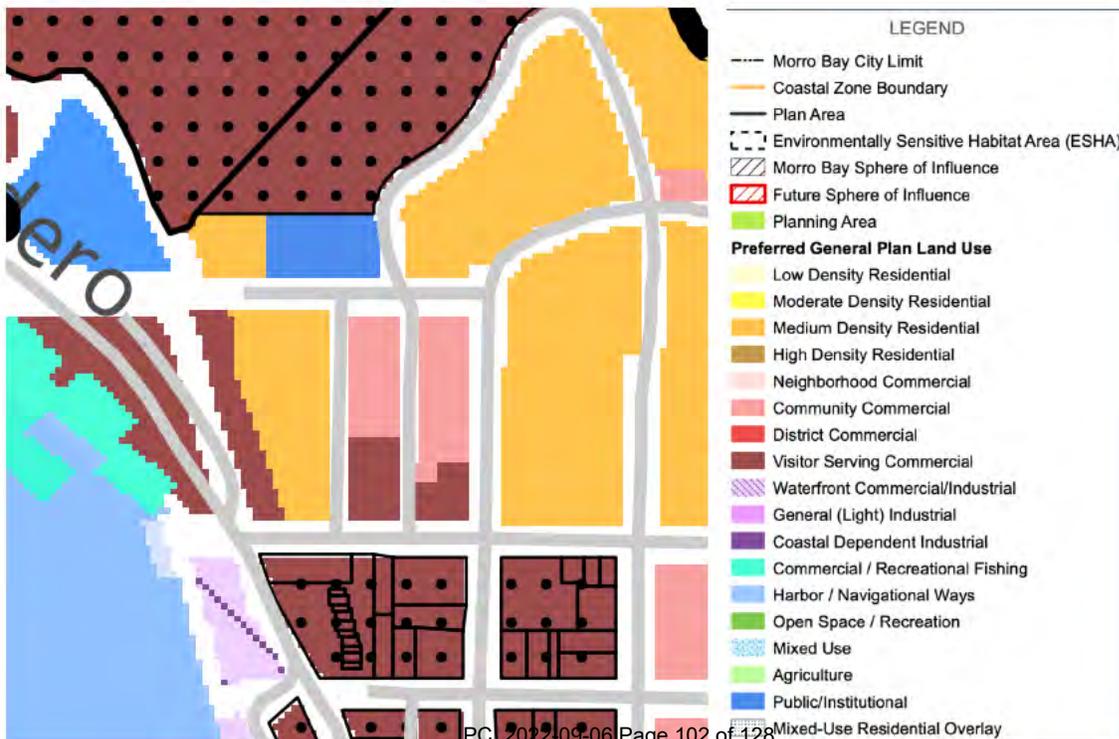


Exhibit D

TABLE 2: COMPARATIVE ANALYSIS FOR 1149 MARKET AVENUE

CURRENT ZONING		PROPOSED ZONING	
<b>C2- Beach Street Overlay - Area D</b>	<b>C-1</b>	<b>Community Commercial (CC)</b>	<b>Visitor Serving Commercial (VSC)</b>
<b>Residential Uses *</b>	<b>Residential Uses</b>	<b>Residential Uses</b>	<b>Residential Uses</b>
		Single-Unit Dwelling, Attached - C(2)	Single-Unit Dwelling, Attached -C(4)
	Residential uses including: apartments only when secondary to commercial uses on rear one-half of the property or second story	Multi-Unit Residential	Multi-Unit Residential - C(4)
		Family Day Care (Small + Large) - P	Family Day Care (Small + Large) - P
	Employee Housing (for 6 or fewer workers)	Group Residential C(2)	Group Residential
	<u>Residential Care Facilities :</u>	<u>Residential Care Facilities :</u>	<u>Residential Care Facilities :</u>
		Small - P	Small
	Elderly housing units (62 years old and older) only when affordable to low and/or moderate income families and when not located on a major arterial.	Residential Facility, Assisted Living - M(3)	Residential Facility Assisted Living
	Single Room Occupancy (SRO)	Single Room Occupancy - P(2)	Single Room Occupancy
		Supportive Housing	Supportive Housing
	Supportive Housing and Transitional Housing	Transitional Housing	Transitional Housing
<b>Public/Semi Public Uses *</b>	<b>Public/Semi Public Uses</b>	<b>Public/Semi Public Uses</b>	<b>Public/Semi Public Uses</b>
Refer to 17.40.100 - Beach Street Area specific plan (SP-BS) H) for land Uses in addition to the uses permitted in the C-2 base zone, or exceptions			Campgrounds and Recreational Vehicle Parks - C
		Community Assembly - P	Community Assembly - M
	Theaters and auditoriums	Cultural Institutions - P	Cultural Institutions - P
	Daycare facilities	Day Care Centers - M	
	Emergency Shelter	Emergency Shelter - P	
		Government Offices - P	
			Harbor, Port, and Marina Facilities - C
	<u>Hospitals and Clinics:</u>	<u>Hospitals and Clinics:</u>	<u>Hospitals and Clinics:</u>
		Clinics - C(3)	
		Skilled Nursing Facilities - C(3)	
		Instructional Services - P	Instructional Services - P
		Park and Recreation Facilities - P	Park and Recreation Facilities - P
	Multi-story parking garages, Open parking lot	Parking Lots and Structures - P	Parking Lots and Structures - P
		Public Safety Facilities - P	Public Safety Facilities - M
		Social Service Facilities- M	
<b>Commercial Uses*</b>	<b>Commercial Uses</b>	<b>Commercial Uses</b>	<b>Commercial Uses</b>

Exhibit D

animal hospital;			
	photographic, art and craft studio	Artist Studio - P	Artist Studio - P
	banks	Banks and Financial Institutions- P	Banks and Financial Institutions- P
Storage and warehouse establishments such as: mini-warehouses; commercial public storage; wholesale storage and distribution of products to retail outlets; restaurant suppliers excluding wholesale food distributors	Fabrication of items sold on the premises	Business Services- P	
	<u>Commercial Entertainment and Recreation:</u>	<u>Commercial Entertainment and Recreation:</u>	<u>Commercial Entertainment and Recreation:</u>
Outdoor storage and sales establishments and any uses permitted without a use permit when carried on outside a building.		Cinema/Theaters - P	Cinema/Theaters
Home improvement centers	Video arcades	Indoor Sports and Recreation- P	Indoor Sports and Recreation- P
			Outdoor Entertainment- M
			Outdoor Recreation- P
One residence for security purposes		Eating and Drinking Establishments :	Eating and Drinking Establishments :
	Bars when not part of a restaurant	Bars/Night Clubs/Lounges- C	Bars/Night Clubs/Lounges- C
		Food and Beverage Tasting - P	Food and Beverage Tasting - P
restaurants	Restaurants and other food service establishments, except drive-in or drive-thru.	Restaurant- P	Restaurant- P
		Farmer's Markets - P	Farmer's Markets - P
		Food Preparation- P	Food Preparation- P
<u>Lodging:</u>	<u>Lodging:</u>	<u>Lodging:</u>	<u>Lodging:</u>
	Hotels, motels	Hotels and Motels - P	Hotels and Motels - P
		Short-term Vacation Rental- P	Short-term Vacation Rental- P
	Service stations with minor auto repair, car wash, Plant nurseries, home improvement centers and tire shops/auto repair subject to a CUP. radio and TV repair, shoe repair,	Maintenance and Repair Services - P	Maintenance and Repair Services
		Nonpermanent Vending	Nonpermanent Vending
nurseries;	Plant nurseries, home improvement centers subject to a CUP	Nurseries and Garden Centers- P	Nurseries and Garden Centers- P
		<u>Offices:</u>	<u>Offices:</u>
Business and professional offices	print shop, business and professional offices	Business and Professional- P	
		Medical and Dental- P(3)	
	Personal service establishments within a building including the following, barber and beauty shop; health club,	<u>Personal Services:</u>	<u>Personal Services:</u>
		Fortune, Palm, and Card Reader- P	
	dance studio; cleaning agency excluding linen supply; Laundromat	General Personal Services - P	General Personal Services -P
	Tattoo parlors	Tattoo or Body Modification Parlor- P	
		<u>Retail Sales:</u>	<u>Retail Sales:</u>
		Building Materials Sales and Services- P	
	Liquor and convenience store	Food and Beverage Sales - P	Food and Beverage Sales -P

Exhibit D

Retail uses within a building except liquor stores Liquor sales and convenience stores	Retail business establishments within a building conducting sales of the following uses, or similar items: apparel, arts and artifact sales, books, confectionery, drugs, flowers, food, furniture, general merchandise, gifts, hardware, jewelry; household appliances, newspapers, periodicals, photo supplies. Drive-in or drive-thru restaurants. Retail sales and personal services not within a building	General Retail- P	General Retail
<b>Industrial Uses *</b>	<b>Industrial Uses</b>	<b>Industrial Uses</b>	<b>Industrial Uses</b>
<b>Fish processing</b> excluding canning; light fabrication contractors' yards; uses clearly ancillary to primary uses (17.40.100 H) 4. "Minimum Lot Size for Fish Processing Plant. Because of the need for truck parking, loading and unloading areas, no new fish processing facility may be located on any lot less than six thousand five hundred square feet in size.") 1149 Market Avenue meets this requirement.		Custom Manufacturing- P	
		Food and Beverage Manufacturing	Food and Beverage Manufacturing
<b>Transportation, Communication, and Utility Uses *</b>	<b>Transportation, Communication, and Utility Uses</b>	<b>Transportation, Communication, and Utility Uses</b>	<b>Transportation, Communication, and Utility Uses</b>
		Public Works and Utilities - P	
		Transportation Passenger Terminals	Transportation Passenger Terminals
<b>Urban Agriculture Uses*</b>	<b>Urban Agriculture Uses</b>	<b>Urban Agriculture Uses</b>	<b>Urban Agriculture Uses</b>
		Community Garden - P	
		Private Garden - P	
Refer to 17.40.100 - Beach Street Area specific plan (SP-BS) H) for land Uses in addition to the uses permitted in the C-2 base zone, or exceptions		Other Uses Accessory Uses and Structures See Section 17.23.020, Accessory Structures, and Section 17.31.030, Accessory Uses Nonconforming Use See Chapter 17.27, Nonconforming Uses, Structures, and Lots Recharging Station See Section 17.31.200, Recharging Stations Solar Renewable Energy Systems See Section 17.31.240, Solar Energy Systems Temporary Use See Section 17.31.260, Temporary Uses	Other Uses Accessory Uses and Structures See Section 17.23.020, Accessory Structures, and Section 17.31.030, Accessory Uses Nonconforming Use See Chapter 17.27, Nonconforming Uses, Structures, and Lots Recharging Station See Section 17.31.200, Recharging Stations Solar Renewable Energy Systems See Section 17.31.240, Solar Energy Systems Temporary Use See Section 17.31.260, Temporary Uses

## Exhibit D

**From:** [Scot Graham](#)  
**To:** [Cindy Jacinth](#)  
**Subject:** FW: Fence/hedge issue  
**Date:** Monday, August 29, 2022 8:19:48 AM

---

FYI

---

**From:** Eric Dudley  
**Sent:** Saturday, August 27, 2022 2:30 PM  
**To:** Susan McDaniel  
**Cc:** Scot Graham <[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)>  
**Subject:** Re: Fence/hedge issue

**CAUTION:** This is an external email. Please take care when clicking links or opening attachments.

this is Eric Dudley, Morro Bay resident since 1980

I agree with all the points that Susan has brought to your attention, and I most certainly do not want someone to be able to step over a fence and break into my house, especially since I'm out of town quite often

and Morro Bay city code indicates fences ARE FOR privacy and security, and a 3 foot fence provides neither privacy or security

The only exception I would think to be allowable situation to enforce would be at an intersection if a fence is blocking the view of oncoming traffic

And regarding objects blocking the view of oncoming traffic, at the intersection of Bonita and Main Street developer had a large billboard type sign at the corner which blocked drivers at the corner of Bonita from observing Main St southbound traffic approaching that intersection. And I contacted the planning department about this actual hazard and nothing was ever done

once again the city seems to be using selective enforcement or turning their back when it should be doing something for the citizens

I know of no logical reason why the city would continue to allow the billboard type sign at the corner of Bonita and Main Street for more than a year even with citizens complaining about the safety hazard? And now I hear you're in forcing fencing regulations in the center of a street in the island district. Neither of these situation seems that the city is being logical and appropriate in code enforcement

yours truly, Eric Dudley

## Exhibit D

On Sat, Aug 27, 2022 at 1:32 PM Susan McDaniel <

wrote:

Mr. Graham,

I'm writing in reference to recent movement by the city/planning commission to implement height limits on residential hedges and fences in Morro Bay.

I am NOT in favor of instituting this restriction.

I have had my fence for approximately 25 years and as I recall this is not the first time the city has raised this issue and they were eventually dissuaded from implementing it.

There are multiple reasons for my position:

~Lots in Morro Bay tend to be small and fences/hedges are an excellent way to increase the use and privacy of the owner's entire lot.

~Without my lattice fence at its current height, passersby will be able to look directly through my windows into my kitchen and my living room.

~Many of the homes in Morro Bay are older and not designed with the garage covering the front of the house, as is often the case with newer construction. In my case, my home was built 48 years ago. If the city finds this an ongoing goal, why not apply it to all new construction and grandfather in pre-existing fences and hedges?

~Fences/hedges currently provide support for established plants and flowers.

~They provide some sound dampening from the continual traffic, which in the case of my street, involves one of the two heavily traveled routes into Del Mar park.

~For the above reasons, these requirements will severely impact home owners' ability to maintain quiet enjoyment of their outside areas.

~Also, the financial impact that Morro Bay citizens will incur if they are required to come into compliance with these requirements does not appear to have been considered.

The arbitrary height requirements could require the tearing down and rebuilding of fences and severe hedge trimming could have the consequence of actually killing well established plants. This could result in the need to tear out and start growing a hedge all over again; thereby creating a situation where the homeowner would have no separation from the street until the hedge regrows.

~Finally, there is the issue of security. It is easy for anyone to simply step over a 3 foot fence. This provides no security and could result in unforeseen safety issues.

## Exhibit D

For all of the above reasons, in my opinion, the city would be better served by using resources and compliance officers for more pressing city concerns.

Thank you for your consideration,  
Susan McDaniel

Photo to follow

Sent from my iPad

## Exhibit D

**From:** [Scot Graham](#)  
**To:** [Cindy Jacinth](#)  
**Subject:** FW: HEDGE Municipal code 17.48.100D. 1 and 2  
**Date:** Friday, August 26, 2022 12:40:34 PM

---

---

**From:**  
**Sent:** Friday, August 26, 2022 12:16 PM  
**To:** Scot Graham <[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)>  
**Subject:** HEDGE Municipal code 17.48.100D. 1 and 2

**CAUTION:** This is an external email. Please take care when clicking links or opening attachments.

Dear Mr. Scott Graham,

We live on the North side of Morro Bay. We are in full support of the proposed change to increase the code height of fences and hedges (17.48.100D 1 and 2) as are many of our neighbors.

**Our reasons are:**

1. We have no back yard due to a small lot and the layout of our house
2. We need a fence or hedge for our **only** privacy
3. Without a fence or hedge we are forced to look at parked trucks, RV's, trailers, boats and other unsightly items
4. Safety concerns

We respectfully request you approve the increase in height in order to make life better for the majority of Morro Bay residents.

Thank you for your consideration.

## Exhibit D

**From:** [Scot Graham](#)  
**To:** [Cindy Jacinth](#)  
**Subject:** FW: Fence/hedge issue  
**Date:** Monday, August 29, 2022 8:17:29 AM

---

FYI

-----Original Message-----

From: Susan McDaniel  
Sent: Saturday, August 27, 2022 1:33 PM  
To: Scot Graham <[sgraham@morrobayca.gov](mailto:sgraham@morrobayca.gov)>  
Subject: Fence/hedge issue

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Mr. Graham,

I'm writing in reference to recent movement by the city/planning commission to implement height limits on residential hedges and fences in Morro Bay.

I am NOT in favor of instituting this restriction.

I have had my fence for approximately 25 years and as I recall this is not the first time the city has raised this issue and they were eventually dissuaded from implementing it.

There are multiple reasons for my position:

~Lots in Morro Bay tend to be small and fences/hedges are an excellent way to increase the use and privacy of the owner's entire lot.

~Without my lattice fence at its current height, passersby will be able to look directly through my windows into my kitchen and my living room.

~Many of the homes in Morro Bay are older and not designed with the garage covering the front of the house, as is often the case with newer construction. In my case, my home was built 48 years ago. If the city finds this an ongoing goal, why not apply it to all new construction and grandfather in pre-existing fences and hedges?

~Fences/hedges currently provide support for established plants and flowers.

~They provide some sound dampening from the continual traffic, which in the case of my street, involves one of the two heavily traveled routes into Del Mar park.

~For the above reasons, these requirements will severely impact home owners' ability to maintain quiet enjoyment of their outside areas.

~Also, the financial impact that Morro Bay citizens will incur if they are required to come into compliance with these requirements does not appear to have been considered.

The arbitrary height requirements could require the tearing down and rebuilding of fences and severe hedge trimming could have the consequence of actually killing well established plants. This could result in the need to tear out and start growing a hedge all over again; thereby creating a situation where the homeowner would have no separation from the street until the hedge regrows.

~Finally, there is the issue of security. It is easy for anyone to simply step over a 3 foot fence. This provides no security and could result in unforeseen safety issues.

## Exhibit D

For all of the above reasons, in my opinion, the city would be better served by using resources and compliance officers for more pressing city concerns.

Thank you for your consideration,  
Susan McDaniel

Photo to follow

Sent from my iPad

Exhibit E

# Planning Commission

*September 6, 2022*



# Presentation Agenda

Continued Review of Top 10 Changes  
Public Input / Planning Commission Comments  
Recommendation to City Council for Adoption



# Top 10 Changes (continued)

# Top 10 Changes

1. Coastal Resources (Chapter 17.14)
  2. Development Standards (17.07 and 17.08)
- Planning Commission accepted these sections as is. No changes made.

# Top 10 Changes

## 3. Commercial heights (17.08)

- The draft Zoning Code had included an 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 based on former PC input.
- At 8/16/22 meeting, PC did not favor proposal to include an increased downtown height in Zoning Code, but instead consider developing a Design District as a separate planning initiative. The 37-foot height allowance will be removed.

# Top 10 Changes

## 4. Citywide Regulations (Chapter 17.23) – Fence Heights and Accessory Structures

- **Fences:** At 8/16/22 meeting, PC did not support the increase of 1 foot in front yard fence heights with direction to staff to maintain fence heights as what's allowed currently. Modifications application process could be used if property owner has justification for a higher fence height needed.
- **Accessory Structures:** PC direction was to modify regulations to continue to allow no separation between a shed and the home, but not allow accessory structures in the side setback (along the side of the home, backyard only).

# Top 10 Changes

5. Nonconforming (17.26)

6. Parking (17.27)

7. Signs (Chapter 17.29)

- Planning Commission accepted these sections as is. No changes made.

# Top 10 Changes

## 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 or pay in-lieu. Code updated to allow more housing in more zones, encourage mixed use in downtown area, and allow housing in DC where currently only allowed for security units.

# Top 10 Changes

## 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 / Planning Commission Correspondence

# Public Input / Planning Commission Correspondence

## Chairperson Susan Stewart Comments -

- Design Review language clarification; supports public comment suggestion to modify Chapter 17.38 in order to better implement the General Plan vision for community character areas.
- Proposed 17.38.080.A and 17.38.080.G:
  - A. The overall design of the project including its form, scale, massing, site plan, exterior design, and landscaping will implement the General Plan Vision for Community Character Areas for the particular area in which it is located as well as complement the natural and built features of surrounding properties and incorporate sustainable development features.*
  - G. Landscaping is designed to be compatible with and enhance the vision for the Community Character Area in which the development is located as well as the architectural character and features of the building site.*

# Public Input / Planning Commission Correspondence

## Chairperson Susan Stewart Comments -

- Address public comment regarding permitted uses in RH zones whether multi-family housing zones should allow short term rentals.
  - *Staff response: High density housing is a transitional zone which includes some commercial uses. The current STR ordinance allows 12.5% of MF units to be used as STVR for developments of 8 units or more. PC should review and make recommendation on potential uses changes to the STVR ordinance.*
- Clarify public comment received regarding farmworker housing.
  - *Staff response: Farmworker housing uses are included elsewhere in the Zoning Code - land use regulations and development standards section*
- Address public comment received regarding City's role in economic development
  - *Staff response: The City has both an adopted Economic Development Strategic Plan and the General Plan includes an Economic Development Element.*

# Public Input / Planning Commission Correspondence

## Commissioner Joe Ingraffia Comments -

- Disagrees with proposed 37-foot building height in commercial downtown
  - *Staff response: This will be removed based on PC direction*
- Accessory structures should not be allowed in side and rear setbacks on lots <3500sf
  - *Staff response: This will be modified based on PC direction to not allow in side yards.*
- Disagrees with proposed fence height increase in front yard setbacks.
  - *Staff response: This will be removed based on PC direction to remain with current fence standards.*
- Housing in-lieu fees. Recommends multi-agency approach and that City work with the County to address homelessness.
  - *Staff response: City regularly meets with other agencies regarding homelessness issues.*

# Public Input / Planning Commission Correspondence

## Commissioner Joe Ingraffia Comments -

- Recommends ban of new installations of spray irrigation in commercial / res. Areas
  - *Staff response: Chapter 17.25 is compliant with State water restrictions (WELO).*
- Recommends enforcement of Short-Term Vacation Rental ordinance (STVR)
  - *Staff response: Code Enforcement addresses this and City has hired a second code enforcement officer/building inspector staff person to assist.*
- Prevent conversion of multifamily housing to un-hosted hotels or STVRs
  - *Staff response: The current STR ordinance allows 12.5% of MF units located in a commercial or mixed- use zone to be used as STVR for developments of 8 units or more. PC should review and make recommendation on potential uses changes to the STVR ordinance*

# 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